

HOUSE BILL NO. 578

INTRODUCED BY S. ANDERSON, M. HALLIGAN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC RECORD LAWS RELATED TO PUBLIC ACCESS TO NONPRINT RECORDS; AND AMENDING SECTION 2-6-110, MCA."

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

Section 1. Section 2-6-110, MCA, is amended to read:

"2-6-110. Electronic information and nonprint records -- public access -- fees. (1) (A) Except as provided by law, each person is entitled to a copy of information compiled, created, or otherwise in the custody of public agencies that is in electronic format or other nonprint media, including but not limited to videotapes, photographs, microfilm, film, or computer disk, subject to the same restrictions applicable to the information in printed form. All restrictions relating to confidentiality, privacy, business secrets, and copyright are applicable to the electronic or nonprint information.

(B) THE PROVISIONS OF SUBSECTION (1)(A) DO NOT APPLY TO COLLECTIONS OF THE MONTANA HISTORICAL SOCIETY ESTABLISHED PURSUANT TO 22-3-101.

(2) Except as provided by law and subject to subsection (3), an agency may charge a fee, not to exceed:

(a) the agency's actual cost of purchasing the electronic media used for transferring data, if the person requesting the information does not provide the media;

(b) expenses incurred by the agency as a result of mainframe processing charges;

~~(c) expenses incurred by the agency for providing online computer access to the person requesting access;~~

(C) EXPENSES INCURRED BY THE AGENCY FOR PROVIDING ONLINE COMPUTER ACCESS TO THE PERSON REQUESTING ACCESS;

~~(d)(c)(D)~~ other out-of-pocket expenses directly associated with the request for information; and

~~(e)(D)(E)~~ the hourly rate for the current fiscal year for a state employee classified as grade 10, market salary, under 2-18-312 for each hour, or fraction of an hour, after one-half hour of copying service has been provided.

(3) (a) In addition to the allowable fees in subsection (2), the department of revenue may charge an

1 additional fee as reimbursement for the cost of developing and maintaining the property valuation and
2 assessment system database from which the information is requested. The fee must be charged to persons,
3 federal agencies, state agencies, and other entities requesting the database or any part of the database from any
4 department property valuation and assessment system. The fee may not be charged to the governor's office of
5 budget and program planning, the state tax appeal board, or any legislative agency or committee.

6 (b) The department of revenue may not charge a fee for information provided from any department
7 property valuation and assessment system database to a local taxing jurisdiction for use in taxation and other
8 governmental functions or to an individual taxpayer concerning the taxpayer's property.

9 (c) All fees received by the department of revenue under subsection (2) and this subsection (3) must be
10 deposited in a state special revenue fund as provided in 15-1-521.

11 (4) For the purposes of this section, the term "agency" has the meaning provided in 2-3-102 but includes
12 legislative, judicial, and state military agencies.

13 (5) An agency may not charge more than the amount provided under subsection (2)(a) (2) for providing
14 a copy of an existing nonprint record.

15 (6) An agency shall ensure that a copy of information provided to a requestor is of a quality that reflects
16 the condition of the original if requested by the requestor.

17 (7) This section does not authorize the release of electronic security codes giving access to private
18 information."

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