

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
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 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
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 15 When a simple resolution has been introduced, it shall be
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 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;

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17 Constitution; or

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

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

3 submission of drafting requests and introduction of bills

4 and resolutions.

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	5:00 P.M.	5:00 P.M.
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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
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19 <u>Bills repealing or directing</u>		
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21 <u>of Administrative Rules and</u>		
22 <u>Joint Resolutions Concerning</u>		
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25 <u>of Administrative Rules</u>	No deadline	No deadline"

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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
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19 Interim study resolutions, bills repealing or directing
20 the amendment or adoption of administrative rules, and joint
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-End-

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