

Handwritten signatures and names: Anderson, Harper, Palmer, Foxeom, MARS, Kula, Danzell, Knopp, Brand, Underdal, Murph, Miller, Sullivan, Bradley, Kummefeldt, Conway, Manuel, Casey, Day, Rasmussen, Magone.

2 INTRODUCED BY *[Handwritten name]*

3 A BILL FOR AN ACT ENTITLED: *"AN ACT CREATING A MONTANA CODE*

4 *COMMISSION TO SUPERVISE THE RECODIFICATION OF THE REVISED*

5 *CODES OF MONTANA 1947, TO PROVIDE FOR RECODIFICATION ON A*

6 *CONTINUING BASIS; REPEALING SECTIONS 12-301 THROUGH 12-329,*

7 *12-331, 12-332, AND 12-332.1, R.C.M. 1947."*

8 *BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:*

Vertical handwritten notes on the left margin: ENT, if, talk, week, question, has, you, pants, money, hand, bill, action, by, if, den, lin, s...d., knu, what.

Section 1. Definitions. As used in this act:

(1) "Commission" means the Montana code commission created in section 2 of this act.

(2) "Codes" means the Revised Codes of Montana, 1947, the pocket supplements thereto, and the replacement volumes.

(3) "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes without changing the meaning, effect, or intent of any law:

(a) adopting a uniform system of punctuation, capitalization, and numbering;

(b) substituting the appropriate code section reference for reference to a section of an "act";

(c) substituting calendar date for "effective date";

(d) creating new titles, chapters, sections, or other divisions of the code.

1 Section 2. Montana code commission. There is created

2 within the legislative branch a Montana code commission

3 consisting of seven (7) members as follows:

4 (1) a member of the Montana house of representatives

5 who is not licensed to practice law appointed by the speaker

6 of the house;

7 (2) a member of the Montana senate who is not licensed

8 to practice law appointed by the president of the senate;

9 (3) an attorney or judge licensed to practice law in

10 Montana appointed by the supreme court;

11 (4) three (3) graduates of accredited law schools or

12 attorneys licensed to practice law in Montana, one each to

13 be appointed by:

14 (a) the governor, which appointee shall be temporary

15 chairman of the commission;

16 (b) the Montana attorney general;

17 (c) the president of the Montana state bar;

18 (5) a member of the faculty of the school of law at

19 the university of Montana appointed by the dean of the law

20 school.

21 Section 3. Commission members' terms. Each appointive

22 member shall serve at the pleasure of the appointing power

23 until a successor is appointed.

24 Section 4. Commission compensation. Each member is

25 entitled to the same per diem and mileage for attendance at

HB 18

1 meetings of the commission as that allowed public employees
2 by law.

3 Section 5. Commission meetings. The commission shall
4 meet upon call of the code commissioner or of the commission
5 chairman, or upon request of any three (3) members of the
6 commission.

7 Section 6. Appointment of code commissioner. The
8 commission shall meet within sixty (60) days following the
9 effective date of this act and elect a permanent chairman,
10 appoint a code commissioner to direct recodification of all
11 the laws of a general and permanent nature enacted by the
12 Montana legislature, and set his salary not to exceed the
13 salary of a district court judge.

14 Section 7. Code commissioner qualifications. To be
15 eligible to be code commissioner a person must be licensed
16 to practice law in Montana for at least five (5) years and
17 demonstrate a knowledge of code arranging and recodification
18 procedures.

19 Section 8. Allocation of code commissioner office.

20 (1) The legislative council shall furnish office space and
21 equipment for the use of the code commissioner and his
22 staff.

23 (2) The code commissioner is entitled, and is expected
24 to use the automated data processing information and
25 equipment and other services of the legislative council.

1 (3) The code commissioner shall submit his budgetary
2 requests as approved by the commission, to the legislative
3 council for inclusion in the legislative council budget.

4 (4) Subject to the approval of the commission, the
5 code commissioner may employ or engage, and fix the salaries
6 of, such personnel as may be necessary to accomplish the
7 purpose of this act.

8 Section 9. Name of recodification. The recodification
9 shall be known as the "Montana Code Annotated".

10 Section 10. Code commissioner duties. Subject to the
11 general supervision and policy of the commission the code
12 commissioner shall:

13 (1) prior to January 1, 1978, recodify all the laws of
14 a general and permanent nature appearing in the codes and
15 session laws and prepare the same for publication;

16 (2) prior to January 1, 1978, prepare and submit to
17 the legislature a report which is certified by the
18 commission as the "Official Report of the Montana Code
19 Commission" together with a bill enacting the Montana Code
20 Annotated. A copy of the report and bill shall be deposited
21 with the secretary of state. The report shall indicate in
22 tabular or other form, all changes made during
23 recodification, other than punctuation and capitalization,
24 to clearly indicate the character of each change;

25 (3) prior to November 1, 1976, and prior to November 1

1 of each year thereafter, prepare and submit to the
2 legislative council a report, in tabular or other form,
3 indicating the commissioner's recommendations for
4 legislation which will:

