# HOUSE BILL NO. 853

# INTRODUCED BY SHONTZ, LORY KEATING, QUILICI, VAN VALKENBURG, DOVER

IN THE HOUSE

March 24, 1981

March 28, 1981

March 31, 1981

Introduced and referred to Committee on Judiciary.

Committee recommend bill do pass. Report adopted.

Bill printed and placed on members' desks.

Second reading, do pass as amended.

On motion rules suspended and bill placed on third reading this day.

Third reading, passed. Ayes, 92; Noes, 3. Transmitted to Senate.

IN THE SENATE

| April 1, 1981  | Introduced and referred to Com-<br>mittee on Finance and Claims. |
|----------------|--|
| April 4, 1981  | Committee recommend bill be concurred in. Report adopted.        |
| April 9, 1981  | Second reading, concurred in.                                    |
| April 11, 1981 | Third reading, concurred in.<br>Ayes, 47; Noes, 0.               |

### IN THE HOUSE

April 13, 1981

Returned from Senate. Concurred in. Sent to enrolling.

Reported correctly enrolled.

1 2 INTRODUCED BY Hard BILL NO. 853 3 Quelen Martin Combalkaby Dean Comban 3 Quelen

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
RELATING TO DISTRIBUTION OF THE DECISIONS OF THE MONTANA
SUPREME COURT; PROVIDING FOR SALE OF SUCH CASE REPORTS AT
COST TO CERTAIN AGENCIES IN LIEU OF FREE DISTRIBUTION;
AMENDING SECTIONS 2-15-401, 3-2-603, AND 3-2-604, MCA."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 2-15-401, MCA, is amended to read: 12 "2-15-401. Duties of secretary of state. In addition 13 to the duties prescribed by the constitution, it is the duty 14 of the secretary of state to:

15 (1) attend at every session of the legislature for the
purpose of receiving bills and resolutions and to perform
17 such other duties as may be devolved upon him by resolution
18 of the two houses or either of them:

19 (2) keep a register of and attest the official acts of 20 the governor, including all appointments made by him, with 21 date of commission and names of appointees and predecessors; 22 (3) affix the great seal, with his attestation, to 23 commissions, pardons, and other public instruments to which 24 the official signature of the governor is required;

25 (4) record in proper books all conveyances made to the

state and all articles of incorporation filed in his office;
 (5) take and file in his office receipts for all books
 distributed by him and direct the county clerk of each
 county to do the same;

5 (6) certify to the governor the names of those persons
6 who have received at any election the highest number of
7 votes for any office, the incumbent of which is commissioned
8 by the governor;

9 (7) furnish, on demand, to any person paying the fees 10 therefor, a certified copy of all or any part of any law, 11 record, or other instrument filed, deposited, or recorded in 12 his office;

13 (8) keep a fee book in which must be entered all fees, 14 commissions, and compensation of whatever nature or kind by 15 him earned, collected, or charged, with the date, name of 16 payer, paid or unpaid, and the nature of the service in each 17 case, which book must be verified annually by his affidavit 18 entered therein;

19 (9) file in his office descriptions of seals in use by

20 the different state officers;

(10) discharge the duties of member of the board ofexaminers and of the board of land commissioners and all

- 23 other duties required of him by law;
- 24 (11) report to the governor as prescribed in 2-7-102;
- 25 (12) register marks as provided in this part;

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6 (15)(14) report annually to the legislative council all
7 watercourse name changes received pursuant to 85-2-134 for
8 publication in the Laws of Montana;

9 (16)(15) keep a register of all application for pardon
 10 or for commutation of any sentence, with a list of the
 11 official signatures and recommendations in favor of each
 12 application."

Section 2. Section 3-2-603. MCA, is amended to read: "3-2-603. Duties of reporters. (1) The reporters of the decisions of the supreme court shall make careful and accurate reports of the cases decided by the supreme court. The reports of the cases shall be made under the supervision of and pursuant to rules adopted by the justices of the supreme court.

