

SENATE JOINT RESOLUTION 32

Introduced by Halligan, et al.

4/17	Introduced
4/17	First Reading
4/17	Referred to State Administration
4/19	Hearing
4/19	Committee Report--Bill Passed
4/20	2nd Reading Passed
4/22	3rd Reading Failed

1 any such revision is undertaken.

2

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
4 OF REPRESENTATIVES OF THE STATE OF MONTANA:

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

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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Senate JOINT RESOLUTION NO. *302*
INTRODUCED BY *William D. Brown Connelly*
Cochevalle Driver *Richard Whitt* *Sheel* *Boyer*
Alan Bradley *Messmore* *Conroy*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO AMEND THE BILL DRAFTING MANUAL AND BILL DRAFTING STANDARDS TO STRENGTHEN THE REQUIREMENTS FOR THE USE OF GENDER NEUTRAL TERMS AND TO USE THOSE BILL DRAFTING STANDARDS IN ALL FUTURE BILL DRAFTS; REQUESTING THE LEGISLATIVE COUNCIL AND THE CODE COMMISSIONER TO JOINTLY INVESTIGATE THE FEASIBILITY AND COST OF AMENDING THE MONTANA CODE ANNOTATED TO MAKE ALL CURRENT LAWS GENDER NEUTRAL; AND REQUIRING THAT THE RESULTS OF THE INVESTIGATION BE REPORTED TO THE 53RD LEGISLATURE.

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

WHEREAS, many of those sections were originally drafted in territorial days or in early statehood and use masculine terms to refer to persons who could be either feminine or masculine; and

WHEREAS, the codified rules of statutory construction in Montana discourage the use of gender neutral terms in new legislation by providing in sections 1-1-201(2) and 1-2-105(2), MCA, that masculine gender words include the

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

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

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

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

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

WHEREAS, revision of existing Montana statutes to make them gender neutral is a worthy goal of the Legislature but is a large undertaking that should be carefully investigated by the Legislative Council and the Code Commissioner before



LC 2076/01

1 any such revision is undertaken.

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6 Manual to strengthen the gender neutral bill drafting
7 standards contained in the manual and that the Council and
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9 terms in all future bill drafts.

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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.

-End-

Senate JOINT RESOLUTION NO. *302*

1 INTRODUCTION BY *William Frank J. Brown Connelly*
 2 *Alta* *McCoy* *Shirley* *David* *Stark* *James* *Becker* *Randy*
 3 *Cochran* *Shirley* *John* *Wells* *Steve* *Wheeler*
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
 6 LEGISLATIVE COUNCIL TO AMEND THE BILL DRAFTING MANUAL AND
 7 BILL DRAFTING STANDARDS TO STRENGTHEN THE REQUIREMENTS FOR
 8 THE USE OF GENDER NEUTRAL TERMS AND TO USE THOSE BILL
 9 DRAFTING STANDARDS IN ALL FUTURE BILL DRAFTS; REQUESTING THE
 10 LEGISLATIVE COUNCIL AND THE CODE COMMISSIONER TO JOINTLY
 11 INVESTIGATE THE FEASIBILITY AND COST OF AMENDING THE MONTANA
 12 CODE ANNOTATED TO MAKE ALL CURRENT LAWS GENDER NEUTRAL; AND
 13 REQUIRING THAT THE RESULTS OF THE INVESTIGATION BE REPORTED
 14 TO THE 53RD LEGISLATURE.

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 to refer to persons who could be either feminine or
20 masculine; and

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

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

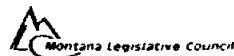
7 WHEREAS, as an example of the overuse of masculine words
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11 WHEREAS, other states, such as Oregon, Minnesota,
12 Wisconsin, and Kansas, have revised or are revising their
13 state statutes to make those statutes gender neutral; and

14 WHEREAS, use of gender neutral terms in the state laws
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