- 5 (a) eliminate archaic or outdated laws;
- 6 (b) eliminate obsolete or redundant wording of laws;
- 7 (c) eliminate any duplications in law and any laws
8 repealed directly or by implication;
- 9 (d) clarify existing laws;
- 10 (e) correct errors and inconsistencies within the
11 laws;
- 12 (f) correct inaccurate references to titles of
13 officers or agencies or to other statutes as may be
14 necessary to obtain consistency with current law;
- 15 (4) after each legislative session convening after
16 1975, annotate, arrange, assign catchlines and code section
17 numbers to and prepare for publication all laws of a general
18 and permanent nature enacted at that session;
- 19 (5) cause to be prepared for inclusion, at the end of
20 each section of the statutes, the following material:
- 21 (a) reference to the statutory history of the section;
- 22 (b) annotations of state and federal court decisions
23 relating to the subject matter of the section; and
- 24 (c) such editorial notes, cross references, and other
25 matter as the commissioner considers desirable or

1 advantageous;

- 2 (6) cause to be prepared for publication with the
3 Montana Codes Annotated:
- 4 (a) Magna Charta;
- 5 (b) Declaration of Independence;
- 6 (c) Constitution of the United States of America and
7 amendments thereto;
- 8 (d) Acts of Congress relating to the authentication of
9 laws and records;
- 10 (e) Organic Act of the Territory of Montana;
- 11 (f) The Enabling Act;
- 12 (g) The 1889 and 1972 constitutions of the state of
13 Montana and any amendments thereto;
- 14 (h) Ordinances relating to federal relations and
15 elections;
- 16 (i) Rules of civil, criminal, appellate procedure and
17 such other rules of procedure as the Montana supreme court
18 may adopt; and
- 19 (j) A complete subject index, popular name index,
20 comparative disposition tables or cross reference indices
21 relating sections of the Montana Code Annotated to prior
22 compilations and session laws.
- 23 (7) After publication of the Montana Code Annotated:
- 24 (a) continue to codify, index, arrange, rearrange
25 divisions and generally update the Montana Code Annotated to

H.B. 183

1 maintain an orderly and logical arrangement of the laws in
2 order to avoid future need for bulk revision;

3 (b) prepare and submit to each legislature a report
4 which is certified as the "official report of the Montana
5 Code Commission -- (year)" which indicates in tabular or
6 other forms all changes made during the continuous
7 recodification, other than punctuation and capitalization,
8 to clearly indicate the character of each change made since
9 the first publication of the Montana Code Annotated.

10 Section 11. Effect of Montana Code Annotated. (1)
11 The Montana Code Annotated shall be enacted as a repeal and
12 a reenactment of the Revised Codes of Montana, 1947, and the
13 supplements thereto.

14 (2) The enactment of the Montana Code Annotated shall:

15 (a) repeal all statutes and parts of statutes of a
16 general and permanent nature not contained in the Montana
17 Code Annotated;

18 (b) not revive a law repealed or superseded before the
19 effective date of Montana Code Annotated;

20 (c) not affect an act done, right accrued, or
21 obligation incurred or imposed by law prior to the effective
22 date of Montana Code Annotated;

23 (d) not affect any action, suit, or proceeding pending
24 on such effective date.

25 (3) The Montana Code Annotated shall be given effect

1 as a continuation of the Revised Codes of Montana and not as
2 a new enactment. A defect in title of any act set out in
3 prior laws and reenacted by the Montana Code Annotated is
4 cured by such enactment.

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

8 (5) Annotations, code commissioner notes, and other
9 editorial material to the Montana Code Annotated may not be
10 construed to form a part of the legislative text but to be
11 only for the purpose of convenience, orderly arrangement,
12 and information.

13 Section 12. Publications. (1) The code commission
14 with the advice of the code commissioner, the legislative
15 council, and the supreme court shall decide on the quantity,
16 quality, style, format, and grade of all publications prior
17 to having the department of administration contract for
18 their publication.

19 (2) The methods of sale to the public of the Montana
20 Code Annotated, and supplements or other subsequent and
21 ancillary publications thereto, may be included as an
22 alternative specification and bid, and as a part of a
23 contract to be let by bids by the department of
24 administration.

25 (3) The sales price to the public shall be fixed by

1 the commission but shall not exceed the cost price plus
 2 twenty percent (20%). All revenues generated from the sale
 3 to the public of the Montana Code Annotated shall be
 4 remitted to the state treasurer for the purpose of
 5 reimbursing the general fund for appropriations made for the
 6 use of the office and facilities of the legislative council
 7 under this act.

8 (4) Sets of the Montana Code Annotated purchased by
 9 the state and its political subdivisions shall be for the
 10 cost price of the sets.

11 Section 13. The Montana Code Annotated, supplements,
 12 or other publications ancillary thereto, as published, shall
 13 be the sole property of the state of Montana and shall be
 14 copyrighted for and in behalf of the state of Montana by the
 15 secretary of state.

16 Section 14. (1) Upon completion of the printing and
 17 binding of the Montana Code Annotated the code commissioner
 18 shall deposit a complete set, along with a certification
 19 that the set comprises the Montana Code Annotated as
 20 authorized by this act, and enacted by the legislature.

21 (2) Within ten (10) days after that deposit, the
 22 secretary of state shall publish a notice thereof once in a
 23 newspaper of general circulation in each judicial district
 24 within the state specifying in the notice the date on which
 25 the Montana Code Annotated becomes effective.

1 (3) The secretary of state or the code commissioner
 2 may further publicize the effective date of the Montana Code
 3 Annotated to the extent considered necessary or desirable by
 4 the commission.

5 Section 15. Format as approved by commission. (1)
 6 The publication of updates to the Montana Code Annotated may
 7 be as a cumulative supplement, replacement volume, or in any
 8 other format approved by the commission.

