

1                   HOUSE   BILL NO.  43  
2  INTRODUCED BY  KVAALEN

3  
4  A BILL FOR AN ACT ENTITLED:  "AN ACT FOR THE GENERAL  
5  REVISION AND CLARIFICATION OF THE LAWS RELATING TO THE  
6  LEGISLATURE AND THE LAWS."

7  
8  BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9       Section 1.  Section 12-216, R.C.M. 1947, is amended to  
10  read as follows:

11       "12-216.  Reference to other titles, chapters, or  
12  sections ~~within codes. A title, chapter or~~ statute which  
13  refers to a title, chapter, or section number without  
14  further identification or attribution shall be presumed,  
15  unless the context clearly indicates otherwise, to refer to  
16  a title, chapter, or section of the Revised Codes of  
17  Montana, 1947."

18       Section 2.  Section 12-402, R.C.M. 1947, is amended to  
19  read as follows:

20       "12-402.  Appointments to fill vacancies. ~~Upon the~~  
21  ~~death, resignation, failure or refusal to serve of any~~  
22  ~~appointed commissioner~~ If an appointed commissioner dies,  
23  resigns, or fails or refuses to serve, his office becomes  
24  vacant, ~~and the~~ The governor shall ~~make an appointment~~  
25  appoint a qualified person to fill the vacancy, ~~such~~

1  ~~appointment to be~~ for the unexpired term ~~of the former~~  
2  ~~appointee."~~

3       Section 3.  Section 19-103, R.C.M. 1947, is amended to  
4  read as follows:

5       "19-103.  ~~Certain words defined~~ General definitional  
6  rules — definitions of certain words. ~~The following words~~  
7  ~~when used in the Revised Codes of Montana of 1947, or in any~~  
8  ~~act amendatory of or supplemental to said codes, shall have~~  
9  ~~the following meanings and interpretations unless otherwise~~  
10 ~~apparent from the context.~~ The following rules apply in this  
11 code; the the present tense includes the future as well as  
12 the present; words used in the masculine gender include the  
13 feminine and neuter; the singular ~~number~~ includes the plural  
14 and the plural, the singular; fractions of a year are  
15 computed by the number of months; thus, half a year is 6  
16 months; fractions of a day are disregarded in computations  
17 which include more than 1 day and involve no questions of  
18 priority. ~~the word person includes a corporation as well as~~  
19 ~~a natural person; writing includes printing; oath includes~~  
20 ~~affirmation or declaration, and every mode of oral statement~~  
21 ~~under oath or affirmation is embraced in the term "testify,"~~  
22 ~~and every written one in the term "depose"; signature or~~  
23 ~~subscription includes mark when the person cannot write, his~~  
24 ~~name being written near it, and written by a person who~~  
25 ~~writes his own name as a witness.~~ The following words also

1 ~~have the signification attached to them in this section,~~  
 2 ~~unless otherwise apparent from~~ Unless the context, requires  
 3 otherwise, the following definitions apply in the Revised  
 4 Codes of Montana 1947:

5 1. (1) ~~The word "property"~~ "Property" means includes  
 6 property real and personal property.

7 2. (2) ~~The words "real Real property" are co-extensive~~  
 8 ~~with~~ means lands, tenements, hereditaments, and possessory  
 9 title to public lands.

10 3. (3) ~~The words "personal Personal property" include~~  
 11 means money, goods, chattels, things in action, and evidences  
 12 evidences of debt.

13 4. (4) ~~The word "year, Year"~~ means a calendar year.

14 (5) ~~and a "month, Month"~~ means a calendar month,  
 15 ~~unless otherwise expressed. Fractions of a year are to be~~  
 16 ~~computed by the number of months, thus, half a year is six~~  
 17 ~~(6) months. Fractions of a day are to be disregarded in~~  
 18 ~~computations which include more than one (1) day and involve~~  
 19 ~~no questions of priority.~~

20 5. (6) ~~The word "State,"~~ when applied to the different  
 21 parts of the United States, includes the District of  
 22 Columbia and the territories.

23 (7) ~~and the words "United States" say include~~ includes  
 24 ~~the district~~ District of Columbia and the territories.

25 6. (8) ~~The word "will Will"~~ includes codicils.

1 7. (9) ~~The word "writ Writ"~~ signifies means an order or  
 2 precept in writing, issued in the name of the state, or of a  
 3 court or judicial officer.

4 (10) ~~and the word "process, Process"~~ means a writ or  
 5 summons issued in the course of judicial proceedings.

6 8. (11) ~~The word "vessel Vessel"~~ when used in reference  
 7 to shipping, includes ships of all kinds, steamboats and  
 8 steamships, canal boats, and every structure adapted to be  
 9 navigated from place to place.

10 9. (12) ~~The term "peace Peace officer" signifies~~ means  
 11 any of the officers mentioned person described in sections  
 12 94-4906 95-210.

13 10. (13) ~~The term "magistrate Magistrate"~~ signifies  
 14 means any one of the officers mentioned officer described in  
 15 section 94-4905 95-208.

16 11. (14) ~~The word "several Several"~~ means two (2) or  
 17 more.

18 12. (15) ~~The words "third Third persons" include~~ means  
 19 all persons who are not parties to the obligation or  
 20 transaction concerning which the phrase is used.

21 13. (16) ~~"Usage,"~~ is means a reasonable and lawful  
 22 public custom concerning transactions of the same nature as  
 23 those which are to be affected thereby, existing at the  
 24 place where the obligation is to be performed, and either  
 25 known to the parties or so well established, general, and

1 uniform, that ~~they~~ the parties must be presumed to have  
2 acted with reference thereto.

3 ~~14. (17) The words "usual Usual" and "customary" mean~~  
4 means "according to usage."

5 (18) "Customary" means according to usage.

6 ~~15. (19) The word "willfully Willfully", when applied to~~  
7 the intent with which an act is done or omitted, implies  
8 simply denotes a purpose or willingness to commit the act,  
9 or make the omission referred to. It does not require any  
10 intent to violate the law, ~~or~~ to injure another, or to  
11 acquire any advantage.

12 ~~16. (20) The words "neglect, Neglect", "negligence",~~  
13 "negligent", and "negligently import denote a want of ~~such~~  
14 the attention to the nature or probable consequences of the  
15 act or omission ~~as~~ that a prudent man would ordinarily  
16 ~~bestows give~~ in acting in his own concerns.

17 ~~17. (21) The word "corruptly Corruptly" imports denotes~~  
18 a wrongful design to acquire or cause some pecuniary or  
19 other advantage to the person guilty of the act or omission  
20 referred to, or to some other person.

21 ~~18. (22) The words "malice Malice" and "maliciously"~~  
22 import denote a wish to vex, annoy, or injure another  
23 person, or an intent to do a wrongful act, established  
24 either by proof or presumption of law.

25 ~~19. (23) The word "knowingly Knowingly" imports denotes~~

1 only a knowledge that the facts exist which bring the act or  
2 omission within the provisions of this code. It does not  
3 require any knowledge of the unlawfulness of ~~such~~ the act or  
4 omission.

5 ~~20. (24) The word "bribe Bribe" signifies means~~ anything  
6 of value or advantage, present or prospective, or any  
7 promise or undertaking to give ~~any~~ anything of value or  
8 advantage, which is asked, given, or accepted, with a  
9 corrupt intent to unlawfully influence, ~~unlawfully,~~ the  
10 person to whom it is given, in his action, vote, or opinion,  
11 in any public or official capacity.

12 ~~21. (25) The word "Seal", when~~ the seal of a court or public  
13 officer is required by law to be affixed to any paper, the  
14 ~~word "seal" includes an impression of such~~ the seal upon the  
15 paper alone, or upon any substance attached to the paper  
16 capable of receiving a visible impression. The seal of a  
17 private person may be made in like manner, ~~or~~ by the scroll  
18 of a pen, or by writing the word "seal" against his name.

19 ~~22. (26) "Pledge", "mortgage", "conditional sale",~~  
20 "lien", "assignment", and like terms, when used in  
21 referring to a security interest in personal property, ~~shall~~  
22 include a corresponding type of security interest under the  
23 Uniform Commercial Code—Secured Transactions.

24 (27) "Person" includes a corporation as well as a  
25 natural person.

1 (28) "Writing" includes printing.

2 (29) "Oath" includes an affirmation or declaration.

3 (30) "Testify" includes every mode of oral statement  
4 under oath or affirmation.

5 (31) "Deposition" means a statement made under oath or  
6 affirmation and reduced to writing.

7 (32) "Signature" or "subscription" includes the mark of  
8 a person who cannot write if the person's name is written  
9 near the mark by another person who also signs his own name  
10 as a witness.

11 (33) "Judicial officer" means a person who is invested  
12 by law with the power to perform judicial functions. It  
13 includes justices of the supreme court, judges of the  
14 district courts, justices of the peace, and city judges."

15 Section 4. Section 19-105, R.C.M. 1947, is amended to  
16 read as follows:

17 "19-105. Notice, — actual and constructive. Notice  
18 is:

19 1. (1) ~~Actual~~ which actual whenever it consists in of  
20 express information of a fact;

21 2. (2) ~~Constructive~~ which constructive whenever it is  
22 imputed by law."

23 Section 5. Section 43-205, R.C.M. 1947, is amended to  
24 read as follows:

25 "43-205. Time and place of meeting. Each regular

1 session of the ~~legislative assembly~~ legislature shall meet  
2 be convened at the seat of government, at ~~twelve~~ (12) noon,  
3 on the first Monday of January of each odd-numbered year or,  
4 ~~if except when it is~~ January 1st is a Monday, then they  
5 shall meet on the first Wednesday of January of each year,  
6 ~~and~~ The legislature shall meet at other times when convened  
7 by the governor or by ~~a~~ the written request of a majority of  
8 the ~~members~~ legislators or, when the legislative ~~assembly~~  
9 legislature is in session, by a recorded vote of a majority  
10 of the ~~members~~ legislators."

11 Section 6. Section 43-404, R.C.M. 1947, is amended to  
12 read as follows:

13 "43-404. Compelling attendance. Any witness neglecting  
14 or refusing to attend in obedience to a subpoena may be  
15 arrested by the sergeant-at-arms and brought before the  
16 senate or house. The only warrant of authority necessary to  
17 authorize ~~such~~ the arrest is a copy of a resolution of the  
18 senate or house, signed by the president of the senate or  
19 speaker of the house ~~of representatives,~~ and countersigned  
20 by the secretary or clerk."

21 Section 7. Section 43-503, R.C.M. 1947, is amended to  
22 read as follows:

23 "43-503. Bills returned without approval. (1) A bill  
24 or item or items of an appropriations bill become law  
25 whenever:

1 ~~(a) When a~~ the bill has passed passes both houses of  
2 ~~the legislative assembly legislature,~~

3 ~~(b) and the bill~~ is returned by the governor without  
4 his signature, and with objections thereto, or, if it be is  
5 a bill containing several items of appropriation of money,  
6 with objections to one or more items, and

7 ~~(c) upon reconsideration, such the bill, or item, or~~  
8 ~~items, pass both houses by the constitutional majority,~~

9 ~~(2) the The bill, or item, or items, must shall~~ be  
10 authenticated ~~as having become a law~~ by a certificate  
11 endorsed on or attached to the bill, or ~~endorsed or attached~~  
12 ~~to the copy of the statement of objections,~~ in the  
13 ~~following form The form of the certificate shall be:~~ "This  
14 bill having been returned by the governor with his  
15 objections thereto, and, after reconsideration, having  
16 passed both houses by the constitutional majority, has  
17 become a law this .... day of ....., A.D. ...." or "The  
18 following items in the within statement (naming them)  
19 having, after reconsideration, passed both houses by the  
20 constitutional majority, have become a law this .... day of  
21 ....., A.D. ...." ~~which The~~ endorsement, signed by the  
22 president of the senate and the speaker of the house of  
23 ~~representatives, is a sufficient authentication thereof of~~  
24 the bill or item or items.

25 ~~(3) Such The authenticated~~ bill or statement ~~must then~~

1 ~~shall~~ be delivered to the governor, ~~and by his must be~~  
2 ~~deposited who shall deposit it~~ with the laws in the office  
3 of the secretary of state."

4 Section 8. Section 43-505, R.C.M. 1947, is amended to  
5 read as follows:

6 "43-505. Bills remaining with the governor. ~~(1) Every~~  
7 A bill which has passed both houses of the legislature, and  
8 has not been returned by the governor within ~~five (5) days~~  
9 after its delivery to him if the legislature is in session  
10 or within ~~twenty-five (25) days~~ if the legislature is  
11 adjourned, ~~thereby becoming a becomes~~ law,

12 ~~(2) is authenticated by the The~~ governor ~~causing the~~  
13 ~~fact to be certified shall deliver the bill to the secretary~~  
14 ~~of state and direct him to authenticate it by a certificate~~  
15 ~~endorsed or attached thereon, by the secretary of state, in~~  
16 ~~the following form The form of the certificate shall be:~~  
17 "This bill having remained with the governor ~~five (5) days,~~  
18 and the legislature being in session, it has become a law  
19 this .... day of ....., A-D- ...." or "This bill having  
20 remained with the governor ~~twenty-five (25) days,~~ and the  
21 legislature being adjourned, it has become a law this ....  
22 day of ....., A-D- ...." ~~which The~~ certificate ~~must shall~~  
23 be signed by the secretary of state and deposited with the  
24 laws in his office."

25 Section 9. Section 43-508, R.C.M. 1947, is amended to

1 read as follows:

2 "43-508. "~~Final passage, Passage~~" — meaning of. ~~The~~  
3 ~~words "final passage, Passage", as used in the preceding~~  
4 ~~sections 43-507, shall be held to mean means~~ the enactment  
5 into law of a bill which has passed the ~~legislative~~  
6 ~~assembly, legislature~~ either with or without the approval of  
7 the governor, as provided in the constitution."

8 Section 10. Section 43-709, R.C.M. 1947, is amended to  
9 read as follows:

10 "43-709. ~~Legislative council members appointment and~~  
11 ~~composition of legislative council~~ — term — vacancies. ~~(1)~~  
12 There is hereby ~~created~~ a legislative council which consists  
13 of:

14 (a) ~~four (4)~~ members of the house of representatives  
15 ~~who shall be~~ appointed by the speaker of the house of  
16 representatives, with the advice of the majority and  
17 minority leaders of the house, no more than two ~~(2)~~ of whom  
18 shall ~~may~~ be of the same political party; and

19 (b) ~~four (4)~~ members of the state senate ~~who shall be~~  
20 appointed by the committee on committees of the state  
21 senate, no more than two ~~(2)~~ of whom shall ~~may~~ be of the  
22 same political party.

23 (2) Membership on the council shall ~~be~~ ~~is~~ for ~~two (2)~~  
24 years and terminates with ~~the~~ appointment of a new council  
25 or on the ~~fiftieth 50th~~ legislative day of the ~~first next~~

1 regular session following the ~~biennium one~~ in which the  
2 appointment was made, whichever event occurs first. A new  
3 council shall be appointed no later than the ~~fiftieth 50th~~  
4 day of each ~~succeeding first~~ regular session.

5 (3) ~~Any~~ a vacancy on ~~said the~~ the legislative council  
6 occurring when the legislature is not in session shall be  
7 filled by the selection of another member by the same method  
8 as the original appointment."

9 Section 11. Section 43-710, R.C.M. 1947, is amended to  
10 read as follows:

11 "43-710. Powers and duties of council. (1) If a  
12 question of ~~state-wide statewide~~ importance arises when the  
13 legislature is not in session and a subcommittee has not  
14 been appointed to consider the question, the legislative  
15 council shall, with the concurrence of the priorities  
16 committee, assign ~~such the~~ question to an appropriate  
17 subcommittee.

18 (2) The legislative council shall supervise the  
19 activities of the council staff.

20 (3) The legislative council shall assist in the  
21 preparation and submission of all standing and select  
22 committee and subcommittee reports and recommendations to  
23 the legislature.

24 (4) This section shall not be construed to permit the  
25 council to approve or disapprove of any substantive portions

1 or recommendations of a standing ~~and~~ or select committee ~~and~~  
2 or subcommittee report."

3 Section 12. Section 43-711, R.C.M. 1947, is amended to  
4 read as follows:

5 "43-711. Executive director, -- personnel and  
6 consultants, functional divisions ~~standing and select~~  
7 ~~committees.~~ (1) The legislative council may employ an  
8 executive director and such other personnel, not members of  
9 the council, as it ~~deems~~ considers necessary to assist in  
10 the preparation of proposed legislative acts and standing  
11 and select committee and subcommittee reports and  
12 recommendations, ~~proposed legislative acts and any to carry~~  
13 out other council activities, and The council shall fix the  
14 compensation of such employees. It ~~shall further have the~~  
15 ~~power to~~ may also employ the services of any research agency  
16 which it ~~deems~~ considers necessary in the discharge of its  
17 duties.

18 (2) The legislative council may establish functional  
19 divisions within the council staff in order to carry out all  
20 of the responsibilities delegated to the council by law or  
21 legislative rule, and The divisions shall include the  
22 following:

- 23 (a) legislative legislative services division;  
24 (i) engrossing and enrolling;  
25 (ii) mailroom;

1 (iii) printing;

2 (b) ~~Research~~ research and reference services  
3 division;

4 (i) general and specialized legislative research;

5 (ii) legislative reference and information, including  
6 preparation and publication of the Legislative Review to be  
7 sold at the cost of the publication plus postage;

8 (iii) committee staffing when the legislature is not in  
9 session;

10 (c) ~~Legal~~ legal services division;

11 (i) bill drafting;

12 (ii) legal counseling;

13 ~~(iii) this division is authorized to assign code~~  
14 ~~section numbers and catch lines to bills which have passed~~  
15 ~~both houses without catch lines or section numbers prior to~~  
16 ~~the enrolling process.~~

17 (d) ~~Management~~ management and business services  
18 division, which shall:

19 (i) maintain bookkeeping records;

20 (ii) sign claims and payrolls;

21 (iii) order all printing, supplies, and equipment; and

22 (iv) serve the house and senate during the session."