(2) Reports of all cases shall be furnished to the
West Publishing Company for inclusion in its publication,
the Pacific Reporter, and to any other private printing or
duplicating concern requesting the reports for publication.
(3) The department of administration, on request of
the supreme court, shall contract with a publishing house to

publish volumes of reports. The style, size, and format of 1 2 the reports shall be determined by the justices. The 3 department of administration shall prepare and issue a call 4 for bids and, in accordance with the terms and 5 specifications of the call, contract with the lowest and 6 best bidder. The contract shall provide that the copies of 7 the reports purchased by state or local governmental 8 agencies of Montana, including the reports purchased by the 9 supreme court pursuant to 3-2-604, shall be sold to them oy 10 the publisher at the cost of publication." 11 Section 3. Section 3-2-604. MCA, is amended to read: 12 \*3-2-604. Distribution of reports. (1) On the 13 publication of each volume of the reports, the secretary-of 14 state supreme court shall purchase 300 171 copies from the 15 publisher for-the-use-of--the--state. He The court shall 16 distribute them at no charge and in the following manner: 17 (a) to--the-law-library-of-each-state-and-territory-of 18 the-United-Statesy--one--copyt to the state library for 19 distribution, five copies; 20 (b) to the library of congress, five four copies; 21 (c) to--each--of--the--judges--of--the--United--States 22 district-courts-of-the-states-of-Idahoy-Nevaday--Ealifornia 23 Washingtony--Montanay--Wyomingy-and-Bregony-one-copy; to the 24 university of Montana law library, two copies; 25 (d) to each justice of the supreme court, district

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| 1  | judge, <u>and</u> county attorney, and-clerk-of-a-district-court-in                |
|----|--|
| 2  | this-state, one copy;  |
| 3  | <del>(e)toeachstateofficeyasmanycopiesas-the</del>                                 |
| 4  | secretary-of-state-determines-are-needed;  |
| 5  | <del>(f)(e)</del> to the law library of the state of Montana,                      |
| 6  | three four copiest;  |
| 7  | <u>{f}to_the_attorney_general1_l1_copies;</u>                                      |
| 8  | <del>(2)<u>[q)</u> Heshallalsodistributethereports</del> to                        |
| 9  | literaryandscientific other institutions, publishers,                              |
| 10 | authors, and <del>legislative-reference</del> libraries <del>of-other-states</del> |
| 11 | with which the state law librarian has established a system                        |
| 12 | of exchange <del>.</del> <u>for materials of comparable_value; up_to_50</u>        |
| 13 | copies; and  |
| 14 | <del>[3][h]</del> Heshallalso-distribute to the university of                      |
| 15 | Hontana up to 50 copies to be used by the law librarian of                         |
| 16 | the university for the purpose of exchanges <u>for materials of</u>                |
| 17 | <u>comparable_value</u> with <u>libraries</u> , universities, and                  |
| 18 | institutions of higher education in other states.                                  |
| 19 | <pre>(4)[2] All reports distributed to state, district, and</pre>                  |
| 20 | other officers in the state are for the use of their office                        |
| 21 | and shall be, by the person receiving them, turned over to                         |
| 22 | his successor in office. <del>The secretary of state - shall- take</del>           |
| 23 | proper-receipts-for-the-reports+"  |

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Approved by Committee on Judiciary

1 BILL NO. 853 INTRODUCED BY 2 Juli 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
RELATING TO DISTRIBUTION OF THE DECISIONS OF THE MONTANA
SUPREME COURT; PROVIDING FOR SALE OF SUCH CASE REPORTS AT
COST TO CERTAIN AGENCIES IN LIEU OF FREE DISTRIBUTION;
AMENDING SECTIONS 2-15-401, 3-2-603, AND 3-2-604, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 2-15-401. MCA. is amended to read:
"2-15-401. Duties of secretary of state. In addition
to the duties prescribed by the constitution. it is the duty
of the secretary of state to:

(1) attend at every session of the legislature for the
purpose of receiving bills and resolutions and to perform
such other duties as may be devolved upon him by resolution
of the two houses or either of them;

19 (2) keep a register of and attest the official acts of
20 the governor, including all appointments made by him, with
21 date of commission and names of appointees and predecessors;
22 (3) affix the great seal, with his attestation, to
23 commissions, pardons, and other public instruments to which
24 the official signature of the governor is required;

45 (4) record in proper books all conveyances made to the

state and all articles of incorporation filed in his office;
 (5) take and file in his office receipts for all books
 distributed by him and direct the county clerk of each
 county to do the same;

5 (6) certify to the governor the names of those persons 6 who have received at any election the highest number of 7 votes for any office, the incumbent of which is commissioned 8 by the governor;

9 (7) furnish, on demand, to any person paying the fees 10 therefor, a certified copy of all or any part of any law, 11 record, or other instrument filed, deposited, or recorded in 12 his office;

