

SENATE BILL 171

Introduced by Halligan

1/16	Introduced
1/16	Referred to Natural Resources
1/16	First Reading
1/27	Hearing
2/15	Committee Report--Bill Passed as Amended
2/16	2nd Reading Passed
2/17	3rd Reading Passed

	Transmitted to House
2/23	Referred to Natural Resources
2/23	First Reading
3/12	Hearing
3/15	Tabled in Committee

1 Senate BILL NO. 171
 2 INTRODUCED BY Nally
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE
 5 DEPARTMENT OF STATE LANDS TO RELEASE INFORMATION OBTAINED
 6 FROM APPLICATIONS FOR MINERAL EXPLORATION LICENSES OR FROM
 7 SMALL MINERS AFTER A DETERMINATION THAT THE NEED FOR PUBLIC
 8 DISCLOSURE OUTWEIGHS THE PRIVACY RIGHTS OF THE APPLICANT;
 9 AMENDING SECTION 82-4-306, MCA; AND PROVIDING AN IMMEDIATE
 10 EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 82-4-306, MCA, is amended to read:

14 **"82-4-306. Confidentiality of application information.**

15 (1) Except as provided in subsections (2) ~~and--~~ (3) through
 16 (4), any information obtained by the board or by the
 17 director or ~~his~~ the director's staff by virtue of
 18 applications for exploration licenses and all information
 19 obtained from small miners is confidential between the board
 20 and the applicant, except as to the name of the applicant
 21 and the county of proposed operation; provided that all
 22 activities conducted subsequent to exploration and other
 23 associated facilities ~~shall--be~~ are public information and
 24 conducted under an operating permit.

25 (2) The department may disclose information referred to

1 in subsection (1) to the public on request after a
 2 determination by the director that the privacy rights of the
 3 applicant are outweighed by the need for public disclosure.

4 ~~(2)~~ (3) Any information referenced in subsection (1) is
 5 properly admissible in any hearing conducted by the
 6 director, the board, appeals board, or in any judicial
 7 proceeding to which the director and the applicant are
 8 parties and is not confidential when a violation of this
 9 part or rules adopted under this part has been determined by
 10 the department or by judicial order.

11 ~~(3)~~ (4) The department may disclose information obtained
 12 by the board, the commissioner, or department staff from
 13 exploration license applications and from small miners for
 14 exploration or mining on state and federal lands that
 15 identifies the location of exploration and mining activities
 16 and that describes the surface disturbance that is occurring
 17 or projected to occur. The department may not disclose a
 18 licensee's or small miner's proprietary geological
 19 information.

20 ~~(4)~~ (5) Failure to comply with the secrecy provisions of
 21 this part is punishable by a fine of up to \$1,000."

22 **NEW SECTION. Section 2.** Effective date. [This act] is
 23 effective on passage and approval.

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

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A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING REQUIRING
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staff by virtue of applications for exploration licenses and
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OPEN TO PUBLIC INSPECTION.

(2) The department may NOT disclose information
referred to in subsection (1) to the public on request after
~~a determination by the director~~ IF THE COMMISSIONER
DETERMINES that the privacy rights of the applicant are
outweighed by the need for DEMANDS OF INDIVIDUAL PRIVACY
CLEARLY EXCEED THE MERITS OF public disclosure.

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SB 0171/02

1 INDIVIDUAL PRIVACY CONCERNS INCLUDE COMPETITIVELY SENSITIVE
2 AND PROPRIETARY GEOLOGICAL INFORMATION."
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4 effective on passage and approval.

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