

1 House BILL NO. 407
 2 INTRODUCED BY B. D. ...

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 APPOINTMENT, DUTIES, AND POWERS OF A CODE COMMISSIONER TO
 6 RECOMPILE THE LAWS OF MONTANA; REPEALING SECTION 12-332.1,
 7 R.C.M. 1947."
 8

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

10 Section 1. Definitions. As used in this act: (1)
 11 "Council" means the legislative council.

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

14 (3) "Recompile" means to compile, arrange, rearrange,
 15 and prepare for publication and includes those functions set
 16 forth in section 6 of this act.

17 Section 2. Appointment of code commissioner. The
 18 council shall appoint and set the salary of a code
 19 commissioner.

20 Section 3. Qualifications. To be eligible to be code
 21 commissioner a person must be licensed to practice law in
 22 Montana and demonstrate a knowledge of code arranging and
 23 recompilement procedures.

24 Section 4. Staff. With the approval of the council
 25 the code commissioner may hire sufficient staff and set

1 staff salaries.

2 Section 5. Advisory committee. Members of the Montana
 3 supreme court and six (6) representatives of the state bar,
 4 appointed by the president, shall constitute an advisory
 5 committee to meet with the code commissioner and the
 6 council.

7 Section 6. Recompilation. (1) Subject to the general
 8 supervision and policy of the council and advice of the
 9 advisory committee, the code commissioner shall recompile
 10 all the laws of a general and permanent nature appearing in
 11 the codes and session laws and prepare the same for
 12 publication.

13 (2) The code commissioner may edit, consolidate, and
 14 rearrange the laws without changing the meaning of any law,
 15 in the following respects: (a) Make capitalization,
 16 punctuation, and numbering uniform.

17 (b) Substitute for the term "this act" the term
 18 "section", "chapter", "title", "code", etc. as the case may
 19 require.

20 (c) Substitute for reference to a section of an "act"
 21 the proper code section number.

22 (d) Insert proper code section number references
 23 wherever needed.

24 (e) Substitute the calendar date when needed for
 25 phrases such as "after the effective date of this act".

1 (f) Divide and rearrange present divisions of the law
2 and assign numbers to said divisions.

3 (g) Incorporate any statutory material which has been
4 erroneously omitted from the codes.

5 (h) Correct manifest errors in spelling or manifest
6 clerical or typographical errors.

7 (i) Correct all errors in references to other code
8 sections or other laws.

9 (j) Write new or altered captions for code sections
10 when necessary.

11 (k) Assign numbers to divisions of the law and
12 designate them as sections, chapters, titles, or other terms
13 of similar meaning.

14 (l) Make composite sections when several laws amended
15 one code section.

16 (m) Eliminate duplications and laws repealed directly
17 or by implication.

18 (n) Correct inaccurate references to names of officers
19 or agencies or to other statutes to accurately reflect
20 current law.

21 (3) Unless necessary to preserve the full intent of
22 the law, the code commissioner may omit from the
23 recompilation but may annotate, the following:

24 (a) titles of acts,

25 (b) enacting and repealing clauses,

1 (c) preambles,

2 (d) effective dates,

3 (e) severability clauses,

4 (f) temporary appropriation measures,

5 (g) curative, validating, and legalizing acts,

6 (h) introductory clauses to amendatory sections,

7 (i) saving clauses,

8 (j) any other part of a law not considered to be of a
9 permanent or general nature.

10 Section 7. Name of recompilation. The recompilation
11 shall be known as the "Montana Codes Annotated".

12 Section 8. Report of code commissioner. The code
13 commissioner shall prepare and submit to the legislature a
14 report which is certified as the "official report of the
15 code commissioner" together with a bill enacting the Montana
16 Codes Annotated. A copy of the report and bill shall be
17 deposited with the secretary of state. The report shall
18 indicate in tabular or other form, all changes made during
19 recompilation, other than punctuation and capitalization, to
20 clearly indicate the character of and reason for each
21 change.

22 Section 9. Content of Montana Codes Annotated.

23 (1) The code commissioner shall prepare for publication
24 with the Montana Codes Annotated:

25 (a) Magna Charta;

- 1 (b) Declaration of Independence;
- 2 (c) Constitution of the United States of America and
3 amendments thereto;
- 4 (d) Acts of congress relating to the authentication of
5 laws and records;
- 6 (e) Organic Act of the Territory of Montana;
- 7 (f) The Enabling Act;
- 8 (g) The 1972 constitution of the state of Montana and
9 any amendments thereto;
- 10 (h) Ordinances relating to federal relations and
11 elections;
- 12 (i) Rules of civil, criminal, appellate procedure and
13 such other rules of procedure as the Montana supreme court
14 may adopt; and
- 15 (j) A complete subject index, popular name index,
16 comparative disposition tables or cross reference indices
17 relating sections of the Montana Codes Annotated to prior
18 compilations and session laws.
- 19 (2) The code commissioner shall include in the Montana
20 Codes Annotated:
- 21 (a) Reference to the statutory history of each
22 section;
- 23 (b) Annotations of state and federal court decisions
24 relating to the subject matter of the section;
- 25 (c) Such other editorial notes or references as the

- 1 council and advisory committee considers desirable or
2 advantageous, such as references to:
- 3 (i) Articles in the Montana Law Review.
- 4 (ii) American Jurisprudence and Corpus Juris Secundum.
- 5 (iii) Cases in American Law Reports bearing on Montana
6 law.
- 7 (iv) Laws of other states after which Montana law has
8 been modeled.
- 9 (v) Key numbers to West Digest System.
- 10 (vi) Montana Administrative Code.
- 11 Section 10. Effect of Montana Codes Annotated.
- 12 (1) The Montana Codes Annotated shall be enacted as a
13 repeal and a reenactment of the Revised Codes of Montana,
14 1947, and the supplements thereto.
- 15 (2) The Montana Codes Annotated shall be given effect
16 as a continuation of the Revised Codes of Montana, 1947, and
17 not as a new enactment.
- 18 Section 11. Publication. (1) With the advice of the
19 council and the advisory committee, the code commissioner
20 shall decide on the quantity, quality, style, format, and
21 grade of all publications prior to having the department of
22 administration contract for their publication.
- 23 (2) The method and terms of sale to the public of the
24 Montana Codes Annotated and supplements or other subsequent
25 and 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 the department of administration.

3 (3) Under any contract method of disposition to the
4 public, the sales price to the public shall be fixed by the
5 council. Sets purchased for the use of the state shall be
6 for the cost price per set as determined by the council.

7 Section 12. Copyright. The Montana Codes Annotated,
8 supplements or other publications ancillary thereto, as
9 published, shall be the sole property of the state of
10 Montana and shall be copyrighted for the state by the
11 secretary of state.

12 Section 13. Official adoption. (1) Upon completion of
13 the printing and binding of the Montana Codes Annotated the
14 code commissioner shall deposit a complete set with the
15 secretary of state, along with a certification that the set
16 comprises the Montana Codes Annotated as authorized by this
17 act and enacted by the legislature.

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

23 (3) The secretary of state or the code commissioner
24 may further publicize the effective date of the Montana
25 Codes Annotated to the extent considered necessary or

1 desirable by the council.

2 Section 14. Section 12-332.1, R.C.M. 1947, is
3 repealed.

4 Section 15. This act is effective on passage and
5 approval.

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