

HOUSE RESOLUTION 4

Introduced by Brooke, et al.

4/15	Introduced
4/15	Referred to Legislative Administration
4/15	First Reading
	Died in Committee

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1 HOUSE RESOLUTION NO. 4

2 INTRODUCED BY Frank Small Alvin Stinson Becker
3 Meagan Rogers Conrad Connelly
4 Richard K. Ramsey James Bradley
5 MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO AMEND THE BILL

6 DRAFTING MANUAL AND BILL DRAFTING STANDARDS TO STRENGTHEN
7 THE REQUIREMENTS FOR THE USE OF GENDER NEUTRAL TERMS AND TO
8 USE THOSE BILL DRAFTING STANDARDS IN ALL FUTURE BILL DRAFTS;
9 REQUESTING THE LEGISLATIVE COUNCIL AND THE CODE COMMISSIONER
10 TO JOINTLY INVESTIGATE THE FEASIBILITY AND COST OF AMENDING
11 THE MONTANA CODE ANNOTATED TO MAKE ALL CURRENT LAWS GENDER
12 NEUTRAL; AND REQUIRING THAT THE RESULTS OF THE INVESTIGATION
13 BE REPORTED TO THE 53RD LEGISLATURE.

14
15 WHEREAS, the Montana Code Annotated (MCA) consists of
16 approximately 28,000 sections of law; and

17 WHEREAS, many of those sections were originally drafted
18 in territorial days or in early statehood and use masculine
19 terms in reference to all persons, both feminine and
20 masculine; and

21 WHEREAS, the codified rules of statutory construction in
22 Montana effectively discourage the use of gender neutral
23 terms in new legislation because those rules provide in
24 sections 1-1-201(2) and 1-2-105(2), MCA, that masculine
25 gender words include the feminine gender; and

1 WHEREAS, most MCA sections that use gender references
2 use the masculine gender, employing words such as "he" or
3 "him" when referring generally to a person required to
4 comply with the law or when referring to a particular
5 person, such as an agency director; and

6 WHEREAS, as an example of the overuse of masculine words
7 in the MCA, the word "him" occurs 2,230 times in 1,649
8 sections of law in the 1989 MCA but the word "her" occurs
9 only 98 times in 69 sections of law; and

10 WHEREAS, other states, such as Oregon, Minnesota,
11 Wisconsin, and Kansas, have revised or are revising their
12 state statutes to make those statutes gender neutral; and

13 WHEREAS, use of gender neutral terms in the state laws
14 encourages equal treatment of men and women under law,
15 reflects the official respect of the Legislature for that
16 equality, and demonstrates the commitment of the state to
17 treat men and women equally; and

18 WHEREAS, use of gender neutral terms in all future bill
19 drafts will gradually reduce the use of gender specific
20 terms in the MCA; and

21 WHEREAS, revision of existing Montana statutes to make
22 them gender neutral is a worthy goal of the Legislature but
23 is a large undertaking that should be carefully investigated
24 by the Legislative Council and the Code Commissioner before
25 any such revision is undertaken.



INTRODUCED
HR 4

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2 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
3 REPRESENTATIVES OF THE STATE OF MONTANA:

4 That the Legislative Council revise the bill drafting
5 standards contained in the Bill Drafting Manual to
6 strengthen the requirement for the use of gender neutral
7 terminology and that the Council and its staff vigorously
8 use those standards and gender neutral terms in all future
9 bill drafts.

10 BE IT FURTHER RESOLVED, that the Legislative Council and
11 the Code Commissioner jointly study the process of, time
12 requirements for, and cost of amending all appropriate
13 sections of the MCA to make the MCA gender neutral and that
14 the study include the possibility of receiving private
15 funding for all or any part of the amendment process.

16 BE IT FURTHER RESOLVED, that the Legislative Council
17 report the results of the study to the 53rd Legislature.

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