

CHAPTER NO. 1

SENATE BILL NO. 1

INTRODUCED BY GRAHAM, S. BROWN

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 3, 1979

Introduced and referred to
Committee on Judiciary.

By motion and consent Senator
Steve Brown added as co-sponsor.

January 6, 1979

Committee recommend bill do
pass as amended. Report
adopted.

On motion rules suspended.
Bill referred to second reading
for consideration this day.

Second reading, do pass.

On motion rules suspended. Bill
placed on calendar for third
reading this day.

Third reading, passed.
Transmitted to second house.

IN THE HOUSE

January 8, 1979

Introduced and referred to
Committee on Judiciary.

Committee recommend bill be
concurrred in. Report adopted.

On motion rules suspended and
bill placed on second reading
this day.

Second reading, be concurrred in.

January 8, 1979

On motion rules suspended and
bill placed on third reading
this day.

Third reading, be concurred in.

IN THE SENATE

January 9, 1979

Returned from second house.
Sent to enrolling.

Reported correctly enrolled.

1 SENATE BILL NO. 1
 2 INTRODUCED BY GRAHAM
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT THE MONTANA
 6 CODE ANNOTATED; AMENDING SECTION 1-11-301, MCA, TO PROVIDE
 7 FOR DEPOSIT OF PROCEEDS FROM SALES OF THE CODE INTO THE
 8 REVOLVING FUND; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 NEW SECTION. Section 1. Adoption of code. (1) The
 12 Montana Code Annotated (1978) as recodified and published by
 13 the code commissioner under the authority of Chapter 419,
 14 Laws of 1975, as amended by Chapter 1, Laws of 1977, is
 15 adopted as prima facie the law of Montana.

16 (2) The Montana Code Annotated may be cited as "MCA"
 17 and shall be given effect as provided in section 6, Chapter
 18 419, Laws of 1975, as amended by section 4, Chapter 1, Laws
 19 of 1977, and set forth in 1-11-103, MCA.

20 NEW SECTION. Section 2. Effect of publishing supreme
 21 court rules. (1) The legislature recognizes the supreme
 22 court's authority pursuant to Article VII, section 2, of the
 23 Montana constitution to make rules governing procedure and
 24 practice before the courts.

25 (2) The legislature also recognizes that the practice

1 of printing such rules with the Montana statutes is of
 2 benefit to code users and facilitates implementation of
 3 Article VII, section 2(3), of the Montana constitution
 4 concerning disapproval by the legislature.

5 (3) Therefore, the Montana Rules of Civil Procedure,
 6 printed as chapter 20, Title 25, MCA; the Montana Rules of
 7 Appellate Civil Procedure, printed as chapter 21, Title 25,
 8 MCA; and the Montana Rules of Evidence, printed as chapter
 9 10, Title 26, MCA, appear only for the purpose of
 10 facilitating use of the code. Neither this act nor
 11 publication of the rules may be construed as an attempt to
 12 readopt or promulgate the rules.

13 Section 3. Section 1-11-301, MCA, is amended to read:
 14 "1-11-301. Publication and sale of Montana Code
 15 Annotated. (1) The legislative council with the advice of
 16 the code commissioner shall decide on the quantity, quality,
 17 style, format, and grade of all publications prior to having
 18 the department of administration contract for their
 19 publication.

20 (2) The methods of sale to the public of the Montana
 21 Code Annotated and supplements or other subsequent and
 22 ancillary publications thereto may be included as an
 23 alternative specification and bid and as a part of a
 24 contract to be let by bids by the department of
 25 administration.

1 (3) The sales price to the public shall be fixed by
2 the legislative council but ~~shall~~ may not exceed the cost
3 price plus 20%. All revenues generated from the sale to ~~the~~
4 public of the Montana Code Annotated or ancillary
5 publications shall be ~~remitted to the state treasurer for~~
6 ~~the purpose of reimbursing the general fund for~~ deposited in
7 the revolving funds from which fund appropriations may be
8 made for the use of the office and facilities of the
9 legislative council under this chapter.

10 (4) Sets of the Montana Code Annotated purchased by
11 the state or local governmental agencies that are supported
12 by public funds shall be for the cost price of the sets."

13 Section 4. Effective date. This act is effective on
14 passage and approval.

-End-

On motion rules suspended,
yellow printing dispensed.

