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2	INTRODUCED BY HAZELBAKER
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS
5	RELATING TO THE RECODIFICATION OF THE REVISED CODES OF
6	MJNTANA, 1947; AMENDING SECTIONS 12-501, 12-505, 12-506,
7	12-507, 12-509, AND 12-510, R.C.M. 1947; AND PROVIDING AN
8	IMMEDIATE EFFECTIVE DATE.*
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 12-501, R.C.M. 1947, is amended to
12	read as follows:
13	"12-501. Definitions. As used in this act <u>the</u>
14	following definitions apply:
15	(1) "Codes" "Code" or "codes" means the Revised Codes
16	of Montana, 1947, the pocket supplements thereto, and the
17	replacement volumes.
13	(2) "Recodify" means to compile, arrange, rearrange,
19	and prepare for publication. It includes, without changing
20	the meaning, effect, or intent of any law:
21	(a) adoptingauniformsystemof correcting or
22	changing punctuation, capitalization, spelling, grammatical
23	construction: and numbering as required by uniform literary
24	and bill drafting practice;
25	(b) substituting the appropriate <u>new</u> code <del>section</del>

SENATE BILL NO. 20

i	division reference for reference to a section of to a part
2	of, or to an entire as "act";
3	(c) substituting calendar date for *effective date*+.
ŀ	*hereafter*, and similar terms;
5	(d) creating new titles, chapters, parts, sections, or
á	other divisions of the coder;
7	(e) changing or inserting language made necessary
3	because of rearrangement:
9	(f) eliminating redundant, words:
)	(q) when given direction or authority by another
1	statute, correcting inaccurate or obsolete references to:
2	(i) titles of officers or asencies, such as those
3	changed by executive reorganization statutes;
4	(ii) other code sections, such as those which have been
5	repealed or repealed and replaced;
á	(h) changing inaccurate terminology to comply with
7	statutory definitions or short form asendments, such as
3	those found in 19-122 or 93-411:
9	(i) whether originally written by the legislature or
)	by the code publisher, changing or creating section captions
1	(catch lines) to clearly reflect the content of the
2	section."
3	Section 2. Section 12-505, R.C.M. 1947, is amended to
ì	read as follows:
5	"12-505. Code commissioner duties. Subject (1) The

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code commissioner is subject to the general supervision and policy of the legislative council. the code commissioner shall:

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(1) Prior (2) Prior to January 1, 1979, the code commissioner shall recodify all the laws of a general and permanent nature appearing in the codes and session laws and prepare the same them for publication:

(2) Prior (3) Prior to January 1, 1979, the CONVISSIONER Shall prepare and submit to the legislature a report which is certified by the commissioner as the "Official Report of the Bontana Code Commissioner", together with a bill enacting the Bontana Code Annotated. A copy of the report and bill shall be deposited with the secretary of state. The report shall explain and indicate, in tabular or other form, all changes made during recodification, other than punctuation and capitalization, to clearly indicate the character of each change:

(3) prior (4) Prior to November 1, 1976, and prior to November 1 of each year thereafter, the commissioner shall prepare and submit to the legislative council a report, in tabular or other form, indicating the commissioner's recommendations for legislation which will:

- (a) eliminate archaic or outdated laws:
- (b) eliminate obsolete or redundant wording of laws;
- 5 (c) eliminate any duplications in law and any laws

- 1 repealed directly or by implication:
- 2 (d) clarify existing laws:
- 3 (e) correct errors and inconsistencies within the
- 4 laws+.
- 5 (f) correct inacoverate references to titles of
- 6 officers or agencies or to other statutes as may be
- 7 negescary to obtain consistency with current-laus
- 8 (4) (5) The commissioner shall cause to be prepared for
- 9 inclusion, at the end of each continued the statutes,
- 10 publication with the Bontana Code Annotated the following
- 11 material:
- 12 (a) reference to the statutory history of
- 13 the each code section:
- 14 (b) annotations Annotations of state and federal court
- 15 decisions relating to the subject matter of the section
- 16 code: and
- 17 (c) such Such editorial notes, cross-references, and
- 18 other matter as the commissioner considers desirable or
- 19 advantageous:
- 20 (5) cause to be prepared for publication with the
- 21 Hontana-Codes-Americated:
- 22 (a) Bagna Charta;
- 23 (b) (d) The Declaration of Independence:
- 24 (6) (e) The Constitution of the United States of
- 25 America and amendments thereto:

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1 (d)(f) Acts of Congress congress relating to the
2 authentication of laws and records;

(e) (q) The Organic Act of the Territory of Montana;

(f) (h) The Enabling Act;

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(9) (i) The 1989 and 1972 constitutions The 1972

Constitution of the state of Montana and any amendments thereto:

8 (h) (i) The Ordinances relating to federal relations
9 and elections:

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

(j) (1 A complete subject index, a popular name index, and comparative disposition tables or cross reference indices indexes relating sections of the Montana Code Annotated to prior compilations and session laws.

