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Bill Drafting for...

the Bold
the Brave
and the [~~Beautiful~~] Daring



Presented by...

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Director

Legislative Reference Bureau

State Capitol, Room 446



Types of Bills

- Amending Existing Statutes (the HRS)
- Constitutional Amendment
- Appropriation
- Session Law



Types of Bills

Amending HRS

HOUSE OF REPRESENTATIVES
TWENTY-FIRST LEGISLATURE, 2004
STATE OF HAWAII

H.B. NO. 123

A BILL FOR AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 291-4, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) A person committing the offense of driving under the
4 influence of intoxicating liquor shall be sentenced as follows
5 without possibility of probation or suspension of sentence:
6 (1) For the first offense, or any offense not preceded
7 within a five-year period by a conviction under this
8 section, by:
9 (A) A [~~fourteen-hour~~] twenty hour minimum alcohol
10 abuse rehabilitation program including education
11 and counseling, or other comparable program
12 deemed appropriate by the court; and
13 (B) [~~Ninety-day~~] Sixty day prompt suspension of
14 license with absolute prohibition from operating
15 a motor vehicle during suspension of license."
16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.
18 SECTION 3. This Act shall take effect upon approval.

Types of Bills

Constitutional Amendment

THE SENATE
TWENTY-FIRST LEGISLATURE, 2003
STATE OF HAWAII

S.B. NO. 907

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII
CONSTITUTION, TO CHANGE THE ELIGIBILITY FOR SENATORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article III, section 6, of the Constitution of the
3 State of Hawaii to require that a candidate for a state senate
4 be a qualified voter in the district in which the candidate
5 seeks to represent prior to filing nomination papers for the
6 primary election.

7 SECTION 2. Article III, section 6, of the Constitution of
8 the State of Hawaii is amended to read as follows:

9 "QUALIFICATIONS OF MEMBERS

10 Section 6. No person shall be eligible to serve as a
11 member of the senate unless the person [~~shall have~~] has been a
12 resident of the State for not less than three years, [~~have~~] has
13 attained the age of majority and [~~be~~] is a qualified voter of
14 the senatorial district from which the person seeks to be
15 elected[+] prior to filing nomination papers for the primary
16 election."

Page 2

S.B. NO.

1 SECTION 3. The question to be printed on the ballot shall
2 be as follows:

3 "Shall a candidate seeking office in a state senatorial
4 district be required to become a qualified voter in that
5 district prior to filing nomination papers for the primary
6 election?"

7 SECTION 4. Constitutional material to be repealed is
8 bracketed. New constitutional material is underscored.

9 SECTION 5. This amendment shall take effect upon
10 compliance with article XVII, section 3, of the Constitution of
11 the State of Hawaii.



Types of Bills

Appropriation

HOUSE OF REPRESENTATIVES
TWENTY-FIRST LEGISLATURE, 2003
STATE OF HAWAII

H.B. NO.

A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF MARINE LIFE
CONSERVATION DISTRICTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$1 or so much thereof
3 as may be necessary for fiscal year 2003-2004 and \$1 or so much
4 thereof as may be necessary for fiscal year 2004-2005 for the
5 establishment and maintenance of marine life conservation
6 districts, pursuant to section 190-2, Hawaii Revised Statutes.

7 SECTION 2. The sums appropriated shall be expended by the
8 department of land and natural resources for the purposes of
9 this Act.

10 SECTION 3. This Act shall take effect on July 1, 2003.

Types of Bills

Session Laws

HOUSE OF REPRESENTATIVES
TWENTY-FIRST LEGISLATURE, 2003
STATE OF HAWAII

H.B. NO. 123

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to extend the
2 deadline, staffing, and funding for the real estate commission's
3 review and recommended recodification of Hawaii's condominium
4 law, and to expand the membership of the recodification advisory
5 committee.

