HOUSE BILL NO. 46

INTRODUCED BY WINSLOW, HAFFEY

BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

IN THE HOUSE

June	23,	1986	Introduced and referred to Committee on Appropriations.
June	25,	1986	Committee recommend bill do pass as amended. Report adopted.
			Bill printed and placed on members' desks.
June	26,	1986	Second reading, do pass.
			Third reading, passed.
			Transmitted to Senate.

IN THE SENATE

June 26, 1986	Introduced and referred to Committee on Judiciary.
June 28, 1986	Committee recommend bill be concurred in as amended. Report adopted.
	Second reading, concurred in.
	Third reading, concurred in. Ayes, 44; Noes, 4.
	Returned to House with amendments.

IN THE HOUSE

June 28, 1986

June 30, 1986

Received from Senate.

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1	INTRODUCED BY Vinelas Hoffey	
3	BY REQUEST OF THE LEGISLATIVE	
4	FINANCE COMMITTEE	
5		
6	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING T	CHE
7	LEGISLATIVE FISCAL ANALYST TO INVESTIGATE AND EXAMI	NE

LEGISLATIVE FISCAL ANALYST TO INVESTIGATE AND EXAMINE REVENUES OF STATE GOVERNMENT ACTIVITIES; PROVIDING THAT THE FISCAL ANALYST'S OFFICE MAY OBTAIN COPIES OF STATE AGENCY RECORDS THAT IT IS AUTHORIZED TO EXAMINE; CLARIFYING THAT THE LEGISLATIVE FISCAL ANALYST'S OFFICE MAY NOT DISCLOSE INFORMATION OBTAINED IN ITS INVESTIGATIONS WHEN PUBLICATION IS PROHIBITED BY LAW; AMENDING SECTION 5-12-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 5-12-303, MCA, is amended to read:

"5-12-303. Fiscal analysis information from state agencies. (1) The legislative fiscal analyst has the authority to investigate and examine the costs and revenues of state government activities and may examine and obtain copies of the records, books, and files of any state agency, including confidential records of executive branch-agencies.

This section does not authorize publication or public disclosure of information if the law prohibits such



publication	or disc	losure.
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- 2 (2) Every state agency shall furnish the legislative 3 fiscal analyst with copies of all budget requests, at the 4 time of submission to the budget director as provided by 5 law, and if requested, all underlying and supporting 6 documentation.
- 7 (3) In the year preceding each legislative session, 8 the budget director shall furnish the legislative fiscal 9 analyst on a confidential basis:
- 10 (a) by December 1, a copy of the documents which
 11 reflect the anticipated receipts and other means of
 12 financing the budget for each fiscal year of the ensuing
 13 biennium:
- 14 (b) by December 1, a preliminary budget which shall 15 meet the statutory requirements for submission of the budget 16 to the legislature; and
- 17 (c) by December 15, all amendments to the preliminary
 18 budget."
- NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

49th Legislature Special Session 6/86

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APPROVED BY COMMITTEE ON APPROPRIATIONS

2	INTRODUCED BY WINSLOW, HAFFEY
3	BY REQUEST OF THE LEGISLATIVE
4	FINANCE COMMITTEE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
7	LEGISLATIVE FISCAL ANALYST TO INVESTIGATE AND EXAMINE
8	REVENUES OF STATE GOVERNMENT ACTIVITIES; PROVIDING THAT THE
9	FISCAL ANALYST'S OFFICE MAY OBTAIN COPIES OF STATE AGENCY
0	RECORDS THAT IT IS AUTHORIZED TO EXAMINE; CLARIFYING THAT
1	THE LEGISLATIVE FISCAL ANALYST'S OFFICE MAY-NOT-DISCLOSE
2	INPORMATION-OBTAINED-IN-ITS-INVESTIGATIONS-WHENPUBLICATION
3	#S-PROH#BHTED-BY-LAW IS SUBJECT TO APPROPRIATE PENALTIES FOR
. 4	UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL RECORDS OBTAINED
.5	FROM STATE AGENCIES; AMENDING SECTION 5-12-303, MCA; AND
.6	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
.7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 5-12-303, MCA, is amended to read:
20	"5-12-303. Fiscal analysis information from state
21	agencies. (1) The legislative fiscal analyst has the
22	authority to investigate and examine the costs and revenues
23	of state government activities and may examine and obtain
24	copies of the records, books, and files of any state agency,

including confidential records of-executive-branch-agencies.

