

Duties of Secretary of State, Distribution of Laws and Reports.

Under the provisions of Section 402 and Section 896 of the Political Code, the secretary of state is not required to furnish the officers of newly created counties with back numbers of the laws and reports. He is required only to furnish current numbers of the laws and reports to such county officers.

February 16, 1905.

Hon. A. N. Yoder, Secretary of State, Helena, Montana.

Dear Sir:—Pursuant to your verbal request for an opinion as to whether it is necessary for you to furnish the county, or the officers of the new county of Sanders, with a complete set of the codes, session laws and Montana Reports, I give you the following opinion:

Section 402, Political Code, provides:

“Immediately after the laws, resolutions and journals mentioned in

Subdivision 9 of the preceding section are bound, the secretary of state must distribute the same as follows: * * *

7. To the county clerk of each county three copies for the use of the county.

8. To each county attorney and each clerk of the district court, one copy."

And Subdivision 9 of the preceding section referred to provides, that it is the duty of the secretary of state "to deliver to the printer entitled to the same, at the earliest day practicable after final adjournment of each session of the legislative assembly, copies of all laws, resolutions (with marginal notes), and journals kept, passed or adopted at such session, with proper indexes to the same."

It seems plain, under the provisions above quoted, that the only duty imposed upon you by the law is to provide the county clerk of each county with three copies and the county attorney and clerk of each district court with one copy of the laws, resolutions and journals of the legislative assembly, published as prescribed by Subdivision 9 of Section 401 above quoted. The law clearly has reference only to the particular laws mentioned therein.

Section 896, of the Political Code, provides that on the publication of "each volume" of said reports (referring to the Montana supreme court reports) "the secretary of state shall purchase of said publisher, for the use of the state, three hundred copies thereof, and distribute the same in the manner following: To each * * * district judge, county attorney and clerk of the district court in the state, one copy * * *." This section is certainly plain and specific as to what reports are intended for distribution.

The above are the only provisions in the law requiring you to provide county officers of any county with laws or reports. The provisions of the law above quoted seem clear and self-explanatory. They refer only to the session laws published under your direction and by you ordered, and to each volume of Montana reports purchased by you "upon publication," for distribution. If the law intended that you should furnish back numbers, it would so provide. You are under the law required only to provide the county officers named with current numbers of the laws and decisions. The law does not contemplate that you should furnish the county officers named, throughout the state, with full and complete sets of the laws and reports. The counties, if they are not in possession of the session laws and reports published prior to your entrance upon official duty, cannot expect or require you to furnish them with any laws or reports, save and except those provided for by law. If they desire back numbers of the laws they should themselves make purchase thereof, and you are not at liberty in any instance to furnish them with more copies of the laws or reports than that prescribed by the sections of the law above referred to.

In the case you present you will be required only to furnish the officers of the newly created county of Sanders, the same as other counties, with a copy of the session laws of the Ninth Legislative Assembly,

and laws hereafter published, when the same have been completed and printed for distribution, and with copies of "each volume" of the Montana reports purchased by you for distribution "upon publication" thereof. Such a new county is not entitled to receive from you, and it is not your duty to furnish it with, laws or reports published prior to its existence, but it will be entitled to those hereafter published as provided by law.

Yours respectfully,

ALBERT J. GALEN,

Attorney General. *