23 Section 13. Section 43-711.2, R.C.M. 1947, is amended  
24 to read as follows:

25 "43-711.2. Distribution of senate and house journals

1 and session laws. (1) Immediately after the senate and house  
2 journals and the session laws mentioned in ~~section~~ 43-711.1  
3 are bound, the legislative services division of the  
4 legislative council ~~must~~ shall distribute ~~the same~~ them.

5 (2) It shall distribute the house and senate journals  
6 as follows:

7 4-(a) ~~To the~~ to each county clerk ~~of each county,~~ one  
8 copy of each for the use of the county;

9 4-(b) ~~To~~ to the state historical library, such number  
10 of copies of both, not exceeding 150 of each, as may be  
11 required by it for purposes of distribution and exchange;

12 (c) to the state law librarian, two copies of each for  
13 the use of ~~said~~ the library, and such additional copies as  
14 may be necessary for the purposes of exchange;

15 (d) ~~and~~ to the library of ~~Congress~~ Congress, two  
16 copies of each; ~~and~~

17 4-(e) ~~To~~ to the lieutenant governor, each member of  
18 the ~~legislative assembly~~ legislature, ~~the~~ secretary of the  
19 senate, and ~~the~~ chief clerk of the house of representatives  
20 at the session at which the journals were adopted, one copy  
21 of each.

22 (3) It shall distribute the session laws as follows:

23 4-(a) ~~To~~ to each department of the government at  
24 Washington, and of the government of this state, one copy;

25 4-(b) ~~To~~ to the library of ~~Congress~~ Congress, eight

1 copies;

2 (c) ~~and~~ to the state library, two copies;

3 4-(d) ~~To~~ to the state historical ~~and miscellaneous~~  
4 library, two copies;

5 (e) to the state law librarian, four copies for the  
6 use of ~~said~~ the state law library, ~~and such additional~~  
7 ~~copies as may be required for exchange with libraries and~~  
8 ~~institutions maintained by other states, territories, and~~  
9 ~~public libraries;~~

10 4. ~~To the law libraries and the legislative reference~~  
11 ~~libraries of each of the states and territories such number~~  
12 ~~of copies as are given by them in exchange with the Montana~~  
13 ~~state law library and the legislative reference libraries.~~

14 5-(f) ~~To the~~ to each ~~Montana member~~ of  
15 ~~Congress~~ Congress, ~~to the~~ each United States district judge  
16 ~~in Montana,~~ ~~to~~ each of the judges of the state supreme and  
17 district courts, and ~~to~~ each of the state officers ~~of the~~  
18 ~~state,~~ one copy;

19 6-(g) ~~To~~ to the lieutenant governor, each member of  
20 the ~~legislative assembly~~ legislature, ~~the~~ secretary of the  
21 senate, and ~~the~~ chief clerk of the house of representatives  
22 at the session at which ~~the~~ the laws ~~and journals~~ were adopted,  
23 one copy;

24 7-(h) ~~To~~ to each of the incorporated colleges of the  
25 state and ~~to~~ each unit of the state university and



1 ~~institutions system, one copy; to the law librarian of the~~  
 2 ~~state of Montana as many copies as may be required by him~~  
 3 ~~for exchange with libraries and institutions maintained by~~  
 4 ~~other states, territories and public libraries.~~

5 ~~8-(1) To the to each county clerk of each county,~~  
 6 ~~three copies for the use of the county; and~~

7 ~~9-(1) To to each county attorney, and to each clerk of~~  
 8 ~~the a district court, one copy."~~

9 Section 14. Section 43-713, R.C.M. 1947, is amended to  
 10 read as follows:

11 "~~43-713. Hearings oaths, subpoenas, compelling~~  
 12 ~~attendance of witnesses and production of records contempt~~  
 13 ~~proceedings Powers relating to hearings. (1) In the~~  
 14 ~~discharge of its duties on behalf of standing committees and~~  
 15 ~~subcommittees, the legislative council shall have authority~~  
 16 ~~to may hold hearings, administer oaths, issue subpoenas,~~  
 17 ~~compel the attendance of witnesses, and the production of~~  
 18 ~~any papers, books, accounts, documents, and testimony, and~~  
 19 ~~to cause depositions of witnesses to be taken in the manner~~  
 20 ~~prescribed by law for taking depositions in civil actions in~~  
 21 ~~the district court.~~

22 ~~(2) In case of disobedience on the part of any If a~~  
 23 ~~person to comply with any disobeys a subpoena issued by the~~  
 24 ~~council on behalf of a standing committee or subcommittee or~~  
 25 ~~of the refusal of any if a witness refuses to testify on any~~

1 matters regarding which he may be lawfully interrogated, it  
 2 shall be the duty of the district court of any county or the  
 3 a judge thereof shall, on application of the legislative  
 4 council, to compel obedience by proceedings for contempt as  
 5 in the case of disobedience of the requirements of a  
 6 subpoena issued from such court ~~as~~ or a refusal to testify  
 7 therein."

8 Section 15. Section 43-716, R.C.M. 1947, is amended to  
 9 read as follows:

10 "~~43-716. Appointment and composition of joint~~  
 11 ~~subcommittees -- composition functions resignation for~~  
 12 ~~failure to attend meetings or hearings officers -- powers~~  
 13 ~~and duties -- vacancies. (1) (a) The standing committees of~~  
 14 ~~the house and senate shall appoint subcommittees from each~~  
 15 ~~body to meet jointly on those bills and resolutions as that~~  
 16 ~~are designated to them by the priorities committee. The~~  
 17 ~~subcommittees composition of each subcommittee shall be~~  
 18 ~~composed as follows:~~

19 ~~(a)(i) four (4) members of the house standing~~  
 20 ~~committee appointed by the chairman of the standing~~  
 21 ~~committee, no more than two (2) of whom may be of one~~  
 22 ~~political party; and~~

23 ~~(b)(ii) four (4) members of the senate standing~~  
 24 ~~committee appointed by the chairman of the standing~~  
 25 ~~committee, no more than two (2) of whom may be of one~~

1 political party.

2 ~~(3)(b)~~ The chairman of the standing committee may  
3 appoint himself to the subcommittee.

4 ~~(3)(2)~~ The Each subcommittee shall elect its chairman  
5 and vice-chairman from among its members. The chairman and  
6 vice-chairman may not be members of the same political  
7 party.

8 ~~(4)(3)~~ The subcommittees may perform their functions  
9 when the legislature is not in session, and ~~the~~ The  
10 personnel, data, and facilities of the legislative council  
11 shall be made available to such subcommittees.

12 ~~(5)(4)~~ (a) The subcommittees Each subcommittee shall  
13 accumulate, compile, analyze, and furnish such information  
14 ~~bearing upon any matters relating relevant~~ to existing or  
15 prospective legislation as ~~may be determined by it~~ it  
16 determines, upon on its own initiative, pertaining to be  
17 pertinent to important issues of policy and questions of  
18 statewide importance, including but not limited to:

19 (i) investigation and study of the possibilities of  
20 consolidations of departments, commissions, boards, and  
21 institutions in state government for:

22 (A) the elimination of unnecessary activities and  
23 duplications in office personnel and equipment;

24 (B) for the coordination of activities;

25 (C) for the purpose of increasing efficiency of

1 service or effecting economies; and

2 (D) ~~for~~ the purpose of studying and inquiring into the  
3 financial administration of state governments and  
4 subdivisions thereof, including the problems of assessment  
5 and collection of taxes; and

6 (ii) all other matters pertaining to the function of  
7 ~~all the~~ departments and branches of state government.

8 ~~(6)(b)~~ The subcommittees Each subcommittee shall  
9 prepare such bills and resolutions as, in its opinion, the  
10 welfare of the state may require for presentation to the  
11 next regular session of the ~~legislative assembly~~  
12 legislature.

13 (c) Each subcommittee shall keep accurate records of  
14 its activities and proceedings.

15 ~~(7) Any subcommittee appointed for the purpose of~~  
16 ~~considering deferred bills may make recommendations~~  
17 ~~regarding the disposition of such bills. Prior to the next~~  
18 ~~session, these recommendations may be submitted to the~~  
19 ~~standing committee having jurisdiction over the bill when~~  
20 ~~the preceding session was adjourned. After having considered~~  
21 ~~the subcommittee recommendations the standing committee may~~  
22 ~~perfect a committee report on the bill to be presented to~~  
23 ~~the legislature on the first legislative day of the next~~  
24 ~~session.~~

25 ~~(8)(5)~~ Any a subcommittee appointed for the purpose of

1 making a study assigned by the priorities committee may make  
 2 recommendations for legislation. These recommendations and  
 3 the study report shall be submitted to the legislature at  
 4 the next regular session designated by the resolution of the  
 5 priorities committee.

6 ~~(9)~~ (6) If ~~any a~~ subcommittee member ~~should also resign~~  
 7 more than two ~~(2)~~ committee meetings or hearings without  
 8 just cause when the legislature is not in session, the  
 9 member is ~~deemed~~ considered to have resigned and the vacancy  
 10 shall be filled in the same manner as the original  
 11 appointment. Any other vacancy shall be filled in the same  
 12 manner."

13 Section 16. Section 43-717, R.C.M. 1947, is amended to  
 14 read as follows:

15 "43-717. Legislative committee on priorities —  
 16 composition — functions. (1) There is ~~created~~ a  
 17 legislative committee on priorities which ~~shall be~~ is  
 18 composed of eight ~~(8)~~ members of the house rules committee,  
 19 no more than four ~~(4)~~ of whom shall may be of the same  
 20 political party, and eight ~~(8)~~ members of the senate rules  
 21 committee, no more than four ~~(4)~~ of whom shall may be of the  
 22 same political party.

23 (2) The committee on priorities shall be appointed at  
 24 the same time as all other standing committees.

25 (3) The committee on priorities shall consider

1 resolutions requesting council studies and all other study  
 2 requests and establish and prepare a list of priorities from  
 3 among them. ~~They shall also set priorities on all bills and~~  
 4 ~~studies carried over to the second regular session.~~ The  
 5 committee shall transmit the list to the legislative council  
 6 before the end of each regular session and shall assign the  
 7 bills and studies to the appropriate standing ~~committee~~  
 8 committees in the order in which the studies and bills  
 9 appear on the list of priorities. The committee shall assign  
 10 as many studies and bills as the resources of the council  
 11 staff ~~allows~~ allow."

12 Section 17. Section 43-721, R.C.M. 1947, is amended to  
 13 read as follows:

14 "43-721. Establishment of program. It is ~~declared to~~  
 15 be the public policy of this state that there be a  
 16 legislative intern program open to students attending the  
 17 university of Montana, Montana state university, eastern  
 18 Montana college, northern Montana college, western Montana  
 19 college, and the Montana college of mineral science and  
 20 technology. ~~The~~ any private ~~colleges~~ college of higher  
 21 education in the state may also establish an intern program  
 22 for the purposes of this act."

23 Section 18. Section 43-725, R.C.M. 1947, is amended to  
 24 read as follows:

25 "43-725. Intern qualifications. (1) The legislative

1 interns must have the following qualifications:

2 ~~(1)(a)~~ at least one ~~(1)~~ quarter of "state government"  
3 or its equivalent as a course of study at an institution of  
4 higher learning;

5 ~~(2)(b)~~ reached attainment of at least the level of a  
6 junior at an institution of higher learning; and

7 ~~(3)(c)~~ exhibit the necessary degree of scholastic  
8 achievement, leadership, and involvement in community  
9 affairs; and

10 ~~(4)(2)~~ preference Preference shall be given to Montana  
11 high school graduates."

12 Section 19. Section 43-801, R.C.M. 1947, is amended to  
13 read as follows:

14 "43-801. ~~Purpose Purposes~~ of act. The purpose purposes  
15 of this act ~~is are~~ to promote a high standard of ethics in  
16 the practice of lobbying, to prevent unfair and unethical  
17 lobbying practices, and to provide for the licensing of  
18 lobbyists and the suspension ~~of [or]~~ revocation of ~~each the~~  
19 licenses."

20 Section 20. Section 43-803, R.C.M. 1947, is amended to  
21 read as follows:

22 "43-803. Licensing of lobbyists ~~fee expiration,~~  
23 ~~suspension or revocation reinstatement.~~ (1) Licenses —  
24 fees — eligibility. Any ~~person of adult age and of~~ good  
25 moral character who is a citizen of the United States and

1 who is otherwise qualified under this act may be licensed as  
2 a lobbyist ~~as herein provided.~~ The secretary of state shall  
3 provide ~~for the form of a license~~ application ~~for license~~  
4 ~~form.~~ The application form may be obtained in the  
5 office of the secretary of state and filed therein. Upon  
6 approval of ~~each the~~ application by the secretary of state  
7 and payment of the license fee of ~~ten dollars (\$10.00)~~ to  
8 the secretary of state, a license shall be issued which  
9 ~~shall entitle~~ entitles the licensee to practice lobbying on  
10 behalf of ~~any~~ one or more principals. Each license shall  
11 expire on December 31 of each odd-numbered year. No  
12 application ~~shall~~ may be disapproved without affording the  
13 applicant a hearing, ~~which~~ The hearing shall be held and the  
14 decision entered within ~~ten (10) days,~~ of the date of the  
15 filing of the application. The license fees collected by the  
16 secretary of state under this act shall be deposited by him  
17 in the state treasury.

18 (2) Suspension or revocation of license. Upon a  
19 verified complaint in writing to the attorney general ~~of the~~  
20 ~~state of Montana~~ charging the holder of a license with  
21 ~~having been guilty of~~ unprofessional conduct or with having  
22 procured his license by fraud or perjury or through error,  
23 the attorney general ~~is hereby authorized to~~ may bring a  
24 civil action in the district court for Lewis and Clark  
25 ~~county County, state of Montana,~~ against the holder and in

1 the name of the state as plaintiff to revoke or suspend the  
 2 license. Hearing shall be held by the court unless the  
 3 defendant-licensee demands a jury trial. The trial shall be  
 4 held as soon as possible and at least ~~twenty~~ (20) days after  
 5 the filing of the charges and shall take precedence over all  
 6 other matters pending before the court. If the court finds  
 7 for the plaintiff, judgment shall be rendered revoking or  
 8 suspending the license, and the clerk of the court shall  
 9 file a certified copy of the judgment with the secretary of  
 10 state. The ~~licensing authority~~ secretary of state may  
 11 commence ~~any~~ such an action on his own motion.

12 (3) Suspension of lobbying privileges. No lobbyist  
 13 whose license has been suspended or revoked and no person  
 14 who has been convicted of a violation of any provision of  
 15 this act ~~shall~~ may engage in ~~any~~ lobbying until he has been  
 16 reinstated to the practice of lobbying and duly licensed."

17 Section 21. Section 43-806, R.C.M. 1947, is amended to  
 18 read as follows:

19 "43-806. Practice without license and registration  
 20 prohibited — copies of statements, briefs, etc. —  
 21 applicability of restrictions ~~applicable when~~. (1) No  
 22 person ~~shall~~ may practice as a lobbyist unless he has been  
 23 duly licensed under ~~the provisions of section~~ 43-803 and  
 24 unless ~~his name appears upon~~ he is listed on the docket as  
 25 employed in respect to such matters as he ~~shall be~~ is

1 promoting or opposing. No principal ~~shall~~ may directly or  
 2 indirectly authorize or permit any lobbyist employed by him  
 3 to practice lobbying in respect to any legislation affecting  
 4 the pecuniary interest of ~~each~~ the principal until ~~each~~ the  
 5 lobbyist is duly licensed and the name of ~~each~~ the lobbyist  
 6 is duly entered on the docket. No person ~~shall~~ may be  
 7 employed as a lobbyist for a compensation dependent in any  
 8 manner upon the passage or defeat of any proposed or pending  
 9 legislation or upon any other contingency connected with the  
 10 action of the legislature, ~~or~~ of either branch thereof, or  
 11 of any committee thereof.

12 (2) Before or within ~~five~~ (5) days after ~~delivering~~ a  
 13 lobbyist delivers any written or printed statement,  
 14 argument, or brief to the entire membership of either or  
 15 both houses of the legislature, he shall deposit three (3)  
 16 copies ~~shall be deposited~~ with the secretary of state.

17 (3) The restrictions ~~upon~~ on the practice of lobbying  
 18 provided by this act ~~shall be~~ are effective only during the  
 19 regular and special sessions of the legislature."

20 Section 22. Section 43-902, R.C.M. 1947, is amended to  
 21 read as follows:

22 "43-902. Schedule of fees for proceedings. ~~(1)~~ any  
 23 A person desiring to receive one complete set of the  
 24 proceedings of a regular session of the legislature shall  
 25 pay to the secretary of state the amount prescribed in the

1 joint legislative rules. Upon receipt of ~~such~~ the money, the  
 2 secretary of state shall transmit the name of ~~said~~ the  
 3 person to the executive director of the legislative council,  
 4 who shall supply ~~such~~ the person with a complete set of the  
 5 proceedings ~~of the legislature~~. Any person desiring to  
 6 receive more than one set ~~of the proceedings of the~~  
 7 legislature shall pay the session fee for each additional  
 8 set.

9 ~~(b)(2) In addition to the fee for each complete set of~~  
 10 ~~the proceedings specified by subsection (a) of this section,~~  
 11 ~~any~~ A person who requests that a set of the proceedings be  
 12 mailed shall pay an additional fee as prescribed in the  
 13 joint legislative rules to the secretary of state for each  
 14 complete set that is mailed, ~~of seventy-five dollars (\$75)~~  
 15 ~~if a person requests that the proceedings be mailed ordinary~~  
 16 ~~mail and one hundred dollars (\$100) if a person requests~~  
 17 ~~that the proceedings be mailed air mail.~~

18 ~~(c)(3)~~ Any A person desiring to receive single copies  
 19 of mimeographed bills, mimeographed resolutions, printed  
 20 bills, printed resolutions, or amendments thereto shall  
 21 purchase them from the legislative services division of the  
 22 legislative council for a price varying with the length of  
 23 the document as prescribed in the joint rules.