HOUSE BILL NO. 46

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Montana	Legislative	Council

- This--section-does-not-authorize-publication-or-public
 disclosure--of--information-if-the-law-prohibits-such
 publication-or-disclosure: WHEN CONFIDENTIAL RECORDS AND
 INFORMATION ARE OBTAINED FROM A STATE AGENCY, THE
 LEGISLATIVE FISCAL ANALYST AND STAFF MUST BE SUBJECT TO THE
 SAME PENALTIES FOR UNAUTHORIZED DISCLOSURE OF SUCH
 CONFIDENTIAL RECORDS AND INFORMATION PROVIDED FOR UNDER THE
 LAWS ADMINISTERED BY THE STATE AGENCY. THE LEGISLATIVE
 FISCAL ANALYST SHALL DEVELOP POLICIES TO PREVENT THE
 UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL RECORDS AND
- 12 (2) Every state agency shall furnish the legislative
 13 fiscal analyst with copies of all budget requests, at the
 14 time of submission to the budget director as provided by
 15 law, and if requested, all underlying and supporting
 16 documentation.

INFORMATION OBTAINED FROM STATE AGENCIES.

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- 17 (3) In the year preceding each legislative session,
 18 the budget director shall furnish the legislative fiscal
 19 analyst on a confidential basis:
- 20 (a) by December 1, a copy of the documents which
 21 reflect the anticipated receipts and other means of
 22 financing the budget for each fiscal year of the ensuing
 23 biennium;
- 24 (b) by December 1, a preliminary budget which shall
 25 meet the statutory requirements for submission of the budget
 SECOND READING

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to the legislature; and

(c) by December 15, all amendments to the preliminary

3 budget."

4 NEW SECTION. Section 2. Effective date. This act is

effective on passage and approval.

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2	INTRODUCED BY WINSLOW, HAFFEY
3	BY REQUEST OF THE LEGISLATIVE
4	FINANCE COMMITTEE
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6	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
7	LEGISLATIVE FISCAL ANALYST TO INVESTIGATE AND EXAMINE
8	REVENUES OF STATE GOVERNMENT ACTIVITIES; PROVIDING THAT THE
9	FISCAL ANALYST'S OFFICE MAY OBTAIN COPIES OF STATE AGENCY
10	RECORDS THAT IT IS AUTHORIZED TO EXAMINE; CLARIFYING THAT
11	THE LEGISLATIVE FISCAL ANALYST'S OFFICE MAY-NOT-BISCLOSE
12	INPORMATION-OBTAINED-IN-ITS-INVESTIGATIONS-WHENPUBLICATION
13	IS-PROHIBITED-BY-DAW IS SUBJECT TO APPROPRIATE PENALTIES FOR
14	UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL RECORDS OBTAINED
15	FROM STATE AGENCIES; AMENDING SECTION 5-12-303, MCA; AND
16	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
17	
18	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
19	Section 1. Section 5-12-303, MCA, is amended to read:
20	"5-12-303. Fiscal analysis information from state
21	agencies. (1) The legislative fiscal analyst has the
22	authority to investigate and examine the costs and revenues
23	of state government activities and may examine and obtain

copies of the records, books, and files of any state agency,

including confidential records of-executive-branch-agencies.