13 (8) keep a fee book in which must be entered all fees, 14 commissions, and compensation of whatever nature or kind by 15 him earned, collected, or charged, with the date, name of 16 payer, paid or unpaid, and the nature of the service in each 17 case, which book must be verified annually by his affidavit 18 entered therein;

19 (9) file in his office descriptions of seals in use by20 the different state officers;

(10) discharge the duties of member of the board of
examiners and of the board of land commissioners and all
other duties required of him by law;

24 (11) report to the governor as prescribed in 2-7-102;

25 (12) register marks as provided in this part;

---- SECOND READING

1 (13)-distribute--the--bound-volumes-of-the-decisions-of 2 the-supreme-court-in-the-manner-provided-by-3-2-604; 3 (14)(13) report annually to the legislative council all 4 changes of names received pursuant to 27-31-205 for 5 publication in the Laws of Montana; 6 (15)(14) report annually to the legislative council all

7 watercourse name changes received pursuant to 85-2-134 for 8 publication in the Laws of Montana;

9 <u>flój[15]</u> keep a register of all application for pardon 10 or for commutation of any sentence, with a list of the 11 official signatures and recommendations in favor of each 12 application.<sup>#</sup>

Section 2. Section 3-2-603. MCA, is amended to read: "3-2-603. Duties of reporters. (1) The reporters of the decisions of the supreme court shall make careful and accurate reports of the cases decided by the supreme court. The reports of the cases shall be made under the supervision of and pursuant to rules adopted by the justices of the supreme court.

(2) Reports of all cases shall be furnished to the
West Publishing Company for inclusion in its publication.
the Pacific Reporter, and to any other private printing or
duplicating concern requesting the reports for publication.
(3) The department of administration, on request of
the supreme court, shall contract with a publishing house to

1 publish volumes of reports. The style, size, and format of 2 the reports shall be determined by the justices. The 3 department of administration shall prepare and issue a call 4 for bids and, in accordance with the terms and 5 specifications of the call, contract with the lowest and best bidder. The contract shall provide that the copies of 6 7 the reports purchased by state or local governmental 8 agencies of Montana, including the reports purchased by the 9 supreme\_court\_pursuant\_to\_3-2-604, shall be sold to them by 10 the publisher at the cost of publication." Section 3. Section 3-2-604, MCA, is amended to read: 11 12 "3-2-604. Distribution of reports. (1) On the publication of each volume of the reports, the secretary-of 13 14 state supreme court shall purchase 300 171 copies from the 15 publisher for-the-use-of--the--state. He The court shall distribute them at no charge and in the following manner: 16 17 (a) to--the-law-library-of-each-state-and-territory-of the-United-Statesy--one--copyt to the state library for 18 19 distribution, five copies; 20 (b) to the library of congress, five four copies; 21 (c) to--each--of--the--iudges--of--the--United--States 22 district-courts-of-the-states-of-Idahoy-Nevaday--Galifornia 23 Washingtony--Montanay--Wyomingy-and-Bregony-one-copy; to the 24 university of Montana law library, two copies;

25 (d) to each justice of the supreme court, district

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| 1  | judge: <u>and</u> county attorney; and-clerk-of-a-district-court-in                |
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| Z  | this-stater one copy;  |
| 3  | <del>te}toeachstateofficevasmanycopiesas-the</del>                                 |
| 4  | secretary-of-state-determines-are-needed;  |
| 5  | <del>{f}<u>{</u>[]</del> to the law library of the state of Montana,               |
| 6  | three four copies <del>.</del>   |
| 7  | (f) to the attorney general, 11 copies;  |
| 8  | <del>{2}[<u>9]</u> Heshallalsodistributethereports</del> to                        |
| 9  | <del>literaryandscientific <u>other</u> institutions,</del> publishers,            |
| 10 | authors, and <del>legislative-reference</del> libraries <del>of other-states</del> |
| 11 | with which the state law librarian has established a system                        |
| 12 | of exchange <del>. <u>for materials of comparable</u> values up to 50</del>        |
| 13 | copies; and  |
| 14 | <del>(3)<u>(h)</u> Heshallalso-distribute</del> to the university of               |
| 15 | Montana up to 50 copies to be used by the law librarian of                         |
| 16 | the university for the purpose of exchanges <u>for materials of</u>                |
| 17 | <u>comparable value with libraries</u> , universities, and                         |
| 18 | institutions of higher education in other states.                                  |
| 19 | <pre>{4}(2) All reports distributed to state, district, and</pre>                  |
| 20 | other officers in the state are for the use of their office                        |
| 21 | and shall be, by the person receiving them, turned over to                         |
| 22 | his successor in office. <del>The-secretary-of-stateshalltake</del>                |
| 23 | proper-receipts-for-the-reports="  |