24 ~~(4)(4)~~ Any A person desiring to receive single copies  
 25 of status sheets or status of proceedings may purchase them

1 from the legislative services division of the legislative  
 2 council for a price per copy as prescribed in the joint  
 3 rules. A person may subscribe to receive daily copies of the  
 4 status sheets or status of proceedings by mail, for a fee  
 5 covering the actual costs of ~~such~~ the service which the  
 6 legislative council may fix.

7 ~~(c)(5)~~ The executive director of the legislative  
 8 council shall account for all funds collected under this  
 9 section and shall transmit such funds to the treasurer of  
 10 the state of Montana, who shall credit them to the general  
 11 fund."

12 Section 23. Section 43-1111, R.C.M. 1947, is amended  
 13 to read as follows:

14 "43-1111. Legislative finance committee and office of  
 15 legislative fiscal analyst ~~created~~. There is ~~created~~ a  
 16 legislative finance committee which ~~shall be~~ is a permanent  
 17 joint committee of the legislature. There is ~~created the an~~  
 18 office of legislative fiscal analyst. The legislative  
 19 fiscal analyst shall ~~direct the office in carrying~~ carry out  
 20 the provisions of this act."

21 Section 24. Section 79-2303.1, R.C.M. 1947, is amended  
 22 to read as follows:

23 "79-2303.1. Legislative audit committee ~~created~~. (1)  
 24 There is ~~hereby created~~ a legislative audit committee which  
 25 ~~shall be~~ is a permanent joint committee of the legislative

1 ~~assembly legislature.~~

2 (2) There is ~~heroby created and established the an~~  
3 office of the legislative auditor. The ~~director of this~~  
4 ~~office shall be~~ legislative auditor is responsible for  
5 performing the duties imposed by this act."

6 Section 25. Section 79-2304, R.C.M. 1947, is amended  
7 to read as follows:

8 "79-2304. ~~Legislative audit committee appointment~~  
9 Appointment and term of members — officers — vacancies.

10 (1) The legislative audit committee consists of four (4)  
11 members of the ~~Senate~~ senate and four (4) members of the  
12 ~~House~~ house of ~~Representatives~~ representatives appointed  
13 before the ~~sixtieth~~ 60th legislative day of ~~the first~~ each  
14 regular session of ~~the biennium~~ in the same manner as  
15 standing committees of the respective houses are appointed.  
16 ~~A vacancy on the committee occurring when the legislative~~  
17 ~~assembly is not in session shall be filled by the selection~~  
18 ~~of a member of the legislative assembly by the remaining~~  
19 ~~members of the committee.~~ No more than two (2) of the  
20 appointees of each house shall may be members of the same  
21 political party.

22 (2) A member of the committee shall serve until his  
23 term of office as a legislator ends ~~or until the end of the~~  
24 ~~sixtieth legislative day of the second session of the~~  
25 ~~biennium following his appointment~~ or until his successor is

1 appointed, whichever occurs first.

2 (3) The committee shall elect one of its members as  
3 chairman and such other officers as it ~~deems~~ considers  
4 necessary.

5 (4) A vacancy on the committee occurring when the  
6 legislature is not in session shall be filled by the  
7 selection of a member of the legislature by the remaining  
8 members of the committee."

9 Section 26. Section 79-2310, R.C.M. 1947, is amended  
10 to read as follows:

11 "79-2310. Duties Powers and duties of legislative  
12 auditor. The legislative auditor shall:

13 (1) Audit audit the financial affairs and transactions  
14 of every state agency.

15 (2) ~~Make~~ make a fully complete ~~and~~ written report of  
16 each audit. A copy of each report shall be furnished to the  
17 ~~state~~ department of administration, ~~to~~ the state agency  
18 which ~~is was~~ audited, ~~to~~ each member of the committee, and  
19 ~~to~~ the legislative council.

20 (3) ~~Report~~ report immediately in writing to the  
21 attorney general and the governor any apparent violation of  
22 penal statutes disclosed by the audit of a state agency, and  
23 furnish the attorney general with all information in his  
24 possession relative to the violation.

25 (4) ~~Report~~ report immediately in writing to the

1 governor any instances of misfeasance, malfeasance, or  
2 nonfeasance by a state officer or employee disclosed by the  
3 audit of a state agency;

4 (5) Report report immediately to the surety upon the  
5 bond of any an official or employee when an audit discloses  
6 a shortage in the accounts of the official or employee. ~~The~~  
7 ~~failure~~ Failure to notify the surety does not release the  
8 surety from any obligation under the bond.

9 (6) Report report to the ~~legislative assembly~~  
10 legislature during the first week of each regular session in  
11 ~~odd-numbered years. Each biennial~~ The report shall contain,  
12 among other things, copies of, or summaries of audit reports  
13 on state agencies and any recommendations relating to such  
14 reports.

15 (7) ~~Have~~ have the authority to audit records of  
16 organizations and individuals receiving grants from or on  
17 behalf of the state to determine that the grants are  
18 administered in accordance with the grant terms and  
19 conditions. ~~In each instance when~~ Whenever a state agency  
20 enters into an agreement to grant resources under its  
21 control to others, the agency must obtain the written ~~assent~~  
22 consent of the grantee to ~~this the~~ audit ~~access provision~~  
23 ~~consenting to an audit of such grantee~~ provided for in this  
24 subsection."

25 Section 27. Section 93-104, R.C.M. 1947, is amended to

1 read as follows:

2 "93-104. Jurisdiction. The court has jurisdiction to  
3 try impeachments, ~~when~~ presented by the house of  
4 representatives, ~~of the governor, executive officers, heads~~  
5 ~~of state departments and judicial officers for felonies and~~  
6 ~~misdemeanors or malfeasance in office."~~

7 Section 28. Section 95-2801, R.C.M. 1947, is amended  
8 to read as follows:

9 "95-2801. Officers liable to impeachment. The  
10 governor, all other elected executive officers, heads of  
11 state departments, and judicial officers ~~shall be~~ are liable  
12 to impeachment for felonies and misdemeanors, or malfeasance  
13 in office."

14 Section 29. Section 95-2803, R.C.M. 1947, is amended  
15 to read as follows:

16 "95-2803. Articles, ~~now prepared~~ ~~trial by senate of~~  
17 impeachment. (1) All impeachments must be by resolution  
18 adopted, originated in, and adopted by the house of  
19 representatives. The resolution shall be conducted through  
20 the house by managers elected by the house ~~of~~  
21 ~~representatives,~~

22 (2) ~~who must~~ The managers shall prepare articles of  
23 impeachment, present them at the bar of the senate, and  
24 prosecute ~~the same~~ them."

25 Section 30. Repealer. Sections 43-318, 43-511, 43-714,



LC 0039/01

- 1 43-719, 43-1117 through 43-1119, 59-604, and 90-403, R.C.M.
- 2 1947, are repealed.

-End-

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LC 0039

1977 Legislature  
Code Commissioner Bill - Summary

House \_\_\_\_\_ Bill No. 43

FOR THE GENERAL REVISION AND CLARIFICATION OF THE LAWS RELATING  
TO THE LEGISLATURE AND THE LAWS.

(This summary does not include discussion of routine form or  
grammatical changes.)

Section 1. 12-216. Reference to other titles, chapters,  
or sections. Correct apparent error in wording.

Section 2. 12-402. Appointments to fill vacancies. Re-  
wrote to clarify.

Section 3. 19-103. General definitional rules - definitions  
of certain words. Deleted redundancy at beginning. Moved part  
of former subsection (4) to beginning to aid recodification.  
Part of first paragraph moved to list of definitions to aid  
recodification, rewriting definitions of "depose" ("deposition") and  
"signature" to clarify. Rewrote introduction to definitions  
to clarify. In subsections (4)&(5), deleted "unless otherwise  
expressed" - redundant with introduction. In subsection (9)  
deleted "or precept" - redundant with "order". In subsections  
(12) and (13) updated internal references and reworded to  
clarify and reconcile with new internal reference (old internal  
references have been repealed). Clarified subsection (24).  
Added definition of "judicial officer" at end to clarify other  
statutes and aid recodification (taken from 95-206 and 95-208).

Section 4. 19-105. Notice -- actual and constructive.  
Reworded to clarify. In subsection (2), changed "in" to "of" -  
apparent error.

Section 5. 43-205. Time and place of meeting. Reworded to clarify and update - changed reference to annual sessions to reference to biennial sessions.

Section 6. 43-404. Compelling attendance. Added "of the senate" to clarify.

Section 7. 43-503. Bills returned without approval. Clarification only.

Section 8. 43-505. Bills remaining with the governor. Clarified end of subsection (1) and beginning of subsection (2) (process of authentication).

Section 9. 43-508. Passage - meaning of. Changed "final passage" to "passage" to correct apparent error - "final passage" does not appear in 43-507.

Section 10. 43-709. Appointment and composition of legislative council - term - vacancies. In subsection (2), corrected references to annual sessions - updating.

Section 11. 43-710. Powers and duties of council. In subsection (4), changed "and" to "or" in two places - apparent error.

Section 12. 43-711. Executive director, personnel and consultant, functional divisions. Reworded subsection (1) to clarify. Deleted subsection (2)(c)(iii), redundant with 12-505 (6)(a). Corrected form of subsection (2)(d).

Section 13. 43-711.2. Distribution of senate and house journals and session laws. In subsection (3)(d), deleted "and miscellaneous" for consistent terminology (same change being made throughout code). Incorporated old subsections (4) and (7) (part) into new subsection (3)(e) to eliminate redundancies and aid recodification - note that the reference to "legislative reference libraries" in old subsection (4) is meaningless in Montana, which has no such libraries. Clarified subsection (3)(f) - each of the individuals gets a copy. In subsection (3)(g), deleted "and journals" - apparent error. In subsection (3)(b), deleted "and institutions" - apparent error.

Section 14. 43-713. Powers relating to hearings. Reworded subsection (2) to clarify. In the last phrase, change "on" to "or" - apparent error.

Section 15. 43-716. Appointment and composition of joint subcommittees -- officers -- powers and duties -- vacancies. Reworded subsection (4)(a) to clarify. Added subsection (4)(c) (taken from 43-715) to aid recodification. Deleted former subsection (7), as obsolete - bills are no longer deferred. In subsection (5), changed "session designated ..." to "next regular session" to update - former language applied when there were annual sessions.

Section 16. 43-717. Legislative committee on priorities - composition - functions. In subsection (1), added "no more than" in two places to correct apparent error - the usual language is "no more ..." and the unamended version would not work if there were more than two parties or if there were a significant number of independents. In subsection (3), deleted reference to carry-over bills as obsolete - applied to annual sessions.

Section 17. 43-721. Establishment of program. Added "and the" and changed "The private colleges" to "Any private college" to clarify.

Section 18. 43-725. Intern qualifications. Reworded subsections (1)(b) and (c) to correct apparent error - they did not follow the introduction.

Section 19. 43-801. Purposes of act. Changed "of" to "or" (also inserted by compiler) to correct apparent error.

Section 20. 43-803. Licensing of lobbyists. In subsection (1), deleted "as herein provided" as superfluous. Clarified "for the form of application for license". Added "by the secretary of state" to clarify who approves the applications. In subsection (2), deleted "of the state of Mt." "having been guilty of", plus "state of Mt." as superfluous; added "or suspend(ing)" to correct apparent error - 43-801 states that the intent is to provide for suspension and 43-803(3) speaks of suspension, but no section provides for suspension; and changed "licensing authority" to "secretary of state" to clarify.

Section 21. 43-806. Practice without license and registration prohibited - copies of statements, briefs, etc. - applicability of restrictions. In subsection (1), clarified "his name ..." - he, not his name, is employed. In subsection (2), reworded to clarify.

Section 22. 43-902. Schedule of fees for proceedings. In subsection (1), deleted redundancies. In subsection (2), deleted redundancy at beginning and changed fee schedule to reference to joint legislative rules to provide flexibility and avoid future need for updating. The rules currently are the same as the statute, but postal rates do not coincide - e.g., there no longer is a separate air mail rate.

Section 23. 43-1111. Legislative finance committee and office of legislative fiscal analyst. Clarified that the analyst, and not the office, shall carry out the provisions of the act.

Section 24. 79-2303.1. Legislative audit committee. Clarified "director of this office".

Section 25. 79-2304. Appointment and term of members -- officers -- vacancies. Corrected obsolete reference to the first session of the biennium. Moved second sentence to subsection (4) to aid recodification.

In subsection (2), deleted obsolete reference to the second session of the biennium.

Section 26. 79-2310. Powers and duties of legislative auditor. In subsection (2), deleted "full" - redundant with "complete". In subsection (6), deleted "in odd-numbered years" and "biennial" - obsolete references to annual sessions. Clarified last clause.

Section 27. 93-104. Jurisdiction. Deleted last part - redundant with 95-2801.

Section 28. 95-2801. Officers liable to impeachment. Clarified "executive officers".

Section 29. 95-2803. Articles of impeachment. Rewrote to clarify.

Section 30. Repealer. 43-318. Penalty for removing or defacing property of legislature. Redundant and inconsistent with the Criminal Code, 94-6-302, Theft. and 94-6-102, Criminal mischief.

Section 43-511. "Construction of statutes. The general rules for the construction of statutes are contained in the provisions of these codes." Unnecessary, adds no substantive law.

Section 43-714. Expenses [of Legislative Council and its committees]. Conflicts with 43-310(3), which was enacted later.

Section 43-719. Deals with continuous session and pending bills - obsolete.

Sections 43-1117 through 43-1119. Are unconstitutional (State of Mont. v. Legislative Finance Committee, No. 13201, December 16, 1975).

Section 90-403. Conflicts with 19-103(4) in regard to the computation of time.

Approved by Committee  
on Judiciary

HOUSE BILL NO. 43

INTRODUCED BY KVAALEN

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
REVISION AND CLARIFICATION OF THE LAWS RELATING TO THE  
LEGISLATURE AND THE LAWS."

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

Section 1. Section 12-216, R.C.M. 1947, is amended to  
read as follows:

"12-216. Reference to other titles, chapters, or  
sections ~~within codes.~~ A ~~title, chapter or~~ statute which  
refers to a title, chapter, or section number without  
further identification or attribution shall be presumed,  
unless the context clearly indicates otherwise, to refer to  
a title, chapter, or section of the Revised Codes of  
Montana, 1947."

Section 2. Section 12-402, R.C.M. 1947, is amended to  
read as follows:

"12-402. Appointments to fill vacancies. ~~Upon the  
death, resignation, failure or refusal to serve of any  
appointed commissioner~~ If an appointed commissioner dies,  
resigns, or fails or refuses to serve, his office becomes  
vacant, ~~and the~~ The governor shall ~~make an appointment~~  
appoint a qualified person to fill the vacancy, ~~such~~

~~appointment to be for the unexpired term of the former  
appointee."~~

Section 3. Section 19-103, R.C.M. 1947, is amended to  
read as follows:

"19-103. ~~Certain words defined~~ General definitional  
rules -- definitions of certain words. ~~The following words  
when used in the Revised Codes of Montana of 1947, or in any  
act amendatory of or supplemental to said codes, shall have  
the following meanings and interpretations unless otherwise  
apparent from the context.~~ The following rules apply in this  
code: The the present tense includes the future as well as  
the present; words used in the masculine gender include the  
feminine and neuter; the singular ~~number~~ includes the plural  
and the plural, the singular; fractions of a year are  
computed by the number of months; thus, half a year is 6  
months; fractions of a day are disregarded in computations  
which include more than 1 day and involve no questions of  
priority. ~~the word person includes a corporation as well as  
a natural person; writing includes printing; oath includes  
affirmation or declaration, and every mode of oral statement  
under oath or affirmation is embraced in the term "testify,"  
and every written one in the term "depose"; signature or  
subscription includes mark when the person cannot write, his  
name being written near it, and written by a person who  
writes his own name as a witness.~~ The following words also

1 ~~have the significance attached to them in this section,~~  
 2 ~~unless otherwise apparent from~~ Unless the context, requires  
 3 otherwise, the following definitions apply in the Revised  
 4 Codes of Montana 1947:

5 ~~1-(1) The word "property"~~ "Property" means includes  
 6 ~~property~~ real and personal property.

7 ~~2-(2) The words "real Real property" are co-extensive~~  
 8 ~~with~~ means lands, tenements, hereditaments, and possessory  
 9 title to public lands.

10 ~~3-(3) The words "personal Personal property" include~~  
 11 ~~means~~ money, goods, chattels, things in action, and ~~evidence~~  
 12 ~~evidences~~ of debt.

13 ~~4-(4) The word "year, Year"~~ means a calendar year,

14 ~~(5) and a "month, Month" means~~ a calendar month,  
 15 ~~unless otherwise expressed. Fractions of a year are to be~~  
 16 ~~computed by the number of months, thus, half a year is six~~  
 17 ~~(6) months. Fractions of a day are to be disregarded in~~  
 18 ~~computations which include more than one (1) day and involve~~  
 19 ~~no questions of priority.~~

20 ~~5-(6) The word "State,"~~ when applied to the different  
 21 parts of the United States, includes the District of  
 22 Columbia and the territories,

23 ~~(7) and the words "United States" may include~~ includes  
 24 ~~the district~~ District of Columbia and the territories.

25 ~~6-(8) The word "will Will"~~ includes codicils.

1 ~~7-(9) The word "writ Writ"~~ signifies means an order ~~or~~  
 2 ~~precept~~ in writing, issued in the name of the state, or of a  
 3 court or judicial officer,

4 ~~(10) and the word "process, Process"~~ means a writ or  
 5 summons issued in the course of judicial proceedings.

6 ~~8-(11) The word "vessel Vessel"~~ when used in reference  
 7 to shipping, includes ships of all kinds, steamboats and  
 8 steamships, canal boats, and every structure adapted to be  
 9 navigated from place to place.