6 SECTION 2. Act 213, Session Laws of Hawaii 2000, is
7 amended by amending section 4 to read as follows:

8 "SECTION 4. The real estate commission shall submit a
9 progress report, including any draft legislation to the
10 legislature no later than twenty days prior to the convening of
11 the regular sessions of 2001 ~~[and]~~, 2002~~[-]~~, and 2003. The real
12 estate commission shall submit a final report of the review,
13 including findings and recommendations of the commission, and
14 draft legislation to the legislature no later than twenty days
15 prior to the convening of the regular session of ~~[2003-]~~ 2004."

16 SECTION 3. The membership of the real estate commission's
17 recodification advisory committee shall be expanded to include
18 representatives of the Hawaii Council of Associations of

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S.B. NO. 123

1 Apartment Owners, Hawaii Independent Condominium and Cooperative
2 Owners, Community Associations Institute-Hawaii Chapter, Hawaii
3 Association of Realtors, and the Condominium Council of Maui.

4 The recodification advisory committee shall meet to review
5 the final version of the recodification draft to be presented at
6 public hearings. The committee shall also meet after the public
7 hearings to review the data from the hearings and to make
8 recommendations to the real estate commission before the final
9 recodification draft is submitted to the legislature.

10 SECTION 4. There is appropriated out of the condominium
11 management education fund the sum of \$95,000, or so much thereof
12 as may be necessary for fiscal year 2003-2004, to cover
13 necessary expenses of the real estate commission to complete its
14 comprehensive review of the condominium property regimes law.

15 SECTION 5. The sum appropriated shall be expended by the
16 department of commerce and consumer affairs for the purposes of
17 this Act.

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 2003.



Building a Bill

- Bill Declaration
- Title
- Enacting Clause
- Prefatory Language
- Content
- Ramseyer Provision
- Effective Date



Bill Components

HOUSE OF REPRESENTATIVES
TWENTY-FIRST LEGISLATURE, 2004
STATE OF HAWAII

H.B. NO. ¹²³

A BILL FOR AN ACT

RELATING TO GENERAL EXCISE TAXES.]- **Title**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:]- **Enacting Clause**