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READING

THIRD

| 1  | HOUSE BILL NO. 853   | 1  | (4) record in proper books all conveyances made to the       |
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| 2  | INTRODUCED BY SHONTZ, LORY,                                  | 2  | state and all articles of incorporation filed in his office; |
| 3  | KEATING, QUILICI, VAN VALKENBURG, DOVER                      | 3  | (5) take and file in his office receipts for all books       |
| 4  |  | 4  | distributed by him and direct the county clerk of each       |
| 5  | A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS       | 5  | county to do the same;                                       |
| 6  | RELATING TO DISTRIBUTION OF THE DECISIONS OF THE MONTANA     | 6  | (6) certify to the governor the names of those persons       |
| 7  | SUPREME COURT; PROVIDING FOR SALE OF SUCH CASE REPORTS AT    | 7  | who have received at any election the highest number of      |
| 8  | COST TO CERTAIN AGENCIES IN LIEU OF FREE DISTRIBUTION;       | 8  | votes for any office, the incumbent of which is commissioned |
| 9  | AMENDING SECTIONS 2-15-401, 3-2-603, AND 3-2-604, MCA."      | 9  | by the governor;   |
| 10 |  | 10 | {7} furnish, on demand, to any person paying the fees        |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:    | 11 | therefor, a certified copy of all or any part of any law,    |
| 12 | Section 1. Section 2-15-401, MCA, is amended to read:        | 12 | record, or other instrument filed, deposited, or recorded in |
| 13 | "2-15-401. Duties of secretary of state. In addition         | 13 | his office;  |
| 14 | to the duties prescribed by the constitution, it is the duty | 14 | (8) keep a fee book in which must be entered all fees.       |
| 15 | of the secretary of state to:                                | 15 | commissions, and compensation of whatever nature or kind by  |
| 16 | (1) attend at every session of the legislature for the       | 16 | him earned, collected, or charged, with the date, name of    |
| 17 | purpose of receiving bills and resolutions and to perform    | 17 | payer, paid or unpaid, and the nature of the service in each |
| 18 | such other duties as may be devolved upon him by resolution  | 18 | case, which book must be verified annually by his affidavit  |
| 19 | of the two houses or either of them;                         | 19 | entered therein;   |
| 20 | (2) keep a register of and attest the official acts of       | 20 | (9) file in his office descriptions of seals in use by       |
| 21 | the governor, including all appointments made by him, with   | 21 | the different state officers;                                |
| 22 | date of commission and names of appointees and predecessors; | 22 | (10) discharge the duties of member of the board of          |
| 23 | (3) affix the great seal, with his attestation, to           | 23 | examiners and of the board of land commissioners and all     |
| 24 | commissions, pardons, and other public instruments to which  | 24 | other duties required of him by law;                         |
| 25 | the official signature of the governor is required;          | 25 | (11) report to the governor as prescribed in 2-7-102;        |
|    |  | 27 | (sty report to the governor as prestrived in 2*1-102)        |
|    |  |    | -2- HB 853   |

| 1  | (12) register marks as provided in this part;                            |
|----|--|
| 2  | <del>(13)-distributethebound-volumes-of-the-decisions-of</del>           |
| 3  | the-supreme-court-in-the-manner-provided-by-3-2-604#                     |
| 4  | <pre>ft4;(13) report annually to the legislative council all</pre>       |
| 5  | changes of names received pursuant to 27-31-205 for                      |
| 6  | publication in the Laws of Montana;                                      |
| 7  | <del>(15)(14)</del> report annually to the legislative council all       |
| 8  | watercourse name changes received pursuant to 85-2-134 for               |
| 9  | publication in the Laws of Montana;                                      |
| 10 | <del>(16)<u>(15)</u> keep a register of all application for pardon</del> |
| 11 | or for commutation of any sentence, with a list of the                   |
| 12 | official signatures and recommendations in favor of each                 |
| 13 | application."  |
| 14 | Section 2. Section 3-2-603. MCA, is amended to read:                     |
| 15 | "3-2-603. Duties of reporters. (1) The reporters of                      |
| 16 | the decisions of the supreme court shall make careful and                |
| 17 | accurate reports of the cases decided by the supreme court.              |
| 18 | The reports of the cases shall be made under the supervision             |
| 19 | of and pursuant to rules adopted by the justices of the                  |

(2) Reports of all cases shall be furnished to the
West Publishing Company for inclusion in its publication,
the Pacific Reporter, and to any other private printing or
duplicating concern requesting the reports for publication.
(3) The department of administration, on request of

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supreme court.

