

1                   SENATE   BILL NO.   3  
 2   INTRODUCED BY   BLAYLOCK

3  
 4   A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5   CLARIFY THE LAWS RELATING TO LIBRARIES, ARTS, AND  
 6   ANTIQUITIES; ENACTING THREE NEW SECTIONS; AMENDING SECTIONS  
 7   44-139, 44-219.2, 44-517, 44-518, 44-520, 81-2508, 81-2510,  
 8   82-3607, AND 82A-218, R.C.M. 1947; AND REPEALING SECTIONS  
 9   44-522, 44-529, 78-302, 82-3205, AND 82-3206, R.C.M. 1947."

10  
 11   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12       Section 1. There is a new R.C.M. section numbered  
 13   44-126.1 that reads as follows:

14       44-126.1. State library authorized. The state library  
 15   commission shall maintain and operate a state library to be  
 16   located in Helena.

17       Section 2. Section 44-139, R.C.M. 1947, is amended to  
 18   read as follows:

19       "44-139. ~~Except state agencies and officers~~  
 20   Exemptions. This act shall not apply to ~~new~~ officers of or  
 21   affect the duties concerning publications distributed by, ~~or~~  
 22   officers of:

- 23       (1) ~~The~~ the state law library;
- 24       (2) ~~The~~ the secretary of state in connection with his  
 25   duties under ~~sections 12-247, 82-2202 (17)~~ (16), and

1   ~~82-2202, R.C.M. 1947, as amended;~~  
 2       (3) the code commissioner in connection with his  
 3   duties under Title 12, chapter 5, as amended; and  
 4       (4) the legislative services division of the  
 5   legislative council in connection with its duties under  
 6   82-711.2, as amended."

7       Section 3. Section 44-219.2, R.C.M. 1947, is amended  
 8   to read as follows:

9       "~~44-219.2. Board of trustees to govern city~~  
 10   City-county library — compensation expenses — board of  
 11   trustees. (1) A joint city-county library shall be governed  
 12   by a board of trustees composed of five (5) members chosen  
 13   as specified in the contract, with terms not to exceed five  
 14   (5) years.

15       (2) Trustees shall serve no more than two (2) full  
 16   terms in succession.

17       (3) Trustees shall serve without compensation, but  
 18   their actual and necessary expenses incurred in the  
 19   performance of their official duties may be paid from  
 20   library funds.

21       (4) Trustees shall meet and elect a chairman, and such  
 22   other officers as they ~~doe~~ consider necessary, for one (1)  
 23   1-year terms.

24       (5) The board of trustees shall have the ~~power~~ same  
 25   powers and duties as specified in ~~sections 44-213 through~~

1 ~~44-225~~ the board of trustees of a city library or a county  
2 library."

3 Section 4. There is a new R.C.M. section numbered  
4 44-515.1 that reads as follows:

5 44-515.1. Historical library authorized. There is a  
6 historical library, to be maintained and operated by the  
7 Montana historical society.

8 Section 5. Section 44-517, R.C.M. 1947, is amended to  
9 read as follows:

10 "44-517. ~~Definition of terms~~ Definitions. As used in  
11 this act:

12 (1) "~~Society~~ society" means the Montana historical  
13 society and includes:

14 (a) ~~The the~~ historical ~~and miscellaneous~~ libraries  
15 library and ~~their~~ its contents;

16 (b) ~~any~~ museums and art galleries, and their contents,  
17 acquired by the trustees;

18 (c) ~~any~~ historical places, sites, or monuments  
19 acquired or developed by the society;

20 (d) ~~any~~ divisions, departments, and activities  
21 operated in conjunction with the historical library as are  
22 established by the trustees; and

23 (e) ~~any~~ books, papers, maps, charts, manuscripts,  
24 photographs, writings, records, objects of history and art,  
25 paintings, engravings, relics, collections of artifacts and

1 minerals, furniture, or fixtures acquired by the trustees;

2 (2) "~~Trustees~~ trustees" means the board of trustees of  
3 the Montana historical society;

4 (3) "~~Committee~~ committee" means the executive  
5 committee of the board of trustees of the Montana historical  
6 society."

