

Unofficial Draft Copy

As of: September 2, 2010 (3:09pm)

LC8002

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act allowing for public disclosure of realty transfer certificates for class four commercial property; amending section 15-7-308, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-7-308, MCA, is amended to read:

"15-7-308. Disclosure of information restricted -- exceptions. (1) Except as provided in subsection (2), the certificate required by this part and the information contained in the certificate is not a public record and must be held confidential by the county clerk and recorder and the department. This is because the legislature finds that the demands of individual privacy outweigh the merits of public disclosure. The confidentiality provisions do not apply to compilations from the certificates or to summaries, analyses, and evaluations based upon the compilations.

(2) The confidentiality provisions of this section do not apply to the information contained in:

(a) the water right ownership update form or any other form prepared and filed with the department of natural resources and conservation pursuant to 85-2-424 for purposes of maintaining a system of centralized water right records as mandated by Article

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IX, section 3(4), of the Montana constitution. A person may access water right transfer information through the department of natural resources and conservation pursuant to the department's implementation of the requirements of 85-2-112(3)- ; and

(b) the realty transfer certificate for class four commercial property, as described in 15-6-134(1)(g), except that the social security numbers and federal employer identification numbers of the parties to the transaction remain confidential."

{*Internal References to 15-7-308: None.*}

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{Name : Megan M. Moore
Title : Research Analyst
Agency : Montana Legislative Services
Phone : 406-444-4496
E-Mail : memoore@mt.gov}