9 (2) The supplements or replacements shall be certified
 10 and reported to the legislature by the commission, approved,
 11 and enacted by the legislature as the official laws of
 12 Montana, published, copyrighted, and deposited with the
 13 secretary of state and shall be referred to as the Montana
 14 Code Annotated. The supplements and replacements shall
 15 become effective on the date deposited with and certified to
 16 the secretary of state.

17 (3) The commission may issue such supplementary and
 18 ancillary publications as it considers necessary or
 19 desirable in aid of the general use and purposes of the
 20 Montana Code Annotated and the supplements or replacements
 21 thereto.

-End-

HB1B3

STATE OF MONTANA

REQUEST NO. 74-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 23, 19 75, there is hereby submitted a Fiscal Note for House Bill 183, pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 183 creates a Montana Code Commission to supervise the recodification of the Revised Codes of Montana 1947, provides for continuing recodification, and outlines provisions for sale of the Montana Code Annotated to the public.

ASSUMPTIONS:

1. Recodification will require additional part-time employment of computer terminal operations, proofreaders and clerks.
2. Five staff attorneys budgeted in the Legislative Council will provide the required legal assistance. If they are unable to absorb the additional workload, additional legal services may cost as much as \$90,000 per fiscal year.
3. Since the recodification deadline is January 1, 1978, no sales to the public of the Montana Code Annotated are anticipated during the biennium.

FISCAL IMPACT:

	FY 76	FY 77
Increase in expenditures under proposed law		
* Personal Services	\$ 59,570	\$ 64,931
Operating Expenses	<u>125,675</u>	<u>76,325</u>
Total increase in expenditures	<u>\$185,245</u>	<u>\$141,256</u>

* Figures assume legal services can be provided by existing Legislative Council staff.

CONCLUSIONS:

Enactment of House Bill 183 would result in an estimated minimum expenditure of \$321,140 during the biennium. There will be no change in revenues until publication of the Montana Code Annotated. Estimated annual revenue from sales would be \$20,000 in 78-79 biennium.

TECHNICAL NOTE - Page 9, line 17, 18, states "The Montana Code Annotated shall deposit a complete set . . ." but fails to state the recipient of the deposit.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: January 28, 1975

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 183
 2 INTRODUCED BY JAMES MOORE, MCKITTRICK, DRISCOLL, BARRETT,
 3 PALMER, LOCKREM, MARKS, KIMBLE, YARDLEY, O'CONNELL, GERKE,
 4 SCULLY, BRADLEY, JACOBSEN, HUENNEKENS, QUILICI, R. BAETH,
 5 KUMMERFELDT, CONROY, MANUEL, CASEY, TEAGUE, LYNCH, MELOY,
 6 GWYNN, SLOAN, HAGEMAN, RASMUSSEN, MAGONE, HARPER, DAY,
 7 MULAR, KROPP, BRAND, UNDERDAL, MURPHY, GILLIGAN, HUBING,
 8 JACK MOORE, JOHNSTON, C. R. ANDERSON, VINCENT, FINLEY,
 9 STOLTZ, LUEBECK, HALVORSON, SCHYE, DASSINGER, LUND,
 10 FISHBAUGH, FLEMING, RICHARDS, KENDALL, SIVERTSEN,
 11 KELLY, WOOD, WOLFE, SHELDEN, KVAALEN,
 12 J. H. ANDERSON, GUTHRIE, MENAHAN

13
 14 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MONTANA CODE
 15 COMMISSION TO SUPERVISE THE RECODIFICATION OF THE REVISED
 16 CODES OF MONTANA 1947, TO PROVIDE FOR RECODIFICATION ON A
 17 CONTINUING BASIS; REPEALING SECTIONS 12-301 THROUGH 12-329,
 18 12-331, 12-332, AND 12-332.1, R.C.M. 1947."

19
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 21 Section 1. Definitions. As used in this act:
 22 (1) "Commission" means the Montana code commission
 23 created in section 2 of this act.
 24 (2) "Codes" means the Revised Codes of Montana, 1947,
 25 the pocket supplements thereto, and the replacement volumes.

1 (3) "Recodify" means to compile, arrange, rearrange,
 2 and prepare for publication. It includes without changing
 3 the meaning, effect, or intent of any law:
 4 (a) adopting a uniform system of punctuation,
 5 capitalization, and numbering;
 6 (b) substituting the appropriate code section
 7 reference for reference to a section of an "act";
 8 (c) substituting calendar date for "effective date";
 9 (d) creating new titles, chapters, sections, or other
 10 divisions of the code.
 11 Section 2. Montana code commission. There is created
 12 within the legislative branch a Montana code commission
 13 consisting of seven (7) members as follows:
 14 (1) a member of the Montana house of representatives
 15 who is not licensed to practice law appointed by the speaker
 16 of the house;
 17 (2) a member of the Montana senate who is not licensed
 18 to practice law appointed by the president of the senate;
 19 (3) an attorney or judge licensed to practice law in
 20 Montana appointed by the supreme court;
 21 (4) three (3) graduates of accredited law schools or
 22 attorneys licensed to practice law in Montana, one each to
 23 be appointed by: THE MONTANA ATTORNEY GENERAL AND TWO TO BE
 24 APPOINTED BY THE GOVERNOR, ONE OF WHOM MUST BE SELECTED FROM
 25 A LIST SUBMITTED BY THE MONTANA BAR ASSOCIATION;

1 ~~(a)--the-governor, which appointee shall be temporary~~
 2 ~~chairman of the commission;~~

3 ~~(b)--the-Montana-attorney-general;~~

4 ~~(c)--the-president-of-the-Montana-state-bar;~~

5 (5) a member of the faculty of the school of law at
 6 the university of Montana appointed by the dean of the law
 7 school.