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1 the supreme court, shall contract with a publishing house to 2 publish volumes of reports. The style, size, and format of 3 the reports shall be determined by the justices. The 4 department of administration shall prepare and issue a call 5 for bids and, in accordance with the terms and 6 specifications of the call, contract with the lowest and 7 best bidder. The contract shall provide that the copies of 8 the reports purchased by state or local governmental 9 agencies of Montana, including the reports purchased by the 10 supreme court pursuant to 3-2-604, shall be sold to them by 11 the publisher at the cost of publication." 12 Section 3. Section 3-2-604, MCA, is amended to read: 13 "3-2~604. Distribution of reports. (1) On the 14 publication of each volume of the reports, the secretary--of 15 state supreme court shall purchase 300 ±7± UP TO 221 copies from the publisher for-the-use-of-the-state. He The court 16 17 shall distribute them at no charge and in the following 18 manner: 19 (a) to-the-law-library-of-each-state-and-territory--of 20 the--United--Statesy--one--copyt to the state library for 21 distribution, five copies; 22 (b) to the library of congress, five four copies; 23 (c) to--each--of--the--judges--of--the--United--States 24 district--courts-of-the-states-of-Idahoy-Nevaday-Californiay 25 Washingtony-Montenay-Wyomingy-and-Gregony-ane-copy; to the

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| 1  | <u>university of Montana law library, two copies;</u>                              |
|----|--|
| Z  | (d) to each justice of the supreme court, district                                 |
| 3  | judge, <u>and</u> county attorney, <del>and elerk-of-a-district-court-in</del>     |
| 4  | this-state, one copy;  |
| 5  | <del>{c}to-eachstateofficevasmanycopiesasthe</del>                                 |
| 6  | secretary-of-state-determines-are-needed;  |
| 7  | <del>(f][e]</del> to the law library of the state of Montana,                      |
| 8  | <del>three <u>four</u> copies<del>";</del></del>                                   |
| 9  | <pre>(f) to the attorney general, 11 copies;</pre>                                 |
| 10 | <del>{2}{[g]</del> Hesha <del>llalsodistributethereports</del> to                  |
| 11 | <del>literaryandscientific</del> <u>other</u> institutions, publishers,            |
| 12 | authors, and <del>legislative-reference</del> libraries <del>of-other-states</del> |
| 13 | with which the state law librarian has established a system                        |
| 14 | of exchange* <u>for materials of comparable value</u> , up to 50                   |
| 15 | copies; and  |
| 16 | <del>{3}<u>{h}</u> He-shall-also-distribute</del> to the university of             |
| 17 | Montana up to 50 copies to be used by the law librarian of                         |
| 18 | the university for the purpose of exchanges <u>for materials of</u>                |
| 19 | comparable value with <u>libraries</u> , universities, and                         |
| 20 | institutions of higher education in other states.                                  |
| 21 | <pre>(4)(2) All reports distributed to state, district, and</pre>                  |
| 22 | other officers in the state are for the use of their office                        |
| 23 | and shall be, by the person receiving them, turned over to                         |
| 24 | his successor in office. <del>The secretory of state shall take</del>              |
| 25 | proper-receipts-for-the-reports."  |

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-End--5-

HB 853

1 1 HOUSE BILL NO. 853 2 INTRODUCED BY SHONTZ, LORY, 2 3 3 KEATING, QUILICI, VAN VALKENBURG, DOVER 4 4 5 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS 6 RELATING TO DISTRIBUTION OF THE DECISIONS OF THE MONTANA 6 7 7 SUPREME COURT; PROVIDING FOR SALE OF SUCH CASE REPORTS AT 8 8 COST TO CERTAIN AGENCIES IN LIEU OF FREE DISTRIBUTION: 9 Q AMENDING SECTIONS 2-15-401, 3-2-603, AND 3-2-604, MCA." 1C 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 11 12 12 Section 1. Section 2-15-401, MCA, is amended to read: 13 "2-15-401. Duties of secretary of state. In addition 13 14 14 to the duties prescribed by the constitution, it is the duty 15 15 of the secretary of state to: 16 16 (1) attend at every session of the legislature for the 17 17 purpose of receiving bills and resolutions and to perform 18 18 such other duties as may be devolved upon him by resolution 19 of the two houses or either of them; 19 20 20 (2) keep a register of and attest the official acts of 21 the governor, including all appointments made by him, with 21 22 22 date of commission and names of appointees and predecessors; 23 23 (3) affix the great seal, with his attestation, to 24 24 commissions, pardons, and other public instruments to which 25 25 the official signature of the governor is required:

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(4) record in proper books all conveyances made to the
 state and all articles of incorporation filed in his office;
 (5) take and file in his office receipts for all books
 distributed by him and direct the county clerk of each
 county to do the same;

6 (6) certify to the governor the names of those persons
7 who have received at any election the highest number of
8 votes for any office, the incumbent of which is commissioned
9 by the governor;

10 (7) furnish, on demand, to any person paying the fees
11 therefor, a certified copy of all or any part of any law,
12 record, or other instrument filed, deposited, or recorded in
13 his office;

14 (8) keep a fee book in which must be entered all fees.
15 commissions, and compensation of whatever nature or kind by
16 him earned, collected, or charged, with the date, name of
17 payer, paid or unpaid, and the nature of the service in each
18 case, which book must be verified annually by his affidavit
19 entered therein;

20 (9) file in his office descriptions of seals in use by21 the different state officers;

(10) discharge the duties of member of the board of
examiners and of the board of land commissioners and all
other duties required of him by law;

(11) report to the governor as prescribed in 2-7-102;

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нва53 REFERENCE BILL

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| 1  | (12) register marks as provided in this part;                      | 1  | the supreme court, shall contract with a publishing house to   |
|----|--|----|--|
| 2  | <del>{13}-distributethebound-volumes-of-the-decisions-of</del>     | 2  | publish volumes of reports. The style, size, and format of     |
| 3  | the-supreme-court-in-the-manner-provided-by-3-2-684;               | 3  | the reports shall be determined by the justices. The           |
| 4  | <pre>(14)(13) report annually to the legislative council all</pre> | 4  | department of administration shall prepare and issue a call    |
| 5  | changes of names received pursuant to 27-31-205 for                | 5  | for bids and, in accordance with the terms and                 |
| 6  | publication in the Laws of Montana;                                | 6  | specifications of the call, contract with the lowest and       |
| 7  | <pre>f15;[14] report annually to the legislative council all</pre> | 7  | best bidder. The contract shall provide that the copies of     |
| 8  | watercourse name changes received pursuant to 85-2-134 for         | 8  | the reports purchased by state or local governmental           |
| 9  | publication in the Laws of Montana;                                | 9  | agencies of Montana, including the reports purchased by the    |
| 10 | <pre>(15) keep a register of all application for pardon</pre>      | 10 | supreme court pursuant to 3-2-604, shall be sold to them by    |
| 11 | or for commutation of any sentence, with a list of the             | 11 | the publisher at the cost of publication."                     |
| 12 | official signatures and recommendations in favor of each           | 12 | Section 3. Section 3-2-604, MCA, is amended to read:           |
| 13 | application."  | 13 | "3-2-604. Distribution of reports. (1) On the                  |
| 14 | Section 2. Section 3-2-603, MCA, is amended to read:               | 14 | publication of each volume of the reports, the secretaryof     |
| 15 | "3-2-603. Duties of reporters. (1) The reporters of                | 15 | state supreme court shall purchase 300 171 UP TO 221 copies    |
| 16 | the decisions of the supreme court shall make careful and          | 16 | from the publisher for-the-use-of-the-state. He The court      |
| 17 | accurate reports of the cases decided by the supreme court.        | 17 | shall distribute them <u>at no charge and</u> in the following |
| 18 | The reports of the cases shall be made under the supervision       | 18 | manner:  |
| 19 | of and pursuant to rules adopted by the justices of the            | 19 | {a} <b>to-the-law-library-of-each-state-and-territoryo</b> f   |
| 20 | supreme court.   | 20 | theUnitedStatesyonecopy1 to the state library for              |
| 21 | (2) Reports of all cases shall be furnished to the                 | 21 | distribution, five copies;                                     |
| 22 | West Publishing Company for inclusion in its publication.          | 22 | (b) to the library of congress, five four copies;              |
| 23 | the Pacific Reporter, and to any other private printing or         | 23 | (C) toeachofthejudgesoftheUnstedStates                         |
| 24 | duplicating concern requesting the reports for publication.        | 24 | districtcourts-of-the-states-of-idahoy-Nevaday-Coliforniay     |
| 25 | (3) The department of administration, on request of                | 25 | Washingtony-Montanay-Wyomingy-and-Bregony-one-copyt to the     |
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|    | -3- HB 853   |    | -4- HB 853   |