- (6) After publication of the Montana Code Annotated the code commissioner shall:
- 19 (a) annotate, arrange, assign catchlines and code
  20 section numbers to and prepare for publication all laws of a
  21 general and permanent nature enacted at each legislative
  22 session and assign catch lines and code section numbers to
  23 each new section;
- 24 (b) continue to codify, index, arrange, rearrange, 25 divisions and generally update the Montana Code Annotated to

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

- (c) prepare and submit to each legislature a report
  which is certified as the "Official Report of the Hontana
  Code Commissioner (year)" which indicates, in tabular or
  other forms form, all changes made during the continuous
  recodification, other than punctuation and capitalization,
  to clearly indicate the character of each change made since
  the first publication of the Hontana Code Annotated,
- 10 (7) <u>free From</u> time to time <u>the commissioner shall</u>

  11 confer with members of the judiciary and the state bar

  12 relative to recodification procedures.\*
- 13 Section 3. There is a new R.C.H. section numbered 14 12-505.1 that reads as follows:

12-505.1. Notice of effective date. Within 10 days after the bill enacting the Montana Code Annotated becomes effective, the secretary of state shall publish a notice thereof once in a newspaper of general circulation in each judicial district within the state, specifying in the notice the effective date of the code and the cost of a copy of the code.

- 22 Section 4. Section 12-506, R.C.H. 1947, is amended to 23 read as follows:
- 24 \*12-506. Effect of Montana Code Annotated. (1) The
  25 Montana Code Annotated shall be enacted as a repeal and a

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reemactment	of	the	Revised	Codes	٥£	Montana,	1947,	and	the
sapplements	the	reto	o.						

3 (2) The enactment of the Montana Code Annotated shall 4 not:

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- 5 (a) repeal all statutes and parts of statutes of a conoral and sormanget matero not contained in the Hontana Code Annotated;
  - (b) (a) set revive a law repealed or superseded before the effective date of the Montana Code Annotated;
- (9) (b) not affect an act done, right accrued, or obligation incurred or imposed by law prior to the effective 11 12 date of the Montana Code Annotated;
- 13 (d) (c) not affect any action, suit, or proceeding 14 pending on such effective dater:
  - (d) repeal statutes of a nongeneral, nonpermanent nature such as severability, construction, validating, repealing, or similar statutes omitted from the Membana Code Annotated.
  - (3) The gontana Code Annotated shall be given effect as a continuation of the Revised Codes of Montana and not as a new enactment. A defect in title of any act set out in prior laws and reenacted by the Montana Code Annotated is cured by such enactment.
- 24 (4) No implication or presumption of legislative construction is to be drawn from the classification and or

- 1 arrangement of the Montana Code Annotated.
- 2 (5) lanetations, Unless specifically adopted as such by the legislature, annotations, code commissioner notes, and catch lines, or other editorial material to included in the Montana Code Annotated may not be construed to form a as part of the legislative text but to be are only for the 7 purpose of convenience, orderly arrangement, and information.
- (6) In case of any inconsistence is meaning arising 10 through omission or otherwise between the provisions of the 11 Bontand Code Annotated and the corresponding pertion of 12 prior legislation, effect shall be given to the prior 13 legislation.
- 14 Section 5. Section 12-507, R.C.B. 1947, is amended to 15 read as follows:
- 16 \*12-507. Publications. (1) The legislative council 17 with the advice of the code commissioner shall decide on the 18 quantity, quality, style, format, and grade of all 19 publications prior to having the department 20 administration contract for their publication.
- 21 (2) The methods of sale to the public of the Montana 22 Code Annotated, and supplements or other subsequent and 23 ancillary publications thereto, may be included as an 24 alternative specification and bidy and as a part of a contract to be let by bids by the department of

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- (3) The sales price to the public shall be fixed by the legislative council but shall not exceed the cost price plus twenty percent 420%). All revenues generated from the sale to the public of the Montana Code Annotated shall be remitted to the state treasurer for the purpose of reimbursing the general fund for appropriations made for the use of the office and facilities of the legislative council under this act.
- (4) Sets of the Montana Code Annotated purchased by state and its political subdivisions or local governmental agencies that are supported by public funds shall be for the cost price of the sets.
- (5) The legislative council may distribute without 14 charge the Montana Code Annotated and supplements thereto to 15 state or local governmental agencies that are supported by 16 17 public funds."
- Section 6. Section 12-509, A.C.M. 1947, is amended to 18 read as follows: 13
  - "12-509. Deposit of code certification. (1) Upon completion of the printing and binding of the Montana Code Annotated, the code commissioner shall deposit a complete set with the secretary of state, along with a certification that the set comprises the Montana Code Annotated as authorized by this act, and enacted by the legislature.