8 Section 3. Commission members' terms. Each appointive
 9 member shall serve at the pleasure of the appointing power
 10 until a successor is appointed.

11 Section 4. Commission compensation. Each member is
 12 entitled to the same per diem and mileage for attendance at
 13 meetings of the commission as that allowed public employees
 14 by law.

15 Section 5. Commission meetings. The commission shall
 16 meet upon call of the code commissioner or of the commission
 17 chairman, or upon request of any three (3) members of the
 18 commission.

19 Section 6. Appointment of code commissioner. The
 20 commission shall meet within sixty (60) days following the
 21 effective date of this act and elect a permanent chairman,
 22 appoint a code commissioner to direct recodification of all
 23 the laws of a general and permanent nature enacted by the
 24 Montana legislature, and set his salary not to exceed the
 25 salary of a district court judge.

1 Section 7. Code commissioner qualifications. To be
 2 eligible to be code commissioner a person must be licensed
 3 to practice law in Montana for at least five (5) years and
 4 demonstrate a knowledge of code arranging and recodification
 5 procedures.

6 Section 8. Allocation of code commissioner office.
 7 (1) The legislative council shall furnish office space and
 8 equipment, INCLUDING AUTOMATED DATA PROCESSING INFORMATION,
 9 EQUIPMENT AND OTHER SERVICES, for the use of the code
 10 commissioner and his staff.

11 ~~(2)--The-code-commissioner-is-entitled, and is expected~~
 12 ~~to-use-the-automated-data-processing-information--and~~
 13 ~~equipment-and-other-services-of-the-legislative-council;~~

14 ~~(3)--(2) The BUDGET OF THE code commissioner shall~~
 15 ~~submit-his-budgetary-requests-as-approved-by-the-commission,~~
 16 ~~BE SUBMITTED to the legislative-council--for--inclusion--in~~
 17 ~~LEGISLATURE WITH the legislative council budget.~~

18 ~~(4)--(3) Subject to the approval of the commission,~~
 19 ~~the code commissioner may employ or engage, and fix the~~
 20 ~~salaries of, such personnel as may be necessary to~~
 21 ~~accomplish the purpose of this act.~~

22 Section 9. Name of recodification. The recodification
 23 shall be known as the "Montana Code Annotated".

24 Section 10. Code commissioner duties. Subject to the
 25 general supervision and policy of the commission the code

1 commissioner shall:

2 (1) prior to January 1, ~~1978~~ 1979, recodify all the
3 laws of a general and permanent nature appearing in the
4 codes and session laws and prepare the same for publication;

5 (2) prior to January 1, ~~1978~~ 1979, prepare and submit
6 to the legislature a report which is certified by the
7 commission as the "Official Report of the Montana Code
8 Commission" together with a bill enacting the Montana Code
9 Annotated. A copy of the report and bill shall be deposited
10 with the secretary of state. The report shall EXPLAIN AND
11 indicate in tabular or other form, all changes made during
12 recodification, other than punctuation and capitalization,
13 to clearly indicate the character of each change;

14 (3) prior to November 1, 1976, and prior to November 1
15 of each year thereafter, prepare and submit to the
16 legislative council a report, in tabular or other form,
17 indicating the commissioner's recommendations for
18 legislation which will:

- 19 (a) eliminate archaic or outdated laws;
- 20 (b) eliminate obsolete or redundant wording of laws;
- 21 (c) eliminate any duplications in law and any laws
22 repealed directly or by implication;
- 23 (d) clarify existing laws;
- 24 (e) correct errors and inconsistencies within the
25 laws;

1 (f) correct inaccurate references to titles of
2 officers or agencies or to other statutes as may be
3 necessary to obtain consistency with current law;

4 ~~(4)--after each legislative session convening after~~
5 ~~1975,--annotate, arrange, assign catchlines and code section~~
6 ~~numbers to and prepare for publication all laws of a general~~
7 ~~and permanent nature enacted at that session;~~

8 ~~(5)--(4)~~ cause to be prepared for inclusion, at the
9 end of each section of the statutes, the following material:

- 10 (a) reference to the statutory history of the section;
- 11 (b) annotations of state and federal court decisions
12 relating to the subject matter of the section; and
- 13 (c) such editorial notes, cross references, and other
14 matter as the commissioner considers desirable or
15 advantageous;

16 ~~(6)--(5)~~ cause to be prepared for publication with the
17 Montana Codes Annotated:

- 18 (a) Magna Charta;
- 19 (b) Declaration of Independence;
- 20 (c) Constitution of the United States of America and
21 amendments thereto;
- 22 (d) Acts of Congress relating to the authentication of
23 laws and records;
- 24 (e) Organic Act of the Territory of Montana;
- 25 (f) The Enabling Act;

1 (g) The 1889 and 1972 constitutions of the state of
2 Montana and any amendments thereto;

3 (h) Ordinances relating to federal relations and
4 elections;

5 (i) Rules of civil, criminal, appellate procedure and
6 such other rules of procedure as the Montana supreme court
7 may adopt; and

8 (j) A complete subject index, popular name index,
9 comparative disposition tables or cross reference indices
10 relating sections of the Montana Code Annotated to prior
11 compilations and session laws.