7 Section 6. Section 44-518, R.C.M. 1947, is amended to  
8 read as follows:

9 "44-518. ~~Library~~ Historical library and museum  
10 independent of other state ~~institutions~~ libraries, museums,  
11 or galleries. ~~any~~ The historical library ~~or~~ and ~~any~~  
12 historical museums administered by the society in accordance  
13 with the provisions of this act shall be independent of any  
14 other library, museum, or gallery owned, maintained, or  
15 operated by the state of Montana."

16 Section 7. Section 44-520, R.C.M. 1947, is amended to  
17 read as follows:

18 "44-520. Qualifications of trustees. Trustees shall be  
19 appointed because of their special interest in the  
20 accomplishment of the purposes of the society, their fitness  
21 for discharging these duties, and their willingness to  
22 devote time and effort in the public interest ~~and to serve~~  
23 ~~without compensation~~. The governor, ~~shall in so far~~ insofar  
24 as possible, shall appoint trustees from the various  
25 geographical areas of the state."

1 Section 8. There is a new R.C.M. section numbered  
2 78-201.1 that reads as follows:

3 78-201.1. Veterans' and pioneers' memorial building.  
4 There is a veterans' and pioneers' memorial building located  
5 in Helena.

6 Section 9. Section 81-2508, R.C.M. 1947, is amended to  
7 read as follows:

8 "81-2508. ~~Co-operative agreements~~ Agreements with  
9 private owners. The department ~~is authorized to may~~ enter  
10 into cooperative agreements with private landowners or the  
11 owners of objects to preserve, mark, maintain, excavate, or  
12 otherwise deal with such sites and objects upon such terms  
13 as may be agreed upon by the department and ~~each the~~ private  
14 owners. The ~~cooperative~~ agreements may contain a clause that  
15 the sites and objects shall be registered under this act,  
16 and also a provision that the state of Montana shall ~~hold~~  
17 indemnify the owner ~~harmless~~ for any liability ~~that may~~  
18 ~~occur~~ suffered while the property is under the control of  
19 the state of Montana."

20 Section 10. Section 81-2510, R.C.M. 1947, is amended  
21 to read as follows:

22 "81-2510. ~~Injunction to prevent~~ Prevention of waste,  
23 destruction ~~and or~~ removal ~~protection~~ program. The  
24 department ~~is authorized and directed to~~ shall apply to any  
25 district court of the state of Montana for a writ of

1 injunction to prevent the waste, removal, ~~and or~~ destruction  
2 of any ~~each~~ registered site or registered object. The  
3 department ~~shall may~~ not be required to give any bond in  
4 ~~each the~~ application. Upon hearing of the petition for  
5 injunction, the court may restrain waste, removal, or  
6 destruction upon ~~said the~~ site, or of ~~each the~~ object for a  
7 period of ~~one~~ one year. The court may also provide in its  
8 order that during ~~each that~~ period the department shall  
9 present to the parties involved a program for the  
10 protection, preservation, restoration, and maintenance of  
11 the registered site or registered objects."

12 Section 11. Section 82-3607, R.C.M. 1947, is amended  
13 to read as follows:

14 "82-3607. Gifts and donations ~~received deposit and~~  
15 ~~see~~. The council may acquire, accept, receive, dispose of,  
16 and administer in the name of the council any gifts,  
17 donations, properties, securities, bequests, and legacies  
18 that may be made to it. Moneys received by donation, gift,  
19 bequest, or legacy, unless otherwise provided by the donor,  
20 shall be deposited in the earmarked revenue fund of the  
21 state treasury and used for the general operation of the  
22 council. The council is the official agency of the state to  
23 receive and disburse any funds made available by the  
24 ~~National Foundation on the Arts~~ national foundation on the  
25 arts."

1 Section 12. Section 82A-218, R.C.S. 1947, is amended  
2 to read as follows:

3 "82A-218. Name changes. Wherever the words "state  
4 controller" or "controller" appear in sections 6-105, 6-107,  
5 6-108, 10-1004, 16-2723, 43-218, 59-701, 59-701.1, 59-701.2,  
6 59-1105, 75-6206, ~~78-302~~, 78-910, 78-1203, 79-101, 79-104,  
7 79-202, 79-414, 79-415, 79-602, 79-2308, 82-1312, 82-1313,  
8 82-1314, 82-3307, 82-3308, 82-3309, 82-3317, and 82-3319,  
9 the words "department of administration" are substituted  
10 therefor."

