

Montana

2007 Report and 2009-10 Update by Judy Meadows, State Law Library of Montana

OFFICIAL STATUS

X

No change since the
2007 report

AUTHENTICATION

X

No change since the
2007 report

Montana online legal resources are not official.

None of Montana's elected officials has considered taking the steps to make the state's electronic information official.

Montana is not addressing the authentication of online legal resources.

Authentication is a necessary step for declaring electronic records and publications to be official. Montana's elected officials have not considered how to do this, nor have they begun to implement a plan, although the webmaster for the Supreme Court opinions is looking into authentication steps for them.

Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report? Montana has not eliminated any print publication of primary law to date.

Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report? Montana does guarantee permanent public access to government publication. See MCA 22-1-219.

Have courts in your state adopted a medium neutral citation system since the 2007 report? The Montana Supreme Court adopted a medium neutral citation format in 1997.

Have there been any other significant changes to the 2007 state summary? Other than the legislative and executive branches adding specific disclaimers about their online publications there have been no changes in Montana since the 2007 survey.

Montana's statutes are republished after every legislative session, incorporating all changes from legislative activity and voter initiatives since the previous code. Editions of the *Montana Code Annotated* for the session years 1995 through 2007 are freely available

on the Montana legislature's website (http://leg.state.mt.us/css/mtcode_const/default.asp). The online version gives this disclaimer:

The Internet version of the Montana Code Annotated is provided as a research tool to users of the Code. In case of inconsistencies resulting from omissions or other errors, the printed version will prevail.

Bills approved by the legislature are also available on the legislature's website, but the session laws must be purchased in hard copy.

Note that the *official* print *Montana Code Annotated* is not an annotated code. It merely has historical references related to enactments. The *Montana Code Annotated, Annotations* is a separate and distinct publication, coming out in even-numbered years. It is available for purchase in hard copy only.

The State Law Library of Montana is the webmaster for the judicial website (at <http://www.montanacourts.org>). The Montana Supreme Court's opinions and orders, as well as the appellate briefs filed matters before it, are placed on the web within hours of their availability, and are free for anyone to search, read or download. However, the *official* version of the court's opinions, the *Montana Reports*, is available only in print through purchase from LexisNexis. The court requires citations to its opinions to be in electronic, uniform citation format. Therefore, the commercial versions have the same look as the online, free version. Nonetheless, the court is probably a few years away from accepting the online version as the *official* version. Authentication of the electronic opinions is being investigated and may be available within the next year. Montana has no intermediate courts.

The *Administrative Rules of Montana* first became available online in 2003. They are posted by the Secretary of State's office, as are the bi-weekly editions of the *Montana Administrative Register*. The site makes very clear that only the print versions are *official* or authoritative with this disclaimer:

This site contains provisions of the Administrative Rules of Montana. Although every attempt is made to ensure that the information placed on this site is accurate and timely, Administrative Rules Services cannot assure the accuracy of any specific provision originating from this site. You are urged to consult the official printed versions of these publications or to contact legal counsel of your choice. This site cannot legally be cited as an official or authoritative source.