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| 1  | university of Montana law library, two copies;                          |
|----|---|
| 2  | (d) to each justice of the supreme court, district                      |
| 3  | judge, and county attorney, and clerk-of-a-district-court-in            |
| 4  | this-state, one copy;   |
| 5  | <del>{e}to-eachstateoffice,as<b>many</b>capiesasthe</del>               |
| 6  | secretary-of-state-determines-are-needed;                               |
| 7  | <pre>ff)(e) to the law library of the state of Montana,</pre>           |
| 8  | three four copies <del>"</del>  |
| 9  | <pre>{f) to the attorney general, 11 copies;</pre>                      |
| 10 | <del>{2}[] He<b>shallalsodistributethereports</b> to</del>              |
| 11 | <del>literaryandscientific <u>other</u> institutions, publishers,</del> |
| 12 | authors, and <del>legislative-reference</del> libraries of-other-states |
| 13 | with which the state law librarian has established a system             |
| 14 | of exchangem <u>for materials of comparable value, up to 50</u>         |
| 15 | copies; and   |
| 16 | <del>(3)<u>(h)</u> He-shall-also-distribute</del> to the university of  |
| 17 | Montana up to 50 copies to be used by the law librarian of              |
| 18 | the university for the purpose of exchanges <u>for materials of</u>     |
| 19 | comparable value with <u>libraries</u> , universities, and              |
| 20 | institutions of higher education in other states.                       |
| 21 | <pre>f4f(2) All reports distributed to state, district, and</pre>       |
| 22 | other officers in the state are for the use of their office             |
| 23 | and shall be, by the person receiving them, turned over to              |
| 24 | his successor in office. <del>The secretory of state shall take</del>   |
| 25 | proper-receipts-for-the-reports#"                                       |
|    | -End-   |
|    | -5- HB 853  |

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HOUSE BILL NO. 853 1 Z INTRODUCED BY SHONTZ, LORY, 3 **KEATING, QUILICI, VAN VALKENBURG, DOVER** 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO DISTRIBUTION OF THE DECISIONS OF THE MONTANA 6 7 SUPREME COURT: PROVIDING FOR SALE OF SUCH CASE REPORTS AT COST TO CERTAIN AGENCIES IN LIEU OF FREE DISTRIBUTION: 8 9 AMENDING SECTIONS 2-15-401, 3-2-603, AND 3-2-604, MCA." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 2-15-401, MCA, is amended to read: "2-15-401. Duties of secretary of state. In addition 13 14 to the duties prescribed by the constitution, it is the duty 15 of the secretary of state to: 16 (1) attend at every session of the legislature for the 17 purpose of receiving bills and resolutions and to perform 18 such other duties as may be devolved upon him by resolution 19 of the two houses or either of them; 20 [2] keep a register of and attest the official acts of the governor, including all appointments made by him, with 21 date of commission and names of appointees and predecessors; 22 23 (3) affix the great seal, with his attestation, to 24 commissions, pardons, and other public instruments to which 25 the official signature of the governor is required:

(4) record in proper books all conveyances made to the
 state and all articles of incorporation filed in his office;
 (5) take and file in his office receipts for all books
 distributed by him and direct the county clerk of each
 county to do the same;

6) certify to the governor the names of those persons
who have received at any election the highest number of
votes for any office, the incumbent of which is commissioned
by the governor;

10 {7} furnish, on demand, to any person paying the fees
11 therefor, a certified copy of all or any part of any law,
12 record, or other instrument filed, deposited, or recorded in
13 his office;

14 (8) keep a fee book in which must be entered all fees, 15 commissions, and compensation of whatever nature or kind by 16 him earned, collected, or charged, with the date, name of 17 payer, paid or unpaid, and the nature of the service in each 18 case, which book must be verified annually by his affidavit 19 entered therein;

(9) file in his office descriptions of seals in use by
the different state officers;

(10) discharge the duties of member of the board of
examiners and of the board of land commissioners and all
other duties required of him by law;

25 (11) report to the governor as prescribed in 2-7-102;