12 ~~(7)~~--(6) After publication of the Montana Code
13 Annotated:

14 (a) continue to codify, index, arrange, rearrange
15 divisions and generally update the Montana Code Annotated to
16 maintain an orderly and logical arrangement of the laws in
17 order to avoid future need for bulk revision;

18 (b) prepare and submit to each legislature a report
19 which is certified as the "official report of the Montana
20 Code Commission -- (year)" which indicates in tabular or
21 other forms all changes made during the continuous
22 recodification, other than punctuation and capitalization,
23 to clearly indicate the character of each change made since
24 the first publication of the Montana Code Annotated.

25 Section 11. Effect of Montana Code Annotated. (1)

1 The Montana Code Annotated shall be enacted as a repeal and
2 a reenactment of the Revised Codes of Montana, 1947, and the
3 supplements thereto.

4 (2) The enactment of the Montana Code Annotated shall:

5 (a) repeal all statutes and parts of statutes of a
6 general and permanent nature not contained in the Montana
7 Code Annotated;

8 (b) not revive a law repealed or superseded before the
9 effective date of Montana Code Annotated;

10 (c) not affect an act done, right accrued, or
11 obligation incurred or imposed by law prior to the effective
12 date of Montana Code Annotated;

13 (d) not affect any action, suit, or proceeding pending
14 on such effective date.

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

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

23 (5) Annotations, code commissioner notes, and other
24 editorial material to the Montana Code Annotated may not be
25 construed to form a part of the legislative text but to be

1 only for the purpose of convenience, orderly arrangement,
2 and information.

3 Section 12. Publications. (1) The code commission
4 with the advice of the code commissioner, the legislative
5 council, and the supreme court shall decide on the quantity,
6 quality, style, format, and grade of all publications prior
7 to having the department of administration contract for
8 their publication.

9 (2) The methods of sale to the public of the Montana
10 Code Annotated, and supplements or other subsequent and
11 ancillary publications thereto, may be included as an
12 alternative specification and bid, and as a part of a
13 contract to be let by bids by the department of
14 administration.

15 (3) The sales price to the public shall be fixed by
16 the commission but shall not exceed the cost price plus
17 twenty percent (20%). All revenues generated from the sale
18 to the public of the Montana Code Annotated shall be
19 remitted to the state treasurer for the purpose of
20 reimbursing the general fund for appropriations made for the
21 use of the office and facilities of the legislative council
22 under this act.

23 (4) Sets of the Montana Code Annotated purchased by
24 the state and its political subdivisions shall be for the
25 cost price of the sets.

1 Section 13. The Montana Code Annotated, supplements,
2 or other publications ancillary thereto, as published, shall
3 be the sole property of the state of Montana and shall be
4 copyrighted for and in behalf of the state of Montana by the
5 secretary of state.

6 Section 14. (1) Upon completion of the printing and
7 binding of the Montana Code Annotated the code commissioner
8 shall deposit a complete set WITH THE SECRETARY OF STATE,
9 along with a certification that the set comprises the
10 Montana Code Annotated as authorized by this act, and
11 enacted by the legislature.

12 (2) Within ten (10) days after that deposit, the
13 secretary of state shall publish a notice thereof once in a
14 newspaper of general circulation in each judicial district
15 within the state specifying in the notice the date on which
16 the Montana Code Annotated becomes effective.

17 (3) The secretary of state or the code commissioner
18 may further publicize the effective date of the Montana Code
19 Annotated to the extent considered necessary or desirable by
20 the commission.

21 Section 15. Format as approved by commission. (1)
22 The publication of updates to the Montana Code Annotated may
23 be as a cumulative supplement, replacement volume, or in any
24 other format approved by the commission.

25 (2) The supplements or replacements shall be certified

1 and reported to the legislature by the commission, approved,
2 and enacted by the legislature as the official laws of
3 Montana, published, copyrighted, and deposited with the
4 secretary of state and shall be referred to as the Montana
5 Code Annotated. The supplements and replacements shall
6 become effective on the date deposited with and certified to
7 the secretary of state.

8 (3) The commission may issue such supplementary and
9 ancillary publications as it considers necessary or
10 desirable in aid of the general use and purposes of the
11 Montana Code Annotated and the supplements or replacements
12 thereto.

13 SECTION 16. REPEALER. SECTIONS 12-301 THROUGH 12-329,
14 12-331, 12-332, AND 12-332.1 ARE REPEALED.

-End-

THIRD READING

MISSING

SENATE COMMITTEE ON JUDICIARY

AMENDMENTS TO HOUSE BILL NO. 183

That House Bill No. 183, third reading, be amended as follows:

1. Amend title, line 14.
Following: "CREATING"
Strike: "A MONTANA"
Insert: "the office of"
2. Amend title, line 14.
Following: line 14
Strike: "COMMISSION"
Insert: "Commissioner"
3. Amend title, line 18.
Following: "1947"
Insert: ", and providing an effective date"
4. Amend page 1, section 1, lines 22 through 23.
Following: line 21
Strike: lines 22 through 23 in their entirety
Re-number: All subsequent subsections
5. Amend page 2, section 2, lines 11 through line 25 on page 3.
Following: line 10
Strike: Sections 2 through 6 in their entirety
Insert: "Section 2. Code commissioner office created. There is created within the legal services division of the legislative council the office of code commissioner."
Re-number: subsequent section
6. Amend page 4, section 8, lines 6 through 21.
Following: line 5
Strike: Section 8 in its entirety
Re-number: All subsequent sections
7. Amend page 4, section 10, line 25.
Following: "of the"
Strike: "commission"
Insert: "legislative council"
8. Amend page 5, section 10, line 6.
Following: line 6
Strike: "commission"
Insert: "commissioner"
9. Amend page 5, section 10, line 7.
Following: line 7
Strike: "Commission"
Insert: "Commissioner"

