

SENATE JOINT RESOLUTION NO. 5

INTRODUCED BY THOMAS

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE SENATE

January 3, 1983	Introduced and referred to Committee on Rules.
March 16, 1983	Committee recommend bill do pass. Report adopted.
March 17, 1983	Bill printed and placed on members' desks.
March 18, 1983	Second reading, do pass.
March 19, 1983	Correctly engrossed.
March 21, 1983	Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

March 23, 1983	Introduced and referred to Committee on Rules.
April 14, 1983	Committee recommend bill be concurred in. Report adopted. Second reading, concurred in.
April 16, 1983	Third reading, concurred in.

IN THE SENATE

April 18, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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2 INTRODUCED BY THOMAS
3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6 REPRESENTATIVES OF THE STATE OF MONTANA TO AMEND JOINT RULES
7 6-1, 6-7, AND 6-34, RELATING TO CHANGES IN ADMINISTRATIVE
8 RULES, TO MAKE THE JOINT RULES COMPATIBLE WITH STATUTORY
9 AMENDMENTS MADE BY ____ BILL NO. ____ [LC 321].
10
11 WHEREAS, section 2-4-412, MCA, authorizing the
12 Legislature to repeal or direct the amendment or adoption of
13 administrative rules by joint resolution, is amended by the
14 provisions of ____ Bill No. ____ [LC 321] to make the law
15 consistent with the decision of the court in the case of The
16 Montana Taxpayers' Association v. The Department of Revenue,
17 Lewis and Clark County Civil No. 47126, which held that the
18 Legislature could not constitutionally make changes to
19 administrative rules by joint resolution; and
20 WHEREAS, the joint rules of the Senate and House of
21 Representatives refer only to joint resolutions concerning
22 changes to administrative rules; and
23 WHEREAS, the joint rules should be made compatible with
24 the statutory changes made to section 2-4-412, MCA, by
25 ____ Bill No. ____ [LC 321].

1
2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
3 OF REPRESENTATIVES OF THE STATE OF MONTANA:
4 That Joint Rules 6-1, 6-7, and 6-34 be amended to read:
5 "6-1. The only types of instruments other than bills
6 which may be introduced in either house of the legislature
7 are as follows:
8 (1) A simple resolution is a formalized motion passed
9 by one house only and bears the heading "House Resolution"
10 or "Senate Resolution". It may be used only to adopt or
11 amend the rules of one house or to provide for the internal
12 affairs of the house adopting it. It does not require three
13 readings or a roll call vote. A member offering a simple
14 resolution may read it in his place before introduction.
15 When a simple resolution has been introduced, it shall be
16 referred to a committee. Final action shall be taken on the
17 Committee of the Whole report. The transmittal of copies of
18 simple resolutions is the responsibility of the chief clerk
19 or secretary of the house of origin.
20 A copy of every simple resolution is to be transmitted
21 after adoption to the secretary of state by the secretary of
22 the Senate or chief clerk of the House.
23 (2) A joint resolution must be adopted by both houses
24 and is not approved by the governor. It may be used to:
25 (a) express desire, opinion, sympathy, or request of

1 the legislature;

2 (b) request an interim study by a legislative

3 subcommittee;

4 (c) adopt or amend the joint rules;

5 (d) set salaries and other terms of employment for

6 legislative employees;

7 (e) approve construction of a state building under

8 section 18-2-102 or 20-25-302, MCA;

9 (f) deal with disasters and emergencies under Title

10 10, specifically as provided in sections 10-3-302(3),

11 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

12 (g) submit a negotiated settlement under section

13 39-31-305(3), MCA;

14 (h) declare or terminate an energy emergency under

15 section 90-4-310, MCA;

16 (i) ratify or propose amendments to the United States

17 Constitution; or

18 (j) ~~direct changes to~~ advise or request the repeal,

19 amendment, or direct adoption of a rule in the Montana

20 Administrative Code Rules of Montana.

21 Except as otherwise provided in these rules or the

22 Constitution of the State of Montana, a joint resolution is

23 treated in all respects as a bill.

24 A copy of every joint resolution is to be transmitted

25 after adoption to the secretary of state by the secretary of

1 the Senate or chief clerk of the House."

2 *6-7. The following schedule must be followed for

3 submission of drafting requests and introduction of bills

4 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
5 General Bills and Resolutions	10	14
6		
7		
8		
9		
10		(or 2 legislative
11		days after delivery
12		if delivery is
13		after 14th day)
14 Revenue Bills	17	21
15 Committee Bills and Resolutions	36	40
16 Committee Revenue Bills	62	66
17 Appropriation Bills	No deadline	No deadline
18 Interim Study Resolutions	No deadline	No deadline
19 <u>Bills repealing or directing</u>		
20 <u>the amendment or adoption</u>		
21 <u>of Administrative Rules and</u>		
22 <u>Joint Resolutions concerning</u>		
23 <u>advising or requesting the</u>		
24 <u>repeal, amendment, or adoption</u>		
25 <u>of Administrative Rules</u>	No deadline	No deadline"

1 "6-34. No bill, except for appropriation bills,
2 revenue bills, and amendments considered by joint committee,
3 need be acted upon (save for reference to a committee by the
4 presiding officer) if transmitted from one house to the
5 other after the 45th legislative day, but shall be held
6 pending in the house to which it is transmitted unless
7 two-thirds of the members present and voting determine that
8 the bill shall be acted upon. Amendments, except to
9 appropriation bills and revenue bills, shall likewise be
10 deferred for consideration if transmitted after the 70th
11 legislative day.