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REFERENCE BILL

the for the second of the second of

1 (12) register marks as provided in Title 30, chapter
2 13, part 3;

3 (13)-distribute-the-bound-volumes-of-the--decisions--of
4 the-supreme-court-in-the-manner-provided-by-3-2-664;

5 (14)(13) report annually to the legislative council all
6 changes of names received pursuant to 27-31-205 for
7 publication in the Laws of Montana;

8 <u>(15)(14)</u> report annually to the legislative council all
9 watercourse name changes received pursuant to 85-2-134 for
10 publication in the Laws of Montana;

11 field;[15] keep a register of all application for pardon 12 or for commutation of any sentence, with a list of the 13 official signatures and recommendations in favor of each 14 application."

15 Section 2. Section 3-2-603, MCA, is amended to read: "3-2-603. Duties of reporters. (1) The reporters of the decisions of the supreme court shall make careful and accurate reports of the cases decided by the supreme court. 19 The reports of the cases shall be made under the supervision 20 of and pursuant to rules adopted by the justices of the 21 supreme court.

(2) Reports of all cases shall be furnished to the
West Publishing Company for inclusion in its publication,
the Pacific Reporter, and to any other private printing or
duplicating concern requesting the reports for publication.

1 (3) The department of administration, on request of the supreme court, shall contract with a publishing house to 2 3 publish volumes of reports. The style, size, and format of the reports shall be determined by the justices. The 4 5 department of administration shall prepare and issue a call 6 for bids and, in accordance with the terms and specifications of the call, contract with the lowest and 7 8 best bidder. The contract shall provide that the copies of 9 the reports purchased by state or local governmental 10 agencies of Montana, including the reports purchased by the 11 supreme court pursuant to 3-2-604, shall be sold to them by the publisher at the cost of publication." 12 13 Section 3. Section 3-2-604, MCA, is amended to read: 14 "3-2-604. Distribution of reports. (1) On the 15 publication of each volume of the reports, the secretary-of state supreme court shall purchase 300 171 UP IO\_221 copies 16 17 from the publisher for-the-use-of-the-state. He The court 18 shall distribute them at no charge and in the following 19 manner: 20 (a) to--the-law-library-of-each-state-and-territory-of 21 the-United-Statesy--one--copyt to the state library for 22 distribution, five copies; 23 (b) to the library of congress, five four copies; (c) to--each--of--the--iudges--of--the--United--States 24

25 district-courts-of-the-states-of-Idahoy-Nevaday--Californiay

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| ı  | WashingtonyMontanayWyomingy-and-Bregony-one-copy: <u>to_the</u>                 |
|----|---|
| 2  | <u>university of Montana law library+ two copies;</u>                           |
| 3  | (d) to each justice of the supreme court, district                              |
| 4  | judge, <u>and</u> county attorney, and- <del>clark-of-a-district-court-in</del> |
| 5  | this-state, and copy;   |
| 6  | <del>{e}toeachstateofficeyasmonycopiesas-the</del>                              |
| 7  | secretary-of-state-determines-are-needed;                                       |
| 8  | <del>ff][e]</del> to the law library of the state of Montana,                   |
| 9  | three <u>four</u> copies*;  |
| 10 | <pre>(f) to the attorney general: 11 copies;</pre>                              |
| 11 | { <del>2}[<u>(</u>]</del> Hesha <del>ll</del> alsodistributethereports to       |
| 12 | <del>literaryandscientific</del> <u>other</u> institutions, publishers,         |
| 13 | authors, and <del>legislative-reference</del> libraries of-other-states         |
| 14 | with which the state law librarian has established a system                     |
| 15 | of exchange* <u>for materials of comparable_value;_up_to_50</u>                 |
| 16 | copies; and   |
| 17 | <del>(3)<u>(h)</u> Heshallalso-distribute</del> to the university of            |
| 18 | Montana up to 50 copies to be used by the law librarian of                      |
| 19 | the university for the purpose of exchanges <u>for materials of</u>             |
| 20 | <u>comparable value with libraries</u> , universities, and                      |
| 21 | institutions of higher education in other states.                               |
| 22 | <pre>f4f(2) All reports distributed to state, district, and</pre>               |
| 23 | other officers in the state are for the use of their office                     |
| 24 | and shall be, by the person receiving them, turned over to                      |
| 25 | his successor in office. <del>The secretary of stateshalltake</del>             |

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1 proper-receipts-for-the-reports\*\*

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