

**HOUSE BILL NO. 36**

**INTRODUCED BY STOBIE**

**BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE**

**IN THE HOUSE**

January 3, 1983	Introduced and referred to Committee on Local Government.
January 11, 1983	Committee recommend bill do pass. Report adopted.
January 12, 1983	Bill printed and placed on members' desks.
January 13, 1983	Second reading, do pass.
January 14, 1983	Considered correctly engrossed.
January 15, 1983	Third reading, passed. Transmitted to Senate.

**IN THE SENATE**

January 17, 1983	Introduced and referred to Committee on State Administration.
March 2, 1983	Committee recommend bill be concurred in. Report adopted.
March 4, 1983	Second reading, concurred in as amended.
March 7, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 7, 1983

Returned to House with  
amendments.

March 9, 1983

Second reading, amendments  
concurred in.

March 10, 1983

Third reading, amendments  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

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 4  
 5    A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE NUMBER OF  
 6    COPIES OF THE ADMINISTRATIVE RULES OF MONTANA TO BE PROVIDED  
 7    TO COUNTIES; GIVING THE GOVERNING BODY OF THE COUNTY  
 8    DISCRETION ON DISTRIBUTION; AND REDUCING THE NUMBER OF  
 9    COPIES PROVIDED TO THE LEGISLATIVE COUNCIL; AMENDING SECTION  
 10   2-4-313, MCA."  
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 12   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13        Section 1. Section 2-4-313, MCA, is amended to read:  
 14        "2-4-313. Distribution, costs, and maintenance. (1)  
 15    The secretary of state shall distribute copies of ARM and  
 16    supplements or revisions thereto, with costs paid as  
 17    provided in 2-4-312(2), to the following:  
 18        (a) attorney general, one copy;  
 19        ~~(b) --clerk-of-each-court-of-record-of-this--statey--one~~  
 20    copy;  
 21        ~~(c) clerk of United States district court for the~~  
 22    district of Montana, one copy;  
 23        ~~(d) clerk of United States court of appeals for the~~  
 24    ninth circuit, one copy;  
 25        ~~(e) county commissioners or governing body of each~~

1    county clerk of this state, for use of county officials and  
 2    the public, one copy at least one but not more than two  
 3    copies, which may be maintained in a public library in the  
 4    county seat or in the county offices as the county  
 5    commissioners or governing body of the county may determine;  
 6        ~~(f)(a)~~ state law library, one copy;  
 7        ~~(g)(f)~~ state historical society, one copy;  
 8        ~~(h)(g)~~ each unit of the Montana university system, one  
 9    copy;  
 10        ~~(i)(h)~~ law library of the university of Montana, one  
 11    copy;  
 12        ~~(j)(i)~~ legislative council, three ~~two~~ copies;  
 13        ~~(k)(j)~~ library of congress, one copy;  
 14        ~~(l)(k)~~ state library, one copy.  
 15        (2) The secretary of state, ~~clerk--of--each--court--of~~  
 16    ~~record--in--the--statey--clerk-of~~ each county in the state, and  
 17    the librarians for the state law library and the university  
 18    of Montana law library shall maintain a complete, current  
 19    set of ARM, including supplements or revisions thereto. Such  
 20    persons shall also maintain the register issues published  
 21    during the preceding 2 years. The secretary of state shall  
 22    also maintain a permanent set of the registers.  
 23        (3) The secretary of state shall make copies of and  
 24    subscriptions to ARM and supplements or revisions thereto  
 25    and the register available to any person at prices fixed in

1 accordance with subsection (4).

2 (4) The secretary of state, in consultation with the  
3 administrative code committee, shall determine the cost of  
4 supplying copies of ARM and supplements or revisions thereto  
5 and the register. The cost shall be the approximate cost of  
6 publication, including indexing, printing or duplicating,  
7 and mailing, less fees charged agencies pursuant to  
8 subsection (6) and money appropriated for 2-4-312(2) and  
9 2-4-313(1). However, a uniform price per page or group of  
10 pages may be established without regard to differences in  
11 cost of printing different parts of ARM and supplements or  
12 revisions thereto and the register.

13 (5) The secretary of state shall deposit all fees he  
14 collects in an account within the revolving fund created for  
15 paying the expenses of publication of ARM and the register.

16 (6) The secretary of state may charge agencies a  
17 filing fee for all material to be published in ARM or the  
18 register. He shall fix, in consultation with the  
19 administrative code committee, the fee to cover a portion of  
20 the costs of publication and mailing."

-End-

## STATE OF MONTANA

REQUEST NO. 038-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 83, there is hereby submitted a Fiscal Note for House Bill 36 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 36 reduces the number of copies of the Administrative Rules of Montana (ARM) and Montana Administrative Register (MAR) provided to the counties from two to "at least one but not more than two" and gives the county governing body discretion on their disposition.

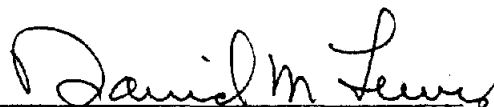
ASSUMPTIONS:

- 1) Approximately half the counties will opt to receive two copies of the ARM and MAR.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Anticipated Expenditures Under Current Law:		
Printing and Postage	69,572	74,355
Anticipated Expenditures Under Proposal	<u>69,064</u>	<u>73,787</u>
Decrease in Expenditures	<u>\$ (508)</u>	<u>\$ (568)</u>

FISCAL NOTE2:V/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83

## STATE OF MONTANA

REQUEST NO. 505-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received March 25, 19 83, there is hereby submitted a Fiscal Note for House Bill 36, Amended pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 36, amended, provides the county governing bodies with "at least one but not more than two" copies of the Administrative Rules of Montana (ARM) and Montana Administrative Register (MAR) and gives the county governing body discretion on their disposition.