- (2) Within ten (10) days after that deposit, the 1 secretary of state shall publish a notice thereof once in a newspaper of general circulation in each judicial district within the state, specifying in the notice the date on which the Montana Code Annotated becomes became effective, how the code may be purchased, and the cost thereof.
- 7 (3) The secretary of state or the code commissioner may further publicize the effective date of the Montana Code g Annotated to the extent considered necessary or desirable by 10 the commissioner."
- 11 Section 7. Section 12-510, R.C.M. 1947, is amended to 12 read as follows:
- "12-510. Format as approved by legislative council. 13 (1) The publication of updates to the Montana Code Annotated 14 may be as a cumulative supplement, replacement volume, or in 15 16 any other format approved by the legislative council.
- 17 (2) The supplements or replacements shall be certified 18 and reported to the legislature by the legislative council; 19 approved, and enacted by the legislature as prima facie the 20 official laws of Montanay: published, copyrighted, and deposited with the secretary or state; and shall be referred 21 22 to as the Montana Code Annotated. The supplements and 23 replacements shall become effective on the date deposited with and certified to the secretary of state. 24
- (3) The legislative council May 25 issue such

- 1 supplementary and ancillary publications as it considers
- 2 necessary or desirable in aid of the general use and
- 3 purposes of the Hontana Code Annotated and the supplements
- 4 or replacements thereto. \*
- 5 Section 8. This act is effective on its passage and
- 6 approval.

-End-

45th Legislature SB 0020/02 SB 0020/02

Approved by Committee on Judiciary

SENATE BILL NO. 20 1 2 INTRODUCED BY HAZELBAKER 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS 4 RELATING TO THE RECODIFICATION OF THE REVISED CODES OF 5 MONTANA, 1947: AMENDING SECTIONS 12-501, 12-505, 12-506, 12-507, 12-509, AND 12-510, R.C.H. 1947; AND PROVIDING AN 7 IMMEDIATE REFECTIVE DATE. 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 12-501, R.C.H. 1947, is amended to read as follows: 12 "12-501. Definitions. As used in this act the 13 14 following definitions apply: (1) \*Codes\* "Code\* or "codes" means the Revised Codes 15 16 of Montana, 1947, the pocket supplements thereto, and the 17 replacement volumes. (2) "Recodify" means to compile, arrange, rearrange, 18 and prepare for publication. It includes, without changing 19 the meaning, effect, or intent of any law: 20 (a) adopting a uniform system of correcting or 21 changing punctuation, capitalization, spelling, grammatical 22 construction, and numbering as required by uniform literary 23 24 and bill drafting practice: (b) substituting the appropriate new code section 25

division reference for reference to a section of \_ to a \_ part of, or to an entire an "act"; (c) substituting calendar date for "effective date"+. 3 "hereafter", and similar terms: 5 (d) creating new titles, chapters, parts, sections, or other divisions of the code+; 7 (e) changing or inserting language made necessary because of rearrangement: 9 (f) eliminating redundant words: 10 (q) when given direction or authority by another 11 statute, correcting inaccurate or obsolete references to: 12 (i) titles of officers or agencies, such as those 13 changed by executive reorganization statutes; 14 (ii) other code sections, such as those which have been 15 repealed or repealed and replaced; 16 (h) changing inaccurate terminology to comply with statutory definitions or short form amendments, such as 17 18 those found in 19-122 or 93-411; 19 (i) whether originally written by the legislature or 20 by the code publisher, changing or creating section captions 21 (catch lines) to clearly reflect the content of the 22 section." 23 Section 2. Section 12-505, R.C.M. 1947, is amended to 26 read as follows:

"12-505. Code commissioner duties. Subject (1) The

1 <u>code commissioner is subject</u> to the general supervision and 2 policy of the legislative council. the code commissioner 3 challs

4 (1)—Prior (2) Prior to January 1, 1979, the code
5 commissioner shall recodify all the laws of a general and
6 permanent nature appearing in the codes and session laws and
7 prepare the case them for publication:

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(2) - prior (3) Prior to January 1, 1979, the commissioner shall prepare and submit to the legislature a report which is certified by the commissioner as the "Official Report of the Montana Code Commissioner", together with a bill enacting the Montana Code Annotated. A copy of the report and bill shall be deposited with the secretary of state. The report shall explain and indicate, in tabular or other form, all changes made during recodification, other than punctuation and capitalization, to clearly indicate the character of each change:

(3) Prior (4) Prior to November 1, 1976, and prior to November 1 of each year thereafter, the commissioner shall prepare and submit to the legislative council a report, in tabular or other form, indicating the commissioner's recommendations for legislation which will:

- (a) eliminate archaic or outdated laws;
- (b) eliminate obsolete or redundant wording of laws;
- 25 (c) eliminate any duplications in law and any laws

- repealed directly or by implication;
- 2 (d) clarify existing laws;
- 3 (e) correct errors and inconsistencies within the 4 laws+.
- 5 (f) correct inaccurate references to titles of
  6 officers or agencies or to other statutes as may be
  7 necessary to obtain consistency with ourrest laws
- 8 (4)(5) The commissioner shall cause to be prepared for
  9 inclusion, at the end of each section of the statutes,
  10 publication with the Montana Code Annotated the following
  11 material:
- 12 (a) reference—to the—statutory Statutory history of

  13 the each code section;
- 14 (b) annotations innotations of state and federal court
  15 decisions relating to the subject matter of the section
  16 code; and
- 17 (c) such Such editorial notes, cross\_references, and
  18 other matter as the commissioner considers desirable or
  19 advantageous;
- 20 (5) -- cause -- to -- be -- propared -- for -- publication with -- the
  21 Montana -- Codes -- Annotated +-
- 22 <del>(a) Magna Charta;</del>
- 23 (b) (d) The Declaration of Independence;
- 24 (c) (e) The Constitution of the United States of
  25 America and amendments thereto:

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1 (d) [f] Acts of Congress congress relating to the 2 authentication of laws and records;

(e) (q) The Organic Act of the Territory of Montana;

(f) (h) The Enabling Act;

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5 (g) (i) The 1889 and 1972 constitutions The 1972
6 Constitution of the state of Montana and any amendments
7 thereto:

8 (h)(j) The Ordinances relating to federal relations
9 and elections:

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

(j) 1 A complete subject index, a popular name index,
and comparative disposition tables or cross reference
indexes indexes relating sections of the Montana Code
Annotated to prior compilations and session laws.

