

HOUSE BILL NO. 46

INTRODUCED BY WINSLOW, HAFLEY

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 concurrent in as amended. Report adopted. Second reading, concurrent in. Third reading, concurrent in. Ayes, 44; Noes, 4. Returned to House with amendments.

IN THE HOUSE

June 28, 1986

Received from Senate.

June 30, 1986

Second reading, amendments
concurred in.

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 46
2 INTRODUCED BY Donald 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
10 RECORDS THAT IT IS AUTHORIZED TO EXAMINE; CLARIFYING THAT
11 THE LEGISLATIVE FISCAL ANALYST'S OFFICE MAY NOT DISCLOSE
12 INFORMATION OBTAINED IN ITS INVESTIGATIONS WHEN PUBLICATION
13 IS PROHIBITED BY LAW; AMENDING SECTION 5-12-303, MCA; AND
14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
17 Section 1. Section 5-12-303, MCA, is amended to read:
18 "5-12-303. Fiscal analysis information from state
19 agencies. (1) The legislative fiscal analyst has the
20 authority to investigate and examine the costs and revenues
21 of state government activities and may examine and obtain
22 copies of the records, books, and files of any state agency,
23 including confidential records of executive branch agencies.
24 This section does not authorize publication or public
25 disclosure of information if the law prohibits such



1 publication or disclosure.
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."
19 NEW SECTION. Section 2. Effective date. This act is
20 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 46

INTRODUCED BY WINSLOW, HAFLEY

BY REQUEST OF THE LEGISLATIVE

FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
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~~ IS SUBJECT TO APPROPRIATE PENALTIES FOR
UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL RECORDS OBTAINED
FROM STATE AGENCIES; AMENDING SECTION 5-12-303, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 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
INFORMATION OBTAINED FROM STATE AGENCIES.

(2) Every state agency shall furnish the legislative
fiscal analyst with copies of all budget requests, at the
time of submission to the budget director as provided by
law, and if requested, all underlying and supporting
documentation.

(3) In the year preceding each legislative session,
the budget director shall furnish the legislative fiscal
analyst on a confidential basis:

(a) by December 1, a copy of the documents which
reflect the anticipated receipts and other means of
financing the budget for each fiscal year of the ensuing
biennium;

(b) by December 1, a preliminary budget which shall
meet the statutory requirements for submission of the budget

SECOND READING

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

-End-

HOUSE BILL NO. 46

INTRODUCED BY WINSLOW, HAFLEY

BY REQUEST OF THE LEGISLATIVE

FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE 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 IS SUBJECT TO APPROPRIATE PENALTIES FOR UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL RECORDS OBTAINED FROM STATE AGENCIES; AMENDING SECTION 5-12-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 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 INFORMATION OBTAINED FROM STATE AGENCIES.

(2) Every state agency shall furnish the legislative fiscal analyst with copies of all budget requests, at the time of submission to the budget director as provided by law, and if requested, all underlying and supporting documentation.

(3) In the year preceding each legislative session, the budget director shall furnish the legislative fiscal analyst on a confidential basis:

(a) by December 1, a copy of the documents which reflect the anticipated receipts and other means of financing the budget for each fiscal year of the ensuing biennium;

(b) by December 1, a preliminary budget which shall 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 NEW SECTION. Section 2. Effective date. This act is
5 effective on passage and approval.

-End-

HOUSE BILL NO. 46

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BY REQUEST OF THE LEGISLATIVE

FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
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, EXCEPT PROTECTED
INDIVIDUAL INCOME TAX RECORDS; CLARIFYING THAT THE
LEGISLATIVE FISCAL ANALYST'S OFFICE MAY NOT DISCLOSE
INFORMATION OBTAINED IN ITS INVESTIGATIONS WHEN PUBLICATION
IS PROHIBITED BY LAW MAY NOT DISCLOSE INFORMATION OBTAINED
IN ITS INVESTIGATIONS WHEN PUBLICATION IS PROHIBITED BY LAW
AND IS SUBJECT TO APPROPRIATE PENALTIES FOR UNAUTHORIZED
DISCLOSURE OF CONFIDENTIAL RECORDS OBTAINED FROM STATE
AGENCIES; AMENDING SECTION 5-12-303, MCA; AND PROVIDING AN
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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 disclosure.~~ THIS SECTION DOES NOT AUTHORIZE
PUBLICATION OR PUBLIC DISCLOSURE OF INFORMATION IF THE LAW
PROHIBITS SUCH PUBLICATION OR DISCLOSURE. THE LEGISLATIVE
FISCAL ANALYST MAY NOT OBTAIN COPIES OF INDIVIDUAL INCOME
TAX RECORDS PROTECTED UNDER 15-30-303. THE DEPARTMENT OF
REVENUE SHALL MAKE INDIVIDUAL INCOME TAX DATA AVAILABLE BY A
MASKING METHOD THAT CONCEALS THE IDENTITY OF THE TAXPAYER.
THE MASKING METHOD MAY NOT DESTROY THE STATISTICAL INTEGRITY
OF THE INDIVIDUAL INCOME TAX RECORDS. THE MASKING METHOD,
INCLUDING HOW DATA IS MASKED, MUST BE DISCLOSED TO THE
LEGISLATIVE FISCAL ANALYST. 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
INFORMATION OBTAINED FROM STATE AGENCIES.

(2) Every state agency shall furnish the legislative

REFERENCE BILL

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
10 financing the budget for each fiscal year of the ensuing
11 biennium;

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.

-End-

STANDING COMMITTEE REPORT

June 28, 1986

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 46

third reading copy (blue)
color

LEGISLATIVE FISCAL ANALYST'S ACCESS TO AND DISCLOSURE OF CONFIDENTIAL INFO.

Respectfully report as follows: That HOUSE BILL No. 46

be amended as follows:

1. Title, line 10.

Following: "EXAMINE"

Insert: ", EXCEPT PROTECTED INDIVIDUAL INCOME TAX RECORDS"

2. Title, line 13.

Following: "LAW"

Insert: "MAY NOT DISCLOSE INFORMATION OBTAINED IN ITS INVESTIGATIONS
WHEN PUBLICATION IS PROHIBITED BY LAW AND"

3. Page 2, line 3.

Following: "disclosure"

Insert: "This section does not authorize publication or public disclosure of information if the law prohibits such publication or disclosure. The legislative fiscal analyst may not obtain copies of individual income tax records protected under 15-30-303. The department of revenue shall make individual income tax data available by a masking method that conceals the identity of the taxpayer. The masking method may not destroy the statistical integrity of the individual income tax records. The masking method, including how data is masked, must be disclosed to the legislative fiscal analyst."

AND AS AMENDED
BE CONCURRED IN

REPASS

ENCLOSURE

SENATOR MAZUREK,

Chairman.

29
6-28-86
1:15