

1 Senate BILL NO. 219  
 2 INTRODUCED BY Fasbender Norman

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 5 CREATION AND DUTIES OF THE OFFICE OF CODE REVISOR WITHIN THE  
 6 LEGISLATIVE COUNCIL, REPEALING SECTION 12-332.1, R.C.M.  
 7 1947."

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

10 Section 1. Definitions. As used in this act:

11 (1) "Code" or "codes" means the Revised Codes of Montana,  
 12 1947, the pocket supplements thereto, the replacement  
 13 volumes and any future recompilation or republication  
 14 thereof.

15 (2) "Codify" means to systematically index, number, and  
 16 arrange into titles, chapters, sections, and subsections the  
 17 laws of Montana as enacted at each legislative session.

18 Section 2. Code revisor office created. There is  
 19 created within the legal services division of the  
 20 legislative council the office of code revisor.

21 Section 3. Code revisor to codify laws. (1) At the  
 22 end of each legislative session the code revisor shall  
 23 annotate, codify, and prepare for publication the permanent  
 24 and general laws enacted during that session.

25 (2) In preparing the codification the code revisor may

1 not alter the meaning or effect of any act of the  
 2 legislature but may:

3 (a) assign numbers and captions to code sections;  
 4 (b) correct faulty internal references to code  
 5 sections;

6 (c) make a composite section when several acts amend  
 7 one code section;

8 (d) substitute a specific code section number for terms  
 9 referring to a "section of this act", "the preceding  
 10 section", or like terms;

11 (e) change punctuation, capitalization, and numbering  
 12 for the purpose of uniformity;

13 (f) correct manifest clerical or typographical errors;  
 14 or

15 (g) correct inaccurate references to names of officers  
 16 or agencies or to other statutes to accurately reflect  
 17 current law;

18 (3) (a) With the advice of the legislative council the  
 19 code revisor shall decide on the quantity, quality, style,  
 20 format, and grade of the codification to be published prior  
 21 to having the department of administration contract for the  
 22 publication.

23 (b) The method and terms of sale of the codification to  
 24 the public may be included as an alternative specification  
 25 and bid, and as a part of a contract to be let by the

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1 department of administration.

2 (4) The codification may be published as a cumulative  
3 pocket supplement, as a replacement volume or in any other  
4 format approved by the legislative council.

5 (5) Following publication the codification shall be  
6 certified and submitted to the legislature for approval and  
7 declaration as the official laws of Montana.

8 (6) The codification as published shall be the sole  
9 property of the state of Montana and shall be copyrighted  
10 for the state by the secretary of state.

11 (7) Upon completion of the printing and binding of the  
12 codification and approval by the legislature the code  
13 revisor shall deposit one set with the secretary of state,  
14 along with a certification that the work comprises the  
15 official laws of Montana as approved and so declared by the  
16 legislature. The codification shall become official on the  
17 date deposited with and certified to the secretary of state  
18 and thereafter shall have the same force and effect as the  
19 session laws of Montana.

20 Section 4. Material not to be included in codes. The  
21 code revisor may omit the following from the codification  
22 but shall refer to the same by annotation:

- 23 (1) titles of acts;  
24 (2) enacting and repealing clauses;  
25 (3) preambles;

- 1 (4) effective dates;  
2 (5) severability clauses;  
3 (6) temporary appropriation measures;  
4 (7) curative, validating, and legalizing acts;  
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6 (9) saving clauses;  
7 (10) any law or part of a law not considered to be of a  
8 permanent or general nature.

9 Section 5. Mandatory material. The code revisor shall  
10 include in the codification:

- 11 (1) a complete subject index;  
12 (2) comparative disposition tables or cross reference  
13 indices relating sections of the code to the session laws  
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15 (3) reference to the statutory history of each code  
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17 (4) annotations of state and federal court decisions  
18 relating to the code section;  
19 (5) such other editorial notes or references as the  
20 legislative council considers desirable or advantageous such  
21 as references to:  
22 (a) Articles in the Montana Law Review;  
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25 law;

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2 been modeled;

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5 Section 6. Code revisor's bill. (1) With the advice  
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7 necessary submit a code revisor's bill to the legislature  
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19 (2) The code revisor shall prepare a report for  
20 submission with the code revisor's bill explaining the  
21 reasons for, and effect of, the proposed legislation.

22 Section 7. Section 12-332.1, R.C.M. 1947, is repealed.

-End-

## STATE OF MONTANA

REQUEST NO. 95-75

## FISCAL NOTE

Form BD-15

In compliance with a written request received Jan. 27, 19 75, there is hereby submitted a Fiscal Note for Senate Bill 219 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:

Senate Bill 219 provides for the creation and duties of the office of code revisor within the legislative council.

## ASSUMPTIONS:

1. Legislative Council will provide adequate office space, furniture and equipment.
2. One code revision and one attorney salaried at \$25,000 and \$15,000 respectively (plus benefits) will be required.
3. A one-time computer software charge of \$49,350 is assumed.
4. The publication of the codification will involve added costs and possibly revenues. These are not reflected in the following estimates because the bill is not specific enough to quantify the projections.

## FISCAL IMPACT:

	<u>FY 76</u>	<u>FY 77</u>
Effect on Expenditure by category:		
Increase in Personal Services	\$ 45,200	\$45,200
Increase in Operating Expenses	<u>74,350</u>	<u>25,000</u>
Total Increase	\$119,550	\$70,200

## CONCLUSION:

Enactment of Senate Bill 219 will result in additional expenditure during the biennium of approximately \$190,000. The fiscal note written for House Bill 183 provides estimates for similar but more specific measures.

*Michael B. Rollings*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: \_\_\_\_\_

Approved by Committee  
on Judiciary

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