- (6) After publication of the Montana Code Annotated the code commissioner shall:
- 19 (a) annotate, arrange, assign catchlines and code
  20 section numbers to and prepare for publication all laws of a
  21 general and permanent nature enacted at each legislative
  22 session and assign catch lines and code section numbers to
  23 each new section:
- 24 (b) continue to codify, index, arrange, rearrange, 25 divisions and generally update the Montana Code Annotated to

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

- (c) prepare and submit to each legislature a report
  which is certified as the "Official Report of the Montana
  Code Commissioner -- (year)" which indicates, in tabular or
  other forms form, all changes made during the continuous
  recodification, other than punctuation and capitalization,
  to clearly indicate the character of each change made since
  the first publication of the Montana Code Annotated.
- 10 (7) from From time to time the commissioner shall
  11 confer with members of the judiciary and the state bar
  12 relative to recodification procedures."
- 13 Section 3. There is a new R.C.M. section numbered 14 12-505.1 that reads as follows:

12-505.1. Notice of effective date. Within 10 days after the bill enacting the Montana Code Annotated becomes effective, the secretary of state shall publish a notice thereof once in a newspaper of general circulation in each judicial district within the state, specifying in the notice the effective date of the code and the cost of a copy of the code.

- 22 Section 4. Section 12-506, R.C.M. 1947, is amended to read as follows:
- 24 \*12-506. Effect of Montana Code Annotated. (1) The
  25 Montana Code Annotated shall be enacted as a repeal and-a

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information.

reenactment of the Revised Codes of Montana, 1947, and thesupplements thereto.

- 3 (2) The enactment of the Montana Code Annotated shall 4 not:
- 5 (a) repeal all statutes and parts of statutes of a

  6 general and permanent nature not contained in the Montana

  7 Gode Annotated;
- the effective date of the Montana Code Annotated;
- 10 (c) (b) set affect an act done, right accrued, or
  11 obligation incurred or imposed by law prior to the effective
  12 date of the Montana Code Annotated;
- 13 (d)(c) ask affect any action, suit, or proceeding
  14 pending on such effective date:
- 15 (d) repeal statutes of a nongeneral, nonpermanent
  16 nature such as severability, construction, validating,
  17 repealing, or similar statutes omitted from the Montana Code
  18 Annotated.

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- (3) The Montana Code Annotated shall be given effect as a continuation of the Revised Codes of Montana and not as a new enactment. A defect in title of any act set out in prior laws and reenacted by the Montana Code Annotated is cured by such enactment.
- (4) We implication or presumption of legislative
   construction is to be drawn from the classification and or

- arrangement of the Montana Code Annotated.
- 2 (5) \*\*\*annetations, Unless specifically adopted as such

  \*\*3 by the legislature, annotations, code commissioner notes,

  4 and catch lines, or other editorial material to included in

  5 the Montana Code Annotated may not be construed to form a as

  6 part of the legislative text but to be are only for the

  7 purpose of convenience, orderly arrangement, and
- 9 (6) In case of any inconsistency in meaning arising
  10 through omission or otherwise between the provisions of the
  11 Montand Code Annotated and the corresponding portion of
  12 prior logislation THE OFFICIAL ENROLLED BILL ON FILE WITH
  13 THE SECRETARY OF STATE, effect shall be given to the prior
  14 legislation OFFICIAL ENROLLED BILL.\*
- Section 5. Section 12-507, R.C.M. 1947, is amended to read as follows:
- 17 "12-507. Publications. (1) The legislative council
  18 with the advice of the code commissioner shall decide on the
  19 quantity, quality, style, format, and grade of all
  20 publications prior to having the department of
  21 administration contract for their publication.
- 22 (2) The methods of sale to the public of the Montana
  23 Code Annotated, and supplements or other subsequent and
  24 ancillary publications thereto, may be included as an
  25 alternative specification and bid, and as a part of a

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1 contract to be let by bids by the department of 2 administration.