10 ~~9-(12) The term "peace Peace officer" signifies means~~  
 11 ~~any of the officers mentioned~~ person described in ~~section~~  
 12 ~~94-4906 95-210.~~

13 ~~10-(13) The term "magistrate Magistrate"~~ signifies  
 14 means any ~~one of the officers mentioned~~ officer described in  
 15 ~~section 94-4905 95-208.~~

16 ~~11-(14) The word "several Several"~~ means two (2) or  
 17 more.

18 ~~12-(15) The words "third Third persons" include means~~  
 19 all persons who are not parties to the obligation or  
 20 transaction concerning which the phrase is used.

21 ~~13-(16) "Usage,"~~ is means a reasonable and lawful  
 22 public custom concerning transactions of the same nature as  
 23 those which are to be affected thereby, existing at the  
 24 place where the obligation is to be performed, and either  
 25 known to the parties or so well established, general, and

1 uniform, that ~~they~~ the parties must be presumed to have  
 2 acted with reference thereto.

3 ~~14. (17) The words "usual Usual" and "customary" mean~~  
 4 means "according to usage."

5 (18) "Customary" means according to usage.

6 ~~15. (19) The word "willfully Willfully", when applied to~~  
 7 the intent with which an act is done or omitted, ~~implies~~  
 8 simply denotes a purpose or willingness to commit the act,  
 9 or make the omission referred to. It does not require any  
 10 intent to violate the law, ~~or~~ to injure another, or to  
 11 acquire any advantage.

12 ~~16. (20) The words "neglect, Neglect", "negligence",~~  
 13 "negligent", ~~and "negligently" import denote~~ a want of ~~such~~  
 14 the attention to the nature or probable consequences of the  
 15 act or omission ~~as~~ that a prudent man would ordinarily  
 16 ~~bestow give~~ in acting in his own concerns.

17 ~~17. (21) The word "corruptly Corruptly" imports denotes~~  
 18 a wrongful design to acquire or cause some pecuniary or  
 19 other advantage to the person guilty of the act or omission  
 20 referred to, or to some other person.

21 ~~18. (22) The words "malice Malice" and "maliciously"~~  
 22 ~~import denote~~ a wish to vex, annoy, or injure another  
 23 person, or an intent to do a wrongful act, established  
 24 either by proof or presumption of law.

25 ~~19. (23) The word "knowingly Knowingly" imports denotes~~

1 only a knowledge that the facts exist which bring the act or  
 2 omission within the provisions of this code. It does not  
 3 require any knowledge of the unlawfulness of ~~such~~ the act or  
 4 omission.

5 ~~20. (24) The word "bribe Bribe" signifies means~~ anything  
 6 of value or advantage, present or prospective, or any  
 7 promise or undertaking to give ~~any~~ anything of value or  
 8 advantage, which is asked, given, or accepted, with a  
 9 corrupt intent to unlawfully influence, ~~unlawfully,~~ the  
 10 person to whom it is given, in his action, vote, or opinion,  
 11 in any public or official capacity.

12 ~~21. (25) The word "Seal", when~~ the seal of a court or public  
 13 officer is required by law to be affixed to any paper, ~~the~~  
 14 ~~word "seal"~~ includes an impression of ~~such~~ the seal upon the  
 15 paper alone, or upon any substance attached to the paper  
 16 capable of receiving a visible impression. The seal of a  
 17 private person may be made in like manner, ~~or~~ by the scroll  
 18 of a pen, or by writing the word "seal" against his name.

19 ~~22. (26) "pledge", "mortgage", "conditional sale",~~  
 20 "lien", ~~and "assignment", and like terms, when used in~~  
 21 referring to a security interest in personal property, ~~shall~~  
 22 include a corresponding type of security interest under the  
 23 Uniform Commercial Code--Secured Transactions.

24 (27) "Person" includes a corporation as well as a  
 25 natural person.



1 (28) "Writing" includes printing.  
 2 (29) "Oath" includes an affirmation or declaration.  
 3 (30) "Testify" includes every mode of oral statement  
 4 under oath or affirmation.  
 5 (31) "Deposition" means a statement made under oath or  
 6 affirmation and reduced to writing.  
 7 (32) "Signature" or "subscription" includes the mark of  
 8 a person who cannot write if the person's name is written  
 9 near the mark by another person who also signs his own name  
 10 as a witness.  
 11 (33) "Judicial officer" means a person who is invested  
 12 by law with the power to perform judicial functions. It  
 13 includes justices of the supreme court, judges of the  
 14 district courts, justices of the peace, and city judges."  
 15 Section 4. Section 19-105, R.C.M. 1947, is amended to  
 16 read as follows:  
 17 "19-105. Notice, ~~==~~ actual and constructive. Notice  
 18 is:  
 19 ~~1. (1) Actual—~~which actual whenever it consists in ~~of~~  
 20 ~~express information of a fact.;~~  
 21 ~~2. (2) Constructive—~~which constructive whenever it is  
 22 ~~imputed by law."~~  
 23 Section 5. Section 43-205, R.C.M. 1947, is amended to  
 24 read as follows:  
 25 "43-205. Time and place of meeting. Each regular

1 ~~session of the legislative assembly, legislature shall meet~~  
 2 ~~be convened~~ at the seat of government, at ~~twelve- (12) noon,~~  
 3 on the first Monday of January of each odd-numbered year or,  
 4 ~~if except when it is~~ January 1st ~~is a Monday, then they~~  
 5 ~~shall meet~~ on the first Wednesday ~~of January of each year,~~  
 6 ~~and The legislature shall meet~~ at other times when convened  
 7 by the governor or by a the written request of a majority of  
 8 the ~~members~~ legislators or, when the ~~legislative assembly~~  
 9 legislature is in session, by a recorded vote of a majority  
 10 of the ~~members~~ legislators."  
 11 Section 6. Section 43-404, R.C.M. 1947, is amended to  
 12 read as follows:  
 13 "43-404. Compelling attendance. Any witness neglecting  
 14 or refusing to attend in obedience to a subpoena may be  
 15 arrested by the sergeant-at-arms and brought before the  
 16 senate or house. The only warrant of authority necessary to  
 17 authorize ~~such~~ the arrest is a copy of a resolution of the  
 18 senate or house, signed by the president of the senate or  
 19 speaker of the house ~~of representatives,~~ and countersigned  
 20 by the secretary or clerk."  
 21 Section 7. Section 43-503, R.C.M. 1947, is amended to  
 22 read as follows:  
 23 "43-503. Bills returned without approval. (1) A bill  
 24 or item or items of an appropriations bill become law  
 25 whenever;

1 ~~When~~ the bill has passed ~~passes~~ both houses of  
2 ~~the legislative assembly~~ legislature;

3 (b) ~~and the bill~~ is returned by the governor without  
4 his signature, and with objections thereto, or, if it be is  
5 a bill containing several items of appropriation of money,  
6 with objections to one or more items, and

7 (c) upon reconsideration, ~~such the bill~~, or item, or  
8 items, pass both houses by the constitutional majority;

9 (2) ~~the~~ The bill, or item, or items, ~~must~~ shall be  
10 authenticated ~~as having become a law~~ by a certificate  
11 endorsed on or attached to the bill, or ~~endorsed or attached~~  
12 ~~to~~ the copy of the statement of objections, ~~in the~~  
13 ~~following form~~ The form of the certificate shall be: "This  
14 bill having been returned by the governor with his  
15 objections thereto, and, after reconsideration, having  
16 passed both houses by the constitutional majority, has  
17 become a law this .... day of ....., A.D. ...." or "The  
18 following items in the within statement (naming them)  
19 having, after reconsideration, passed both houses by the  
20 constitutional majority, have become a law this .... day of  
21 ....., A.D. ...." ~~which~~ The endorsement, signed by the  
22 president of the senate and the speaker of the house ~~of~~  
23 ~~representatives~~, is a sufficient authentication ~~thereof~~ of  
24 the bill or item or items.

25 (3) ~~Such~~ The authenticated bill or statement ~~must then~~

1 shall be delivered to the governor, ~~and by his act be~~  
2 ~~deposited~~ who shall deposit it with the laws in the office  
3 of the secretary of state."

4 Section 8. Section 43-505, R.C.M. 1947, is amended to  
5 read as follows:

6 "43-505. Bills remaining with the governor. ~~(1) Every~~  
7 A bill which has passed both houses of the legislature, and  
8 has not been returned by the governor within ~~five~~ (5) days  
9 after its delivery to him if the legislature is in session  
10 or within ~~twenty-five~~ (25) days if the legislature is  
11 adjourned, ~~thereby becoming a~~ becomes law;

12 (2) ~~is authenticated by the~~ The governor ~~causing the~~  
13 ~~fact to be certified~~ shall deliver the bill to the secretary  
14 of state and direct him to authenticate it by a certificate  
15 endorsed or attached thereon, ~~by the secretary of state, in~~  
16 ~~the following form~~ The form of the certificate shall be:  
17 "This bill having remained with the governor ~~five~~ (5) days,  
18 and the legislature being in session, it has become a law  
19 this .... day of ....., A.D. ...." or "This bill having  
20 remained with the governor ~~twenty-five~~ (25) days, and the  
21 legislature being adjourned, it has become a law this ....  
22 day of ....., A.D. ...." ~~which~~ The certificate ~~must~~ shall  
23 be signed by the secretary of state and deposited with the  
24 laws in his office."

25 Section 9. Section 43-508, R.C.M. 1947, is amended to

1 read as follows:

2 "43-508. ~~"Final passage, Passage"~~ == meaning of. The  
 3 words ~~"final passage, Passage"~~, as used in ~~the preceding~~  
 4 section ~~43-507~~, shall be held to mean means the enactment  
 5 into law of a bill which has passed the legislative  
 6 assembly, legislature either with or without the approval of  
 7 the governor, as provided in the constitution."

8 Section 10. Section 43-709, R.C.M. 1947, is amended to  
 9 read as follows:

10 "43-709. ~~legislative council members appointment and~~  
 11 ~~composition of legislative council~~ — term — vacancies. (1)  
 12 There is hereby created a legislative council which consists  
 13 of:

14 (a) four (4) members of the house of representatives  
 15 ~~who shall be~~ appointed by the speaker of the house of  
 16 representatives, with the advice of the majority and  
 17 minority leaders of the house, no more than two (2) of whom  
 18 shall may be of the same political party; and

19 (b) four (4) members of the state senate ~~who shall be~~  
 20 appointed by the committee on committees of the state  
 21 senate, no more than two (2) of whom shall may be of the  
 22 same political party.

23 (2) Membership on the council shall be ~~is~~ for ~~two~~ (2)  
 24 years and terminates with the appointment of a new council  
 25 or on the ~~fiftieth~~ 50th legislative day of the ~~first~~ next

1 regular session following the ~~biennium~~ one in which the  
 2 appointment was made, whichever event occurs first. A new  
 3 council shall be appointed no later than the ~~fiftieth~~ 50th  
 4 day of each ~~succeeding first~~ regular session.

5 (3) ~~Any~~ A vacancy on ~~said~~ the legislative council  
 6 occurring when the legislature is not in session shall be  
 7 filled by the selection of another member by the same method  
 8 as the original appointment."

9 Section 11. Section 43-710, R.C.M. 1947, is amended to  
 10 read as follows:

11 "43-710. Powers and duties of council. (1) If a  
 12 question of ~~state-wide~~ statewide importance arises when the  
 13 legislature is not in session and a subcommittee has not  
 14 been appointed to consider the question, the legislative  
 15 council shall, with the concurrence of the priorities  
 16 committee, assign ~~such~~ the question to an appropriate  
 17 subcommittee.

18 (2) The legislative council shall supervise the  
 19 activities of the council staff.

20 (3) The legislative council shall assist in the  
 21 preparation and submission of all standing and select  
 22 committee and subcommittee reports and recommendations to  
 23 the legislature.

24 (4) This section shall not be construed to permit the  
 25 council to approve or disapprove of any substantive portions

1 or recommendations of a standing ~~and~~ or select committee ~~and~~  
 2 or subcommittee report."

3 Section 12. Section 43-711, R.C.M. 1947, is amended to  
 4 read as follows:

5 "43-711. Executive director, -- personnel and  
 6 consultants, functional divisions ~~--- standing and select~~  
 7 ~~committees.~~ (1) The legislative council may employ an  
 8 executive director and such other personnel, not members of  
 9 the council, as it ~~deems~~ considers necessary to assist in  
 10 the preparation of proposed legislative acts and standing  
 11 and select committee and subcommittee reports and  
 12 recommendations, ~~proposed legislative acts and~~ may to carry  
 13 out other council activities, ~~and the council~~ shall fix the  
 14 compensation of such employees. It ~~shall further have the~~  
 15 ~~power to~~ may also employ the services of any research agency  
 16 which it ~~deems~~ considers necessary in the discharge of its  
 17 duties.

18 (2) The legislative council may establish functional  
 19 divisions within the council staff in order to carry out all  
 20 of the responsibilities delegated to the council by law or  
 21 legislative rule, ~~and the divisions~~ shall include the  
 22 following:

- 23 (a) legislative legislative services division;
- 24 (i) engrossing and enrolling;
- 25 (ii) mailroom;

- 1 (iii) printing;
- 2 (b) ~~Research~~ research and reference services
- 3 division;
- 4 (i) general and specialized legislative research;
- 5 (ii) legislative reference and information, including
- 6 preparation and publication of the Legislative Review to be
- 7 sold at the cost of the publication plus postage;
- 8 (iii) committee staffing when the legislature is not in
- 9 session;
- 10 (c) ~~Legal~~ legal services division;
- 11 (i) bill drafting;
- 12 (ii) legal counseling;
- 13 ~~(iii) this division is authorized to assign code~~
- 14 ~~section numbers and catch lines to bills which have passed~~
- 15 ~~both houses without catch lines or section numbers prior to~~
- 16 ~~the enrolling process.~~
- 17 (d) ~~Management~~ management and business services
- 18 division, which shall:
- 19 (i) maintain bookkeeping records;
- 20 (ii) sign claims and payrolls;
- 21 (iii) order all printing, supplies, and equipment; and
- 22 (iv) serve the house and senate during the session."
- 23 Section 13. Section 43-711.2, R.C.M. 1947, is amended
- 24 to read as follows:
- 25 "43-711.2. Distribution of senate and house journals

1 and session laws. (1) Immediately after the senate and house  
 2 journals and the session laws mentioned in ~~sections~~ 43-711.1  
 3 are bound, the legislative services division of the  
 4 legislative council ~~must~~ shall distribute ~~the same~~ them.

5 (2) It shall distribute the house and senate journals  
 6 as follows:

7 1-(a) ~~to the~~ to each county clerk ~~of each county,~~ one  
 8 copy of each for the use of the county;

9 2-(b) ~~to~~ to the state historical library, such number  
 10 of copies of both, not exceeding 150 of each, as may be  
 11 required by it for purposes of distribution and exchange;

12 (c) to the state law librarian, two copies of each for  
 13 the use of ~~said~~ the library, and such additional copies as  
 14 may be necessary for the purposes of exchange;

15 (d) ~~and~~ to the library of ~~Congress~~ Congress, two  
 16 copies of each; ~~and~~

17 3-(e) ~~to~~ to the lieutenant governor, each member of  
 18 the ~~legislative assembly~~ legislature, ~~the~~ secretary of the  
 19 senate, and ~~the~~ chief clerk of the house of representatives  
 20 at the session at which the journals were adopted, one copy  
 21 of each.

22 (3) It shall distribute the session laws as follows:

23 1-(a) ~~to~~ to each department of the government at  
 24 Washington, and of the government of this state, one copy;

25 2-(b) ~~to~~ to the library of ~~Congress~~ Congress, eight

1 copies;

2 (c) ~~and~~ to the state library, two copies;

3 3-(d) ~~to~~ to the state historical ~~and miscellaneous~~  
 4 library, two copies;

5 (e) to the state law librarian, four copies for the  
 6 use of ~~said~~ the state law library, ~~and such additional~~  
 7 copies as may be required for exchange with libraries and  
 8 institutions maintained by other states, territories, and  
 9 public libraries;

10 4- ~~to the law libraries and the legislative reference~~  
 11 ~~libraries of each of the states and territories such number~~  
 12 ~~of copies as are given by them in exchange with the Montana~~  
 13 ~~state law library and the legislative reference libraries.~~

14 (F) TO THE LIBRARY OF EACH CUSTODIAL INSTITUTION, ONE  
 15 COPY;

16 5-(f)(G) ~~to the members~~ to each Montana member of  
 17 ~~Congress~~ Congress, ~~to the~~ each United States district judge  
 18 in Montana, ~~to~~ each of the judges of the state supreme and  
 19 district courts, and ~~to~~ each of the state officers ~~of the~~  
 20 state, one copy;

21 6-(g)(H) ~~to~~ to the lieutenant governor, each member of  
 22 the ~~legislative assembly~~ legislature, ~~the~~ secretary of the  
 23 senate, and ~~the~~ chief clerk of the house of representatives  
 24 at the session at which ~~the~~ laws ~~and journals~~ were adopted,  
 25 one copy;

1 ~~7. (I)~~ 7. (I) ~~to~~ to each of the incorporated colleges of  
 2 the state and ~~to~~ each unit of the state university and  
 3 institutions system, one copy; ~~to the law librarian of the~~  
 4 ~~state of Montana as many copies as may be required by him~~  
 5 ~~for exchange with libraries and institutions maintained by~~  
 6 ~~other states, territories and public libraries.~~

7 ~~8. (J)~~ 8. (J) ~~to the~~ to each county clerk of ~~each~~ county,  
 8 three copies for the use of the county; and

9 ~~9. (K)~~ 9. (K) ~~to~~ to each county attorney, and to each clerk  
 10 of ~~the~~ a district court, one copy."

