

1 HOUSE BILL NO. 132

2 INTRODUCED BY J. SESSO

3 BY REQUEST OF THE STATE LIBRARY COMMISSION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO STATE PUBLICATIONS; MODIFYING THE
6 DEFINITIONS OF "STATE AGENCY" AND "STATE PUBLICATION"; DEFINING "DEPOSITORY LIBRARY";
7 PROVIDING FOR THE ADMINISTRATION OF THE STATE PUBLICATIONS DEPOSITORY LIBRARY
8 PROGRAM; MODIFYING THE NOTIFICATION AND AVAILABILITY REQUIREMENTS FOR STATE
9 PUBLICATIONS; MAINTAINING PERMANENT PUBLIC ACCESS TO STATE PUBLICATIONS; ADDING THE
10 MONTANA UNIVERSITY SYSTEM TO THE LIST OF PUBLICATION EXEMPTIONS; AMENDING SECTIONS
11 1-11-301, 22-1-211, 22-1-212, 22-1-213, AND 22-1-218, MCA; AND REPEALING SECTIONS 22-1-214,
12 22-1-215, 22-1-216, AND 22-1-217, MCA."

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

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16 **Section 1.** Section 1-11-301, MCA, is amended to read:

17 **"1-11-301. Publication and sale of Montana Code Annotated -- free distribution.** (1) The legislative
18 council, with the advice of the code commissioner, shall decide on the quantity, quality, style, format, and grade
19 of all publications prior to having the code commissioner call for bids for the printing and binding and contract for
20 their publication. The code commissioner shall follow the requirements of state law relating to contracts and bids,
21 except as provided in this section.

22 (2) The methods of sale to the public of the Montana Code Annotated and supplements or other
23 subsequent and ancillary publications may be included as an alternative specification and bid and as a part of
24 a contract to be let by bids by the code commissioner.

25 (3) The sales price to the public of all Montana Code Annotated material must be fixed by the legislative
26 council but may not exceed the cost price plus 25%. All revenue generated from the sale of the Montana Code
27 Annotated or ancillary publications must be deposited in the state special revenue fund. Appropriations from the
28 fund may be made for the use of the office and facilities of the legislative council under this chapter.

29 (4) Sets of the Montana Code Annotated purchased by the state, Montana local governmental agencies
30 that are supported by public funds, and nonprofit organizations may not exceed the cost price of the sets plus

1 5%.

2 (5) (a) One copy of the Montana Code Annotated and supplements, and other subsequent and ancillary
3 publications except annotations, must be provided at no cost to each library designated as a depository library
4 ~~under 22-1-214~~ as defined in 22-1-211.

5 (b) The state law library in Helena must be provided with four copies of the Montana Code Annotated
6 and supplements, including annotations and other subsequent and ancillary publications.

7 (c) The legislative council shall include in the cost price of the code the cost of providing the copies under
8 this subsection."
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10 **Section 2.** Section 22-1-211, MCA, is amended to read:

11 **"22-1-211. Definitions.** As used in this part, the following definitions apply:

12 (1) ~~"Print" includes all forms of printing and duplicating, regardless of format or purpose, with the
13 exception of correspondence and interoffice memoranda.~~

14 (1) "Depository library" means a library contracted by the state library under 22-1-212(2) to provide the
15 general public access to state publications.

16 (2) ~~"State agency" includes every~~ means any entity established or authorized by law to govern operations
17 of the state, such as a state office, officer, department, division, section, bureau, board, commission, council, and
18 agency of the state and, where applicable, all subdivisions of each.

19 (3) (a) ~~"State publication" includes any document, compilation, journal, law, resolution, bluebook, statute,
20 code, register, pamphlet, list, book, proceedings, report, memorandum, hearing, legislative bill, leaflet, order,
21 regulation, directory, periodical, or magazine issued in print or purchased for distribution by the state, the
22 legislature, constitutional officers, any state department, committee, or other state agency supported wholly or
23 in part by state funds.~~ means any information originating in or produced by the authority of a state agency or at
24 the total or partial expense of a state agency that the agency intends to distribute outside the agency, regardless
25 of format or medium, source or copyright, license, or trademark.

26 (b) The term does not include information intended only for distribution to contractors or grantees of the
27 agency, persons within the agency, or members of the public under 2-6-102 or information produced by a state
28 agency that is intended strictly for internal administrative or operational purposes."
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30 **Section 3.** Section 22-1-212, MCA, is amended to read:

1 **"22-1-212. Creation Administration of distribution center state publications depository library**
 2 **program -- rulemaking.** (1) There is hereby created, as a division of the state library and under the direction
 3 of the state librarian, a state publications library distribution center. The center shall promote the establishment
 4 of an orderly depository library system. The state library shall administer a state publications depository library
 5 program to identify, acquire, catalog, preserve, and provide access to state publications.

6 (2) The state library may enter into contracts with other libraries to carry out the provisions of the state
 7 publications depository library program.

8 (3) ~~To this end the~~ The state library commission shall make such adopt rules necessary to carry out the
 9 provisions of this part."

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11 **Section 4.** Section 22-1-213, MCA, is amended to read:

12 **"22-1-213. State agency publications to be deposited in state library -- interlibrary loan -- sale**
 13 **publications -- notification and availability requirements.** Every state agency shall deposit upon release at
 14 least four copies of each of its state publications with the state library for record and depository purposes.
 15 Additional copies shall also be deposited in quantities certified to the agencies by the state library as required to
 16 meet the needs of the depository library system and to provide interlibrary loan service to those libraries without
 17 depository status. State agencies shall notify the state library of their state publications and shall make available
 18 their state publications to the state library as provided by rule. Additional copies of sale publications required by
 19 the state library shall be furnished only upon reimbursement to the state agency of the full cost of such sale
 20 publications, and the The state library shall, if requested by the agency, also reimburse any state agency for
 21 additional state publications so required where to be made available when the quantity desired will necessitate
 22 additional printing or other unreasonable expense to such the agency."

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24 **NEW SECTION. Section 5. Permanent public access to state publications.** The state library shall
 25 routinely notify depository libraries of recently acquired state publications. The state library shall coordinate with
 26 state agencies and depository libraries to ensure permanent public access to state publications. The state library
 27 shall offer state publications that it removes from its collection to the Montana historical society, which shall
 28 determine which state publications must be preserved as provided for in 22-3-203.

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30 **Section 6.** Section 22-1-218, MCA, is amended to read:

1 **"22-1-218. Exemptions.** ~~(1)~~ This part does not apply to ~~officers of or affect the duties concerning~~
2 ~~publications distributed by:~~

3 ~~(1)(a)~~ the state law library in connection with the collection described under 22-1-501;

4 ~~(2)(b)~~ the code commissioner in connection with duties under Title 1, chapter 11, as amended; and

5 ~~(3)(c)~~ the legislative services division in connection with ~~its~~ duties under 5-11-203, as amended; and

6 (d) the Montana university system.

7 (2) The state library may, at its option and without causing the university system to incur expense, collect,
8 catalog, and make available selected publications of units of the Montana university system."

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10 NEW SECTION. Section 7. Repealer. Sections 22-1-214, 22-1-215, 22-1-216, and 22-1-217, MCA,
11 are repealed.

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13 NEW SECTION. Section 8. Codification instruction. [Section 5] is intended to be codified as an
14 integral part of Title 22, chapter 1, part 2, and the provisions of Title 22, chapter 1, part 2, apply to [section 5].

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