- 3 (3) The sales price to the public shall be fixed by
  4 the legislative council but shall not exceed the cost price
  5 plus twenty percent (20%). All revenues generated from the
  6 sale to the public of the Montana Code Annotated shall be
  7 remitted to the state treasurer for the purpose of
  8 reimbursing the general fund for appropriations made for the
  9 use of the office and facilities of the legislative council
  10 under this act.
- 11 (4) Sets of the Montana Code Annotated purchased by
  12 the state and its political subdivisions or local
  13 qovernmental agencies that are supported by public funds
  14 shall be for the cost price of the sets.
- 15 <u>15) The legislative council may distribute without</u>
  16 <u>charge the Montana Code Annotated and supplements thereto to</u>
  17 <u>state or local governmental agencies that are supported by</u>
  18 <u>public Eunds.</u>"
- 19 Section 6. Section 12-509, R.C.M. 1947, is amended to 20 read as follows:
- 21 M12-509. Deposit of code certification. (1) Upon 22 completion of the printing and binding of the Montana Code 23 Annotated, the code commissioner shall deposit a complete 24 set with the secretary of state, along with a certification 25 that the set comprises the Montana Code Annotated as

- 1 authorized by this act, and enacted by the legislature.
- 2 (2) Within ten—(10) days after that deposit, the
  3 secretary of state shall publish a notice thereof once in a
  4 newspaper of general circulation in each judicial district
  5 within the state, specifying in the notice the date on which
  6 the Montana Code Annotated becomes became effective, how the
  7 code may be purchased, and the cost thereof.
- 8 (3) The secretary of state or the code commissioner
  9 may further publicize the effective date of the Montana Code
  10 Annotated to the extent considered necessary or desirable by
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- 12 Section 7. Section 12-510, R.C.M. 1947, is amended to 13 read as follows:
- 14 m12-510. Format as approved by legislative council.
  15 (1) The publication of updates to the Montana Code Annotated
  16 may be as a cumulative supplement, replacement volume, or in
  17 any other format approved by the legislative council.
- 18 (2) The supplements or replacements shall be certified 19 and reported to the legislature by the legislative council: 20 approved, and enacted by the legislature as prima facie the 21 official laws of Montana, published, copyrighted, and 22 deposited with the secretary of state; and shall be referred 23 to as the Montana Code Annotated. The supplements and replacements shall become effective on the date deposited 24 25 with and certified to the secretary of state.

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1 (3) The legislative council may issue such
2 supplementary and ancillary publications as it considers
3 necessary or desirable in aid of the general use and
4 purposes of the Montana Code Annotated and the supplements
5 or replacements thereto.
6 Section 8. This act is effective on its passage and
7 approval.

-End-

45th Legislature SB 0020/02 SB 0020/02

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2	INTRODUCED BY HAZELBAKER
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS
5	RELATING TO THE RECODIFICATION OF THE REVISED CODES OF
6	MONTANA, 1947; AMENDING SECTIONS 12-501, 12-505, 12-506,
7	12-507, 12-509, AND 12-510, R.C.H. 1947; AND PROVIDING AN
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12	read as follows:
13	<b>~12-501.</b> Definitions. As used in this act $\underline{\text{the}}$
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15	(1) **Godes* **Code* or **codes* means the Revised Codes
16	of Montana, 1947, the pocket supplements thereto, and the
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18	(2) "Recodify" means to compile, arrange, rearrange,
19	and prepare for publication. It includes, without changing
20	the meaning, effect, or intent of any law:
21	(a) adopting a uniform system of correcting or
22	changing punctuation, capitalization, spelling, grammatical
23	construction, and numbering as required by uniform literary
24	and bill drafting practice;
25	(b) substituting the appropriate $\underline{\mathtt{ney}}$ code section

division reference for reference to a section of, to a part of, or to an entire am "act"; (c) substituting calendar date for "effective date"+. "hereafter", and similar terms: 5 (d) creating new titles, chapters, parts, sections, or other divisions of the coder: 7 (e) changing or inserting language made necessary because of rearrangement: 9 (f) eliminating redundant words: 10 (q) when given direction or authority by another 11 statute, correcting inaccurate or obsolete references to: 12 (i) titles of officers or agencies, such as those 13 changed by executive reorganization statutes; 14 (ii) other code sections, such as those which have been 15 repealed or repealed and replaced: 16 (h) changing inaccurate terminology to comply with 17 statutory definitions or short form amendments, such as 18 those found in 19-122 or 93-411: 19 (i) whether originally written by the legislature or 20 by the code publisher, changing or creating section captions 21 (catch lines) to clearly reflect the content of the 22 section." 23 Section 2. Section 12-505, R.C.M. 1947, is amended to read as follows: 25 "12-505. Code commissioner duties. Subject (1) The

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5 commissioner shall recodify all the laws of a general and
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(2) - prior (3) Prior to January 1, 1979, the commissioner shall prepare and submit to the legislature a report which is certified by the commissioner as the "Official Report of the Montana Code Commissioner", together with a bill enacting the Montana Code Annotated. A copy of the report and bill shall be deposited with the secretary of state. The report shall explain and indicate, in tabular or other form, all changes made during recodification, other than punctuation and capitalization, to clearly indicate the character of each change:

(3) Prior (4) Prior to November 1, 1976, and prior to November 1 of each year thereafter, the commissioner shall prepare and submit to the legislative council a report, in tabular or other form, indicating the commissioner's recommendations for legislation which will:

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repealed	directly	OF by	implication
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(d) clarify existing laws;