11 Section 14. Section 43-713, R.C.M. 1947, is amended to  
 12 read as follows:

13 "~~43-713. Hearings oaths, subpoenas, compelling~~  
 14 ~~attendance of witnesses and production of records contempt~~  
 15 ~~proceedings~~ Powers relating to hearings. (1) In the  
 16 discharge of its duties on behalf of standing committees and  
 17 subcommittees, the legislative council ~~shall have authority~~  
 18 ~~to~~ may hold hearings, administer oaths, issue subpoenas,  
 19 compel the attendance of witnesses, and the production of  
 20 any papers, books, accounts, documents, and testimony, and  
 21 ~~to~~ cause depositions of witnesses to be taken in the manner  
 22 prescribed by law for taking depositions in civil actions in  
 23 ~~the~~ district court.

24 ~~(2) In case of disobedience on the part of any~~ If a  
 25 ~~person to comply with any~~ disobeys a subpoena issued by the

1 council on behalf of a standing committee or subcommittee or  
 2 ~~of the refusal of any~~ if a witness refuses to testify on any  
 3 matters regarding which he may be lawfully interrogated, ~~it~~  
 4 ~~shall be the duty of~~ the district court of any county or ~~the~~  
 5 a judge thereof shall, on application of the legislative  
 6 council, ~~to~~ compel obedience by proceedings for contempt as  
 7 in the case of disobedience of the requirements of a  
 8 subpoena issued from such court ~~as~~ or a refusal to testify  
 9 therein."

10 Section 15. Section 43-716, R.C.M. 1947, is amended to  
 11 read as follows:

12 "~~43-716. Appointment and composition of joint~~  
 13 ~~subcommittees — composition functions resignation for~~  
 14 ~~failure to attend meetings or hearings officers — powers~~  
 15 ~~and duties — vacancies.~~ (1) (a) The standing committees of  
 16 the house and senate shall appoint subcommittees from each  
 17 body to meet jointly on those bills and resolutions as that  
 18 are designated to them by the priorities committee. The  
 19 ~~subcommittees~~ composition of each subcommittee shall be  
 20 ~~composed~~ as follows:

21 ~~(a) (i)~~ (a) (i) four ~~(4)~~ members of the house standing  
 22 committee appointed by the chairman of the standing  
 23 committee, no more than two ~~(2)~~ of whom may be of one  
 24 political party; and

25 ~~(b) (ii)~~ (b) (ii) four ~~(4)~~ members of the senate standing

1 committee appointed by the chairman of the standing  
2 committee, no more than two ~~(2)~~ of whom may be of one  
3 political party.

4 ~~(2)(b)~~ The chairman of the standing committee may  
5 appoint himself to the subcommittee.

6 ~~(2)(2)~~ The Each subcommittee shall elect its chairman  
7 and vice-chairman from among its members. The chairman and  
8 vice-chairman may not be members of the same political  
9 party.

10 ~~(4)(3)~~ The subcommittees may perform their functions  
11 when the legislature is not in session, ~~and the~~ The  
12 personnel, data, and facilities of the legislative council  
13 shall be made available to such subcommittees.

14 ~~(5)(3)~~ (a) The subcommittees Each subcommittee shall  
15 accumulate, compile, analyze, and furnish such information  
16 bearing upon any matters relating relevant to existing or  
17 prospective legislation as ~~may be determined by it~~ it  
18 determines, upon on its own initiative, pertaining to be  
19 pertinent to important issues of policy and questions of  
20 statewide importance, including but not limited to:

21 (i) investigation and study of the possibilities of  
22 consolidations of departments, commissions, boards, and  
23 institutions in state government for;

24 (A) the elimination of unnecessary activities and  
25 duplications in office personnel and equipment;

1 (B) for the coordination of activities;

2 (C) for the purpose of increasing efficiency of  
3 service or effecting economies; and

4 (D) for the purpose of studying and inquiring into the  
5 financial administration of state governments and  
6 subdivisions thereof, including the problems of assessment  
7 and collection of taxes; and

8 (iii) all other matters pertaining to the function of  
9 all the departments and branches of state government.

10 ~~(6)(b)~~ The subcommittees Each subcommittee shall  
11 prepare such bills and resolutions as, in its opinion, the  
12 welfare of the state may require for presentation to the  
13 next regular session of the legislative assembly  
14 legislature.

15 (c) Each subcommittee shall keep accurate records of  
16 its activities and proceedings.

17 ~~(7)~~ Any subcommittee appointed for the purpose of  
18 considering deferred bills may make recommendations  
19 regarding the disposition of such bills. Prior to the next  
20 session, these recommendations may be submitted to the  
21 standing committee having jurisdiction over the bill when  
22 the preceding session was adjourned. After having considered  
23 the subcommittee recommendations the standing committee may  
24 perfect a committee report on the bill to be presented to  
25 the legislature on the first legislative day of the next

1 ~~session.~~  
 2 ~~(8) (5)~~ ~~Any~~ a subcommittee appointed for the purpose of  
 3 making a study assigned by the priorities committee may make  
 4 recommendations for legislation. These recommendations and  
 5 the study report shall be submitted to the legislature at  
 6 the next regular session designated by the resolution of the  
 7 ~~priorities committee.~~  
 8 ~~(9) (6)~~ If ~~any~~ a subcommittee member ~~should miss~~ misses  
 9 more than two ~~(2)~~ committee meetings or hearings without  
 10 just cause when the legislature is not in session, the  
 11 member is ~~deemed~~ considered to have resigned and the vacancy  
 12 shall be filled in the same manner as the original  
 13 appointment. Any other vacancy shall be filled in the same  
 14 manner."  
 15 Section 16. Section 43-717, R.C.M. 1947, is amended to  
 16 read as follows:  
 17 "43-717. Legislative committee on priorities —  
 18 composition — functions. (1) There is ~~created~~ a  
 19 legislative committee on priorities which ~~shall be~~ is  
 20 composed of eight ~~(8)~~ members of the house rules committee,  
 21 no more than four ~~(4)~~ of whom ~~shall may~~ be of the same  
 22 political party, and eight ~~(8)~~ members of the senate rules  
 23 committee, no more than four ~~(4)~~ of whom ~~shall may~~ be of the  
 24 same political party.  
 25 (2) The committee on priorities shall be appointed at

1 the same time as all other standing committees.  
 2 (3) The committee on priorities shall consider  
 3 resolutions requesting council studies and all other study  
 4 requests and establish and prepare a list of priorities from  
 5 among them. ~~They shall also set priorities on all bills and~~  
 6 ~~studies carried over to the second regular session.~~ The  
 7 committee shall transmit the list to the legislative council  
 8 before the end of each regular session and shall assign the  
 9 bills and studies to the appropriate standing ~~committee~~  
 10 committees in the order in which the studies and bills  
 11 appear on the list of priorities. The committee shall assign  
 12 as many studies and bills as the resources of the council  
 13 staff ~~allows~~ allow."  
 14 Section 17. Section 43-721, R.C.M. 1947, is amended to  
 15 read as follows:  
 16 "43-721. Establishment of program. It is ~~declared to~~  
 17 ~~be~~ the public policy of this state that there be a  
 18 legislative intern program open to students attending the  
 19 university of Montana, Montana state university, eastern  
 20 Montana college, northern Montana college, western Montana  
 21 college, and the Montana college of mineral science and  
 22 technology. ~~The~~ Any private ~~colleges~~ college of higher  
 23 education in the state may also establish an intern program  
 24 for the purposes of this act."  
 25 Section 18. Section 43-725, R.C.M. 1947, is amended to



1 read as follows:

2 "43-725. Intern qualifications. (1) The legislative  
3 interns must have the following qualifications:

4 ~~(1)(a)~~ at least one ~~(1)~~ quarter of "state government"  
5 or its equivalent as a course of study at an institution of  
6 higher learning;

7 ~~(2)(b)~~ reached attainment of at least the level of a  
8 junior at an institution of higher learning; and

9 ~~(3)(c)~~ exhibit the necessary degree of scholastic  
10 achievement, leadership, and involvement in community  
11 affairs, ~~and~~

12 ~~(4)(2)~~ preference Preference shall be given to Montana  
13 high school graduates."

14 Section 19. Section 43-801, R.C.M. 1947, is amended to  
15 read as follows:

16 "43-801. ~~Purpose Purposes~~ of act. The ~~purpose purposes~~  
17 of this act ~~is are~~ to promote a high standard of ethics in  
18 the practice of lobbying, to prevent unfair and unethical  
19 lobbying practices, and to provide for the licensing of  
20 lobbyists and the suspension ~~of~~ ~~or~~ revocation of ~~each the~~  
21 licenses."

22 Section 20. Section 43-803, R.C.M. 1947, is amended to  
23 read as follows:

24 "43-803. Licensing of lobbyists ~~fee~~ ~~expiration,~~  
25 ~~suspension or revocation reinstatement.~~ (1) Licenses --

1 fees -- eligibility. Any ~~person of adult age~~ ~~and of~~ good  
2 moral character who is a citizen of the United States and  
3 who is otherwise qualified under this act may be licensed as  
4 a lobbyist ~~as herein provided.~~ The secretary of state shall  
5 provide ~~for the form of a license~~ application ~~for license~~  
6 form. ~~Such~~ The application form may be obtained in the  
7 office of the secretary of state and filed therein. Upon  
8 approval of ~~such the~~ application by the secretary of state  
9 and payment of the license fee of ~~ten dollars~~ ~~(\$10.00)~~ to  
10 the secretary of state, a license shall be issued which  
11 ~~shall entitle~~ entitles the licensee to practice lobbying on  
12 behalf of ~~any~~ one or more principals. Each license shall  
13 expire on December 31 of each odd-numbered year. No  
14 application ~~shall may~~ be disapproved without affording the  
15 applicant a hearing, ~~which~~ The hearing shall be held and the  
16 decision entered within ~~ten~~ ~~(10)~~ days, of the date of the  
17 filing of the application. The license fees collected by the  
18 secretary of state under this act shall be deposited by him  
19 in the state treasury.

20 (2) Suspension or revocation of license. Upon a  
21 verified complaint in writing to the attorney general ~~of the~~  
22 ~~state of Montana~~ charging the holder of a license with  
23 ~~having been guilty of~~ unprofessional conduct or with having  
24 procured his license by fraud or perjury or through error,  
25 the attorney general ~~is hereby authorized to may~~ bring a

1 civil action in the district court for Lewis and Clark  
 2 ~~county~~ County, state of Nevada, against the holder and in  
 3 the name of the state as plaintiff to revoke or suspend the  
 4 license. Hearing shall be held by the court unless the  
 5 defendant-licensee demands a jury trial. The trial shall be  
 6 held as soon as possible and at least ~~twenty~~ (20) days after  
 7 the filing of the charges and shall take precedence over all  
 8 other matters pending before the court. If the court finds  
 9 for the plaintiff, judgment shall be rendered revoking or  
 10 suspending the license, and the clerk of the court shall  
 11 file a certified copy of the judgment with the secretary of  
 12 state. The ~~licensing authority~~ secretary of state may  
 13 commence ~~any~~ such an action on his own motion.

14 (3) Suspension of lobbying privileges. No lobbyist  
 15 whose license has been suspended or revoked and no person  
 16 who has been convicted of a violation of any provision of  
 17 this act shall may engage in ~~any~~ lobbying until he has been  
 18 reinstated to the practice of lobbying and duly licensed."

19 Section 21. Section 43-806, R.C.M. 1947, is amended to  
 20 read as follows:

21 "43-806. Practice without license and registration  
 22 prohibited -- copies of statements, briefs, etc. --  
 23 applicability of restrictions ~~applicable when~~. (1) No  
 24 person shall may practice as a lobbyist unless he has been  
 25 ~~duly~~ licensed under ~~the provisions of section~~ 43-803 and

1 unless ~~his name appears upon~~ he is listed on the docket as  
 2 employed in respect to such matters as he shall ~~be~~ is  
 3 promoting or opposing. No principal shall may directly or  
 4 indirectly authorize or permit any lobbyist employed by him  
 5 to practice lobbying in respect to any legislation affecting  
 6 the pecuniary interest of ~~each~~ the principal until ~~each~~ the  
 7 lobbyist is duly licensed and the name of ~~each~~ the lobbyist  
 8 is duly entered on the docket. No person shall may be  
 9 employed as a lobbyist for a compensation dependent in any  
 10 manner upon the passage or defeat of any proposed or pending  
 11 legislation or upon any other contingency connected with the  
 12 action of the legislature, ~~or~~ of either branch thereof, or  
 13 of any committee thereof.

14 (2) Before or within ~~five~~ (5) days after ~~delivering~~ a  
 15 lobbyist delivers any written or printed statement,  
 16 argument, or brief to the entire membership of either or  
 17 both houses of the legislature, he shall deposit three (3)  
 18 copies ~~shall be deposited~~ with the secretary of state.

19 (3) The restrictions ~~upon~~ on the practice of lobbying  
 20 provided by this act shall ~~be~~ are effective only during the  
 21 regular and special sessions of the legislature."

22 Section 22. Section 43-902, R.C.M. 1947, is amended to  
 23 read as follows:

24 "43-902. Schedule of fees for proceedings. ~~(a)~~ (1) ~~Any~~  
 25 A person desiring to receive one complete set of the

1 proceedings of a regular session of the legislature shall  
 2 pay to the secretary of state the amount prescribed in the  
 3 joint legislative rules. Upon receipt of ~~such~~ the money, the  
 4 secretary of state shall transmit the name of ~~said~~ the  
 5 person to the executive director of the legislative council,  
 6 who shall supply ~~each~~ the person with a complete set of the  
 7 proceedings ~~of the legislature~~. Any person desiring to  
 8 receive more than one set ~~of the proceedings of the~~  
 9 legislature shall pay the session fee for each additional  
 10 set.

11 ~~(b)(2) In addition to the fee for each complete set of~~  
 12 ~~the proceedings specified by subsection (a) of this section,~~  
 13 ~~any~~ a person who requests that a set of the proceedings be  
 14 mailed shall pay an additional fee as prescribed in the  
 15 joint legislative rules to the secretary of state for each  
 16 complete set that is mailed, ~~of seventy-five dollars (\$75)~~  
 17 ~~if a person requests that the proceedings be mailed ordinary~~  
 18 ~~mail and one hundred dollars (\$100) if a person requests~~  
 19 ~~that the proceedings be mailed air mail.~~

20 ~~(c)(3)~~ any a person desiring to receive single copies  
 21 of mimeographed bills, mimeographed resolutions, printed  
 22 bills, printed resolutions, or amendments thereto shall  
 23 purchase them from the legislative services division of the  
 24 legislative council for a price varying with the length of  
 25 the document as prescribed in the joint rules.

1 ~~(c)(3)~~ any a person desiring to receive single copies  
 2 of status sheets or status of proceedings may purchase them  
 3 from the legislative services division of the legislative  
 4 council for a price per copy as prescribed in the joint  
 5 rules. A person may subscribe to receive daily copies of the  
 6 status sheets or status of proceedings by mail, for a fee  
 7 covering the actual costs of ~~such~~ the service which the  
 8 legislative council may fix.

9 ~~(e)(5)~~ The executive director of the legislative  
 10 council shall account for all funds collected under this  
 11 section and shall transmit such funds to the treasurer of  
 12 the state of Montana, who shall credit them to the general  
 13 fund."

14 Section 23. Section 43-1111, R.C.M. 1947, is amended  
 15 to read as follows:

16 "43-1111. Legislative finance committee and office of  
 17 legislative fiscal analyst ~~created~~. There is ~~created~~ a  
 18 legislative finance committee which shall be is a permanent  
 19 joint committee of the legislature. There is ~~created~~ the an  
 20 office of legislative fiscal analyst. The legislative  
 21 fiscal analyst shall ~~direct the office in carrying~~ carry out  
 22 the provisions of this act."

23 Section 24. Section 79-2303.1, R.C.M. 1947, is amended  
 24 to read as follows:

25 "79-2303.1. Legislative audit committee ~~created~~. (1)

1 There is ~~hereby created~~ a legislative audit committee which  
 2 shall be is a permanent joint committee of the legislative  
 3 assembly legislature.

4 (2) There is ~~hereby created and established the an~~  
 5 office of the legislative auditor. The ~~director of this~~  
 6 office shall be legislative auditor is responsible for  
 7 performing the duties imposed by this act."

8 Section 25. Section 79-2304, R.C.M. 1947, is amended  
 9 to read as follows:

10 "79-2304. ~~Legislative audit committee appointment~~  
 11 Appointment and term of members -- officers -- vacancies.

12 (1) The legislative audit committee consists of four ~~(4)~~  
 13 members of the ~~Senate senate~~ and four ~~(4)~~ members of the  
 14 ~~House house~~ of ~~Representatives representatives~~ appointed  
 15 before the ~~sixtieth~~ 60th legislative day of ~~the first~~ each  
 16 regular session of the biennium in the same manner as  
 17 standing committees of the respective houses are appointed.

18 ~~A vacancy on the committee occurring when the legislative~~  
 19 ~~assembly is not in session shall be filled by the selection~~  
 20 ~~of a member of the legislative assembly by the remaining~~  
 21 ~~members of the committee.~~ No more than two ~~(2)~~ of the  
 22 appointees of each house shall may be members of the same  
 23 political party.

24 (2) A member of the committee shall serve until his  
 25 term of office as a legislator ends ~~or until the end of the~~

1 ~~sixtieth legislative day of the second session of the~~  
 2 ~~biennium following his appointment~~ or until his successor is  
 3 appointed, whichever occurs first.

4 (3) The committee shall elect one of its members as  
 5 chairman and such other officers as it ~~deems~~ considers  
 6 necessary.

7 (4) A vacancy on the committee occurring when the  
 8 legislature is not in session shall be filled by the  
 9 selection of a member of the legislature by the remaining  
 10 members of the committee."