12 A revenue bill is one which would either increase or
13 decrease tax collections.

14 Appropriation and revenue bills shall be transmitted
15 from the original house on or before the 70th day unless
16 two-thirds of the members present and voting in the
17 receiving house determine that the bill may be transmitted
18 after the 70th day.

19 Interim study resolutions, bills repealing or directing
20 the amendment or adoption of administrative rules, and joint
21 resolutions concerning advising or requesting the repeal,
22 amendment, or adoption of administrative rules may be
23 transmitted at any time during a session."

-End-

Approved by Comm.
on Rules

SENATE JOINT RESOLUTION NO. 5

INTRODUCED BY THOMAS

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO AMEND JOINT RULES 6-1, 6-7, AND 6-34, RELATING TO CHANGES IN ADMINISTRATIVE RULES, TO MAKE THE JOINT RULES COMPATIBLE WITH STATUTORY AMENDMENTS MADE BY ____ BILL NO. ____ [LC 321].

WHEREAS, section 2-4-412, MCA, authorizing the Legislature to repeal or direct the amendment or adoption of administrative rules by joint resolution, is amended by the provisions of ____ Bill No. ____ [LC 321] to make the law consistent with the decision of the court in the case of The Montana Taxpayers' Association v. The Department of Revenue, Lewis and Clark County Civil No. 47126, which held that the Legislature could not constitutionally make changes to administrative rules by joint resolution; and

WHEREAS, the joint rules of the Senate and House of Representatives refer only to joint resolutions concerning changes to administrative rules; and

WHEREAS, the joint rules should be made compatible with the statutory changes made to section 2-4-412, MCA, by ____ Bill No. ____ [LC 321].

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

That Joint Rules 6-1, 6-7, and 6-34 be amended to read:

"6-1. The only types of instruments other than bills which may be introduced in either house of the legislature are as follows:

(1) A simple resolution is a formalized motion passed by one house only and bears the heading "House Resolution" or "Senate Resolution". It may be used only to adopt or amend the rules of one house or to provide for the internal affairs of the house adopting it. It does not require three readings or a roll call vote. A member offering a simple resolution may read it in his place before introduction. When a simple resolution has been introduced, it shall be referred to a committee. Final action shall be taken on the Committee of the Whole report. The transmittal of copies of simple resolutions is the responsibility of the chief clerk or secretary of the house of origin.

A copy of every simple resolution is to be transmitted after adoption to the secretary of state by the secretary of the Senate or chief clerk of the House.

(2) A joint resolution must be adopted by both houses and is not approved by the governor. It may be used to:

(a) express desire, opinion, sympathy, or request of

1 the legislature;

2 (b) request an interim study by a legislative

3 subcommittee;

4 (c) adopt or amend the joint rules;

5 (d) set salaries and other terms of employment for

6 legislative employees;

7 (e) approve construction of a state building under

8 section 18-2-102 or 20-25-302, MCA;

9 (f) deal with disasters and emergencies under Title

10 10, specifically as provided in sections 10-3-302(3),

11 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

12 (g) submit a negotiated settlement under section

13 39-31-305(3), MCA;

14 (h) declare or terminate an energy emergency under

15 section 90-4-310, MCA;

16 (i) ratify or propose amendments to the United States

17 Constitution; or

18 (j) ~~direct changes to~~ advise or request the repeal,

19 ~~amendment,~~ or direct adoption of a rule in the Montana

20 Administrative Code Rules of Montana.

21 Except as otherwise provided in these rules or the

22 Constitution of the State of Montana, a joint resolution is

23 treated in all respects as a bill.

24 A copy of every joint resolution is to be transmitted

25 after adoption to the secretary of state by the secretary of

1 the Senate or chief clerk of the House."

2 "6-7. The following schedule must be followed for

3 submission of drafting requests and introduction of bills

4 and resolutions.

	Request Deadline	Introduction Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
9 General Bills and Resolutions	10	14
10	(or 2 legislative	
11	days after delivery	
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13	after 14th day)	
14 Revenue Bills	17	21
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1 "6-34. No bill, except for appropriation bills,
2 revenue bills, and amendments considered by joint committee,
3 need be acted upon (save for reference to a committee by the
4 presiding officer) if transmitted from one house to the
5 other after the 45th legislative day, but shall be held
6 pending in the house to which it is transmitted unless
7 two-thirds of the members present and voting determine that
8 the bill shall be acted upon. Amendments, except to
9 appropriation bills and revenue bills, shall likewise be
10 deferred for consideration if transmitted after the 70th
11 legislative day.

12 A revenue bill is one which would either increase or
13 decrease tax collections.

14 Appropriation and revenue bills shall be transmitted
15 from the original house on or before the 70th day unless
16 two-thirds of the members present and voting in the
17 receiving house determine that the bill may be transmitted
18 after the 70th day.

19 Interim study resolutions, ~~bills repealing or directing~~
20 ~~the amendment or adoption of administrative rules,~~ and joint
21 resolutions concerning ~~advising or requesting the repeal,~~
22 ~~amendment, or adoption of~~ administrative rules may be
23 transmitted at any time during a session."

-End-

48th Legislature

LC 0322/01

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-End-