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- 3 (e) correct errors and inconsistencies within the 4 lawst.
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- 7 mecessary-to-obtain-consistency-with-overcent-law;
- 8 (4)(5) The commissioner shall cause to be prepared for
  9 inclusion, at the end of each section of the statutes,
  10 publication with the Montana Code Annotated the following
  11 material:
- 12 (a) reference to the statutory Statutory history of
  13 the each code section;
- 14 (b) annotations Annotations of state and federal court
  15 decisions relating to the subject matter of the sestion
  16 code: and
- 17 (c) such <u>Such</u> editorial notes, cross\_references, and
  18 other matter as the commissioner considers desirable or
  19 advantageous;
- 20 (5) -- cause -- to -- bc -- propaged -- for -- publication with -- the
- 21 Montana Codos Annotated:
- 22 (a) -- Hagna-Chartas
- 23 (b) (d) The Declaration of Independence;
- 24 (e) (e) The Constitution of the United States of
- 25 America and amendments thereto;

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<del>(4)</del> -( <u>f)</u>	Acts	o£	Congress	congress	relating	to	the
authenticati	on of	lavs	and recor	ds:			

- 3 (e) (g) The Organic Act of the Territory of Montana;
- (f) (h) The Enabling Act:
- 5 (9) (1) The 1889 and 1972 constitutions The 1972
- 6 <u>Constitution</u> of the state of Montana and any amendments
- 7 thereto:

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- 8 (h) (j) The Ordinances relating to federal relations
- 9 and elections;
- 10 (i) (k) Rules of civil, criminal, and appellate
- 11 procedure and such other rules of procedure as the Montana
- 12 supreme court may adopt; and
- 13 44-(1 A complete subject index, a popular name index,
  - and comparative disposition tables or cross reference
- 15 indices indexes relating sections of the Montana Code
- 16 Annotated to prior compilations and session laws.
- 17 (6) After publication of the Montana Code Annotated
  - the code commissioner shall:
- 19 (a) annotate, arrange, assign catchlines and sode
- 20 section numbers to and prepare for publication all laws of a
- 21 general and permanent nature enacted at each legislative
- 22 session and assign catch lines and code section numbers to
- 23 each new section;
- 24 (h) continue to codify, index, arrange, rearrange,
- 25 divisions and generally update the Hontana Code Annotated to

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- 1 maintain an orderly and logical arrangement of the laws in
- 2 order to avoid future need for bulk revision;
- 3 (c) prepare and submit to each legislature a report
- which is certified as the "Official Report of the Montana
- 5 Code Commissioner (year) which indicates, in tabular or
- 6 other forms form, all changes made during the continuous
- 7 recodification, other than punctuation and capitalization,
- 8 to clearly indicate the character of each change made since
- 9 the first publication of the Montana Code Annotated 9:
- 10 (7) from From time to time the commissioner shall
- 11 confer with members of the judiciary and the state bar
- 12 relative to recodification procedures."
- 13 Section 3. There is a new R.C.H. section numbered
- 14 12-505.1 that reads as follows:
- 15 12-505.1. Notice of effective date. Within 10 days
- 16 after the bill enacting the Montana Code Annotated becomes
- 17 effective, the secretary of state shall publish a notice
- 18 thereof once in a newspaper of general circulation in each
- 19 judicial district within the state, specifying in the notice
- 20 the effective date of the code and the cost of a copy of the
- 21 code.
- 22 Section 4. Section 12-506, R.C.M. 1947, is amended to
- 23 read as follows:
- 24 \*12-506. Effect of Montana Code Annotated. (1) The
- 25 Montana Code Annotated shall be enacted as a repeal and a

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reenactment of the Revised Codes of Montana, 1947, and the supplements thereto.

- 3 (2) The enactment of the Montana Code Annotated shall
  4 not:
- 5 (a) repeal all statutes and ports of statutes of a general and permanent nature not contained in the Montana
  7 Gode Anactated;
- 8 (b) (a) net revive a law repealed or superseded before
   9 the effective date of the Montana Code Annotated;
- 10 (e) (b) net affect an act done, right accrued, or
  11 obligation incurred or imposed by law prior to the effective
  12 date of the Bontana Code Annotated;
- 13 (4)(c) not affect any action, suit, or proceeding
  14 pending on such effective dater:

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- (d) repeal statutes of a nongeneral, nonpermanent

  nature such as severability, construction, validating,

  repealing, or similar statutes omitted from the Montana Code

  Annotated.
- (3) The Montana Code Annotated shall be given effect as a continuation of the Revised Codes of Montana and not as a new enactment. A defect in title of any act set out in prior laws and reenacted by the Montana Code Annotated is cured by such enactment.
- (4) No implication or presumption of legislative
   construction is to be drawn from the classification and or

arrangement of the Montana Code Annotated.

- 2 (5) \*\*Lanctations, Unless specifically adopted as such

  by the legislature, annotations, code commissioner notes,

  and catch lines, or other editorial material to included in

  the montana Code Annotated may not be construed to form a as

  part of the legislative text but to be are only for the

  purpose of convenience, orderly arrangement, and

  information.
- 9 16) In case of any inconsistency in meaning arising
  10 through omission or otherwise between the provisions of the
  11 Hontand Code Annotated and the corresponding portion of
  12 Prior legislation THE OPPICIAL ENROLLED BILL ON FILE WITH
  13 THE SECRETARY OF STATE, effect shall be given to the Prior
  14 Legislation OPPICIAL ENROLLED BILL.\*
- Section 5. Section 12-507, R.C.M. 1947, is amended to read as follows:
- 17 "12-507. Publications. (1) The legislative council
  18 with the advice of the code commissioner shall decide on the
  19 quantity, quality, style, format, and grade of all
  20 publications prior to having the department of
  21 administration contract for their publication.
- 22 (2) The methods of sale to the public of the Montana
  23 Code Annotated, and supplements or other subsequent and
  24 ancillary publications thereto, may be included as an
  25 alternative specification and bid, and as a part of a

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contract to be let by bids by the department of administration.

