

Opinion No. 151**Codes, Distribution, of, Constitution-
ality —Legislators, Entitled to
Codes of 1947 at Cost**

Held: "That Chapter 43, laws of 1947, does not violate any constitutional provision which directs the Secretary of State to distribute one copy of the code to Code Commissioner and each member of the 30th legislative assembly, one copy upon the payment to the State of Montana by the Code Commissioner and by any member of the legislature receiving such copy, the actual cost price thereof to the State."

December 7, 1948

Sam W. Mitchell
Secretary of State
Helena, Montana

Dear Mr. Mitchell:

You have requested my opinion as to whether the provisions of Chapter 43, Laws of 1947, would fall within the opinion set forth in Vol. 2, page 320 of the Opinions of the Attorney General.

Chapter 43, Laws of 1947, deals with the printing, binding and distribution of the Codes of 1949. Section 8 of said chapter directs the Secretary of State to distribute one copy of said code to the following:

"To the code commissioner and each member of the thirtieth legislative assembly one copy upon the payment to the State of Montana by the code commissioner and by any member of the legislature receiving such copy, the actual cost price thereof to the State."

Section 15 of Chapter 85, Laws of 1907, directed the Secretary of State to give without cost to the members of the legislature, copies of the Codes of 1907.

Attorney General, Galen, in the opinion you refer to, held that Chapter 85, Laws of 1907, was unconstitutional insofar as it directed giving, without cost, a copy of the codes to members of the legislature and others, as in violation of Section 31 of Article V of the State Constitution.

Section 8 of Chapter 43, Laws of 1947, does not make a gift of the codes, but requires the payment of the cost price to the state.

It is, therefore, my opinion that Chapter 43, Laws of 1947, does not violate any constitutional provision.

Very truly yours,
R. V. BOTTOMLY
Attorney General