

HOUSE BILL 94

Introduced by J. Brown

1/03	Introduced
1/03	Referred to State Administration
1/07	First Reading
1/09	Hearing
1/09	Committee Report--Bill Passed as Amended
1/11	2nd Reading Passed
1/14	3rd Reading Passed
	Transmitted to Senate
1/15	First Reading
1/15	Referred to Judiciary
2/04	Hearing
2/06	Tabled in Committee

1 HOUSE BILL NO. 94
 2 INTRODUCED BY J. BROWN
 3 BY REQUEST OF THE CODE COMMISSIONER
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT
 6 PERMISSION TO REPRINT AND DISTRIBUTE PORTIONS OF THE MONTANA
 7 CODE ANNOTATED IS REQUIRED; PROVIDING THE METHOD OF APPLYING
 8 FOR PERMISSION; AUTHORIZING THE CHARGING OF FEES FOR
 9 PROVIDING STATUTES; PROVIDING FOR THE DEPOSIT OF THOSE FEES;
 10 CLARIFYING THAT THE MONTANA CODE ANNOTATED IS THE OFFICIAL
 11 VERSION OF THE MONTANA STATUTES AND IS THE ONLY VERSION
 12 ENTITLED TO BE INTRODUCED AS EVIDENCE IN MONTANA COURTS;
 13 AMENDING SECTIONS 1-11-103 AND 1-11-304, MCA; AND PROVIDING
 14 AN IMMEDIATE EFFECTIVE DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 1-11-103, MCA, is amended to read:

18 "1-11-103. Effect of Montana Code Annotated -- official
 19 version. (1) The Montana Code Annotated shall be enacted as
 20 a reenactment of the Revised Codes of Montana, 1947, and the
 21 supplements thereto.

22 (2) The enactment of the Montana Code Annotated shall
23 not:

24 (a) revive a law repealed or superseded before the
25 effective date of the Montana Code Annotated;

1 (b) affect an act done, right accrued, or obligation
2 incurred or imposed by law prior to the effective date of
3 the Montana Code Annotated;

4 (c) affect any action, suit, or proceeding pending on
5 such effective date;

6 (d) repeal statutes of a nongeneral, nonpermanent
7 nature such as severability, construction, validating,
8 repealing, or similar statutes omitted from the Montana Code
9 Annotated.

10 (3) The Montana Code Annotated shall be given effect as
11 a continuation of the Revised Codes of Montana and not as a
12 new enactment. A defect in title of any act set out in prior
13 laws and reenacted by the Montana Code Annotated is cured by
14 such enactment.

15 (4) No implication or presumption of legislative
16 construction is to be drawn from the classification or
17 arrangement of the Montana Code Annotated.

18 (5) Unless specifically and expressly adopted as part
19 of the law by the legislature, annotations, code
20 commissioner notes, catchlines, or other editorial material
21 included in the Montana Code Annotated may not be construed
22 as part of the legislative text but are only for the purpose
23 of convenience, orderly arrangement, and information.

24 (6) After enactment, the Montana Code Annotated,
25 including all subsequent replacement volumes, shall be prima

1 facie the official laws of Montana. In case of any
 2 inconsistency in meaning arising through omission or
 3 otherwise between the provisions of the Montana Code
 4 Annotated and the corresponding portion of the official
 5 enrolled bill on file with the secretary of state, effect
 6 shall be given to the official enrolled bill.

7 (7) The Montana Code Annotated, prepared in accordance
 8 with part 3 and copyrighted as provided in 1-11-304, is the
 9 official version of the statutes of Montana. The official
 10 statutes are the only publication of the statutes entitled
 11 to be considered as evidence in Montana courts. This
 12 subsection is not intended to interfere with the supreme
 13 court's authority to adopt rules of evidence pursuant to
 14 Article VII, section 2, of the Montana constitution."

15 **Section 2.** Section 1-11-304, MCA, is amended to read:

16 "1-11-304. Copyrights -- permitted publication. (1) The
 17 Montana Code Annotated, supplements, or other publications
 18 ancillary thereto to the Montana Code Annotated, as
 19 published, ~~shall--be~~ are the sole property of the state of
 20 Montana and ~~shall-be~~ are copyrighted for and in behalf of
 21 the state of Montana by the secretary of state.

22 (2) The publication and distribution of parts of the
 23 Montana Code Annotated, other than as provided for in this
 24 part, may be made only as provided for in this section. A
 25 person, agency, or political subdivision of this state

1 desiring to distribute to the public, whether by use of
 2 printed matter or by use of computer or other electronic
 3 means, any part of the Montana Code Annotated shall make
 4 written application to the code commissioner. The applicant
 5 shall:

6 (a) specify the portions of the Montana Code Annotated
 7 and the number of copies the applicant desires to
 8 distribute;

9 (b) state the purpose for the distribution and the
 10 persons or classes of persons to receive the distribution;
 11 and

12 (c) agree to pay the costs of preparation of the
 13 material to be distributed.