11 Section 13. Repealer. Sections 44-522, 44-529, 78-302,  
12 82-3205, and 82-3206, R.C.S. 1947, are repealed.

-End-

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# Montana Legislative Council

State Capital  
Helena, 59601

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LC0021

1977 Legislature  
Code Commissioner Bill

\_\_\_\_\_ Bill \_\_\_\_\_

TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO LIBRARIES,  
ARTS, AND ANTIQUITIES.

(This summary does not include discussion of routine form or  
grammatical changes.)

Section 1. Enacts 44-126.1 to legislatively recognize and authorize the state library. The code provisions creating a state library were repealed in 1949, (chapters 134 and 153, Laws 1949) after the original "state library" had become essentially two new autonomous libraries -- the historical and miscellaneous library (established by Section 2, chapter 134, Laws 1949) and the law library (established by Section 1, chapter 153, Laws 1949). However a thing called a "state library" continued to exist, and the legislature certainly acknowledges that it does exist by reference to it in later laws concerning its function, maintenance and operation by the state library commission. The commission claims the state library that now exists is not the original state library which was created in 1881 (ap. p. Sec. 1, p. 60, Laws 1881) but in fact a new creation of the commission occurring sometime around 1946. If this is true it is not evident from the legislative history of the sections, and where the legislature continues to refer to a "state library" there should be specific legislative recognition of it, particularly when the legislative history indicates that such library was abolished in 1949.

Section 2. 44-139. This section exempts certain publications from the application of a law creating the library distribution center. The internal references in subsection (2) are inaccurate. The changes made reflect 1) the repeal of 12-317 and the transfer of the duties of distributing the code to the code commissioner pursuant to chapter 5 of Title 12, R.C.M. 1947; 2) the renumbering of 82-2202(17) to 82-2202(16) as per Section 1, chapter 96, Laws 1973; and 3) the transfer of 82-2203 to 43-711.2 by Section 4, chapter 96, Laws 1973, and the transfer of the function to the legislative services division of the legislative council.

Section 3. 44-219.2. Trustees of joint city-county library. The last sentence of this section, concerning powers and duties of the board of trustees, needs clarification, since sections 44-213 through 44-225 now include library federations as well as individual city and county libraries. The intent was to give the board of trustees of the joint city-county library the same powers and duties as the boards of individual city or county libraries, since in 1973 (when this section was enacted) 44-213 did not contain any reference to library federations, or the powers and duties of boards of trustees thereof, which are purely advisory.

Section 4. 44-515.1. As mentioned before, the code provisions creating a state library were repealed in 1949 by two different acts. One of those acts (chapter 134, Laws 1949) established a separate "historical and miscellaneous library" in the historical society (R.C.M. sections 44-501 through 44-515). These sections have also been since repealed (Section 14, chapter 47, Laws 1963) leaving no direct statutory authority for or recognition of the library, although R.C.M. 44-516 and 44-517 refer to such a library or libraries, and of course the library has continued to exist. It thus appears the legislature intended the continuation of the existing "historical and miscellaneous library", and possibly the potential addition of other such libraries (by use of the plural form in 44-517, although elsewhere it is referred to in the singular as "the" library). Also, in the current code, only in 44-517 is it referred to as the "historical and miscellaneous library". Elsewhere it is called merely "historical library". To clarify the authority for the existence of the library (since the original authorizations were repealed) a new section should be enacted specifically recognizing the historical library.

Section 5. 44-517(a). Changed as follows: "The historical ~~and-miscellaneous-libraries~~ library and ~~their~~ its contents . . ." This change eliminates multiple historical libraries, although, if desired, would still allow multiple physical plants administered as one historical library. This change would also eliminate "miscellaneous" from the title of the library. All sections would then uniformly refer to the library as "the historical library".

Section 6. 44-518. Changed as follows: "~~Any~~ The historical library ~~or~~ and any historical museum administered . . ." This change would eliminate the only remaining reference to possible multiple historical libraries.

Section 7. 44-520. This section states that one of the criteria for appointment as a trustee of the historical society is the person's willingness to serve without compensation. In

view of the authorization for compensation in 82A-507(3) this criterion would seem no longer to be required.

