

Opinion No. 14.

Legislature—Statutes, when effective.
Held: An enactment of the legislature which does not provide for the effective date, becomes effective July 1st of the year of its passage and approval.

February 10, 1945.

Mr. Elmer Shea
Clerk of District Court
Silver Bow County
Butte, Montana

Dear Mr. Shea:

You have requested my opinion whether House Bill No. 2 of the Twenty-ninth Legislative Assembly of Montana, now Chapter 9, Laws of 1945, which was approved February 5, 1945, became operative upon its approval, or what date it does become effective.

House Bill No. 2 of the Twenty-ninth Legislative Assembly of Montana, which is Chapter 9, Laws of 1945, reads as follows:

"AN ACT TO AMEND SECTION 4933 OF THE REVISED CODES OF MONTANA OF 1935, RELATING TO GRAND AND TRIAL JURORS' FEES, INCREASING SAME AND REDUCING MILEAGE RATE.

"BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

"Section 1. That Section 4933 of the Revised Codes of Montana of 1935 be, and the same is hereby amended to read as follows, to-wit:

"Section 4933.--Jurors' fees. Grand and trial jurors shall receive **SIX DOLLARS** per day for attendance before any court of record and **FIVE CENTS** per mile each way for traveling from and to their residence and county seat. Any juror who is excused from attendance upon his own motion on the first day of his appearance in obedience to notice, or who has been summoned as a special juror and not sworn in the trial of the case, in the discretion of the court, may receive per diem and mileage."

"Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved **February 5, 1945.**" (Emphasis mine.)

It is to be noted the legislature did not give an effective date to this act. Section 90, Revised Codes of Montana, 1935, reads as follows:

"Every statute, unless a different time is prescribed therein, takes effect on the first day of July of the year of its passage and approval."

It will be seen by Section 90, supra, that every statute takes effect on the first day of July of the year of its

passage and approval, unless a different time is prescribed in the statute. This was so held in the case of *Boepple v. Mohalt*, 101 Mont. 417, 449, in which our Supreme Court, in referring to Chapter 87, Laws of 1929, stated:

"But by Chapter 87, Laws of 1929, it seems no other time was specified for its taking effect, became effective July 1st, 1929 (Section 90, Revised Codes of Montana, 1921)."

Therefore, since the legislature did not specify any particular time for the above quoted act to take effect, and in view of Section 90, supra, it is my opinion House Bill No. 2 of the Twenty-ninth Legislative Assembly of Montana, now Chapter 9, Laws of 1945, will become effective July 1st, 1945.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General