

1 *Senate* BILL NO. *226*
 2 INTRODUCED BY *Turner Roberts Beck*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
 5 POSITION OF CODE COMMISSIONER; TO PROVIDE FOR A RECODIFIED
 6 MONTANA CODE ON A CONTINUING BASIS; AND TO REPEAL SECTIONS
 7 12-301 THROUGH 12-329, 12-331 AND 12-332, R.C.M. 1947."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Short title. This act shall be known and
 11 may be cited as "The Montana Code Act".

12 Section 2. Code commissioner. The position of code
 13 commissioner is established permanently with duties and
 14 responsibilities outlined in this act.

15 Section 3. Duties -- code commissioner. Subject to
 16 such general supervision as may be required by the supreme
 17 court, the code commissioner shall:

18 (1) Edit and codify for consolidation into the codes
 19 of Montana all laws of a general and permanent nature
 20 enacted by the legislature, and assign permanent numbers to
 21 all new titles, chapters, and sections added to the code;
 22 nothing herein shall be construed to allow the code
 23 commissioner to make any substantive changes in the law.

24 (2) Create new code titles, chapters, and sections of
 25 the code of Montana on a continuing basis, or otherwise

1 revise the title, chapter and sectional organization of the
 2 code, all as may be required from time to time, to
 3 effectuate the orderly and logical arrangements of the
 4 statutes. The new titles, chapters, and sections, and the
 5 organizational codification, shall have the same force and
 6 effect as the ninety-five titles originally enacted and
 7 designated as the "Revised Codes of Montana, 1947" pursuant
 8 to the code adoption act enacted as chapter 184, Laws of
 9 1945.

10 (3) Within the period January 1, 1976 to January 1,
 11 1981, recompile and recodify all the laws of the state of
 12 Montana of a permanent and general nature, including the
 13 Revised Codes of Montana, 1947, and the session laws of
 14 every session of the legislature of Montana, including all
 15 initiative measures, and the constitution of the state of
 16 Montana, as each may be in force and effect on March 31,
 17 1975.

18 Section 4. Appointment -- code commissioner. (1) The
 19 code commissioner shall be selected by the supreme court and
 20 confirmed by the senate of the state of Montana, from among
 21 those lawyers admitted to practice before the supreme court
 22 of the state of Montana who are deemed by the supreme court
 23 to be qualified to codify the statutory law of the state of
 24 Montana as enacted by the legislature into a code or
 25 compilation of laws by title, chapter and section, without

1 substantive change or alteration of purpose of intent.

2 (2) The supreme court of Montana shall as soon as
3 practicable after the effective date of this act, appoint an
4 individual to fill the position of code commissioner, and
5 shall from time to time fix his compensation, and may
6 terminate his employment and appoint a new commissioner at
7 any time. The commissioner may employ on behalf of the
8 state and fix the compensation of such additional legal and
9 clerical assistance to the code commissioner as may be
10 reasonably required under this act, subject to the approval
11 of the supreme court.

12 Section 5. Corrective legislation. The commissioner,
13 with the approval of the supreme court shall from time to
14 time make written recommendations to the legislature
15 concerning deficiencies, conflicts, or obsolete provisions
16 in, and need for reorganization or revision of, the
17 statutes, and may prepare for submission to the legislature,
18 legislation for the correction or removal of such
19 deficiencies, conflicts or obsolete provisions, or to
20 otherwise improve the form or substance of any portion of
21 the statute law of this state as the public interest or the
22 administration of any subject may require.

23 Section 6. Secretary of state to furnish publications.
24 The secretary of state shall furnish to the code
25 commissioner for use by the code commissioner and staff,

1 without charge, six (6) sets of the Revised Codes of
2 Montana, 1947, and six (6) sets of all sessions laws of the
3 state of Montana for all sessions beginning with the
4 sessions laws of the state of Montana, twenty-ninth
5 session, 1945, one (1) set of the Montana reports and one
6 (1) set of the Revised Codes 1895, the Revised Codes of
7 1907, the Revised Codes of 1921, and the Revised Codes of
8 1935, and all of the session laws of the state of Montana
9 for sessions prior to the twenty-ninth session, 1945. The
10 department of administration shall furnish the code
11 commissioner with the additional office space and equipment
12 to house the code commissioner and staff. The supreme court
13 shall include all costs and expenses of the code
14 commissioner in its annual budget.

15 Section 7. Printing specifications. The code
16 commissioner with the approval of the supreme court shall
17 from time to time formulate specifications relative to the
18 format, size and style of type, paper stock, number of
19 volumes, method and quality of binding, indexing, and
20 general scope and character of footnotes, and annotations,
21 if any, for any publication for general use of the
22 recodified code and its supplements.

23 Section 8. Publication -- sale -- distribution. The
24 code commissioner, with the approval of the supreme court,
25 shall arrange for the publication, sale and distribution of

1 the code of Montana and supplements or replacement pages and
2 volumes and of such other materials as in their discretion
3 may be incorporated in or appended to the code. They may
4 republish, reprint or authorize the republishing or
5 reprinting of any portion or all of the code at any time the
6 same shall be deemed necessary in their discretion.

7 Section 9. Printing contract. The code commissioner,
8 with the approval of the supreme court, may enter into
9 contracts or otherwise arrange for the publication and/or
10 distribution of a continuing Montana code, as provided for
11 in this act, by any printer upon specifications formulated
12 under the authority of this act, and upon any basis as the
13 commissioner deems to be most expeditious and economical.
14 Any such contract may be upon those terms as the
15 commissioner deems to be advantageous to the state and to
16 potential purchasers of the publication.

17 Section 10. It is the intent of the legislature that
18 if part of this act is invalid, all valid parts that are
19 severable from the invalid part remain in effect. If a part
20 of this act is invalid in one or more of its applications,
21 the part remains in effect in all valid applications that
22 are severable from the invalid applications.

23 Section 11. (1) Sections 12-301 through 12-329,
24 12-331 and 12-332, R.C.M. 1947, are repealed.

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