ASSUMPTIONS:

- 1) Approximately half the counties' governing bodies will opt to receive two copies of the ARM and MAR. Clerks of court will each continue to receive one copy.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Expenditures:		
Under Current Law:		
Printing and Postage	69,572	74,355
Under Proposed Law	<u>70,080</u>	<u>74,923</u>
Increase to General Fund	<u>\$ 508</u>	<u>\$ 568</u>

FISCAL NOTE2:V/2

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: \_\_\_\_\_

Approved by Comm.  
on Local Government

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8    DISCRETION ON DISTRIBUTION; AND REDUCING THE NUMBER OF  
9    COPIES PROVIDED TO THE LEGISLATIVE COUNCIL; AMENDING SECTION  
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13        Section 1. Section 2-4-313, MCA, is amended to read:  
14        "2-4-313. Distribution, costs, and maintenance. (1)  
15    The secretary of state shall distribute copies of ARM and  
16    supplements or revisions thereto, with costs paid as  
17    provided in 2-4-312(2), to the following:  
18        (a) attorney general, one copy;  
19        ~~(b) clerk of each court of record of this state, one~~  
20    ~~copy;~~  
21        ~~(c) clerk of United States district court for the~~  
22    ~~district of Montana, one copy;~~  
23        ~~(d) clerk of United States court of appeals for the~~  
24    ~~ninth circuit, one copy;~~  
25        ~~(e) county commissioners or governing body of each~~

1    county clerk of this state, for use of county officials and  
2    the public, one copy at least one but not more than two  
3    copies, which may be maintained in a public library in the  
4    county seat or in the county offices as the county  
5    commissioners or governing body of the county may determine;  
6        ~~(f) state law library, one copy;~~  
7        ~~(g) state historical society, one copy;~~  
8        ~~(h) each unit of the Montana university system, one~~  
9    ~~copy;~~  
10        ~~(i) law library of the university of Montana, one~~  
11    ~~copy;~~  
12        ~~(j) legislative council, three two copies;~~  
13        ~~(k) library of congress, one copy;~~  
14        ~~(l) state library, one copy.~~  
15        (2) The secretary of state, ~~clerk of each court of~~  
16    ~~record in the state, clerk of each county in the state, and~~  
17    the librarians for the state law library and the university  
18    of Montana law library shall maintain a complete, current  
19    set of ARM, including supplements or revisions thereto. Such  
20    persons shall also maintain the register issues published  
21    during the preceding 2 years. The secretary of state shall  
22    also maintain a permanent set of the registers.  
23        (3) The secretary of state shall make copies of and  
24    subscriptions to ARM and supplements or revisions thereto  
25    and the register available to any person at prices fixed in

1 accordance with subsection (4).

2 (4) The secretary of state, in consultation with the  
3 administrative code committee, shall determine the cost of  
4 supplying copies of ARM and supplements or revisions thereto  
5 and the register. The cost shall be the approximate cost of  
6 publication, including indexing, printing or duplicating,  
7 and mailing, less fees charged agencies pursuant to  
8 subsection (6) and money appropriated for 2-4-312(2) and  
9 2-4-313(1). However, a uniform price per page or group of  
10 pages may be established without regard to differences in  
11 cost of printing different parts of ARM and supplements or  
12 revisions thereto and the register.

13 (5) The secretary of state shall deposit all fees he  
14 collects in an account within the revolving fund created for  
15 paying the expenses of publication of ARM and the register.

16 (6) The secretary of state may charge agencies a  
17 filing fee for all material to be published in ARM or the  
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20 the costs of publication and mailing."

-End-

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21            ~~(c)(b)~~ clerk of United States district court for the  
22        district of Montana, one copy;  
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1    county clerk of this state, for use of county officials and  
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THIRD READING

Am 36

1 accordance with subsection (4).

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20 the costs of publication and mailing."

-End-

March 4, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 36 be amended as follows:

1. Page 1, line 19.

Insert: "(b) clerk of each court of record of this state, one  
copy;"

2. Page 2, line 16.

Following: "of"

Insert: "clerk of each court of record in the state,"

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the ninth circuit, one copy;

~~(e) county commissioners or governing body of each county clerk of this state, for use of county officials and the public, one copy at least one but not more than two copies, which may be maintained in a public library in the county seat or in the county offices as the county commissioners or governing body of the county may determine;~~

~~(f) state law library, one copy;~~

~~(g) state historical society, one copy;~~

~~(h) each unit of the Montana university system, one copy;~~

~~(i) law library of the university of Montana, one copy;~~

~~(j) legislative council, three copies;~~

~~(k) library of congress, one copy;~~

~~(l) state library, one copy.~~

(2) The secretary of state, ~~clerk of each court of record in the state, clerk of~~ CLERK OF EACH COURT OF RECORD IN THE STATE, each county in the state, and the librarians for the state law library and the university of Montana law library shall maintain a complete, current set of ARM, including supplements or revisions thereto. Such persons shall also maintain the register issues published during the preceding 2 years. The secretary of state shall also maintain a permanent set of the registers.

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-End-