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- (3) The sales price to the public shall be fixed by the legislative council but shall not exceed the cost price plus twenty pergent (20%). All revenues generated from the sale to the public of the Montana Code Annotated shall be remitted to the state treasurer for the purpose of reimbursing the general fund for appropriations made for the use of the office and facilities of the legislative council under this act.
- (4) Sets of the Montana Code Annotated purchased by 11 12 the state and its political subdivisions or local governmental agencies that are supported by public funds 13 shall be for the cost price of the sets. 14
  - (5) The legislative council may distribute without wharee the Bontana Code Annotated and supplements thereto to state or local governmental agencies that are supported by public-funds."
- 19 Section 6. Section 12-509, R.C.M. 1947, is amended to 20 read as follows:
- \*12-509. Deposit of code -- certification. (1) Upon 21 22 completion of the printing and binding of the Hontana Code 23 Annotated, the code commissioner shall deposit a complete 24 set with the secretary of state, along with a certification 25 that the set comprises the Montana Code Annotated as

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- authorized by this act, and enacted by the legislature.
- 2 (2) Within ton-(10) days after that deposit, the secretary of state shall publish a notice thereof once in a newspaper of general circulation in each judicial district within the state, specifying in the notice the date on which the Montana Code Annotated becames became effective, how the code may be purchased, and the cost thereof.
- (3) The secretary of state or the code commissioner 9 may further publicize the effective date of the Montana Code 10 Annotated to the extent considered necessary or desirable by 11 the commissioner."
- 12 Section 7. Section 12-510, R.C.M. 1947, is amended to 13 read as follows:
- 14 \*12-510. Format as approved by legislative council. 15 (1) The publication of updates to the Montana Code Annotated 16 may be as a cumulative supplement, replacement volume, or in 17 any other format approved by the legislative council.
- 18 (2) The supplements or replacements shall be certified 19 and reported to the legislature by the legislative council; 20 approved, and enacted by the legislature as prima facie the 21 official laws of Sontanay; published, copyrighted, and 22 deposited with the secretary of state; and shall be referred 23 to as the Montana Code Annotated. The supplements and 24 replacements shall become effective on the date deposited 25 with and certified to the secretary of state.

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1 (3) The legislative council may issue such
2 supplementary and ancillary publications as it considers
3 necessary or desirable in aid of the general use and
4 purposes of the Montana Code Annotated and the supplements
5 or replacements thereto.\*\*

6 Section 8. This act is effective on its passage and 7 approval.

-End-

1	SENATE BILL NO. 20	1
2	INTRODUCED BY HAZELBAKER	2
3		3
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS	4
5	RELATING TO THE RECODIFICATION OF THE REVISED LODES OF	5
6	MUNTANA: 1947; AMENDING SECTIONS 12-501: 12-505: 12-506:	6
7	12-507. 12-509. AND 12-510. R.C.M. 1947; AND PROVIDING AN	7
8	IMMEDIATE EFFECTIVE DATE."	8
9		9
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10
11	Section 1. Section 12-501, R.C.M. 1947, is amended to	11
12	read as follows:	12
13	#12-501. Definitions. As used in this act <u>the</u>	13
14	following definitions apply:	14
15	(1) "Godes" "Code" or "codes" means the Revised Codes	15
16	of Montana, 1947, the pocket supplements thereto, and the	16
17	replacement volumes.	17
13	(2) "Recodify" means to compile, arrange, rearrange,	18
19	and prepare for publication. It includes without changing	19
20	the meaning, effect, or intent of any law:	20
21	(a) adoptinguuniformsystemof correcting or	21
22	changing punctuation, capitalization, spelling, grammatical	22
23	construction: and numbering as required by uniform literary	23
24	and till drafting practice;	24
25	(b) substituting the appropriate <u>new</u> code <del>section</del>	25

of or to an entire an "act";
(c) substitutiny calendar date for "effective date";
"hereafter", and similar terms:
(d) creating new titles, chapters, parts, sections, o
other divisions of the code <b>v</b> :
(e) changing or inserting language made necessar
because of rearrangement:
<pre>(f) eliminating redundant words;</pre>
(g) when given direction or authority by another
statute: correcting inaccurate or obsolete references to:
(i) titles of officers or agencies, such as those
changed by executive reorganization statutes:
(ii) other code sections, such as those which have been
repealed or repealed and replaced:
(h) changing inaccurate terminology to comply wit
statutory definitions or short form amendments, such a
those found in 19-122 or 93-411:
(i) whether originally written by the legislature or
by the code publisher, changing or creating section captions
(catch lines) to clearly reflect the content of the
section. M
Section 2. Section 12-505, R.C.M. 1947, is amended to
read as follows:
"12-505. Code commissioner duties. Subject (1) Ihe