10. Amend page 7, section 10, line 13.
Following: line 13
Insert: "(a) annotate, arrange, assign catchlines and code section numbers to and prepare for publication all laws of a general and permanent nature enacted at each legislative session;"
Reletter: All subsequent subsections
11. Amend page 7, section 10, line 20.
Following: "Code"
Strike: "Commission"
Insert: "Commissioner"
12. Amend page 7, section 10, line 24.
Following: "Annotated"
Strike: "."
Insert: "; (7) from time to time confer with members of the judiciary and the state bar relative to recodification procedures."
13. Amend page 9, section 12, lines 3 and 4.
Following: "The"
Strike: "code commission with the advice of the code commissioner the"
14. Amend page 9, section 12, line 5.
Following: "council"
Strike: ", and the supreme court"
Insert: "with the advice of the code commissioner"
15. Amend page 9, section 12, line 16.
Following: "the"
Strike: "commission"
Insert: "legislative council"
16. Amend page 10, section 14, line 20.
Following: "the"
Strike: "commission"
Insert: "commissioner"
17. Amend page 10, section 15, line 21.
Following: "by"
Strike: "commission"
Insert: "legislative council"
18. Amend page 10, section 15, line 24.
Following: "the"
Strike: "commission"
Insert: "legislative council"

19. Amend page 11, section 15, line 1.
Following: "by the"
Strike: "commission"
Insert: "legislative council"
20. Amend page 11, section 15, line 8.
Following: "The"
Strike: "commission"
Insert: "legislative council"
21. Amend page 11, section 16, line 14.
Following: line 14
Insert: "Section 16. Effective date. This act is effective
on passage and approval."

HOUSE BILL NO. 183

INTRODUCED BY JAMES MOORE, MCKITTRICK, DRISCOLL, BARRETT,
 PALMER, LOCKREM, MAPKS, KIMBLE, YARDLEY, O'CONNELL, GERKE,
 SCULLY, BRADLEY, JACOBSEN, HUENNEKENS, QUILICI, R. BAETH,
 KUMMERFELDT, CONROY, MANUEL, CASEY, TEAGUE, LYNCH, MELOY,
 GWYNN, SLOAN, HAGEMAN, RASMUSSEN, MAGONE, HARPER, DAY,
 MULAR, KROPP, BRAND, UNDERDAL, MURPHY, GILLIGAN, HUBING,
 JACK MOORE, JOHNSTON, C. R. ANDERSON, VINCENT, FINLEY,
 STOLTZ, LUEBECK, HALVORSON, SCHYE, DASSINGER, LUND,
 FISHBAUGH, FLEMING, RICHARDS, KENDALL, SIVERTSEN,
 KELLY, WOOD, WOLFE, SHELDEN, KVAALEN,
 J. H. ANDERSON, GUTHRIE, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING ~~A-MONTANA~~ THE
OFFICE OF CODE COMMISSIONER TO SUPERVISE THE
 RECODIFICATION OF THE REVISED CODES OF MONTANA 1947, TO
 PROVIDE FOR RECODIFICATION ON A CONTINUING BASIS; REPEALING
 SECTIONS 12-301 THROUGH 12-329, 12-331, 12-332, AND
 12-332.1, R.C.M. 1947, AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Definitions. As used in this act:

~~{1}--"Commission" means the Montana code commission
 created in section 2 of this act.~~

~~{2}{1}~~ "Codes" means the Revised Codes of Montana,

1947, the pocket supplements thereto, and the replacement
 volumes.

~~{3}~~ {2} "Recodify" means to compile, arrange,
 rearrange, and prepare for publication. It includes without
 changing the meaning, effect, or intent of any law:

(a) adopting a uniform system of punctuation,
 capitalization, and numbering;

(b) substituting the appropriate code section
 reference for reference to a section of an "act";

(c) substituting calendar date for "effective date";

(d) creating new titles, chapters, sections, or other
 divisions of the code.

~~Section 2--Montana code commission--There is created
 within the legislative branch a Montana code commission
 consisting of seven {7} members as follows:~~

~~{1}--a member of the Montana house of representatives
 who is not licensed to practice law appointed by the speaker
 of the house;~~

~~{2}--a member of the Montana senate who is not licensed
 to practice law appointed by the president of the senate;~~

~~{3}--an attorney or judge licensed to practice law in
 Montana appointed by the supreme court;~~

~~{4}--three {3} graduates of accredited law schools or
 attorneys licensed to practice law in Montana, one each to
 be appointed by THE MONTANA ATTORNEY GENERAL AND TWO TO BE~~

1 APPOINTED BY THE GOVERNOR, ONE OF WHOM MUST BE SELECTED FROM
2 A LIST SUBMITTED BY THE MONTANA BAR ASSOCIATION,

3 (a) the governor, which appointee shall be temporary
4 chairman of the commission;

5 (b) the Montana attorney general;

6 (c) the president of the Montana state bar;

7 (5) a member of the faculty of the school of law at
8 the university of Montana appointed by the dean of the law
9 school;

10 Section 3. Commission members' terms. Each appointive
11 member shall serve at the pleasure of the appointing power
12 until a successor is appointed.