HOUSE BILL NO. 46

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Montana	Legislative	Council

- 1 This--section--does--not--authorize--publication--or--public 2 disclosure---of---information--if--the--law--prohibits--such 3 publication-or-disclosure: WHEN CONFIDENTIAL RECORDS AND INFORMATION ARE OBTAINED FROM A STATE AGENCY, THE LEGISLATIVE FISCAL ANALYST AND STAFF MUST BE SUBJECT TO THE SAME PENALTIES FOR UNAUTHORIZED DISCLOSURE OF SUCH 6 CONFIDENTIAL RECORDS AND INFORMATION PROVIDED FOR UNDER . THE LAWS ADMINISTERED BY THE STATE AGENCY. THE LEGISLATIVE 8 FISCAL ANALYST SHALL DEVELOP POLICIES TO PREVENT THE 9 UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL RECORDS AND 10 INFORMATION OBTAINED FROM STATE AGENCIES. 11 12 (2) Every state agency shall furnish the legislative fiscal analyst with copies of all budget requests, at the 13 time of submission to the budget director as .provided by 14 15 law, and if requested, all underlying and supporting 16 documentation.
- 20 (a) by December 1, a copy of the documents which

analyst on a confidential basis:

(3) In the year preceding each legislative session,

anticipated receipts and other means of

the budget director shall furnish the legislative fiscal

- 22 financing the budget for each fiscal year of the ensuing
- 22 financing the budget for each fiscal year of the ensuing
- 23 biennium;

reflect the

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- 24 (b) by December 1, a preliminary budget which shall
- 25 meet the statutory requirements for submission of the budget THIRD READING;

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- 1 to the legislature; and
 2 (c) by December 15, all amendments to the preliminary
 3 budget."
- 4 <u>NEW SECTION.</u> Section 2. Effective date. This act is 5 effective on passage and approval.

REFERENCE BILL

HB 46

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49th Legislature Special Session 6/86

1	HOUSE RIDE NO. 40
2	INTRODUCED BY WINSLOW, HAFFEY
3	BY REQUEST OF THE LEGISLATIVE
4	FINANCE COMMITTEE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
7	LEGISLATIVE FISCAL ANALYST TO INVESTIGATE AND EXAMINE
8	REVENUES OF STATE GOVERNMENT ACTIVITIES; PROVIDING THAT THE
9	FISCAL ANALYST'S OFFICE MAY OBTAIN COPIES OF STATE AGENCY
LO	RECORDS THAT IT IS AUTHORIZED TO EXAMINE, EXCEPT PROTECTED
L1	INDIVIDUAL INCOME TAX RECORDS; CLARIFYING THAT THE
12	LEGISLATIVE FISCAL ANALYST'S OFFICE MAYNOTDISCLOSE
13	INPORMATION OBTAINED-IN-ITS-INVESTIGATIONS-WHEN-PUBLICATION
14	#S-PROH#B#FED-BY-BAW MAY NOT DISCLOSE INFORMATION OBTAINED
15	IN ITS INVESTIGATIONS WHEN PUBLICATION IS PROHIBITED BY LAW
16	AND IS SUBJECT TO APPROPRIATE PENALTIES FOR UNAUTHORIZED
17	DISCLOSURE OF CONFIDENTIAL RECORDS OBTAINED FROM STATE
18	AGENCIES; AMENDING SECTION 5-12-303, MCA; AND PROVIDING AN
19	IMMEDIATE EFFECTIVE DATE."
20	
21	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
22	Section 1. Section 5-12-303, MCA, is amended to read:
23	"5-12-303. Fiscal analysis information from state
	agencies. (1) The legislative fiscal analyst has the
	authority to investigate and examine the costs and revenues