Bill Section No. **HRS Section No.**

1 SECTION 1. Section 000-00, Hawaii Revised Statutes,
2 is amended to read as follows:

3 SECTION 2. Statutory material to be repealed is
4 bracketed and stricken. New statutory material is
5 underscored.

6 SECTION 3. This Act shall take effect upon its
7 approval.

Prefatory Language

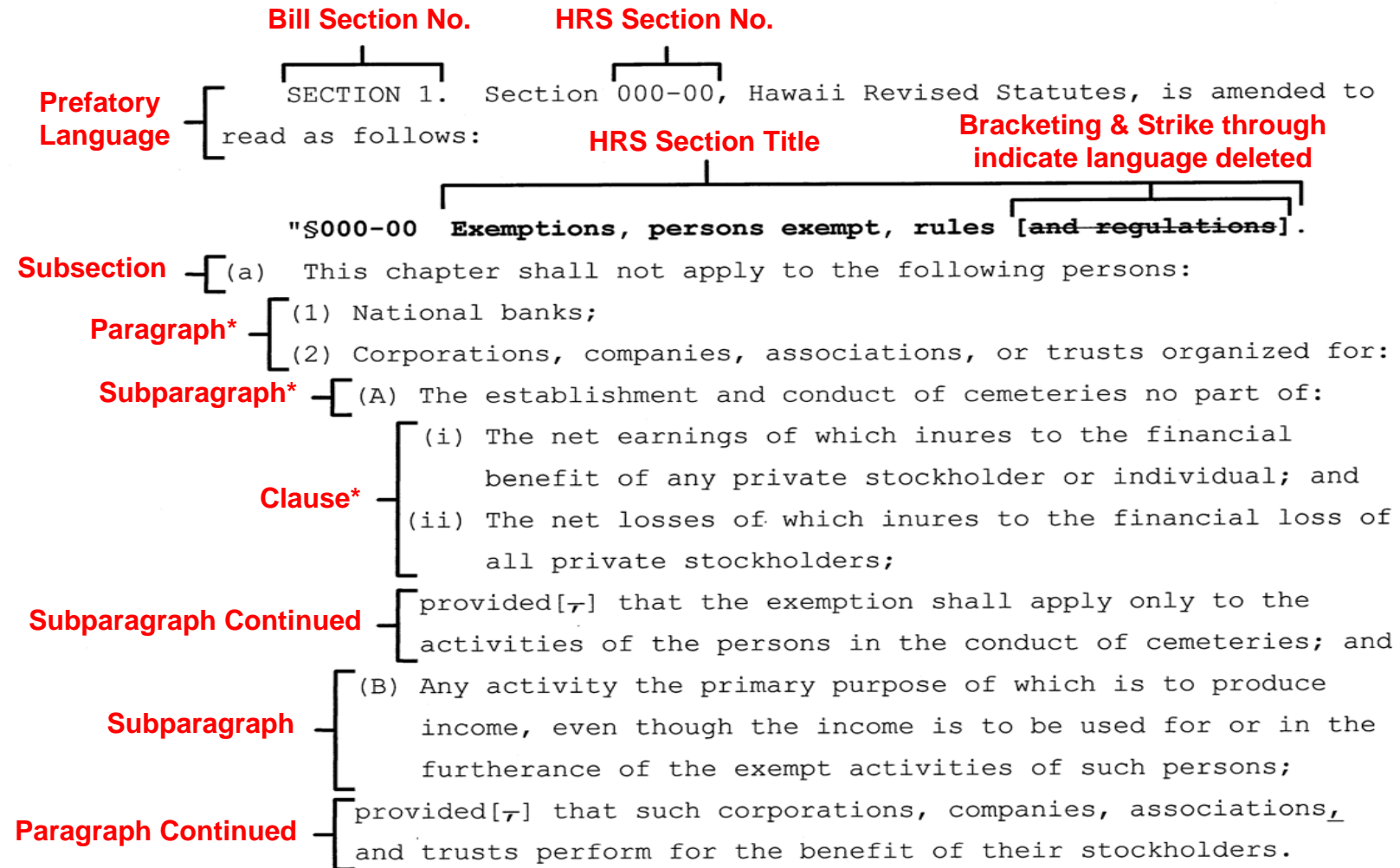
Ramseyer Provision

Effective Date

Anatomy of an HRS Section

- Section
 - Subsection
 - Paragraph
 - Subparagraph
 - Clause

Anatomy - Continued



*Note capitalization.



Capitalization

Capitalize

- Hawaii or Hawaiian (e.g. office of Hawaiian affairs)
- Federal agencies and officials (e.g., Secretary of State)
- Names of private entities (e.g., American Red Cross)

Do Not Capitalize

- State agencies and officials (e.g. governor, department of health)
- County agencies and officials (e.g., mayor, Honolulu police department)
- Federal programs (e.g., medicare, supplemental security income)

See page 24, item 8e of Drafting Manual



Capitalization - Continued

Special Rules for “State”

Capitalize if:

- Refers to the State of Hawaii or a particular state (State of Arizona)
- Used in possessive case and referring to the State of Hawaii or a particular state (e.g. State’s fiscal condition, the State’s money)

Do Not Capitalize if used as an adjective

- E.g., state archives, state director of health



Style Conventions

Choice of Words and Phrases

These are Style Conventions used in the Hawaii Revised Statutes

- Use gender neutral terms (see pp. 29-31)
- Preference for more "compact" phrasing (see pp. 27-28)
- Do not use acronyms (see p. 31 bottom)
- Numbers -- when to spell out vs. use of figures (see p. 25)
- Correct names of executive departments and department heads (see pp. 19-20)

When?

Effective Dates

- “On Approval” is day that Governor signs or 45th “day” after end of session
- Can specify an effective date
 - July 1, 2XXX (if first day of fiscal year is desired)
 - Can also be years after passage

Bottom Line

- How will the changes made by the bill affect day-to-day realities?
- Avoid ambiguous dates (e.g., “when all counties reduce real property taxes”). What is that specific date going to be -- how will it be determined, and how will anyone know?