11 Section 26. Section 79-2310, R.C.M. 1947, is amended  
 12 to read as follows:

13 "79-2310. Duties Powers and duties of legislative  
 14 auditor. The legislative auditor shall:

15 (1) ~~Audit audit~~ the financial affairs and transactions  
 16 of every state agency;

17 (2) ~~Make make~~ a ~~full~~ complete and written report of  
 18 each audit. A copy of each report shall be furnished to the  
 19 state department of administration, ~~to~~ the state agency  
 20 which is was audited, ~~to~~ each member of the committee, and  
 21 ~~to~~ the legislative council.

22 (3) ~~Report report~~ immediately in writing to the  
 23 attorney general and the governor any apparent violation of  
 24 penal statutes disclosed by the audit of a state agency, and  
 25 furnish the attorney general with all information in his

1 possession relative to the violation;

2 (4) ~~Report~~ report immediately in writing to the  
 3 governor any instances of misfeasance, malfeasance, or  
 4 nonfeasance by a state officer or employee disclosed by the  
 5 audit of a state agency;

6 (5) ~~Report~~ report immediately to the surety upon the  
 7 bond of ~~any~~ an official or employee when an audit discloses  
 8 a shortage in the accounts of the official or employee. ~~The~~  
 9 ~~failure~~ Failure to notify the surety does not release the  
 10 surety from any obligation under the bond.

11 (6) ~~Report~~ report to the legislative ~~assembly~~  
 12 legislature during the first week of each regular session in  
 13 ~~odd-numbered years. Each biennial~~ The report shall contain,  
 14 among other things, copies of, or summaries of audit reports  
 15 on state agencies and any recommendations relating to such  
 16 reports.

17 (7) ~~Have~~ have the authority to audit records of  
 18 organizations and individuals receiving grants from or on  
 19 behalf of the state to determine that the grants are  
 20 administered in accordance with the grant terms and  
 21 conditions. ~~Is each instance when~~ Whenever a state agency  
 22 enters into an agreement to grant resources under its  
 23 control to others, the agency must obtain the written ~~assent~~  
 24 consent of the grantee to ~~this~~ the audit ~~access provision~~  
 25 ~~consenting to an audit of such grantee~~ provided for in this

1 subsection."

2 Section 27. Section 93-104, R.C.M. 1947, is amended to  
 3 read as follows:

4 "93-104. Jurisdiction. The court has jurisdiction to  
 5 try impeachments, ~~when~~ presented by the house of  
 6 representatives, ~~of the governor, executive officers, heads~~  
 7 ~~of state departments and judicial officers for felonies and~~  
 8 ~~misdemeanors or malfeasance in office."~~

9 Section 28. Section 95-2801, R.C.M. 1947, is amended  
 10 to read as follows:

11 "95-2801. Officers liable to impeachment. The  
 12 governor, ~~all other elected~~ executive officers, heads of  
 13 state departments, and judicial officers ~~shall be~~ are liable  
 14 to impeachment for felonies and misdemeanors, or malfeasance  
 15 in office."

16 Section 29. Section 95-2803, R.C.M. 1947, is amended  
 17 to read as follows:

18 "95-2803. Articles, ~~how prepared trial by senate of~~  
 19 impeachment. (1) All impeachments must be by resolution  
 20 adopted, originated in, and adopted by the house of  
 21 representatives. The resolution shall be conducted through  
 22 the house by managers elected by the house ~~of~~  
 23 representatives,

24 (2) ~~who must~~ The managers shall prepare articles of  
 25 impeachment, present them at the bar of the senate, and

1 prosecute ~~the same~~ them."

2 Section 30. Repealer. Sections 43-318, 43-511, 43-714,  
3 43-719, 43-1117 through 43-1119, 59-604, and 90-403, R.C.M.  
4 1947, are repealed.

-End-

## 1 HOUSE BILL NO. 43

2 INTRODUCED BY KVAALEN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
5 REVISION AND CLARIFICATION OF THE LAWS RELATING TO THE  
6 LEGISLATURE AND THE LAWS."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9 Section 1. Section 12-216, R.C.M. 1947, is amended to  
10 read as follows:11 "12-216. Reference to other titles, chapters, or  
12 sections ~~within codes. A title, chapter or~~ statute which  
13 refers to a title, chapter, or section number without  
14 further identification or attribution shall be presumed,  
15 unless the context clearly indicates otherwise, to refer to  
16 a title, chapter, or section of the Revised Codes of  
17 Montana, 1947."18 Section 2. Section 12-402, R.C.M. 1947, is amended to  
19 read as follows:20 "12-402. Appointments to fill vacancies. ~~Upon the~~  
21 ~~death, resignation, failure or refusal to serve of any~~  
22 appointed commissioner. If an appointed commissioner dies,  
23 resigns, or fails or refuses to serve, his office becomes  
24 vacant, and the The governor shall ~~make an appointment~~  
25 appoint a qualified person to fill the vacancy, ~~such~~1 ~~appointment to be~~ for the unexpired term ~~of the former~~  
2 ~~appointee."~~3 Section 3. Section 19-103, R.C.M. 1947, is amended to  
4 read as follows:5 "19-103. ~~Certain words defined~~ General definitional  
6 rules -- definitions of certain words. The following words  
7 ~~when used in the Revised Codes of Montana of 1947, or in any~~  
8 ~~act amendatory of or supplemental to said codes, shall have~~  
9 ~~the following meanings and interpretations unless otherwise~~  
10 ~~apparent from the context. The following rules apply in this~~  
11 code: The the present tense includes the future as well as  
12 the present; words used in the masculine gender include the  
13 feminine and neuter; the singular ~~number~~ includes the plural  
14 and the plural, the singular; fractions of a year are  
15 computed by the number of months; thus, half a year is 6  
16 months; fractions of a day are disregarded in computations  
17 which include more than 1 day and involve no questions of  
18 priority, the word person includes a corporation as well as  
19 ~~a natural person; writing includes printing; oath includes~~  
20 ~~affirmation or declaration, and every mode of oral statement~~  
21 ~~under oath or affirmation is embraced in the term "testify,"~~  
22 ~~and every written one in the term "depose"; signature or~~  
23 ~~subscription includes mark when the person cannot write, his~~  
24 ~~name being written near it, and written by a person who~~  
25 ~~writes his own name as a witness. The following words also~~

There are no changes in HB 43, and due to length will not  
be rerun. Please refer to yellow copy for complete text.

1 ~~have the signification attached to them in this section,~~  
 2 ~~unless otherwise apparent from Unless the context, requires~~  
 3 ~~otherwise, the following definitions apply in the Revised~~  
 4 ~~Codes of Montana 1947:~~

5 4-(1) ~~The word "property"~~ "Property" ~~means~~ includes  
 6 ~~property~~ real and personal property.

7 2-(2) ~~The words "real Real property" are so extensive~~  
 8 ~~with means lands, tenements, hereditaments, and possessory~~  
 9 ~~title to public lands.~~

10 3-(3) ~~The words "personal Personal property" include~~  
 11 ~~means money, goods, chattels, things in action, and evidence~~  
 12 ~~evidences of debt.~~

13 4-(4) ~~The word "year, Year" means a calendar year,~~

14 ~~(5) and a "month, Month" means a calendar month,~~  
 15 ~~unless otherwise expressed. Fractions of a year are to be~~  
 16 ~~computed by the number of months, thus, half a year is six~~  
 17 ~~(6) months. Fractions of a day are to be disregarded in~~  
 18 ~~computations which include more than one (1) day and involve~~  
 19 ~~no questions of priority.~~

20 5-(6) ~~The word "State," when applied to the different~~  
 21 ~~parts of the United States, includes the District of~~  
 22 ~~Columbia and the territories,~~

23 ~~(7) and the words "United States" say include includes~~  
 24 ~~the district District of Columbia and the territories.~~

25 6-(8) ~~The word "will Will" includes codicils.~~

1 7-(9) ~~The word "writ Writ" signifies means an order or~~  
 2 ~~precept in writing, issued in the name of the state, or of a~~  
 3 ~~court or judicial officer,~~

4 ~~(10) and the word "process, Process" means a writ or~~  
 5 ~~summons issued in the course of judicial proceedings.~~

6 8-(11) ~~The word "vessel Vessel" when used in reference~~  
 7 ~~to shipping, includes ships of all kinds, steamboats and~~  
 8 ~~steamships, canal boats, and every structure adapted to be~~  
 9 ~~navigated from place to place.~~

10 9-(12) ~~The term "peace Peace officer" signifies means~~  
 11 ~~any of the officers mentioned person described in section~~  
 12 ~~94-4906 95-210.~~

13 10-(13) ~~The term "magistrate Magistrate" signifies~~  
 14 ~~means any one of the officers mentioned officer described in~~  
 15 ~~section 94-4905 95-208.~~

16 11-(14) ~~The word "several Several" means two (2) or~~  
 17 ~~more.~~

18 12-(15) ~~The words "third Third persons" include means~~  
 19 ~~all persons who are not parties to the obligation or~~  
 20 ~~transaction concerning which the phrase is used.~~

21 13-(16) ~~"Usage," is means a reasonable and lawful~~  
 22 ~~public custom concerning transactions of the same nature as~~  
 23 ~~those which are to be affected thereby, existing at the~~  
 24 ~~place where the obligation is to be performed, and either~~  
 25 ~~known to the parties or so well established, general, and~~



March 11, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Judiciary

That House Bill No. 43, third reading bill, be amended as follows:

1. Amend page 7, section 3, lines 11 through 13.

Following: "Judicial"

Strike: "officer"

Insert: "officers"

Following: "means"

Strike: "a person who is invested by law with the power to perform judicial functions. It includes"

2. Amend page 7, section 3, line 14.

Following: "peace,"

Insert: "municipal judges,"

3. Amend page 28, section 22, line 10.

Following: "council"

Insert: "and the secretary of state"

Following: "collected"

Insert: "by their respective offices"

4. Amend page 28, section 23, line 22.

Following: line 22

Insert: "Section 24. Section 43-1118, R.C.M. 1947, is amended to read as follows: '43-1118. Approval of budget amendments. All budget amendments for state agencies must be submitted through the budget director to the committee. No state agency shall expend in excess of the appropriation except under authority of a budget amendment approved-by-the-committee. ~~The-committee shall approve, with or without modification, or disapprove, each proposed budget amendment of any state agency.~~'"

Renumber: all subsequent sections

5. Amend page 33, section 30, line 3.

Following: "43-719,"

Strike: "43-1117 through 43-1119,"

1 HOUSE BILL NO. 43

2 INTRODUCED BY KVAALEN

3  
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 12-216, R.C.M. 1947, is amended to  
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11 "12-216. Reference to other titles, chapters, or  
12 sections ~~within codes~~. A title, ~~chapter or~~ statute which  
13 refers to a title, chapter, or section number without  
14 further identification or attribution shall be presumed,  
15 unless the context clearly indicates otherwise, to refer to  
16 a title, chapter, or section of the Revised Codes of  
17 Montana, 1947."

18 Section 2. Section 12-402, R.C.M. 1947, is amended to  
19 read as follows:

20 "12-402. Appointments to fill vacancies. ~~Upon the~~  
21 ~~death, resignation, failure or refusal to serve of any~~  
22 ~~appointed commissioner~~ If an appointed commissioner dis,  
23 resigns, or fails or refuses to serve, his office becomes  
24 vacant, ~~and the~~ The governor shall ~~make an appointment~~  
25 appoint a qualified person to fill the vacancy, ~~such~~

1 ~~appointment to be~~ for the unexpired term ~~of the former~~  
2 ~~appointee."~~

3 Section 3. Section 19-103, R.C.M. 1947, is amended to  
4 read as follows:

5 "19-103. ~~Certain words defined~~ General definitional  
6 rules -- definitions of certain words. ~~The following words~~  
7 ~~when used in the Revised Codes of Montana of 1947, or in any~~  
8 ~~act amendatory of or supplemental to said codes, shall have~~  
9 ~~the following meanings and interpretations unless otherwise~~  
10 ~~apparent from the context.~~ The following rules apply in this  
11 code; ~~The~~ the present tense includes the future as well as  
12 the present; words used in the masculine gender include the  
13 feminine and neuter; the singular ~~number~~ includes the plural  
14 and the plural, the singular; fractions of a year are  
15 computed by the number of months; thus, half a year is 6  
16 months; fractions of a day are disregarded in computations  
17 which include more than 1 day and involve no questions of  
18 priority. ~~the word person includes a corporation as well as~~  
19 ~~a natural person; writing includes printing; oath includes~~  
20 ~~affirmation or declaration, and every mode of oral statement~~  
21 ~~under oath or affirmation is embraced in the term "testify,"~~  
22 ~~and every written one in the term "depose"; signature or~~  
23 ~~subscription includes mark when the person cannot write, his~~  
24 ~~name being written near it, and written by a person who~~  
25 ~~writes his own name as a witness. The following words also~~

REFERENCE BILL

1 ~~have the signification attached to them in this section,~~  
 2 ~~unless otherwise apparent from~~ Unless the context, requires  
 3 otherwise, the following definitions apply in the Revised  
 4 Codes of Montana 1947:

5 4-(1) ~~The word "property"~~ "Property" means includes  
 6 property real and personal property.

7 3-(2) ~~The words "real Real property" are so extensive~~  
 8 ~~with~~ means lands, tenements, hereditaments, and possessory  
 9 title to public lands.

10 3-(3) ~~The words "personal Personal property" include~~  
 11 means money, goods, chattels, things in action, and evidence  
 12 evidences of debt.

13 4-(4) ~~The word "year, Year"~~ means a calendar year, 1

14 (5) ~~and a "month, Month"~~ means a calendar month,  
 15 ~~unless otherwise expressed. Fractions of a year are to be~~  
 16 ~~computed by the number of months, thus, half a year is six~~  
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 18 ~~computations which include more than one (1) day and involve~~  
 19 ~~no questions of priority.~~

20 5-(6) ~~The word "State,"~~ when applied to the different  
 21 parts of the United States, includes the District of  
 22 Columbia and the territories, 2

23 (7) ~~and the words "United States" say include~~ includes  
 24 the district District of Columbia and the territories.

25 6-(8) ~~The word "will Will"~~ includes codicils.

1 7-(9) ~~The word "writ Writ"~~ signifies means an order or  
 2 ~~precept~~ in writing, issued in the name of the state, or of a  
 3 court or judicial officer, 1

4 (10) ~~and the word "process, Process"~~ means a writ or  
 5 summons issued in the course of judicial proceedings.

6 8-(11) ~~The word "vessel Vessel"~~ when used in reference  
 7 to shipping, includes ships of all kinds, steamcats and  
 8 steamships, canal boats, and every structure adapted to be  
 9 navigated from place to place.

10 9-(12) ~~The term "peace Peace officer" signifies~~ means  
 11 ~~any of the officers mentioned~~ person described in section  
 12 ~~94-4906~~ 95-210.

13 10-(13) ~~The term "magistrate Magistrate"~~ signifies  
 14 means ~~any one of the officers mentioned~~ officer described in  
 15 section ~~94-4905~~ 95-206.

16 11-(14) ~~The word "several Several"~~ means two (2) or  
 17 more.

18 12-(15) ~~The words "third Third persons" include~~ means  
 19 all persons who are not parties to the obligation or  
 20 transaction concerning which the phrase is used.

21 13-(16) ~~"Usage,"~~ is means a reasonable and lawful  
 22 public custom concerning transactions of the same nature as  
 23 those which are to be affected thereby, existing at the  
 24 place where the obligation is to be performed, and either  
 25 known to the parties or so well established, general, and

1 uniform, that ~~they~~ the parties must be presumed to have  
 2 acted with reference thereto.

3 ~~14. (17) The words "usual Usual" and "customary" mean~~  
 4 means "according to usage."

5 (18) "Customary" means according to usage.

6 ~~15. (19) The word "willfully Willfully", when applied to~~  
 7 the intent with which an act is done or omitted, ~~implies~~  
 8 simply denotes a purpose or willingness to commit the act,  
 9 or make the omission referred to. It does not require any  
 10 intent to violate the law, ~~or~~ to injure another, or to  
 11 acquire any advantage.

12 ~~16. (20) The words "neglect, Neglect", "negligence",~~  
 13 "negligent", and "negligently" ~~import denote~~ a want of ~~each~~  
 14 the attention to the nature or probable consequences of the  
 15 act or omission ~~as~~ that a prudent man would ordinarily  
 16 ~~bestow give~~ in acting in his own concerns.

17 ~~17. (21) The word "corruptly Corruptly" imports denotes~~  
 18 a wrongful design to acquire or cause some pecuniary or  
 19 other advantage to the person guilty of the act or omission  
 20 referred to, or to some other person.

21 ~~18. (22) The words "malice Malice" and "maliciously"~~  
 22 import denote a wish to vex, annoy, or injure another  
 23 person, or an intent to do a wrongful act, established  
 24 either by proof or presumption of law.

25 ~~19. (23) The word "knowingly Knowingly" imports denotes~~

1 only a knowledge that the facts exist which bring the act or  
 2 omission within the provisions of this code. It does not  
 3 require any knowledge of the unlawfulness of ~~such~~ the act or  
 4 omission.

5 ~~20. (24) The word "bribe Bribe" signifies means~~ anything  
 6 of value or advantage, present or prospective, or any  
 7 promise or undertaking to give ~~any~~ anything of value or  
 8 advantage, which is asked, given, or accepted, with a  
 9 corrupt intent to unlawfully influence, ~~unlawfully,~~ the  
 10 person to whom it is given, in his action, vote, or opinion,  
 11 in any public or official capacity.

12 ~~24. (25) When "Seal", when~~ the seal of a court or public  
 13 officer is required by law to be affixed to any paper, ~~the~~  
 14 ~~word "seal"~~ includes an impression of ~~each~~ the seal upon the  
 15 paper alone, or upon any substance attached to the paper  
 16 capable of receiving a visible impression. The seal of a  
 17 private person may be made in like manner, ~~or~~ by the scroll  
 18 of a pen, or by writing the word "seal" against his name.