Section 8. Enacts 78-201.1. A similar problem exists with respect to the Veterans and Pioneers Memorial Building as previously discussed concerning the state library and the historical library. The provisions for its creation and construction (78-201 through 78-211, except 78-202 and 78-209) were repealed in 1963, leaving sections which refer to it but none saying there is one. The compiler's historical notes in the 1947 R.C.M. explain the repeal; however such notes will not be carried forward into the new code, so the background will not be readily available to all who might wish to know. Since there are laws regulating the use of the building and financial maintenance of it, a section authorizing it, or at least specifically recognizing it, should be enacted.

Section 9. 81-2508. This section deals with cooperative agreements between the fish and game department and private owners concerning preservation of antiquities. The last sentence states in part: ". . .the state of Montana shall hold the owner harmless for any liability that may occur while the property is under the control of the state of Montana." The language is ambiguous. The apparent intent of the legislature was to relieve the private owner from any personal liability for any injury which might be sustained by anyone entering upon or viewing the registered site or object. This would encourage the private owner to permit such use of the site or object, and to enter into such agreement with the state. Whether the legislature meant that the state would indemnify the private owner for any judgment suffered, or merely refrain from coming against the private owner if the state was sued and held liable, is unclear. This amendment would provide for indemnification to the owner in any case where a judgment or claim might be recovered against such owner.

Section 10. 81-2510. Changed the conjunctive "and" to the disjunctive "or", to permit injunction action against either the waste, removal, or destruction of any registered site. Currently it would be necessary to allege and prove all three.

Section 11. 82-3607. Added "of" after "dispose" to make sentence grammatically correct.

Section 12. 82A-218. Deleted reference to 78-302, since that section is being repealed in this bill.

Section 13. Repeals.

44-522. Reimbursement of trustees. This statute states the trustees of the historical society shall serve without

compensation but shall receive mileage. 82A-507(3) super-sedes this statute, providing both \$25 per day compensation and expenses.

44-529. Admission fees for antique automobile collection. Although this section requires a fee for viewing the antique Ford collection, no such fee has ever been charged. It is the desire of those in charge not to charge a fee, since the museum is at least partially tax supported. If the statute is not being followed or enforced, it should be repealed.

78-302. Expenditure of veterans' memorial fund. Prior to 1963, 78-301 et. seq. provided for a commission to administer a veterans' memorial fund, which fund was created under 82-308 from a tax imposed on certain sporting events. 78-302 defined how the commission could expend the money. In 1963 the commission was abolished, but the fund and the provision for its expenditure was left intact. This was effected by two separate 1963 amendments -- section 162 and 163 of chapter 147, Laws 1963, and section 28 and 30 of chapter 271, Laws 1963. Both 78-302 and 82-308, as they appear in the parent volume of the code, are composite sections which Allen Smith Publishing Co. pieced together from the two amendments. Chapter 147 contemplated expenditure by the memorial fund commission, but chapter 271, which repealed the provision for a commission, contemplated expenditure by the state controller upon requests from the various veterans organizations occupying the Veterans and Pioneers Memorial Building. Allen Smith Publishing Co. felt the two laws were not inconsistent and compiled them as they appear in the parent volume.

In 1974, 82-308 was amended by chapter 350, Laws 1974, to state, in the last sentence of section 351, that the money deposited in the fund created in 82-308 is to be "for the use of the board (of athletics)". No mention is made of the veterans' memorial fund, as in the old 82-308. This seemingly diverts the money from the veterans' memorial fund, as there nowhere appears any duty on the board of athletics to give the money to such fund. However, chapter 350, Laws 1974, did not specifically repeal 78-302. 78-302 therefore appears to be impliedly repealed.

82-3205, 82-3206. Microfilm division. These sections relate to the creation of a microfilm division within the historical society. The microfilming of state records is presently done by the records management bureau of the department of administration, under authority of 82-3311 and 82-3312, rather than the historical society as mandated by this statute. The historical society does do some microfilming of other things, but their camera work is all sent out for processing. Should be repealed.



