

1 HOUSE JOINT RESOLUTION NO. 35

2 INTRODUCED BY F. WILMER

3 BY REQUEST OF THE HOUSE STATE ADMINISTRATION STANDING COMMITTEE

4
5
6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
7 MONTANA REQUESTING AN INTERIM STUDY TO INVESTIGATE AVAILABLE PROCEDURES AND
8 TECHNOLOGICAL OPTIONS FOR RECOVERING COMPROMISED RECORDS OF SESSION PROCEEDINGS
9 AND TO ENSURE THE FUTURE PRESERVATION AND ACCESSIBILITY OF SESSION STANDING
10 COMMITTEE, SELECT COMMITTEE, SUBCOMMITTEE, AND COMMITTEE OF THE WHOLE PROCEEDINGS;
11 AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 63RD
12 LEGISLATURE.

13
14 WHEREAS, Article V, section 11, of the Montana Constitution prohibits the Legislature from passing a
15 bill that is so altered or amended on its passage through the Legislature as to change its original purpose; and

16 WHEREAS, Montana statutes frequently require various agencies to implement the law adopted by the
17 Legislature and to administer the law in the context of the Legislature's intent when it adopted the law; and

18 WHEREAS, whenever the judiciary is unable to adjudicate a question of law from the clear meaning of
19 a statute, the judge or court is obliged to rely, in part, upon the Legislature's intent when it adopted the law; and

20 WHEREAS, the Legislature's intent in adopting a law may be discernible only by understanding the
21 discussion had by legislators while in committee; and

22 WHEREAS, the discussion had by legislators while in committee is currently recorded by means of audio
23 or video technology that usually, but not always, functions at a reliable and useable level of quality and that is
24 subject to relatively rapid functional and economic obsolescence; and

25 WHEREAS, testimony on House Bill No. 578 identified the problem of audio or video recordings being
26 incomplete, becoming compromised due to technological limitations, or being rendered inaccessible due to use
27 of technology that subsequently becomes outdated;

28 WHEREAS, House Bill No. 578 would have required a detailed written record to be kept of all committee
29 action during legislative sessions, including in subcommittees and in the Committee of the Whole;

30 WHEREAS, the House State Administration Committee found there were fiscal concerns with House Bill

1 No. 578 as well as concerns that the bill would not address whether previously compromised audio tapes could
2 be recovered or restored; and

3 WHEREAS, the House State Administration Committee tabled House Bill No. 578 and voted unanimously
4 to draft a resolution requesting a thorough interim study of recordkeeping for session standing committees, select
5 committees, subcommittees, and the Committee of the Whole.

6
7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
8 STATE OF MONTANA:

9 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
10 section 5-5-217, MCA, or direct sufficient staff resources to:

11 (1) explore procedures or technologies that may be available in the public or private sector to recover
12 compromised audio tapes of session standing committee, select committee, subcommittee, and Committee of
13 the Whole proceedings;

14 (2) investigate the technology and procedures available for converting current electronic media to print
15 media for historic preservation;

16 (3) identify a range of available options and the costs of each option for keeping records of session
17 standing committee, select committee, subcommittee, and Committee of the Whole proceedings; and

18 (4) develop recommendations for how best to ensure the accurate recording, preservation, and
19 accessibility of session standing committee, select committee, subcommittee, and Committee of the Whole
20 proceedings within acceptable fiscal parameters.

21 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
22 presented to and reviewed by an appropriate committee designated by the Legislative Council.

23 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
24 requirements, be concluded prior to September 15, 2012.

25 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
26 comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

27 - END -