19 ~~22. (26) "Pledge", "mortgage", "conditional sale",~~  
 20 "lien", "assignment", and like terms, when used in  
 21 referring to a security interest in personal property, ~~shall~~  
 22 include a corresponding type of security interest under the  
 23 Uniform Commercial Code--Secured Transactions.

24 (27) "Person" includes a corporation as well as a  
 25 natural person.

1 (28) "writing" includes printing.

2 (29) "Oath" includes an affirmation or declaration.

3 (30) "Testify" includes every mode of oral statement  
 4 under oath or affirmation.

5 (31) "Deposition" means a statement made under oath or  
 6 affirmation and reduced to writing.

7 (32) "Signature" or "subscription" includes the mark of  
 8 a person who cannot write if the person's name is written  
 9 near the mark by another person who also signs his own name  
 10 as a witness.

11 (33) "Judicial officer OFFICERS" means a person who is  
 12 invested by law with the power to perform judicial  
 13 functions. It includes justices of the supreme court, judges  
 14 of the district courts, justices of the peace, MUNICIPAL  
 15 JUDGES, and city judges."

16 Section 4. Section 19-105, R.C.M. 1947, is amended to  
 17 read as follows:

18 "19-105. Notice, ~~is~~ actual and constructive. Notice  
 19 is:

20 1. (1) Actual ~~which actual~~ whenever it consists in of  
 21 express information of a fact;

22 2. (2) Constructive ~~which constructive~~ whenever it is  
 23 imputed by law."

24 Section 5. Section 43-205, R.C.M. 1947, is amended to  
 25 read as follows:

1 "43-205. Time and place of meeting. Each regular  
 2 session of the ~~legislative assembly legislature~~ shall meet  
 3 be convened at the seat of government, at ~~twelve~~ (12) noon,  
 4 on the first Monday of January of each odd-numbered year of,  
 5 if except when it is January 1st is a Monday, then they  
 6 shall meet on the first Wednesday ~~of January of each year,~~  
 7 and The legislature shall meet at other times when convened  
 8 by the governor or by a the written request of a majority of  
 9 the ~~members legislators~~ or, when the ~~legislative assembly~~  
 10 legislature is in session, by a recorded vote of a majority  
 11 of the ~~members legislators."~~

12 Section 6. Section 43-404, R.C.M. 1947, is amended to  
 13 read as follows:

14 "43-404. Compelling attendance. Any witness neglecting  
 15 or refusing to attend in obedience to a subpoena may be  
 16 arrested by the sergeant-at-arms and brought before the  
 17 senate or house. The only warrant of authority necessary to  
 18 authorize ~~such~~ the arrest is a copy of a resolution of the  
 19 senate or house, signed by the president of the senate or  
 20 speaker of the house ~~of representatives,~~ and countersigned  
 21 by the secretary or clerk."

22 Section 7. Section 43-503, R.C.M. 1947, is amended to  
 23 read as follows:

24 "43-503. Bills returned without approval. (1) A bill  
 25 or item or items of an appropriations bill become law

1 whenever:  
 2 (a) when a the bill has passed passes both houses of  
 3 the legislative assembly legislature;  
 4 (b) and the bill is returned by the governor without  
 5 his signature, and with objections thereto, or, if it be is  
 6 a bill containing several items of appropriation of money,  
 7 with objections to one or more items; and  
 8 (c) upon reconsideration, such the bill, or item, or  
 9 items, pass both houses by the constitutional majority;  
 10 (2) the The bill, or item, or items, not shall be  
 11 authenticated ~~as having become a law~~ by a certificate  
 12 endorsed on or attached to the bill, or ~~endorsed or attached~~  
 13 ~~to~~ the copy of the statement of objections, ~~in the~~  
 14 ~~following form~~ The form of the certificate shall be: "This  
 15 bill having been returned by the governor with his  
 16 objections thereto, and, after reconsideration, having  
 17 passed both houses by the constitutional majority, has  
 18 become a law this .... day of ...., A.D. ...." or "The  
 19 following items in the within statement (naming them)  
 20 having, after reconsideration, passed both houses by the  
 21 constitutional majority, have become a law this .... day of  
 22 ...., A.D. ...." ~~which The~~ endorsement, signed by the  
 23 president of the senate and the speaker of the house of  
 24 ~~representatives,~~ is a sufficient authentication ~~thereof~~ of  
 25 the bill or item or items.

1 (3) Such The authenticated bill or statement ~~not then~~  
 2 shall be delivered to the governor, ~~and by his not be~~  
 3 deposited who shall deposit it with the laws in the office  
 4 of the secretary of state."  
 5 Section 8. Section 43-505, R.C.M. 1947, is amended to  
 6 read as follows:  
 7 "43-505. Bills remaining with the governor. (1) Every  
 8 A bill which has passed both houses of the legislature, and  
 9 has not been returned by the governor within ~~five (5)~~ days  
 10 after its delivery to him if the legislature is in session  
 11 or within ~~twenty-five (25)~~ days if the legislature is  
 12 adjourned, ~~thereby becoming a~~ becomes law.  
 13 (2) is authenticated by the The governor ~~causing the~~  
 14 ~~fact to be certified shall deliver the bill to the secretary~~  
 15 ~~of state and direct him to authenticate it by a certificate~~  
 16 ~~endorsed or attached thereon, by the secretary of state, in~~  
 17 ~~the following form~~ The form of the certificate shall be:  
 18 "This bill having remained with the governor ~~five (5)~~ days,  
 19 and the legislature being in session, it has become a law  
 20 this .... day of ...., A.D. ...." or "This bill having  
 21 remained with the governor ~~twenty-five (25)~~ days, and the  
 22 legislature being adjourned, it has become a law this ....  
 23 day of ...., A.D. ...." ~~which The~~ certificate ~~not shall~~  
 24 be signed by the secretary of state and deposited with the  
 25 laws in his office."

1 Section 9. Section 43-508, R.C.M. 1947, is amended to  
2 read as follows:

3 "43-508. ~~"Final-passage, Passage"~~ -- meaning of. The  
4 words ~~"final-passage, Passage"~~, as used in ~~the preceding~~  
5 ~~section 43-507~~, shall be held to mean means the enactment  
6 into law of a bill which has passed the legislative  
7 ~~assembly, legislature~~ either with or without the approval of  
8 the governor, as provided in the constitution."

9 Section 10. Section 43-709, R.C.M. 1947, is amended to  
10 read as follows:

11 "43-709. ~~Legislative-council-members Appointment and~~  
12 ~~composition of legislative council~~ -- term -- vacancies. (1)  
13 There is ~~hereby created~~ a legislative council which consists  
14 of:

15 (a) four ~~(4)~~ members of the house of representatives  
16 ~~who shall be~~ appointed by the speaker of the house of  
17 ~~representatives~~, with the advice of the majority and  
18 minority leaders of the house, no more than two ~~(2)~~ of whom  
19 shall may be of the same political party; and

20 (b) four ~~(4)~~ members of the state senate ~~who shall be~~  
21 appointed by the committee on committees of the state  
22 senate, no more than two ~~(2)~~ of whom shall may be of the  
23 same political party.

24 (2) Membership on the council shall be is for two ~~(2)~~  
25 years and terminates with the appointment of a new council

1 or on the ~~fiftieth~~ 50th legislative day of the ~~first~~ next  
2 regular session following the ~~biennium~~ one in which the  
3 appointment was made, whichever event occurs first. A new  
4 council shall be appointed no later than the ~~fiftieth~~ 50th  
5 day of each ~~succeeding-first~~ regular session.

6 (3) Any ~~A~~ vacancy on ~~said~~ the legislative council  
7 occurring when the legislature is not in session shall be  
8 filled by the selection of another member by the same method  
9 as the original appointment."

10 Section 11. Section 43-710, R.C.M. 1947, is amended to  
11 read as follows:

12 "43-710. Powers and duties of council. (1) If a  
13 question of ~~state-wide~~ statewide importance arises when the  
14 legislature is not in session and a subcommittee has not  
15 been appointed to consider the question, the legislative  
16 council shall, with the concurrence of the priorities  
17 committee, assign ~~such~~ the question to an appropriate  
18 subcommittee.

19 (2) The legislative council shall supervise the  
20 activities of the council staff.

21 (3) The legislative council shall assist in the  
22 preparation and submission of all standing and select  
23 committee and subcommittee reports and recommendations to  
24 the legislature.

25 (4) This section shall not be construed to permit the

1 council to approve or disapprove of any substantive portions  
2 or recommendations of a standing ~~and~~ or select committee ~~and~~  
3 or subcommittee report."

4 Section 12. Section 43-711, R.C.M. 1947, is amended to  
5 read as follows:

6 "43-711. Executive director, -- personnel and  
7 consultants, functional divisions ~~---standing and select~~  
8 ~~committees.~~ (1) The legislative council may employ an  
9 executive director and such other personnel, not members of  
10 the council, as it ~~deems~~ considers necessary to assist in  
11 the preparation of proposed legislative acts and standing  
12 and select committee and subcommittee reports and  
13 recommendations, ~~proposed legislative acts and any to carry~~  
14 out other council activities, and the council shall fix the  
15 compensation of such employees. It ~~shall further have the~~  
16 power to may also employ the services of any research agency  
17 which it ~~deems~~ considers necessary in the discharge of its  
18 duties.

19 (2) The legislative council may establish functional  
20 divisions within the council staff in order to carry out all  
21 of the responsibilities delegated to the council by law or  
22 legislative rule, ~~and the divisions~~ shall include the  
23 following:

- 24 (a) Legislative legislative services division†;  
25 (i) engrossing and enrolling†;

- 1 (ii) mailroom†;  
2 (iii) printing;  
3 (b) ~~Research~~ research and reference services  
4 division†;  
5 (i) general and specialized legislative research†;  
6 (ii) legislative reference and information, including  
7 preparation and publication of the Legislative Review to be  
8 sold at the cost of the publication plus postage†;  
9 (iii) committee staffing when the legislature is not in  
10 session;  
11 (c) ~~Legal~~ legal services division†;  
12 (i) bill drafting†;  
13 (ii) legal counseling†;  
14 ~~(iii) this division is authorized to assign code~~  
15 ~~section numbers and catch lines to bills which have passed~~  
16 ~~both houses without catch lines or section numbers prior to~~  
17 ~~the enrolling process.~~  
18 (d) ~~Management~~ management and business services  
19 division†, which shall:  
20 (i) maintain bookkeeping records†;  
21 (ii) sign claims and payrolls†;  
22 (iii) order all printing, supplies, and equipment†; and  
23 (iv) serve the house and senate during the session."  
24 Section 13. Section 43-711.2, R.C.M. 1947, is amended  
25 to read as follows:



1       "43-711.2. Distribution of senate and house journals  
 2 and session laws. (1) Immediately after the senate and house  
 3 journals and the session laws mentioned in section 43-711.1  
 4 are bound, the legislative services division of the  
 5 legislative council ~~must~~ shall distribute ~~the same~~ them.

6       (2) It shall distribute the house and senate journals  
 7 as follows:

8       4.(a) ~~To the~~ to each county clerk ~~of each county,~~ one  
 9 copy of each for the use of the county;

10       2.(b) ~~To~~ to the state historical library, such number  
 11 of copies of both, not exceeding 150 of each, as may be  
 12 required by it for purposes of distribution and exchange;

13       (c) to the state law librarian, two copies of each for  
 14 the use of ~~said~~ the library, and such additional copies as  
 15 may be necessary for the purposes of exchange;

16       (d) ~~and~~ to the library of ~~Congress~~ Congress, two  
 17 copies of each; and

18       3.(e) ~~To~~ to the lieutenant governor, each member of  
 19 the ~~legislative assembly~~ legislature, ~~the~~ secretary of the  
 20 senate, and ~~the~~ chief clerk of the house of representatives  
 21 at the session at which the journals were adopted, one copy  
 22 of each.

23       (3) It shall distribute the session laws as follows:

24       4.(a) ~~To~~ to each department of the government at  
 25 Washington, and of the government of this state, one copy;

1       2.(b) ~~To~~ to the library of ~~Congress~~ Congress, eight  
 2 copies;

3       (c) and to the state library, two copies;

4       3.(d) ~~To~~ to the state historical ~~and miscellaneous~~  
 5 library, two copies;

6       (e) to the state law librarian, four copies for the  
 7 use of ~~said~~ the state law library, and such additional  
 8 copies as may be required for exchange with libraries and  
 9 institutions maintained by other states, territories, and  
 10 public libraries;

11       4. ~~To the law libraries and the legislative reference~~  
 12 ~~libraries of each of the states and territories such number~~  
 13 ~~of copies as are given by them in exchange with the Montana~~  
 14 ~~state law library and the legislative reference libraries.~~

15       (f) TO THE LIBRARY OF EACH CUSTODIAL INSTITUTION, ONE  
 16 COPY;

17       5.(g) ~~To the members~~ to each Montana member of  
 18 ~~Congress~~ Congress, ~~to the~~ each United States district judge  
 19 in Montana, ~~to~~ each of the judges of the state supreme and  
 20 district courts, and ~~to~~ each of the state officers ~~of the~~  
 21 state, one copy;

22       6.(g)(H) ~~To~~ to the lieutenant governor, each member of  
 23 the ~~legislative assembly~~ legislature, ~~the~~ secretary of the  
 24 senate, and ~~the~~ chief clerk of the house of representatives  
 25 at the session at which the laws ~~and journals~~ were adopted,

1 one copy;

2 ~~7.41(I)~~ To to each of the incorporated colleges of

3 the state and ~~to~~ each unit of the state university and

4 institutions system, one copy; ~~to the law librarian of the~~

5 ~~state of Montana as many copies as may be required by him~~

6 ~~for exchange with libraries and institutions maintained by~~

7 ~~other states, territories and public libraries.~~

8 ~~8.41(J)~~ To the to each county clerk of ~~each~~ county,

9 three copies for the use of the county; and

10 ~~9.41(K)~~ To to each county attorney, and to each clerk

11 of ~~the~~ a district court, one copy."

12 Section 14. Section 43-713, R.C.M. 1947, is amended to

13 read as follows:

14 "43-713. ~~Hearings oaths, subpoenas, compelling~~

15 ~~attendance of witnesses and production of records contempt~~

16 ~~proceedings~~ Powers relating to hearings. (1) In the

17 discharge of its duties on behalf of standing committees and

18 subcommittees, the legislative council ~~shall have authority~~

19 ~~to~~ may hold hearings, administer oaths, issue subpoenas,

20 compel the attendance of witnesses, and the production of

21 any papers, books, accounts, documents, and testimony, and

22 ~~to~~ cause depositions of witnesses to be taken in the manner

23 prescribed by law for taking depositions in civil actions in

24 ~~the~~ district court.

25 ~~(2) In case of disobedience on the part of any~~ If a

1 person ~~to comply with any~~ disobeys a subpoena issued by the

2 council on behalf of a standing committee or subcommittee or

3 ~~of the refusal of any~~ if a witness refuses to testify on any

4 matters regarding which he may be lawfully interrogated, ~~it~~

5 ~~shall be the duty of~~ the district court of any county or ~~the~~

6 a judge thereof shall, on application of the legislative

7 council, ~~to~~ compel obedience by proceedings for contempt as

8 in the case of disobedience of the requirements of a

9 subpoena issued from such court ~~or~~ or a refusal to testify

10 therein."

11 Section 15. Section 43-716, R.C.M. 1947, is amended to

12 read as follows:

13 "43-716. Appointment and composition of joint

14 subcommittees ~~composition functions resignation for~~

15 ~~failure to attend meetings or hearings~~ officers ~~powers~~

16 and duties ~~vacancies.~~ (1) (a) The standing committees of

17 the house and senate shall appoint subcommittees from each

18 body to meet jointly on those bills and resolutions ~~as~~ that

19 are designated to them by the priorities committee. The

20 subcommittees composition of each subcommittee shall be

21 ~~specified~~ as follows:

22 ~~(a) (1)~~ four ~~(4)~~ members of the house standing

23 committee appointed by the chairman of the standing

24 committee, no more than two ~~(2)~~ of whom may be of one

25 political party; and

1 ~~(b)~~(i) four ~~(4)~~ members of the senate standing  
 2 committee appointed by the chairman of the standing  
 3 committee, no more than two ~~(2)~~ of whom may be of one  
 4 political party.

5 ~~(2)~~(1) The chairman of the standing committee may  
 6 appoint himself to the subcommittee.

7 ~~(2)~~(2) The Each subcommittee shall elect its chairman  
 8 and vice-chairman from among its members. The chairman and  
 9 vice-chairman may not be members of the same political  
 10 party.

11 ~~(4)~~(3) The subcommittees may perform their functions  
 12 when the legislature is not in session, and ~~the~~ The  
 13 personnel, data, and facilities of the legislative council  
 14 shall be made available to such subcommittees.

15 ~~(5)~~(4) (a) ~~The subcommittees~~ Each subcommittee shall  
 16 accumulate, compile, analyze, and furnish such information  
 17 ~~bearing upon any matters relating~~ relevant to existing or  
 18 prospective legislation as ~~may be determined by it~~ it  
 19 determines, upon on its own initiative, pertaining to be  
 20 pertinent to important issues of policy and questions of  
 21 statewide importance, including but not limited to:

22 (i) ~~investigation and study~~ of the possibilities of  
 23 consolidations of departments, commissions, boards, and  
 24 institutions in state government for;

25 (A) the elimination of unnecessary activities and

1 duplications in office personnel and equipment;

2 (B) ~~for~~ the coordination of activities;

3 (C) ~~for~~ the purpose of increasing efficiency of  
 4 service or effecting economies; and

5 (D) ~~for~~ the purpose of studying and inquiring into the  
 6 financial administration of state governments and  
 7 subdivisions thereof, including the problems of assessment  
 8 and collection of taxes; and

9 (ii) all other matters pertaining to the function of  
 10 ~~all the~~ departments and branches of state government.

