

## 1 SENATE BILL NO. 404

2 INTRODUCED BY A. BLEWETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE LEGISLATIVE SERVICES DIVISION TO  
5 PERFORM A CONSTITUTIONALITY ANALYSIS ON EACH BILL DRAFT REQUEST; AND PROVIDING AN  
6 EFFECTIVE DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. Section 1. Constitutional analysis -- posting on website. (1) The legislative services  
11 division shall prepare an analysis of the legality and constitutionality of each bill draft requested by an individual  
12 legislator. The analysis must include a statement regarding whether it is more probable than not that a bill is  
13 constitutional under the United States and Montana constitutions.

14 (2) The analysis must accompany each bill draft for a legislator's review and the legislator must be given  
15 the opportunity to make any needed corrections. If the legislator makes corrections in the draft, the analysis must  
16 be corrected to reflect the new content of the bill.

17 (3) Once a bill is introduced, the legislative services division shall post the analysis on its website with  
18 the introduced bill draft. The legislative services division shall post on its website a list of introduced bills that have  
19 been determined to be more probably than not unconstitutional, along with the sponsor's name and political party.

20 (4) If a person wants a copy of the information on the website or supporting documents or a copy of the  
21 database where the information is stored, the information must be made available for a fee as provided in  
22 2-6-110.

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24 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an  
25 integral part of Title 5, chapter 4, and the provisions of Title 5, chapter 4, apply to [section 1].

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27 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2011.

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