Ramseyer Format

- A technique for showing how the bill proposes to change existing statutory law
- Superimposed upon existing HRS base language



New / Changed / Deleted Material

- Shows at a glance what is being changed
 - Brackets to show deletions
 - Underscoring to show additions
 - Prefatory language explaining portions of law being added, amended, or repealed
- With bills, underlying material is the HRS or Session Laws

Style conventions and terminology discussed earlier concern what the statutory material itself should look like. Ramseyer shows the changes being made.



Order of a Bill

Sequence of Material

- 1st **New** - new material (i.e., new chapters, parts, and sections) up front
- 2nd **Amended** - amended sections next
- 3rd **Repealed** - repealed sections last

Note: Within each category above, organize according to statutory section numbers. Lowest first, up to highest.

Amendments

Set out the entire section or subsection being amended.

Set out only the affected subsection if:

- Section is divided into subsections and only one subsection is being amended. Only need to set out that subsection.

Set out the entire section if:

- Section is NOT divided into subsections.
- Adding or deleting an entire subsection.



Identifying Subsections

How to Identify a Subsection

A section has a subsection if a (a) or (1) (particularly Penal Code) appears immediately after the section title and prior to the start of any substantive language.



Identifying Subsections - continued

Example with Subsection

§000-00 Title. (a) This section has a subsection since no language appears between the title and the (a).

Example Without Subsection

§000-00 Title. This is not a subsection. Note the following:

- (1) This section has language between the section title and the (1) and therefore this section has no subsections.

Note: When repealing a subsection(s) from a section leaving only 1 subsection remaining, the remaining subsection identifier should be should be repealed as well.



New Material

Underscore

- ALL additions
- ENTIRE new section (underscore the whole thing)

Exceptions

- Entire new parts or chapters — **DON'T underscore ANYTHING**

Arbitrary Rule That is Form Driven

- 100 new sections none of which are in parts — underscore everything.
- New part or chapter consisting of only 1 section — underscore nothing.

Repealing Material

Bracket and Strikethrough

- All deletions
- Repeal of entire section — Bracket and strikethrough the whole thing

Exceptions

- Repeal of entire parts or chapters — **DON'T bracket, strikethrough, or set out ANYTHING**

Arbitrary Rule That is Form Driven

- 100 new sections none of which are in parts — bracket and strike through everything
- New part or chapter consisting of only 1 section — bracket and strike through nothing.

Ramseyering

To Avoid Common Errors

- **Delete first, then add** (see pp. 68-70)

The application fee shall be [~~\$25~~] \$100 after July 1, 2004.

- **Don't insert new language in front of existing punctuation**

Always bracket out punctuation before inserting new material[~~.~~], do not insert new material otherwise.

- **Change entire words, even if only correcting minor errors**

Just because a word is [~~misspelled~~] misspelled or you wish to change a singular word into [~~a~~] plural [~~word~~] words is no reason to be lazy.



Ramseyering

To Avoid Common Errors

- **Use correct method to renumber paragraphs**

~~[-(2) Bracket out the number with the material
which is being deleted, and
(3)] (2) Reinsert the number when reaching the
remaining material.~~

- **Determine when a section is divided into subsections**
- **Addition or deletion of entire subsection requires setting out of entire section**

Study pages 68-73 carefully to avoid most common errors!



The Big Picture

Before Starting to Draft

- Have a clear idea of what you want to accomplish
- Make a thorough and conscientious effort to identify all portions of the law that need to be changed, and the changes that need to be made



The Big Picture - Continued

First Draft

- Just get the substantive stuff down on paper.
Don't worry about style and technical Ramseyer requirements

Subsequent Drafts

- Work on:
 - Consistency of substantive changes
 - Possible "disconnects" created by changes
 - Proper application of Ramseyer requirements
 - HRS style and word usage conventions



S.O.S.

So...who ya gonna call?

- There is no magic
- Call the Legislative Reference Bureau

587-0666

- Ask for any researcher and just say that you have a bill drafting question

"That's
all
folks!"