Approved by Committee  
on State Administration

SENATE BILL NO. 3

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO LIBRARIES, ARTS, AND ANTIQUITIES; ENACTING THREE NEW SECTIONS; AMENDING SECTIONS 44-139, 44-219.2, 44-517, 44-518, 44-520, 81-2508, 81-2510, 82-3607, AND 82A-218, R.C.M. 1947; AND REPEALING SECTIONS 44-522, 44-529, 78-302, 82-3205, AND 82-3206, R.C.M. 1947."

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Section 1. There is a new R.C.M. section numbered 44-126.1 that reads as follows:

44-126.1. State library authorized. The state library commission shall maintain and operate a state library to be located in Helena.

Section 2. Section 44-139, R.C.M. 1947, is amended to read as follows:

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(1) ~~The~~ the state law library;

(2) ~~The~~ the secretary of state in connection with his duties under ~~sections 44-317, 82-2202 (17) (a), and~~

~~82-2203, R.C.M. 1947, as amended;~~

~~(3) the code commissioner in connection with his duties under Title 12, chapter 5, as amended; and~~

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Section 3. Section 44-219.2, R.C.M. 1947, is amended to read as follows:

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(2) Trustees shall serve no more than two (2) full terms in succession.

(3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

(4) Trustees shall meet and elect a chairman and such other officers as they deem ~~consider~~ necessary, for one (1) ~~year~~ year terms.

(5) The board of trustees shall have the power ~~same~~ ~~powers~~ and duties as ~~specified in sections 44-213 through~~

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15 the sites and objects shall be registered under this act  
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2 injunction to prevent the waste, removal, ~~and or~~ destruction  
3 of any ~~such~~ registered site or registered object. The  
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21   affect the duties concerning publications distributed by ~~or~~  
22   ~~officers of:~~  
23       (1) ~~The~~ the state law library;  
24       (2) ~~The~~ the secretary of state in connection with his  
25   duties under ~~sections 12-317, 82-2202 (17) (12), and~~

1   82-2203, R.C.M. 1947, as amended;  
2       ~~(3) the code commissioner in connection with his~~  
3   ~~duties under Title 12, chapter 5, as amended; and~~  
4       ~~(4) the legislative services division of the~~  
5   ~~legislative council in connection with its duties under~~  
6   ~~43-711.2, as amended."~~  
7       Section 3. Section 44-219.2, R.C.M. 1947, is amended  
8   to read as follows:  
9       "44-219.2. ~~Board of trustees to govern city~~  
10   ~~city-county library compensation expenses~~ board of  
11   trustees. ~~(1) A joint city-county library shall be governed~~  
12   by a board of trustees composed of five ~~(5)~~ members ~~chosen~~  
13   as specified in the contract, with terms not to exceed ~~five~~  
14   ~~(5)~~ years.  
15       ~~(2) Trustees shall serve no more than two (2) full~~  
16   ~~terms in succession.~~  
17       ~~(3) Trustees shall serve without compensation, but~~  
18   their actual and necessary expenses incurred in the  
19   performance of their official duties may be paid from  
20   library funds.  
21       ~~(4) Trustees shall meet and elect a chairman, and such~~  
22   other officers as they ~~deem consider necessary, for one (1)~~  
23   ~~1-year terms.~~  
24       ~~(5) The board of trustees shall have the power same~~  
25   ~~powers and duties as specified in sections 44-213 through~~

1 ~~44-225~~ the board of trustees of a city library or a county  
2 library."

3 Section 4. There is a new R.C.M. section numbered  
4 44-515.1 that reads as follows:

5 44-515.1. Historical library authorized. There is a  
6 historical library, to be maintained and operated by the  
7 Montana historical society.

8 Section 5. Section 44-517, R.C.M. 1947, is amended to  
9 read as follows:

10 "44-517. ~~Definition of terms~~ Definitions. As used in  
11 this act:

12 (1) ~~"Society~~ "society" means the Montana historical  
13 society and includes:

14 (a) ~~The the historical and ~~libraries~~ libraries~~  
15 library and their its contents;

16 (b) ~~Any museums and art galleries, and their contents,~~  
17 acquired by the trustees;

18 (c) ~~Any historical places, sites, or monuments~~  
19 acquired or developed by the society;

20 (d) ~~Any divisions, departments, and activities~~  
21 operated in conjunction with the historical library as are  
22 established by the trustees; and

23 (e) ~~Any books, papers, maps, charts, manuscripts,~~  
24 photographs, writings, records, objects of history and art,  
25 paintings, engravings, relics, collections of artifacts and

1 minerals, furniture, or fixtures acquired by the trustees;

2 (2) ~~"Trustees trustees"~~ means the board of trustees of  
3 the Montana historical society;

4 (3) ~~"Committee committee"~~ means the executive  
5 committee of the board of trustees of the Montana historical  
6 society."