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1 code commissioner is subject to the general supervision and policy of the legislative council. the--code--commissioner shalle

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(1) -- prior (2) Prior to January 1, 1979, the code commissioner shall recodify all the laws of a general and permanent nature appearing in the codes and session laws and prepare the-same them for publication;

(2)--prior 131 Prior to January 1, 1979, the commissioner shall prepare and submit to the legislature a report which is certified by the commissioner as the "Official Report of the Montana Code Commissioner", together with a bill enacting the Montana Code Annotated. A copy of the report and bill shall be deposited with the secretary of state. The report shall explain and indicate, in tabular or other form, all changes made during recodification, other than punctuation and capitalization, to clearly indicate the character of each change;

(3)--prior (4) Prior to November 1, 1976, and prior to November 1 of each year thereafter, the commissioner shall prepare and submit to the legislative council a report, in tabular or other form, indicating the commissioner's recommendations for legislation which will:

- (a) eliminate archaic or outdated laws:
- (b) eliminate obsolete or redundant wording of laws;
- 25 (c) eliminate any duplications in law and any laws

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- 2 (d) clarify existing laws:
- 3 (e) correct errors and inconsistencies within the 4 lawst.
- 5 ff--correct---inaccurate---references---to--titles--of officers--or--agencies--or--to--other--statutes--as--may--be
- 7 necessary-to-obtain-consistency-with-current-law!
- (4)(5) <u>The commissioner shall</u> cause to be prepared for inclusion--at--the--end--of--each--section-of-the-statutes 10 publication with the Montana Code Annotated the following 11 material:
- (a) reference--to--the--statutory Statutory history of 12 13 the each code section;
- 14 (b) annotations Annotations of state and federal court decisions relating to the subject matter of the section 15 code: and 16
- 17 (c) such Such editorial notes, cross\_references, and 18 other matter as the commissioner considers desirable or 19 advantageous;
- 20 45}--couse--to--be--prepared--for--publication-with-the
- 21 Montana-Codes-Annotated:
- 22 tel--Magne-Chartet
- 23 tb)(d) The Declaration of Independence;
- 24 fct(e) The Constitution of the United States of 25 America and amendments thereto:

3 fet(q) The Organic Act of the Territory of Montana;

4 (f)(h) The Enabling Act;

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5 tg)1i) The-+889--and--1972--constitutions The 1972
5 Constitution of the state of Montana and any amendments
7 thereto:

8 th)(j) The Ordinances relating to federal relations
9 and elections;

t+†(k) Rules of civil, criminal, and appellate
procedure and such other rules of procedure as the Montana
supreme court may adopt; and

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(6) After publication of the Montana Code Annotated the code commissioner shall:

(a) annotate, arrange, assign-catchines-and-code
section-numbers-to and prepare for publication all laws of a
general and permanent nature enacted at each legislative
session and assign catch lines and code section numbers to
each new section;

24 (b) continue to codify. index. arrange. rearrange.
25 divisions and generally update the Montana Code Annotated to

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

(c) prepare and submit to each legislature a report

which is certified as the "Official Report of the Montana

Code Commissioner -- (year)" which indicates, in tabular or

other forms form, all changes made during the continuous

recodification, other than punctuation and capitalization,

to clearly indicate the character of each change made since

the first publication of the Montana Code Annotated;

10 (7) from From time to time the commissioner shall
11 confer with members of the judiciary and the state bar
12 relative to recodification procedures.\*\*

13 Section 3. There is a new R.C.M. section numbered 14 12-505.1 that reads as follows:

15 12-505-1. Notice of effective date. Within 10 days
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17 effective, the secretary of state shall publish a notice
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information.

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- 3 (2) The enactment of the Montana Code Annotated shall 4 not:
- 5 to)--repeal--oll--statutes--and--parts-of-statutes-of-a
  6 general-and-permanent-nature-not-contained--in--the--Montana
  7 Gode-Annotated:
- thial not revive a law repealed or superseded before
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  11 obligation incurred or imposed by law prior to the effective
  12 date of the Montana Code Annotated;
- 13 (d)(c) not affect any action, suit, or proceeding pending on such effective date:
- 15 (d) repeal statutes of a nongeneral, nonpermanent
  16 nature such as severability, construction, validating,
  17 repealing, or similar statutes omitted from the Montana Code
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  - (4) Sets of the Montana Code Annotated purchased by the state and---its---political--subdivisions or local governmental agencies that are supported by public funds shall be for the cost price of the sets.

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- 451--The--legislative--council--may--distribute-without charge the Montana-Code Annotated and supplements thereto to state-or-local-governmental-energies-that-ore-supported-by public-fundse"
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- 1 authorized by this acty and enacted by the legislature.
- 2 (2) Within ten--(10) days after that deposit, the secretary of state shall publish a notice thereof once in a 3 newspaper of general circulation in each judicial district 5 within the state, specifying in the notice the date on which 'n the Montana Code Annotated becomes became effectives how the code way be purchased, and the cost thereof.
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4 purposes of the Montana Code Annotated and the supplements
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approval.

-End-