

HOUSE BILL NO. 36

INTRODUCED BY S. BERGLEE

BY REQUEST OF THE CODE COMMISSIONER

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 Unless the context requires otherwise, as used in this chapter, 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 a 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 references to:

(i) titles of officers or agencies, such as those changed by executive reorganization statutes;

(ii) other code sections, such as those that have been repealed or repealed and replaced;

1 (h) changing inaccurate terminology to comply with statutory definitions or short form amendments;
2 (i) changing or creating section captions (catchlines) to clearly reflect the content of the section, unless
3 the section captions are specifically and expressly adopted as part of the law by the legislature."
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5 **Section 2.** Section 1-11-204, MCA, is amended to read:

6 **"1-11-204. Duties of code commissioner.** (1) Prior to November 1 immediately preceding each regular
7 legislative session, the code commissioner shall prepare and submit to the legislative council a report, ~~in tabular~~
8 ~~or other form,~~ indicating the commissioner's recommendations for legislation that will:

- 9 (a) eliminate archaic or outdated laws;
10 (b) eliminate obsolete or redundant wording of laws;
11 (c) eliminate duplications in law and any laws repealed directly or by implication;
12 (d) clarify existing laws;
13 (e) correct errors and inconsistencies within the laws.

14 (2) The commissioner shall cause to be prepared for publication with the Montana Code Annotated the
15 following material:

- 16 (a) the statutory history of each code section;
17 (b) annotations of or references to state and federal court decisions relating to the subject matter of the
18 code;
19 (c) editorial notes, cross-references, and other matter the commissioner considers desirable or
20 advantageous;
21 (d) the Declaration of Independence;
22 (e) the Constitution of the United States of America and amendments to the constitution;
23 (f) acts of congress relating to the authentication of laws and records;
24 (g) the Organic Act of the Territory of Montana;
25 (h) The Enabling Act;
26 (i) The 1972 Constitution of the State of Montana and any amendments to the constitution;
27 (j) ordinances relating to federal relations and elections;
28 (k) rules of civil, criminal, and appellate procedure and other rules of procedure the Montana supreme
29 court may adopt; and
30 (l) ~~a complete subject index, a separate index for the constitution, a popular name index, and~~

1 ~~comparative disposition tables or cross-reference indexes~~ tables relating sections of the Montana Code
2 Annotated to prior compilations and session laws.

3 (3) (a) After publication of the Montana Code Annotated, the code commissioner shall:

4 (i) annotate, arrange, and prepare for publication all laws of a general and permanent nature enacted
5 at each legislative session and assign catchlines and code section numbers to each new section;

6 (ii) continue to codify, ~~index~~, arrange, rearrange, and generally update the Montana Code Annotated to
7 maintain an orderly and logical arrangement of the laws in order to avoid future need for bulk revision;

8 (iii) prepare and publish a report entitled "Official Report of the Montana Code Commissioner--(year)" that
9 indicates, ~~in tabular or other form~~, all changes made during the continuous recodification, other than punctuation,
10 spelling, and capitalization, to clearly indicate the character of each change made since the last report.

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

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

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

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