7 Section 6. Section 44-518, R.C.M. 1947, is amended to  
8 read as follows:

9 "44-518. ~~Library~~ Historical library and museum  
10 independent of other state institutions libraries, museums,  
11 or galleries. Any ~~the~~ historical library or and any  
12 historical museum administered by the society in accordance  
13 with the provisions of this act shall be independent of any  
14 other library, museum, or gallery owned, maintained, or  
15 operated by the state of Montana."

16 Section 7. Section 44-520, R.C.M. 1947, is amended to  
17 read as follows:

18 "44-520. Qualifications of trustees. Trustees shall be  
19 appointed because of their special interest in the  
20 accomplishment of the purposes of the society, their fitness  
21 for discharging these duties, and their willingness to  
22 devote time and effort in the public interest ~~and to serve~~  
23 ~~without compensation.~~ The governor, ~~shall~~ so far insofar  
24 as possible, shall appoint trustees from the various  
25 geographical areas of the state."

1 Section 8. There is a new R.C.M. section numbered  
2 78-201.1 that reads as follows:

3 78-201.1. Veterans' and pioneers' memorial building.  
4 There is a veterans' and pioneers' memorial building located  
5 in Helena.

6 Section 9. Section 81-2508, R.C.M. 1947, is amended to  
7 read as follows:

8 "81-2508. ~~Co-operative--agreements~~ Agreements with  
9 private owners. The department ~~is authorized to~~ may enter  
10 into cooperative agreements with private landowners or the  
11 owners of objects to preserve, mark, maintain, excavate, or  
12 otherwise deal with such sites and objects upon such terms  
13 as may be agreed upon by the department and ~~such the~~ private  
14 owners. The cooperative agreements may contain a clause that  
15 the sites and objects shall be registered under this act  
16 and also a provision that the state of Montana shall hold  
17 indemnify the owner ~~heretofore~~ for any liability ~~that may~~  
18 occur, INCLUDING COURT COSTS AND ATTORNEY'S FEES, suffered  
19 INCURRED while the property is under the control of the  
20 state of Montana."

21 Section 10. Section 81-2510, R.C.M. 1947, is amended  
22 to read as follows:

23 "81-2510. ~~Injunction--to--prevent~~ prevention of waste,  
24 destruction and ~~or~~ removal ~~protection--program~~. The  
25 department ~~is authorized and directed to~~ shall apply to any

1 district court of the state of Montana for a writ of  
2 injunction to prevent the waste, removal, and ~~or~~ destruction  
3 of any such registered site or registered object. The  
4 department ~~shall~~ may not be required to give any bond in  
5 ~~such the~~ application. Upon hearing of the petition for  
6 injunction, the court may restrain waste, removal, or  
7 destruction upon said ~~the~~ site or of such ~~the~~ object for a  
8 period of one-~~1~~ year. The court may also provide in its  
9 order that during ~~such that~~ period the department shall  
10 present to the parties ~~involved~~ a program for the  
11 protection, preservation, restoration, and maintenance of  
12 the registered site or registered objects."

13 Section 11. Section 82-3607, R.C.M. 1947, is amended  
14 to read as follows:

15 "82-3607. Gifts and donations ~~received--deposit--and~~  
16 use. The council may acquire, accept, receive, dispose ~~of~~  
17 and administer in the name of the council any gifts,  
18 donations, properties, securities, bequests, and legacies  
19 that may be made to it. Moneys received by donation, gift,  
20 bequest, or legacy, unless otherwise provided by the donor,  
21 shall be deposited in the earmarked revenue fund of the  
22 state treasury and used for the general operation of the  
23 council. The council is the official agency of the state to  
24 receive and disburse any funds made available by the  
25 ~~National--foundation--on-the-Arts~~ national foundation on the

1 arts."

