

JUDICIARY COMMITTEE

January 5, 1979

The joint hearing of Senate Bill #1 was held in the Capitol Building, Room 108, at 1:30 p.m. on Friday, January 5. All members of the House Judiciary Committee were present, with the exception of Representatives Seifert, and Keyser, excused. The meeting was called to order by Chairman Lensink.

SENATOR GRAHAM:

I sponsored the bill as a result of a bill introduced in 1975 by Jim Moore of Kalispell. His bill created the office of code commissioner who was charged with revising and recodifying the existing state laws. 62 members co-sponsored this bill with me. In April of 1975, Diana Dowling was appointed as code commissioner. He went on to explain the contents of the code, including index, etc. It will contain 9,000 pages. He gave some of the reasons why it was decided to have a code commissioner do the revisions rather than a private company. It was felt a Montana staff would be more interested and do a better job, and not someone from out of state. The codes had not been revised since 1942. \$25,000 was paid to the Allan Smith Company for the rights to all references and explanatory notes. The copies to the public will be \$125 where they used to cost \$150 a set. The Senator introduced Diana Dowling, the code commissioner and said that she would be available for questions from the committee.

DIANA DOWLING:

I want to explain the urgency of getting this bill passed early in the session. It is because all the bills being introduced refer to the new code numbers. There are no substantive changes. Recodification simply means rearrangement. Before the codes were alph abetical and now they are listed topically. She gave examples. Diana explained that the cost for the election laws would be from the revolving fund instead of the general fund. The Secretary of State must furnish copies each year to each agency. The annotations will be in a 3 ring binder and thus could be updated as often as necessary. Diana explained reasons for the bid procedure. By the Department of Administration or the Code Commissioner.

A question and answer session followed.

SENATOR TURNAGE:

I move to amend line 18, page 2, strike Department of Administration and insert Code Commissioner. On line 24, page 2, strike Deparment of Administration and insert Code Commissioner. Also, on line 19, page 2, following publication, insert a new sentence. The Code Commissioner offering contracts and related bids must be in compliance with the laws of the state of Montana relating to contracts and bids.

The amendment passed unanimously.

Senator Towe commented that the Code Commissioner should follow the procedure

required for contracts and bids for the state.

SENATOR BROWN: The Code Commissioner should follow the state law relating to contracts and bids.

Diana explained that the commissioner has no power to change substance. This followed a discussion about changes in the codes.

SENATOR TOWE: Will these books be replaced after the 1980 session?

DIANA DOWLING: The intent is that you will be able to buy a microfilm copy for \$5.00.

In answer to a question she said the official name is Montana Code Annotated.

SENATOR TURNAGE: I want to make a comment. I did not  
amendment. conspire with Diana to pass this

SENATOR Van VALKENBURG: The question was asked, Has anything been forgotten that was in the RCM.

DIANA DOWLING: No, I don't think so. We have been proofing and double checking everything. We had people red-lining every single law. There will be an 800 page code commissioner report explaining what we did.

REPRESENTATIVE CONROY: How will it be cross-referenced.

DIANA DOWLING: They should be all there. She went on and explained the index, reference, how to find various laws, etc.

Senator Steve Brown commended Diana for a job well-done and that she deserved a round of applause.

SENATOR LENSINK: I want to echo Senator Brown in appreciation. We owe a debt of thanks to you, Diana.

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SENATOR BROWN:


I move we send this bill out with a  
"do pass" recommendation.

The motion passed unanimously.

SENATOR LENSICK:

If there is no further discussion, the  
hearing is closed.

The meeting adjourned at 2:10 p.m.

  
REPRESENTATIVE JOHN SCULLY  
Chairman

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Mary Ellen Connelly  
Secretary

JSC:mec