11 ~~(6)~~(b) ~~the subcommittees~~ Each subcommittee shall  
 12 prepare such bills and resolutions as, in its opinion, the  
 13 welfare of the state may require for presentation to the  
 14 next regular session of the ~~legislative assembly~~  
 15 legislature.

16 (c) Each subcommittee shall keep accurate records of  
 17 its activities and proceedings.

18 ~~(7) Any subcommittee appointed for the purpose of~~  
 19 ~~considering deferred bills may make recommendations~~  
 20 ~~regarding the disposition of such bills. Prior to the next~~  
 21 ~~session, these recommendations may be submitted to the~~  
 22 ~~standing committee having jurisdiction over the bill when~~  
 23 ~~the preceding session was adjourned. After having considered~~  
 24 ~~the subcommittee recommendations the standing committee may~~  
 25 ~~perfect a committee report on the bill to be presented to~~

1 ~~the legislature on the first legislative day of the next~~  
 2 ~~session.~~

3 ~~(8) (5)~~ Any a subcommittee appointed for the purpose of  
 4 making a study assigned by the priorities committee may make  
 5 recommendations for legislation. These recommendations and  
 6 the study report shall be submitted to the legislature at  
 7 the next regular session designated by the resolution of the  
 8 priorities committee.

9 ~~(9) (6)~~ If ~~any~~ a subcommittee member ~~should miss~~ misses  
 10 more than two ~~(2)~~ committee meetings or hearings without  
 11 just cause when the legislature is not in session, the  
 12 member is ~~deemed~~ considered to have resigned and the vacancy  
 13 shall be filled in the same manner as the original  
 14 appointment. Any other vacancy shall be filled in the same  
 15 manner."

16 Section 16. Section 43-717, R.C.M. 1947, is amended to  
 17 read as follows:

18 "43-717. Legislative committee on priorities --  
 19 composition -- functions. (1) There is ~~created~~ a  
 20 legislative committee on priorities which ~~shall be~~ is  
 21 composed of eight ~~(8)~~ members of the house rules committee,  
 22 no more than four ~~(4)~~ of whom ~~shall~~ may be of the same  
 23 political party, and eight ~~(8)~~ members of the senate rules  
 24 committee, no more than four ~~(4)~~ of whom ~~shall~~ may be of the  
 25 same political party.

1 (2) The committee on priorities shall be appointed at  
 2 the same time as all other standing committees.

3 (3) The committee on priorities shall consider  
 4 resolutions requesting council studies and all other study  
 5 requests and establish and prepare a list of priorities from  
 6 among them. ~~They shall also set priorities on all bills and~~  
 7 ~~studies carried over to the second regular session.~~ The  
 8 committee shall transmit the list to the legislative council  
 9 before the end of each regular session and shall assign the  
 10 bills and studies to the appropriate standing ~~committee~~  
 11 committees in the order in which the studies and bills  
 12 appear on the list of priorities. The committee shall assign  
 13 as many studies and bills as the resources of the council  
 14 staff ~~allows~~ allow."

15 Section 17. Section 43-721, R.C.M. 1947, is amended to  
 16 read as follows:

17 "43-721. Establishment of program. It is ~~declared to~~  
 18 ~~be~~ the public policy of this state that there be a  
 19 legislative intern program open to students attending the  
 20 university of Montana, Montana state university, eastern  
 21 Montana college, northern Montana college, western Montana  
 22 college, and the Montana college of mineral science and  
 23 technology. ~~The~~ Any private ~~colleges~~ college of higher  
 24 education in the state may also establish an intern program  
 25 for the purposes of this act."

1 Section 18. Section 43-725, R.C.M. 1947, is amended to  
2 read as follows:

3 "43-725. Intern qualifications. (1) The legislative  
4 interns must have the following qualifications:

5 ~~(1)(a)~~ at least one ~~(1)~~ quarter of "state government"  
6 or its equivalent as a course of study at an institution of  
7 higher learning;

8 ~~(2)(b)~~ ~~reached attainment of~~ at least the level of a  
9 junior at an institution of higher learning; and

10 ~~(3)(c)~~ exhibit the necessary degree of scholastic  
11 achievement, leadership, and involvement in community  
12 affairs; and

13 ~~(4)(2)~~ preference Preference shall be given to Montana  
14 high school graduates."

15 Section 19. Section 43-801, R.C.M. 1947, is amended to  
16 read as follows:

17 "43-801. ~~Purpose~~ Purposes of act. The ~~purpose~~ purposes  
18 of this act ~~is~~ are to promote a high standard of ethics in  
19 the practice of lobbying, to prevent unfair and unethical  
20 lobbying practices, and to provide for the licensing of  
21 lobbyists and the suspension ~~of~~ for revocation of ~~each~~ the  
22 licenses."

23 Section 20. Section 43-803, R.C.M. 1947, is amended to  
24 read as follows:

25 "43-803. Licensing of lobbyists ~~fee~~ expiration,

1 ~~suspension or revocation~~ reinstatement. (1) Licenses --  
2 fees -- eligibility. Any ~~person of adult age and of~~ good  
3 moral character who is a citizen of the United States and  
4 who is otherwise qualified under this act may be licensed as  
5 a lobbyist ~~as herein provided~~. The secretary of state shall  
6 provide ~~for the form of a license~~ application ~~for license~~  
7 form. ~~Such~~ The application form may be obtained in the  
8 office of the secretary of state and filed therein. Upon  
9 approval of ~~such~~ the application by the secretary of state  
10 and payment of the license fee of ~~ten dollars (\$10.00)~~ to  
11 the secretary of state, a license shall be issued which  
12 ~~shall entitle~~ entitles the licensee to practice lobbying on  
13 behalf of ~~any~~ one or more principals. Each license shall  
14 expire on December 31 of each odd-numbered year. No  
15 application shall may be disapproved without affording the  
16 applicant a hearing, ~~which~~ The hearing shall be held and the  
17 decision entered within ~~ten~~ (10) days, of the date of the  
18 filing of the application. The license fees collected by the  
19 secretary of state under this act shall be deposited by him  
20 in the state treasury.

21 (2) Suspension or revocation of license. Upon a  
22 verified complaint in writing to the attorney general ~~of the~~  
23 ~~state of Montana~~ charging the holder of a license with  
24 ~~having been guilty of~~ unprofessional conduct or with having  
25 procured his license by fraud or perjury or through error,

1 the attorney general ~~is hereby authorized to~~ may bring a  
 2 civil action in the district court for Lewis and Clark  
 3 ~~county County, state of Montana,~~ against the holder and in  
 4 the name of the state as plaintiff to ~~revoke or suspend~~ the  
 5 license. Hearing shall be held by the court unless the  
 6 defendant-licensee demands a jury trial. The trial shall be  
 7 held as soon as possible and at least ~~twenty~~ (20) days after  
 8 the filing of the charges and shall take precedence over all  
 9 other matters pending before the court. If the court finds  
 10 for the plaintiff, judgment shall be rendered ~~revoking or~~  
 11 ~~suspending~~ the license, and the clerk of the court shall  
 12 file a certified copy of the judgment with the secretary of  
 13 state. The ~~licensing authority~~ secretary of state may  
 14 commence ~~any~~ such an action on his own motion.

15 (3) Suspension of lobbying privileges. No lobbyist  
 16 whose license has been suspended or revoked and no person  
 17 who has been convicted of a violation of any provision of  
 18 this act ~~shall~~ may engage in ~~any~~ lobbying until he has been  
 19 reinstated to the practice of lobbying and duly licensed."

20 Section 21. Section 43-806, R.C.M. 1947, is amended to  
 21 read as follows:

22 "43-806. Practice without license and registration  
 23 prohibited -- copies of statements, briefs, etc. --  
 24 applicability of restrictions ~~applicable when~~. (1) No  
 25 person ~~shall~~ may practice as a lobbyist unless he has been

1 ~~duly~~ licensed under ~~the provisions of section~~ 43-803 and  
 2 unless ~~his name appears upon~~ he is listed on the docket as  
 3 employed in respect to such matters as he ~~shall be~~ is  
 4 promoting or opposing. No principal ~~shall~~ may directly or  
 5 indirectly authorize or permit any lobbyist employed by him  
 6 to practice lobbying in respect to any legislation affecting  
 7 the pecuniary interest of ~~each the~~ principal until ~~each the~~  
 8 lobbyist is duly licensed and the name of ~~each the~~ lobbyist  
 9 is duly entered on the docket. No person ~~shall~~ may be  
 10 employed as a lobbyist for a compensation dependent in any  
 11 manner upon the passage or defeat of any proposed or pending  
 12 legislation or upon any other contingency connected with the  
 13 action of the legislature, ~~or~~ of either branch thereof, or  
 14 of any committee thereof.

15 (2) Before or within ~~five~~ (5) days after ~~delivering a~~  
 16 lobbyist delivers any written or printed statement,  
 17 argument, or brief to the entire membership of either or  
 18 both houses of the legislature, he shall deposit three (3)  
 19 copies ~~shall be deposited~~ with the secretary of state.

20 (3) The restrictions ~~upon~~ on the practice of lobbying  
 21 provided by this act ~~shall be~~ are effective only during the  
 22 regular and special sessions of the legislature."

23 Section 22. Section 43-902, R.C.M. 1947, is amended to  
 24 read as follows:

25 "43-902. Schedule of fees for proceedings. (a) (1) ~~any~~

1 A person desiring to receive one complete set of the  
 2 proceedings of a regular session of the legislature shall  
 3 pay to the secretary of state the amount prescribed in the  
 4 joint legislative rules. Upon receipt of ~~such~~ the money, the  
 5 secretary of state shall transmit the name of ~~said~~ the  
 6 person to the executive director of the legislative council,  
 7 who shall supply ~~such~~ the person with a complete set of the  
 8 proceedings ~~of the legislature~~. Any person desiring to  
 9 receive more than one set ~~of the proceedings of the~~  
 10 legislature shall pay the session fee for each additional  
 11 set.

12 ~~(b) (2) In addition to the fee for each complete set of~~  
 13 ~~the proceedings specified by subsection (a) of this section,~~  
 14 any A person who requests that a set of the proceedings be  
 15 mailed shall pay an additional fee as prescribed in the  
 16 joint legislative rules to the secretary of state for each  
 17 complete set that is mailed, ~~of seventy-five dollars (\$75)~~  
 18 ~~if a person requests that the proceedings be mailed ordinary~~  
 19 ~~mail and one hundred dollars (\$100) if a person requests~~  
 20 ~~that the proceedings be mailed air mail.~~

21 ~~(c) (3) Any~~ A person desiring to receive single copies  
 22 of mimeographed bills, mimeographed resolutions, printed  
 23 bills, printed resolutions, or amendments thereto shall  
 24 purchase them from the legislative services division of the  
 25 legislative council for a price varying with the length of

1 the document as prescribed in the joint rules.

2 ~~(d) (4) Any~~ A person desiring to receive single copies  
 3 of status sheets or status of proceedings may purchase them  
 4 from the legislative services division of the legislative  
 5 council for a price per copy as prescribed in the joint  
 6 rules. A person may subscribe to receive daily copies of the  
 7 status sheets or status of proceedings by mail, for a fee  
 8 covering the actual costs of ~~such~~ the service which the  
 9 legislative council may fix.

10 ~~(e) (5) The~~ executive director of the legislative  
 11 council AND THE SECRETARY OF STATE shall account for all  
 12 funds collected BY THEIR RESPECTIVE OFFICES under this  
 13 section and shall transmit such funds to the treasurer of  
 14 the state of Montana, who shall credit them to the general  
 15 fund."

16 Section 23. Section 43-1111, R.C.M. 1947, is amended  
 17 to read as follows:

18 "43-1111. Legislative finance committee and office of  
 19 legislative fiscal analyst ~~created~~. There is ~~created~~ a  
 20 legislative finance committee which ~~shall be~~ is a permanent  
 21 joint committee of the legislature. There is ~~created the an~~  
 22 office of legislative fiscal analyst. The legislative  
 23 fiscal analyst shall ~~direct the office in carrying~~ carry out  
 24 the provisions of this act."

25 SECTION 29, SECTION 43-1118, B.C.M. 1947, IS AMENDED

1 TO READ AS FOLLOWS:

2 "43-1118. Approval of budget amendments. All budget  
3 amendments for state agencies must be submitted through the  
4 budget director to the committee. No state agency shall  
5 expend in excess of the appropriation except under authority  
6 of a budget amendment ~~approved by the committee. The~~  
7 ~~committee shall approve, with or without modification, or~~  
8 ~~disapprove, each proposed budget amendment of any state~~  
9 ~~agency."~~

10 Section 25. Section 79-2303.1, R.C.M. 1947, is amended  
11 to read as follows:

12 "79-2303.1. Legislative audit committee ~~created.~~ (1)  
13 There is hereby ~~created~~ a legislative audit committee which  
14 shall be is a permanent joint committee of the legislative  
15 ~~assembly legislature.~~

16 (2) There is ~~hereby created and established the~~ an  
17 office of the legislative auditor. The ~~director of this~~  
18 ~~office shall be~~ legislative auditor is responsible for  
19 performing the duties imposed by this act."

20 Section 26. Section 79-2304, R.C.M. 1947, is amended  
21 to read as follows:

22 "79-2304. ~~Legislative audit committee appointment~~  
23 Appointment and term of members -- officers -- vacancies.  
24 (1) The legislative audit committee consists of four (4)  
25 members of the ~~Senate senate~~ senate and four (4) members of the

1 ~~House~~ house of ~~Representatives representatives~~ appointed  
2 before the ~~sixtieth 60th~~ legislative day of ~~the first each~~  
3 regular session ~~of the biennium~~ in the same manner as  
4 standing committees of the respective houses are appointed.  
5 ~~A vacancy on the committee occurring when the legislative~~  
6 ~~assembly is not in session shall be filled by the selection~~  
7 ~~of a member of the legislative assembly by the remaining~~  
8 ~~members of the committee. No more than two (2) of the~~  
9 appointees of each house shall may be members of the same  
10 political party.

11 (2) A member of the committee shall serve until his  
12 term of office as a legislator ends ~~or until the end of the~~  
13 ~~sixtieth legislative day of the second session of the~~  
14 ~~biennium following his appointment~~ or until his successor is  
15 appointed, whichever occurs first.

16 (3) The committee shall elect one of its members as  
17 chairman and such other officers as it ~~deems~~ considers  
18 necessary.

19 (4) A vacancy on the committee occurring when the  
20 legislature is not in session shall be filled by the  
21 selection of a member of the legislature by the remaining  
22 members of the committee."

23 Section 27. Section 79-2310, R.C.M. 1947, is amended  
24 to read as follows:

25 "79-2310. Duties Powers and duties of legislative



1 auditor. The legislative auditor shall;

2 (1) ~~Audit~~ audit the financial affairs and transactions

3 of every state agency;

4 (2) ~~Make~~ make a ~~fully~~ complete and written report of

5 each audit. A copy of each report shall be furnished to the

6 ~~state~~ department of administration, ~~to~~ the state agency

7 which ~~is~~ was audited, ~~to~~ each member of the committee, and

8 ~~to~~ the legislative council.

9 (3) ~~Report~~ report immediately in writing to the

10 attorney general and the governor any apparent violation of

11 penal statutes disclosed by the audit of a state agency, and

12 furnish the attorney general with all information in his

13 possession relative to the violation;

14 (4) ~~Report~~ report immediately in writing to the

15 governor any instances of misfeasance, malfeasance, or

16 nonfeasance by a state officer or employee disclosed by the

17 audit of a state agency;

18 (5) ~~Report~~ report immediately to the surety upon the

19 bond of any an official or employee when an audit discloses

20 a shortage in the accounts of the official or employee. ~~The~~

21 ~~failure~~ Failure to notify the surety does not release the

22 surety from any obligation under the bond.

23 (6) ~~Report~~ report to the legislative ~~assembly~~

24 legislature during the first week of each regular session in

25 ~~odd-numbered years. Each biennial~~ The report shall contain,

1 among other things, copies of, or summaries of audit reports

2 on state agencies and any recommendations relating to such

3 reports.

4 (7) ~~Have~~ have the authority to audit records of

5 organizations and individuals receiving grants from or on

6 behalf of the state to determine that the grants are

7 administered in accordance with the grant terms and

8 conditions. ~~In each instance when~~ Whenever a state agency

9 enters into an agreement to grant resources under its

10 control to others, the agency must obtain the written ~~assent~~

11 consent of the grantee to ~~this~~ the audit ~~access~~ provision

12 ~~consenting to an audit of such grantee~~ provided for in this

13 subsection."

14 Section 28. Section 93-104, R.C.M. 1947, is amended to

15 read as follows:

16 "93-104. Jurisdiction. The court has jurisdiction to

17 try impeachments, ~~when~~ presented by the house of

18 representatives, ~~of the governor, executive officers, heads~~

19 ~~of state departments and judicial officers for felonies--and~~

20 ~~misdoers or malfeasance in office."~~

21 Section 29. Section 95-2801, R.C.M. 1947, is amended

22 to read as follows:

23 "95-2801. Officers liable to impeachment. The

24 governor, ~~all other elected~~ executive officers, heads of

25 state departments, and judicial officers ~~shall be~~ are liable

1 to impeachment for felonies and misdemeanors, or malfeasance  
2 in office."

3 Section 30. Section 95-2803, R.C.M. 1947, is amended  
4 to read as follows:

5 "95-2803. Articles, ~~to be prepared~~ trial by senate of  
6 impeachment. (1) All impeachments must be by resolution  
7 adopted, originated in, and adopted by the house of  
8 representatives. The resolution shall be conducted through  
9 the house by managers elected by the house ~~of~~  
10 ~~representatives.~~

11 (2) ~~who must~~ the managers shall prepare articles of  
12 impeachment, present them at the bar of the senate, and  
13 prosecute ~~the same~~ them."

14 Section 31. Repealer. Sections 43-318, 43-511, 43-714,  
15 43-719, ~~43-1117 through 43-1119,~~ 59-604, and 90-403, R.C.M.  
16 1947, are repealed.

-End-