14 (3) If the code commissioner, after consultation with
 15 the legislative council, determines that a distribution will
 16 not be detrimental to the interests of the citizens of the
 17 state, the code commissioner may authorize the use and
 18 distribution of the portions of the Montana Code Annotated
 19 specified in the application. The code commissioner, in
 20 consultation with the legislative council, may determine the
 21 charge for providing the material. An entity supported by
 22 public funds shall pay only the actual costs of providing
 23 the material. All revenue received under this section must
 24 be deposited in the state special revenue fund referred to
 25 in 1-11-301(3).

1 (4) The purpose of this section is to ensure that
2 copies of all or any portion of the Montana Code Annotated
3 distributed to interested citizens accurately state the law
4 in effect when the copies are prepared."

5 NEW SECTION. Section 3. Effective date. [This act] is
6 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 94

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BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT PERMISSION TO REPRINT AND DISTRIBUTE PORTIONS OF THE MONTANA CODE ANNOTATED IS REQUIRED; PROVIDING THE METHOD OF APPLYING FOR PERMISSION; AUTHORIZING THE CHARGING OF FEES FOR PROVIDING STATUTES; PROVIDING FOR THE DEPOSIT OF THOSE FEES; CLARIFYING THAT THE MONTANA CODE ANNOTATED IS THE OFFICIAL VERSION OF THE MONTANA STATUTES AND IS THE ONLY VERSION ENTITLED TO BE INTRODUCED AS EVIDENCE IN MONTANA COURTS; AMENDING SECTIONS 1-11-103 AND 1-11-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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Section 1. Section 1-11-103, MCA, is amended to read:

***1-11-103. Effect of Montana Code Annotated -- official version.** (1) The Montana Code Annotated shall be enacted as a reenactment of the Revised Codes of Montana, 1947, and the supplements thereto.

(2) The enactment of the Montana Code Annotated shall not:

(a) revive a law repealed or superseded before the effective date of the Montana Code Annotated;

(b) affect an act done, right accrued, or obligation incurred or imposed by law prior to the effective date of the Montana Code Annotated;

(c) affect any action, suit, or proceeding pending on such effective date;

(d) repeal statutes of a nongeneral, nonpermanent nature such as severability, construction, validating, repealing, or similar statutes omitted from the Montana Code Annotated.

(3) The Montana Code Annotated shall be given effect as a continuation of the Revised Codes of Montana and not as a new enactment. A defect in title of any act set out in prior laws and reenacted by the Montana Code Annotated is cured by such enactment.

(4) No implication or presumption of legislative construction is to be drawn from the classification or arrangement of the Montana Code Annotated.

(5) Unless specifically and expressly adopted as part of the law by the legislature, annotations, code commissioner notes, catchlines, or other editorial material included in the Montana Code Annotated may not be construed as part of the legislative text but are only for the purpose of convenience, orderly arrangement, and information.

(6) After enactment, the Montana Code Annotated, including all subsequent replacement volumes, shall be prima



1 facie the official laws of Montana. In case of any
2 inconsistency in meaning arising through omission or
3 otherwise between the provisions of the Montana Code
4 Annotated and the corresponding portion of the official
5 enrolled bill on file with the secretary of state, effect
6 shall be given to the official enrolled bill.

7 (7) The Montana Code Annotated, prepared in accordance
8 with part 3 and copyrighted as provided in 1-11-304, is the
9 official version of the statutes of Montana. The official
10 statutes are the only publication of the statutes entitled
11 to be considered as evidence in Montana courts. This
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14 Article VII, section 2, of the Montana constitution."

15 **Section 2.** Section 1-11-304, MCA, is amended to read:

16 "1-11-304. Copyrights -- permitted publication. (1) The
17 Montana Code Annotated, supplements, or other publications
18 ancillary thereto to the Montana Code Annotated, as
19 published, shall-be are the sole property of the state of
20 Montana and shall-be are copyrighted for and in behalf of
21 the state of Montana by the secretary of state.

22 (2) The publication, AS DEFINED IN 17 U.S.C. 101, and
23 distribution of parts of the Montana Code Annotated, other
24 than as provided for in this part, may be made only as
25 provided for in this section. A person, agency, or political

1 subdivision of this state desiring to distribute to the
2 public, whether by use of printed matter or by use of
3 computer or other electronic means, any part of the Montana
4 Code Annotated shall make written application to the code
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THIRD READING



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