13 Section 4. Commission compensation. Each member is
14 entitled to the same per diem and mileage for attendance at
15 meetings of the commission as that allowed public employees
16 by law.

17 Section 5. Commission meetings. The commission shall
18 meet upon call of the code commissioner or of the commission
19 chairman, or upon request of any three (3) members of the
20 commission.

21 Section 6. Appointment of code commissioner. The
22 commission shall meet within sixty (60) days following the
23 effective date of this act and elect a permanent chairman
24 appoint a code commissioner to direct recodification of all
25 the laws of a general and permanent nature enacted by the

1 Montana legislature, and set his salary not to exceed the
2 salary of a district court judge.

3 SECTION 2. CODE COMMISSIONER OFFICE CREATED. THERE IS
4 CREATED WITHIN THE LEGAL SERVICES DIVISION OF THE
5 LEGISLATIVE COUNCIL THE OFFICE OF CODE COMMISSIONER.

6 Section 3. Code commissioner qualifications. To be
7 eligible to be code commissioner a person must be licensed
8 to practice law in Montana for at least five (5) years and
9 demonstrate a knowledge of code arranging and recodification
10 procedures.

11 Section 8. Allocation of code commissioner office.
12 (1) The legislative council shall furnish office space and
13 equipment, INCLUDING AUTOMATED DATA PROCESSING INFORMATION,
14 EQUIPMENT AND OTHER SERVICES, for the use of the code
15 commissioner and his staff.

16 (2) The code commissioner is entitled, and is expected
17 to use the automated data processing information and
18 equipment and other services of the legislative council.

19 (3) (2) The BUDGET OF THE code commissioner shall
20 submit his budgetary requests as approved by the commission,
21 BE SUBMITTED to the legislative council for inclusion in
22 LEGISLATURE WITH the legislative council budget.

23 (4) (3) Subject to the approval of the commission,
24 the code commissioner may employ or engage, and fix the
25 salaries of such personnel as may be necessary to

1 ~~accomplish-the-purpose-of-this-act~~

2 Section 4. Name of recodification. The recodification
3 shall be known as the "Montana Code Annotated".

4 Section 5. Code commissioner duties. Subject to the
5 general supervision and policy of the ~~commission~~ LEGISLATIVE
6 COUNCIL the code commissioner shall:

7 (1) prior to January 1, ~~1978~~ 1979, recodify all the
8 laws of a general and permanent nature appearing in the
9 codes and session laws and prepare the same for publication;

10 (2) prior to January 1, ~~1978~~ 1979, prepare and submit
11 to the legislature a report which is certified by the
12 ~~commission~~ COMMISSIONER as the "Official Report of the
13 Montana Code ~~Commission~~ COMMISSIONER" together with a bill
14 enacting the Montana Code Annotated. A copy of the report
15 and bill shall be deposited with the secretary of state.
16 The report shall EXPLAIN AND indicate in tabular or other
17 form, all changes made during recodification, other than
18 punctuation and capitalization, to clearly indicate the
19 character of each change;

20 (3) prior to November 1, 1976, and prior to November 1
21 of each year thereafter, prepare and submit to the
22 legislative council a report, in tabular or other form,
23 indicating the commissioner's recommendations for
24 legislation which will:

25 (a) eliminate archaic or outdated laws;

1 (b) eliminate obsolete or redundant wording of laws;

2 (c) eliminate any duplications in law and any laws
3 repealed directly or by implication;

4 (d) clarify existing laws;

5 (e) correct errors and inconsistencies within the
6 laws;

7 (f) correct inaccurate references to titles of
8 officers or agencies or to other statutes as may be
9 necessary to obtain consistency with current law;

10 ~~{4}--after-each--legislative--session--convening--after~~
11 ~~1975--annotate,--arrange,--assign--catchlines--and--code--section~~
12 ~~numbers--to--and--prepare--for--publication--all--laws--of--a--general~~
13 ~~and--permanent--nature--enacted--at--that--session;~~

14 ~~{5}--(4)~~ cause to be prepared for inclusion, at the
15 end of each section of the statutes, the following material:

16 (a) reference to the statutory history of the section;

17 (b) annotations of state and federal court decisions
18 relating to the subject matter of the section; and

19 (c) such editorial notes, cross references, and other
20 matter as the commissioner considers desirable or
21 advantageous;

22 ~~{6}--(5)~~ cause to be prepared for publication with the
23 Montana Codes Annotated:

24 (a) Magna Charta;

25 (b) Declaration of Independence;

1 (c) Constitution of the United States of America and
 2 amendments thereto;

3 (d) Acts of Congress relating to the authentication of
 4 laws and records;

5 (e) Organic Act of the Territory of Montana;

6 (f) The Enabling Act;

7 (g) The 1889 and 1972 constitutions of the state of
 8 Montana and any amendments thereto;

9 (h) Ordinances relating to federal relations and
 10 elections;

11 (i) Rules of civil, criminal, appellate procedure and
 12 such other rules of procedure as the Montana supreme court
 13 may adopt; and

14 (j) A complete subject index, popular name index,
 15 comparative disposition tables or cross reference indices
 16 relating sections of the Montana Code Annotated to prior
 17 compilations and session laws.

