

HOUSE BILL NO. 24

INTRODUCED BY J. RICE
BY REQUEST OF THE LEGISLATIVE COUNCIL

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 4, 1993	FIRST READING.
JANUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 12, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 13, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 98; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 3, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1993	SECOND READING, CONCURRED IN.
MARCH 5, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 6, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
6 MONTANA CODE ANNOTATED IS THE OFFICIAL VERSION OF THE
7 MONTANA STATUTES; PROHIBITING THE COPYRIGHT OF MONTANA
8 STATUTES; AMENDING SECTIONS 1-11-103 AND 1-11-304, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 **Section 1.** Section 1-11-103, MCA, is amended to read:

13 "1-11-103. Effect of Montana Code Annotated -- official
14 version. (1) The Montana Code Annotated ~~shall be enacted as~~
15 is a reenactment of the Revised Codes of Montana, 1947, and
16 the supplements thereto.

17 (2) The enactment of the Montana Code Annotated ~~shall~~
18 may not:

19 (a) revive a law repealed or superseded before the
20 effective date of the Montana Code Annotated;

21 (b) affect an act done, right accrued, or obligation
22 incurred or imposed by law prior to the effective date of
23 the Montana Code Annotated;

24 (c) affect any action, suit, or proceeding pending on
25 such the effective date of the Montana Code Annotated;

1 (d) repeal statutes of a nongeneral, nonpermanent
2 nature, such as severability, construction, validating,
3 repealing, or similar statutes, omitted from the Montana
4 Code Annotated.

5 (3) The Montana Code Annotated ~~shall~~ must be given
6 effect as a continuation of the Revised Codes of Montana and
7 not as a new enactment. A defect in title of any act set out
8 in prior laws and reenacted by the Montana Code Annotated is
9 cured by such the enactment of the Montana Code Annotated.

10 (4) No implication or presumption of legislative
11 construction is to be drawn from the classification or
12 arrangement of the Montana Code Annotated.

13 (5) Unless specifically and expressly adopted as part
14 of the law by the legislature, annotations, code
15 commissioner notes, catchlines, or other editorial material
16 included in the Montana Code Annotated may not be construed
17 as part of the legislative text but are only for the purpose
18 of convenience, orderly arrangement, and information.

19 (6) After enactment, the Montana Code Annotated,
20 including all subsequent replacement volumes, ~~shall be~~ is
21 prima facie the official laws of Montana. In case of any
22 inconsistency in meaning arising through omission or
23 otherwise between the provisions of the Montana Code
24 Annotated and the corresponding portion of the official
25 enrolled bill on file with the secretary of state, effect

1 ~~shall~~ must be given to the official enrolled bill.

2 (7) The Montana Code Annotated, prepared in accordance
3 with part 3, is the official version of the statutes of
4 Montana. The official version of the statutes is the only
5 publication of the statutes that may be used in public
6 documents. This subsection is not intended to interfere with
7 the supreme court's authority to adopt rules of evidence
8 pursuant to Article VII, section 2, of the Montana
9 constitution."

10 **Section 2.** Section 1-11-304, MCA, is amended to read:

11 "1-11-304. Copyrights prohibited. The Montana Code
12 Annotated, supplements, or other publications ancillary
13 thereto, as published, ~~shall-be~~ are the sole property of the
14 state of Montana and ~~shall may not~~ be copyrighted ~~for-and-in~~
15 ~~behalf-of-the-state-of-Montana-by-the-secretary-of-state."~~

16 NEW SECTION. **Section 3.** Effective date. [This act] is
17 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0024, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

The act clarifies that the Montana Code Annotated is the official version of the Montana statutes and prohibits the copyright of Montana statutes.

ASSUMPTIONS:

1. The Montana Code Annotated (MCA), including the Annotations, will no longer be copyrighted.
2. This bill will have no impact on the production level for the Montana Code Annotated (MCA) and the MCA Annotations. Therefore, there will be no cost savings in the Legislative Council.
3. The Secretary of State has been asked by the Library of Congress not to send these volumes due to storage limitations. Therefore, there will be no cost savings in postage or handling costs in the Secretary of State's office.

FISCAL IMPACT:

None.

Dave Lewis 1-8-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Jim Rice 1-8-93
JIM RICE, PRIMARY SPONSOR DATE
Fiscal Note for HB0024, as introduced

HR 24

APPROVED BY COMMITTEE
ON JUDICIARY

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(c) affect any action, suit, or proceeding pending on such the effective date of the Montana Code Annotated;

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(3) The Montana Code Annotated ~~shall~~ must 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 the enactment of the Montana Code Annotated.

(4) No implication or presumption of legislative construction is to be drawn from the classification or arrangement of the Montana Code Annotated.

(5) Unless specifically and expressly adopted as part of the law by the legislature, annotations, code commissioner notes, catchlines, or other editorial material included in the Montana Code Annotated may not be construed as part of the legislative text but are only for the purpose of convenience, orderly arrangement, and information.

(6) After enactment, the Montana Code Annotated, including all subsequent replacement volumes, ~~shall be~~ is prima facie the official laws of Montana. In case of any inconsistency in meaning arising through omission or otherwise between the provisions of the Montana Code Annotated and the corresponding portion of the official enrolled bill on file with the secretary of state, effect

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