

HOUSE BILL NO. 290

INTRODUCED BY K. WHITE, G. BENNETT, B. BROWN, E. GREEF, B. HARRIS, D. JONES,
D. MORTENSEN, R. PINOCCI

A BILL FOR AN ACT ENTITLED: "~~AN ACT PROVIDING FOR MAXIMIZING THE INTEGRITY OF INFORMATION USED BY STATE AGENCIES AS A BASIS FOR A GOVERNMENT ACT; PROVIDING FOR A STATEMENT OF QUALITATIVE OR QUANTITATIVE BASIS FOR A GOVERNMENT ACT; PROVIDING A PROCESS TO DISPUTE ANALYSES USED AS A BASIS FOR A GOVERNMENT ACT; AND AMENDING SECTION 2-11-102, MCA.~~"

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

~~NEW SECTION. Section 1. Maximizing information quality. (1) The department of administration shall issue guidelines that provide policy and procedural guidance to state agencies for ensuring and maximizing the quality, objectivity, utility, and integrity, including statistical integrity, of information disseminated and used by state agencies as a qualitative or quantitative basis for taking a government act, as defined in 2-11-103.~~

~~(2) Each agency shall:~~

~~(a) issue rules of procedure to ensure and maximize the quality, objectivity, utility, statistical integrity, and general integrity of information disseminated by that agency not later than 1 year after the issuance of guidelines under subsection (1); and~~

~~(b) report periodically to the director of the department of administration:~~

~~(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by each agency; and~~

~~(ii) how the complaints were handled by each agency.~~

~~(3) The director of the department of administration shall report annually to the state administration and veterans' affairs interim committee.~~

NEW SECTION. Section 1. Statement of qualitative or quantitative basis required. (1) When a government entity THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS takes a government act, as defined in 2-11-103, it shall provide upon request a written statement of the specific qualitative or quantitative studies, reviews, or other

1 analyses upon which the action is based. The statement must be provided within 30 days of the written request
 2 by the applicant for the written statement of qualitative or quantitative basis or within 30 days after the government
 3 act, whichever occurs last.

4 (2) The statement of qualitative or quantitative basis must clearly cite the studies, reviews, or other
 5 analyses used as a basis for the government act and the specific reason for those identified studies, reviews, or
 6 other analyses.

7
 8 ~~NEW SECTION. Section 3. Procedure for disputing analyses. (1) A person disputing the quality,~~
 9 ~~objectivity, utility, or integrity, including statistical integrity, of the studies, reviews, or other analyses used as a~~
 10 ~~basis for a government act may request a hearing by the board or agency taking the government act by~~
 11 ~~submitting a written request stating the reason for the request within 30 days after the government act.~~

12 ~~(2) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part~~
 13 ~~6, apply to a hearing held under this part.~~

14
 15 **Section 2.** Section 2-11-102, MCA, is amended to read:

16 **"2-11-102. Findings and purpose.** (1) The purpose of this part is to require government entities to make
 17 known the legal authority ~~and the qualitative and quantitative basis~~ upon which certain action is based. The
 18 benefits of this requirement will be that government officials will articulate and reaffirm their legal authority and
 19 ~~the qualitative and quantitative basis~~ to act and that both the government and the people will have a fuller
 20 understanding of the limits of the law, and AND the facts to which the law applies, ~~and the integrity of the studies,~~
 21 ~~reviews, or other analyses government relies on to act.~~ This understanding will benefit both government and the
 22 people by helping to resolve disputes between government servants and the people, without lengthy and costly
 23 litigation, by instilling trust in government, and by helping to identify deficiencies in the law ~~or in studies, reviews,~~
 24 ~~or other analyses government relies on to act~~ so that those deficiencies may be addressed by legislative action.

25 (2) THE PURPOSE OF [SECTION 1] IS TO REQUIRE THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, ALSO
 26 MAKE KNOWN UPON WRITTEN REQUEST THE QUALITATIVE AND QUANTITATIVE ANALYSES, INCLUDING ANY STUDIES OR
 27 REVIEWS, UPON WHICH A GOVERNMENT ACT BY THE DEPARTMENT IS BASED. THIS WILL ALLOW PEOPLE TO ASSESS THE
 28 INTEGRITY OF THE INFORMATION UPON WHICH THE GOVERNMENT ACT IS BASED."

29
 30 NEW SECTION. Section 3. Codification instruction. (1) ~~[Section 1] is intended to be codified as an~~

1 integral part of Title 2, and the provisions of Title 2 apply to ~~[section 1]~~.
2 ———(2) ~~[Sections 2 and 3]~~ are [SECTION 1] IS intended to be codified as an integral part of Title 2, chapter 11,
3 part 1, and the provisions of Title 2, chapter 11, part 1, apply to ~~[sections 2 and 3]~~ [SECTION 1].
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