

No. 394

## STATUTES—AMENDMENTS

**Held: Second amendment of act need not refer to first amendment.**

April 11, 1942.

Mr. H. G. Dean  
Attorney  
Montana Highway Patrol  
Helena, Montana

Dear Mr. Dean:

Chapters 62 and 182 of the Laws of 1937 both amended Section 1741.9, Revised Codes of Montana, 1935, in varying respects, neither making reference to the other. Chapter 211 of the Laws of 1939 amended Section 1741.9, "as amended by Chapter 62," but made no reference to Chapter 182 of the Laws of 1937, the other amendatory act.

You ask whether the 1939 act supercedes Chapter 182 of the Laws of 1937 as well as Chapter 62.

When the legislature, as here, declares an existing statute to be amended "to read as follows," that body demonstrates its intention to make the new act a substitute for the amended statutes, exclusively.

State ex rel. Nagle v. The Leader Co., 97 Mont. 586, 37 Pac. (2nd) 561;

State ex rel. Paige v. District Court, 54 Mont. 332, 169 Pac. 1180;

State ex rel. Foot v. Burr, 73 Mont. 586, 238 Pac. 585;

Hale v. Belgrade Co., 74 Mont. 308, 240 Pac. 371.

It is not necessary, in making a second amendment of the original act, to make any reference to the first amending act.

Gamon Meter Co. v. Sims, 114 N. J. L. 590, 178 Atl. 92;

State National Bank v. Memphis, 116 Tenn. 641, 94 S. W. 606; 25 R. C. L. 907;

Crawford, The Construction of Statutes, Sec. 119.

It is therefore my opinion Chapter 211, Laws of 1939, supercedes both Chapters 62 and 182, Laws of 1937, and Section 1741.9, as now set forth therein, is the sole governing statute.

Sincerely yours,

JOHN W. BONNER  
Attorney General