1	of state government activities and may examine and obtain
2	copies of the records, books, and files of any state agency,
3	including confidential records of-executive-branch-agencies.
4	This-section-does-not-authorize-publication-or-public
5	disclosureofinformationifthelawprohibitssuch
6	publication-or-disclosure: THIS SECTION DOES NOT AUTHORIZE
7	PUBLICATION OR PUBLIC DISCLOSURE OF INFORMATION IF THE LAW
8	PROHIBITS SUCH PUBLICATION OR DISCLOSURE. THE LEGISLATIVE
9	FISCAL ANALYST MAY NOT OBTAIN COPIES OF INDIVIDUAL INCOME
10	TAX RECORDS PROTECTED UNDER 15-30-303. THE DEPARTMENT OF
11	REVENUE SHALL MAKE INDIVIDUAL INCOME TAX DATA AVAILABLE BY A
12	MASKING METHOD THAT CONCEALS THE IDENTITY OF THE TAXPAYER.
13	THE MASKING METHOD MAY NOT DESTROY THE STATISTICAL INTEGRITY
14	OF THE INDIVIDUAL INCOME TAX RECORDS. THE MASKING METHOD,
15	INCLUDING HOW DATA IS MASKED, MUST BE DISCLOSED TO THE
16	LEGISLATIVE FISCAL ANALYST. WHEN CONFIDENTIAL RECORDS AND
17	INFORMATION ARE OBTAINED FROM A STATE AGENCY, THE
18	LEGISLATIVE FISCAL ANALYST AND STAFF MUST BE SUBJECT TO THE
19	SAME PENALTIES FOR UNAUTHORIZED DISCLOSURE OF SUCH
20	CONFIDENTIAL RECORDS AND INFORMATION PROVIDED FOR UNDER THE
21	LAWS ADMINISTERED BY THE STATE AGENCY. THE LEGISLATIVE
22	FISCAL ANALYST SHALL DEVELOP POLICIES TO PREVENT THE
23	UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL RECORDS AND
24	INFORMATION OBTAINED FROM STATE AGENCIES.
25	(2) Every state agency shall furnish the legislative

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- 1 fiscal analyst with copies of all budget requests, at the
- 2 time of submission to the budget director as provided by
- 3 law, and if requested, all underlying and supporting
- 4 documentation.
- 5 (3) In the year preceding each legislative session,
- 6 the budget director shall furnish the legislative fiscal
- 7 analyst on a confidential basis:
- 8 (a) by December 1, a copy of the documents which
- 9 reflect the anticipated receipts and other means of
 - financing the budget for each fiscal year of the ensuing
- ll biennium;

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- 12 (b) by December 1, a preliminary budget which shall
- 13 meet the statutory requirements for submission of the budget
- 14 to the legislature; and
- 15 (c) by December 15, all amendments to the preliminary
- 16 budget."
- 17 NEW SECTION, Section 2. Effective date. This act is
- 18 effective on passage and approval.

STANDING COMMITTEE REPORT

June 28,	19.86
MR. PRESIDENT	
We, your committee on PUBLIC HEALTH, WELFARE AND SAFE	ŢY
having had under consideration	No. 46
thirdreading copy (<u>blue</u>) color	·
LEGISLATIVE FISCAL ANALYST'S ACCESS TO AN OF CONFIDENTIAL INFO.	ND DISCLOSURE
Respectfully report as follows: That	No. 46
be amended as follows:	
1. Title, line 10. Following: "EXAMINE" Insert: ", EXCEPT PROTECTED INDIVIDUAL INCOME TAK R	ECORDS"
2. Title, line 13. Following: "bAW" Insert: "MAY NOT DISCLOSE INFORMATION OBTAINED IN I WHEN PUBLICATION IS PROHIBITED BY LAW AND"	TS INVESTIGATIONS
3. Page 2, line 3. Following: "disclosure:" Insert: "This section does not authorize publication disclosure of information if the law prohibits such or disclosure. The legislative fiscal analyst may copies of individual income tax records protected. The department of revenue shall make individual in available by a masking method that conceals the idetaxpayer. The masking method may not destroy the integrity of the individual income tax records. The method, including how data is masked, must be disclosured.	h publication not obtain under 15-30-303. come tax data entity of the statistical he masking

AND AS AMENDED BE CONCURRED IN

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SENATOR MAZUREK, Chairman

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