18 ~~(7)~~--(6) After publication of the Montana Code
 19 Annotated:

20 (A) ANNOTATE, ARRANGE, ASSIGN CATCHLINES AND CODE
 21 SECTION NUMBERS TO AND PREPARE FOR PUBLICATION ALL LAWS OF A
 22 GENERAL AND PERMANENT NATURE ENACTED AT EACH LEGISLATIVE
 23 SESSION;

24 ~~(a)~~(B) continue to codify, index, arrange, rearrange
 25 divisions and generally update the Montana Code Annotated to

1 maintain an orderly and logical arrangement of the laws in
 2 order to avoid future need for bulk revision;

3 ~~(b)~~(C) prepare and submit to each legislature a report
 4 which is certified as the "Official Report of the Montana
 5 Code ~~Commission~~ COMMISSIONER -- (year)" which indicates in
 6 tabular or other forms all changes made during the
 7 continuous recodification, other than punctuation and
 8 capitalization, to clearly indicate the character of each
 9 change made since the first publication of the Montana Code
 10 Annotated;

11 (7) FROM TIME TO TIME CONFER WITH MEMBERS OF THE
 12 JUDICIARY AND THE STATE BAR RELATIVE TO RECODIFICATION
 13 PROCEDURES.

14 Section 6. Effect of Montana Code Annotated. (1) The
 15 Montana Code Annotated shall be enacted as a repeal and a
 16 reenactment of the Revised Codes of Montana, 1947, and the
 17 supplements thereto.

18 (2) The enactment of the Montana Code Annotated shall:

19 (a) repeal all statutes and parts of statutes of a
 20 general and permanent nature not contained in the Montana
 21 Code Annotated;

22 (b) not revive a law repealed or superseded before the
 23 effective date of Montana Code Annotated;

24 (c) not affect an act done, right accrued, or
 25 obligation incurred or imposed by law prior to the effective

1 date of Montana Code Annotated;

2 (d) not affect any action, suit, or proceeding pending
3 on such effective date.

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

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

12 (5) Annotations, code commissioner notes, and other
13 editorial material to the Montana Code Annotated may not be
14 construed to form a part of the legislative text but to be
15 only for the purpose of convenience, orderly arrangement,
16 and information.

17 Section 7. Publications. (1) The ~~code--commissioner~~
18 ~~with-the-advice-of-the-code--commissioner,--the~~ legislative
19 ~~council,--and--the-supreme-court~~ WITH THE ADVICE OF THE CODE
20 COMMISSIONER shall decide on the quantity, quality, style,
21 format, and grade of all publications prior to having the
22 department of administration contract for their publication.

23 (2) The methods of sale to the public of the Montana
24 Code Annotated, and supplements or other subsequent and
25 ancillary publications thereto, may be included as an

1 alternative specification and bid, and as a part of a
2 contract to be let by bids by the department of
3 administration.

4 (3) The sales price to the public shall be fixed by
5 the ~~commissioner~~ LEGISLATIVE COUNCIL but shall not exceed the
6 cost price plus twenty percent (20%). All revenues
7 generated from the sale to the public of the Montana Code
8 Annotated shall be remitted to the state treasurer for the
9 purpose of reimbursing the general fund for appropriations
10 made for the use of the office and facilities of the
11 legislative council under this act.

12 (4) Sets of the Montana Code Annotated purchased by
13 the state and its political subdivisions shall be for the
14 cost price of the sets.

15 Section 8. The Montana Code Annotated, supplements, or
16 other publications ancillary thereto, as published, shall be
17 the sole property of the state of Montana and shall be
18 copyrighted for and in behalf of the state of Montana by the
19 secretary of state.

20 Section 9. (1) Upon completion of the printing and
21 binding of the Montana Code Annotated the code commissioner
22 shall deposit a complete set WITH THE SECRETARY OF STATE,
23 along with a certification that the set comprises the
24 Montana Code Annotated as authorized by this act, and
25 enacted by the legislature.

1 (2) Within ten (10) days after that deposit, the
2 secretary of state shall publish a notice thereof once in a
3 newspaper of general circulation in each judicial district
4 within the state specifying in the notice the date on which
5 the Montana Code Annotated becomes effective.

6 (3) The secretary of state or the code commissioner
7 may further publicize the effective date of the Montana Code
8 Annotated to the extent considered necessary or desirable by
9 the ~~commission~~ COMMISSIONER.

10 Section 10. Format as approved by ~~commission~~
11 LEGISLATIVE COUNCIL. (1) The publication of updates to the
12 Montana Code Annotated may be as a cumulative supplement,
13 replacement volume, or in any other format approved by the
14 ~~commission~~ LEGISLATIVE COUNCIL.

15 (2) The supplements or replacements shall be certified
16 and reported to the legislature by the ~~commission~~
17 LEGISLATIVE COUNCIL, approved, and enacted by the
18 legislature as the official laws of Montana, published,
19 copyrighted, and deposited with the secretary of state and
20 shall be referred to as the Montana Code Annotated. The
21 supplements and replacements shall become effective on the
22 date deposited with and certified to the secretary of state.

23 (3) The ~~commission~~ LEGISLATIVE COUNCIL may issue such
24 supplementary and ancillary publications as it considers
25 necessary or desirable in aid of the general use and

1 purposes of the Montana Code Annotated and the supplements
2 or replacements thereto.

3 SECTION 11. REPEALER. SECTIONS 12-301 THROUGH 12-329,
4 12-331, 12-332, AND 12-332.1 ARE REPEALED.

5 SECTION 12. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
6 PASSAGE AND APPROVAL.

-End-