

HOUSE BILL NO. 115

INTRODUCED BY S. FITZPATRICK

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DUTIES OF THE CODE COMMISSIONER REGARDING PUBLICATION OF THE MONTANA CODE ANNOTATED; DEFINING CERTAIN TERMS; CLARIFYING AND ELIMINATING CERTAIN CODE COMMISSIONER DUTIES; AMENDING SECTIONS 1-11-101 AND 1-11-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 1-11-101, MCA, is amended to read:

"1-11-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Code" or "codes" means the Montana Code Annotated, which is a reenactment of the Revised Codes of Montana, 1947, as provided in 1-11-103.

(2) "Publication" or "publish" means the act of issuing a work in printed or electronic format.

~~(2)~~(3) "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes, without changing the meaning, effect, or intent of any law:

(a) correcting or changing punctuation, capitalization, spelling, grammatical construction, and numbering as required by uniform literary and bill drafting practice;

(b) substituting the appropriate new code division reference for reference to a section of, to a part of, or to an entire "act";

(c) substituting calendar date for "effective date", "hereafter", and similar terms;

(d) creating new titles, chapters, parts, sections, or other divisions of the code;

(e) changing or inserting language made necessary because of rearrangement;

(f) eliminating redundant words;

(g) when given direction or authority by another statute, correcting inaccurate or obsolete

1 references to:

- 2 (i) titles of officers or agencies, such as those changed by executive reorganization statutes;
- 3 (ii) other code sections, such as those that have been repealed or repealed and replaced;
- 4 (h) changing inaccurate terminology to comply with statutory definitions or short form amendments;
- 5 and
- 6 (i) changing or creating section captions (catchlines) to clearly reflect the content of the section,
- 7 unless the section captions are specifically and expressly adopted as part of the law by the legislature."
- 8

9 **Section 2.** Section 1-11-204, MCA, is amended to read:

10 **"1-11-204. Duties of code commissioner.** (1) Prior to November 1 immediately preceding each

11 regular legislative session, the code commissioner shall prepare and submit to the legislative council a report,

12 ~~in tabular or other form,~~ indicating the commissioner's recommendations for legislation ~~that will to:~~

- 13 (a) eliminate archaic or outdated laws;
- 14 (b) eliminate obsolete or redundant wording of laws;
- 15 (c) eliminate duplications in law and any laws repealed directly or by implication;
- 16 (d) clarify existing laws; or
- 17 (e) correct errors and inconsistencies within the laws.
- 18 (2) The commissioner shall cause to be prepared for publication with the Montana Code Annotated
- 19 the following material:

- 20 (a) the statutory history of each code section;
- 21 (b) annotations of or references to state and federal court decisions relating to the subject matter
- 22 of the code;
- 23 (c) editorial notes, cross-references, and other matter the commissioner considers desirable or
- 24 advantageous;
- 25 (d) the Declaration of Independence;
- 26 (e) the Constitution of the United States of America and amendments to the constitution;
- 27 (f) acts of congress relating to the authentication of laws and records;
- 28 (g) the Organic Act of the Territory of Montana;

1 (h) The Enabling Act;
2 (i) The 1972 Constitution of the State of Montana and any amendments to the constitution;
3 (j) ordinances relating to federal relations and elections;
4 (k) rules of civil, criminal, and appellate procedure and other rules of procedure the Montana
5 supreme court may adopt; and
6 (l) ~~a complete subject index, a separate index for the constitution, a popular name index, and~~
7 ~~comparative disposition tables or cross-reference indexes~~ tables relating sections of the Montana Code
8 Annotated to prior compilations and session laws.

9 (3) (a) After publication of the Montana Code Annotated, the code commissioner shall:
10 (i) annotate, arrange, and prepare for publication all laws of a general and permanent nature
11 enacted at each legislative session and assign catchlines and code section numbers to each new section;
12 (ii) continue to codify, ~~index~~, arrange, rearrange, and generally update the Montana Code
13 Annotated to maintain an orderly and logical arrangement of the laws in order to avoid future need for bulk
14 revision; and
15 (iii) prepare and publish a report entitled "Official Report of the Montana Code Commissioner--
16 (year)" that indicates, ~~in tabular or other form~~, all changes made during the continuous recodification, other than
17 punctuation, spelling, and capitalization, to clearly indicate the character of each change made since the last
18 report.

19 (b) In carrying out the duty imposed by subsection (3)(a)(ii), the commissioner ~~shall~~ may recodify
20 the Montana Code Annotated on a title-by-title basis. The recodification is intended to be secondary to the
21 completion of other interim duties.

22 (4) From time to time, the commissioner shall confer with members of the judiciary and the state
23 bar relative to recodification procedures."
24

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

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