2 Section 12. Section 82A-218, R.C.M. 1947, is amended  
3 to read as follows:

4 "82A-218. Name changes. Wherever the words "state  
5 controller" or "controller" appear in sections 6-105, 6-107,  
6 6-108, 10-1004, 16-2723, 43-218, 59-701, 59-701.1, 59-701.2,  
7 59-1105, 75-6206, ~~78-302~~, 78-910, 78-1203, 79-101, 79-104,  
8 79-202, 79-414, 79-415, 79-602, 79-2308, 82-1312, 82-1313,  
9 82-1314, 82-3307, 82-3308, 82-3309, 82-3317, and 82-3319,  
10 the words "department of administration" are substituted  
11 therefor."

12 Section 13. Repealer. Sections ~~44-522~~, ~~44-529~~, ~~78-302~~,  
13 82-3205, and 82-3206, R.C.M. 1947, are repealed.

-End-



SENATE BILL NO. 3

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO LIBRARIES, ARTS, AND ANTIQUITIES; ENACTING THREE NEW SECTIONS; AMENDING SECTIONS 44-139, 44-219.2, 44-517, 44-518, 44-520, 81-2508, 81-2510, 82-3637, AND 82A-218, R.C.M. 1947; AND REPEALING SECTIONS 44-522, 44-529, 78-302, 82-3205, AND 82-3206, R.C.M. 1947."

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

Section 1. There is a new R.C.M. section numbered 44-126.1 that reads as follows:

44-126.1. State library authorized. The state library commission shall maintain and operate a state library to be located in Helena.

Section 2. Section 44-139, R.C.M. 1947, is amended to read as follows:

"44-139. Exempt----state----agencies----and----officers Exemptions. This act shall not apply to nor officers of or affect the duties concerning publications distributed by or officers of:

(1) The the state law library;

(2) The the secretary of state in connection with his duties under sections--t2-317, 82-2202 (t7) 1161, and

82-2203v-RvEvMv-1947v as amended:

(2) the code commissioner in connection with his duties under Title 12, chapter 5, as amended; and

(4) the legislative services division of the legislative council in connection with its duties under 53-711.2, as amended."

Section 3. Section 44-219.2, R.C.M. 1947, is amended to read as follows:

"44-219.2. Board----of----trustees---to---govern---city City-county library --compensation--expenses -- board of trustees. (1) A joint city-county library shall be governed by a board of trustees composed of five (5) members chosen as specified in the contract, with terms not to exceed five (5) years.

(2) Trustees shall serve no more than two (2) full terms in succession.

(3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

(4) Trustees shall meet and elect a chairman and such other officers as they deem consider necessary, for one--(1) 1-year terms.

(5) The board of trustees shall have the power same powers and duties as specified in sections--44-213--through

1 44-225 the board of trustees of a city library or a county  
2 library."

3 Section 4. There is a new R.C.M. section numbered  
4 44-515.1 that reads as follows:

5 44-515.1. Historical library authorized. There is a  
6 historical library, to be maintained and operated by the  
7 Montana historical society.

8 Section 5. Section 44-517, R.C.M. 1947, is amended to  
9 read as follows:

10 "44-517. ~~Definition-of-terms~~ Definitions. As used in  
11 this act:

12 (1) "Society ~~society~~" means the Montana historical  
13 society and includes:

14 (a) ~~The the~~ historical ~~and--miscellaneous--libraries~~  
15 library and their its contents;

16 (b) Any museums and art galleries, and their contents,  
17 acquired by the trustees;

18 (c) Any historical places, sites, or monuments  
19 acquired or developed by the society;

20 (d) Any divisions, departments, and activities  
21 operated in conjunction with the historical library as are  
22 established by the trustees; and

23 (e) Any books, papers, maps, charts, manuscripts,  
24 photographs, writings, records, objects of history and art,  
25 paintings, engravings, relics, collections of artifacts and

1 minerals, furniture, or fixtures acquired by the trustees;

2 (2) "Trustees ~~trustees~~" means the board of trustees of  
3 the Montana historical society;

4 (3) "Committee ~~committees~~" means the executive  
5 committee of the board of trustees of the Montana historical  
6 society."