Approved by Committee
on Judiciary

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6 CODE ANNOTATED; AMENDING SECTION 1-11-301, MCA, TO PROVIDE
7 FOR DEPOSIT OF PROCEEDS FROM SALES OF THE CODE INTO THE
8 REVOLVING FUND ~~AND TO TRANSFER THE AUTHORITY TO LET BIDS FOR~~
9 ~~PUBLICATION FROM THE DEPARTMENT OF ADMINISTRATION TO THE~~
10 ~~CODE COMMISSIONER;~~ AND PROVIDING AN IMMEDIATE EFFECTIVE
11 DATE."

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20 and shall be given effect as provided in section 6, Chapter
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22 of 1977, and set forth in 1-11-103, MCA.

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24 court rules. (1) The legislature recognizes the supreme
25 court's authority pursuant to Article VII, section 2, of the

1 Montana constitution to make rules governing procedure and
2 practice before the courts.

3 (2) The legislature also recognizes that the practice
4 of printing such rules with the Montana statutes is of
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19 the code commissioner shall decide on the quantity, quality,
20 style, format, and grade of all publications prior to having
21 the ~~department-of-administration~~ CODE COMMISSIONER contract
22 for their publication. THE CODE COMMISSIONER SHALL FOLLOW
23 THE REQUIREMENTS OF STATE LAW RELATING TO CONTRACTS AND BIDS
24 EXCEPT AS HEREIN PROVIDED.

25 (2) The methods of sale to the public of the Montana

1 Code Annotated and supplements or other subsequent and
2 ancillary publications thereto may be included as an
3 alternative specification and bid and as a part of a
4 contract to be let by bids by the department---of
5 administration CODE COMMISSIONER.

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11 ~~the purpose of reimbursing the general fund for~~ deposited in
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13 made for the use of the office and facilities of the
14 legislative council under this chapter.

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

NEW SECTION. Section 1. Adoption of code. (1) The Montana Code Annotated (1978) as recodified and published by the code commissioner under the authority of Chapter 419, Laws of 1975, as amended by Chapter 1, Laws of 1977, is adopted as prima facie the law of Montana.

(2) The Montana Code Annotated may be cited as "MCA" and shall be given effect as provided in section 6, Chapter 419, Laws of 1975, as amended by section 4, Chapter 1, Laws of 1977, and set forth in 1-11-103, MCA.

NEW SECTION. Section 2. Effect of publishing supreme court rules. (1) The legislature recognizes the supreme court's authority pursuant to Article VII, section 2, of the

Montana constitution to make rules governing procedure and practice before the courts.

(2) The legislature also recognizes that the practice of printing such rules with the Montana statutes is of benefit to code users and facilitates implementation of Article VII, section 2(3), of the Montana constitution concerning disapproval by the legislature.

(3) Therefore, the Montana Rules of Civil Procedure, printed as chapter 20, Title 25, MCA; the Montana Rules of Appellate Civil Procedure, printed as chapter 21, Title 25, MCA; and the Montana Rules of Evidence, printed as chapter 10, Title 26, MCA, appear only for the purpose of facilitating use of the code. Neither this act nor publication of the rules may be construed as an attempt to readopt or promulgate the rules.

Section 3. Section 1-11-301, MCA, is amended to read: "1-11-301. Publication and sale of Montana Code Annotated. (1) The legislative council with the advice of the code commissioner shall decide on the quantity, quality, style, format, and grade of all publications prior to having the ~~department-of-administration~~ CODE COMMISSIONER contract for their publication. THE CODE COMMISSIONER SHALL FOLLOW THE REQUIREMENTS OF STATE LAW RELATING TO CONTRACTS AND BIDS EXCEPT AS HEREIN PROVIDED.

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-End-

January 6, 1979

STANDING COMMITTEE REPORT

That Senate Bill No. 1 be amended as follows:

1. Title, page 1, line 8.
Following: "FUND"
Insert: "AND TO TRANSFER THE AUTHORITY TO LET BIDS
FOR PUBLICATION FROM THE DEPARTMENT OF
ADMINISTRATION TO THE CODE COMMISSIONER"
2. Page 2, section 3, line 18
Following: "the"
Strike: "department of administration"
Insert: "code commissioner"
3. Page 2, section 3, line 19
Following: "publication."
Insert: "The code commissioner shall follow the require-
ments of state law relating to contracts and
bids except as herein provided."
4. Page 2, section 3, line 24
Following: "the"
Strike: "department of administration"
Insert: "code commissioner"