

1 *Senate* BILL NO. *92*
 2 INTRODUCED BY *Theresa Lockren Himes Turage*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND MODERNIZE
 5 STATUTES GOVERNING THE STATE LAW LIBRARY; REMOVING THE STATE
 6 AUDITOR AND SECRETARY OF STATE FROM THE BOARD OF TRUSTEES;
 7 BROADENING THE AUTHORITY OF THE LIBRARIAN; AMENDING SECTIONS
 8 44-402 AND 44-405, R.C.M. 1947; AND REPEALING SECTIONS
 9 44-404, 44-408, 44-409, AND 44-410, R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 44-402, R.C.M. 1947, is amended to
 13 read as follows:
 14 "44-402. Location -- board of trustees. The state law
 15 library of the state of Montana shall be located in the
 16 capitol building at Helena, Montana, and shall be in the
 17 immediate custody and subject to the control of a board of
 18 ~~seven~~ *(7)* trustees, consisting of the chief justice and the
 19 associate justices of the supreme court of the state of
 20 ~~Montana, the secretary of state and the state auditor. The~~
 21 ~~members of the board shall serve as such members without~~
 22 ~~compensation and their terms shall be identical with the~~
 23 ~~term of office of the chief justice and of the several~~
 24 ~~associate justices from time to time."~~
 25 Section 2. Section 44-405, R.C.M. 1947, is amended to

1 read as follows:
 2 "44-405. ~~Duties of librarian regulations~~ Rules for
 3 use of library. ~~It shall be the duty of the librarian~~
 4 ~~(1) to be in attendance at the library during office~~
 5 ~~hours~~
 6 ~~(2) to purchase under the direction of the board of~~
 7 ~~trustees all compilations of statutory laws, reports of~~
 8 ~~decisions of courts of last resort or intermediate courts~~
 9 ~~in the several states of the union, the national reporters~~
 10 ~~series, and all encyclopedias, digests, textbooks, and~~
 11 ~~miscellaneous books, maps, charts, legal periodicals and a~~
 12 ~~complete collection of all of the laws of the territory of~~
 13 ~~Montana, the state of Montana, furniture, fixtures and~~
 14 ~~supplies~~
 15 ~~(3) to number and stamp all books, digests,~~
 16 ~~encyclopedias, printed works, maps, papers and pamphlets~~
 17 ~~belonging to the library for their ready and accurate~~
 18 ~~identification and to keep a complete catalogue thereof in~~
 19 ~~accordance with catalogue systems approved for law~~
 20 ~~libraries~~
 21 ~~(4) to have well and properly bound all books and~~
 22 ~~also all pamphlets and papers when directed thereto by the~~
 23 ~~trustees~~
 24 ~~(5) to keep a register of all books and property~~
 25 ~~belonging to the library, the additions made each year, and~~

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1 the cost thereof
 2 (6) to keep a register of all books or other property
 3 taken from the library under the authority of the trustees,
 4 (7) to establish and maintain a system of domestic and
 5 foreign exchange of books, maps, or other publications which
 6 are property the subject of collections for a state law
 7 library, and to obtain from the secretary of state and other
 8 state departments, boards, bureaus, commissions and agencies
 9 upon request, such numbers of all state publications as may
 10 be needed to supply the demands of the system established.
 11 (8)(1) The state law library shall be maintained and
 12 operated for the use of the members of the supreme court,
 13 the members of the legislative assembly while in session as
 14 such legislature, and the several officers of the senate and
 15 of the house of representatives, for state officers and
 16 employees, for members of the bar of the supreme court of
 17 Montana, for members of the bar of supreme courts of other
 18 states while in attendance before the supreme court of
 19 Montana, and members of the general public agreeing to the
 20 rules and regulations established by the board of trustees
 21 and enforced by the librarian.
 22 (2) The librarian shall develop and maintain an
 23 adequate collection and services to fulfill the needs of
 24 library users and shall establish procedures for the
 25 maintenance and control of the collection. All persons

1 during library hours are permitted to examine the library
 2 and its contents and to work within the library quarters
 3 during sessions of the legislative assembly, the members
 4 thereof may take books from the library, and state officials
 5 may do so at any time; law books may be taken from the
 6 library to a courtroom by any attorney at law and must be
 7 returned to the library before five (5) o'clock P.M. of the
 8 same day. No book or other work that cannot be readily
 9 replaced in case of loss shall be removed from the state law
 10 library except by state officials, and by them only in
 11 pursuit of their official duties and subject to recall by
 12 the librarian on arrangements made by the borrower with the
 13 librarian.
 14 Books taken by members of the legislative assembly must
 15 be returned at the close of the session, and before the
 16 state auditor draws his warrant in favor of any member of
 17 the legislative assembly for his last week's salary, he must
 18 be satisfied that such member has returned all books taken
 19 by him and paid for any injuries thereto.
 20 The state auditor, if notified by the librarian that
 21 any officer has failed to return books taken by him within
 22 the time prescribed by the rules, and after demand made
 23 must not draw his warrant for the salary of such officer
 24 until the return is made, or three (3) times the value of
 25 the books or of any injuries thereto has been paid to the

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- 1 ~~librarian~~"
- 2 Section 3. Repealer. Sections 44-404, 44-408, 44-409,
- 3 and 44-410, R.C.M. 1947, are repealed.

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Approved by Committee on Judiciary

Senate BILL NO. 92
Thiessen Lockrem Himes Turnage

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16 capitol building at Helena, Montana, and shall be in the
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18 seven--(7) trustees, consisting of the chief justice and the
19 associate justices of the supreme court of the state of
20 Montana--the--secretary-of-state-and-the-state-auditor. The
21 members-of-the-board-shall-serve-as-such--members--without
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9 in--the-several-states-of-the-union--the-national-reporters'
10 series--and--all--encyclopedias--digests--textbooks--and
11 miscellaneous--books--maps--charts--legal-periodicals-and-a
12 complete-collection-of-all-of-the-laws-of-the--territory-of
13 Montana--the--state-of-Montana--furniture--fixtures--and
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25 belonging-to-the-library--the-additions-made--each--year--and

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2 (6) to keep a register of all books or other property
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22 (2) The librarian shall develop and maintain an
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14 Books taken by members of the legislative assembly must
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(4)--to--have--well--and--properly-bound-all-books--and also--all--pamphlets--and--papers--when-directed-thereto-by--the trustees;

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6 library-to-a-courtroom-by-any-attorney-at-law-and-must-be

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8 same-day--No-book-or--other--work-that-cannot-be-readily

9 replaced-in-case-of-loss-shall-be-removed-from-the-state-law

10 library-except-by-state-officials--and-by-them-only--in

11 pursuit--of--their--official--duties-and-subject-to-recall-by

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