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8 read as follows:

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10 independent of other state ~~institutions~~ libraries, museums,  
11 or galleries. Any ~~the~~ historical library or and any  
12 historical museum administered by the society in accordance  
13 with the provisions of this act shall be independent of any  
14 other library, museum, or gallery owned, maintained, or  
15 operated by the state of Montana."

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17 read as follows:

18 "44-520. Qualifications of trustees. Trustees shall be  
19 appointed because of their special interest in the  
20 accomplishment of the purposes of the society, their fitness  
21 for discharging these duties, and their willingness to  
22 devote time and effort in the public interest ~~and to serve~~  
23 ~~without compensation.~~ The governor ~~shall in so far~~ insofar  
24 as possible, shall appoint trustees from the various  
25 geographical areas of the state."

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4 There is a veterans' and pioneers' memorial building located  
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6 Section 9. Section 81-2508, R.C.M. 1947, is amended to  
7 read as follows:

8 "81-2508. ~~Co-operative--agreements~~ Agreements with  
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10 into cooperative agreements with private landowners or the  
11 owners of objects to preserve, mark, maintain, excavate, or  
12 otherwise deal with such sites and objects upon such terms  
13 as may be agreed upon by the department and ~~such the~~ private  
14 owners. The cooperative agreements may contain a clause that  
15 the sites and objects shall be registered under this act  
16 and also a provision that the state of Montana shall ~~hold~~  
17 indemnify the owner ~~harmless~~ for any liability ~~that-may~~  
18 occur, INCLUDING COURT COSTS AND ATTORNEY'S FEES, suffered  
19 INCURRED while the property is under the control of the  
20 state of Montana."

21 Section 10. Section 81-2510, R.C.M. 1947, is amended  
22 to read as follows:

23 "81-2510. ~~Injunction--to--prevent~~ Prevention of waste,  
24 ~~destruction and or removal--protection---program.~~ The  
25 department ~~is-authorized-and-directed-to~~ shall apply to any

1 district court of the state of Montana for a writ of  
2 injunction to prevent the waste, removal, ~~and or~~ destruction  
3 of any ~~such~~ registered site or registered object. The  
4 department ~~shall~~ may not be required to give any bond ~~in~~  
5 ~~such the~~ application. Upon hearing of the petition for  
6 injunction, the court may restrain waste, removal, or  
7 destruction upon ~~said the~~ site, or of ~~such the~~ object for a  
8 period of ~~one-11~~ year. The court may also provide in its  
9 order that during ~~such that~~ period the department shall  
10 present to the parties involved a program for the  
11 protection, preservation, restoration, and maintenance of  
12 the registered site or registered objects."

13 Section 11. Section 82-3607, R.C.M. 1947, is amended  
14 to read as follows:

15 "82-3607. Gifts and donations ~~received--deposit-and~~  
16 ~~use.~~ The council may acquire, accept, receive, dispose ~~of,~~  
17 and administer in the name of the council any gifts,  
18 donations, properties, securities, bequests, and legacies  
19 that may be made to it. Moneys received by donation, gift,  
20 bequest, or legacy, unless otherwise provided by the donor,  
21 shall be deposited in the earmarked revenue fund of the  
22 state treasury and used for the general operation of the  
23 council. The council is the official agency of the state to  
24 receive and disburse any funds made available by the  
25 ~~National--Foundation--on-the-Arts~~ national foundation on the

1 acts."

2 Section 12. Section 82A-218, R.C.M. 1947, is amended  
3 to read as follows:

4 "82A-218. Name changes. Wherever the words "state  
5 controller" or "controller" appear in sections 6-105, 6-107,  
6 6-108, 10-1004, 16-2723, 43-218, 59-701, 59-701.1, 59-701.2,  
7 59-1105, 75-6206, ~~78-302~~, 78-910, 78-1203, 79-101, 79-104,  
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9 82-1314, 82-3307, 82-3308, 82-3309, 82-3317, and 82-3319,  
10 the words "department of administration" are substituted  
11 therefor."

12 Section 13. Repealer. Sections 44-522, 44-529, 78-302,  
13 82-3205, and 82-3206, R.C.M. 1947, are repealed.

-End-