

1 HOUSE BILL NO. 23

2 INTRODUCED BY H.S. HANSON

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FEE FOR PROVIDING INFORMATION IN AN
6 ELECTRONIC FORMAT; AMENDING SECTIONS 1-11-301 AND 2-6-110, MCA; AND PROVIDING AN
7 EFFECTIVE DATE."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10

11 **Section 1.** Section 1-11-301, MCA, is amended to read:

12 **"1-11-301. Publication and sale of Montana Code Annotated -- free distribution.** (1) The legislative
13 council, with the advice of the code commissioner, shall decide on the quantity, quality, style, format, and
14 grade of all publications prior to having the code commissioner call for bids for the printing and binding and
15 contract for their publication. The code commissioner shall follow the requirements of state law relating to
16 contracts and bids, except as provided in this section.

17 (2) The methods of sale to the public of the Montana Code Annotated and supplements or other
18 subsequent and ancillary publications may be included as an alternative specification and bid and as a part
19 of a contract to be let by bids by the code commissioner.

20 (3) The sales price to the public of all Montana Code Annotated material must be fixed by the
21 legislative council but may not exceed the cost price plus 25%. All revenue generated from the sale of the
22 Montana Code Annotated or ancillary publications must be deposited in the state special revenue fund.
23 Appropriations from the fund may be made for the use of the office and facilities of the legislative council
24 under this chapter.

25 (4) Sets of the Montana Code Annotated purchased by the state, Montana local governmental
26 agencies that are supported by public funds, and nonprofit organizations may not exceed the cost price of
27 the sets plus 5%.

28 (5) (a) The Montana Code Annotated and supplements and other subsequent and ancillary
29 publications except annotations must be provided at no cost to the following:

30 (i) each library designated as a depository library under 22-1-214, one copy;

- 1 (ii) each library designated as a federation headquarters library under 22-1-402, one copy.
- 2 (b) The state law library in Helena must be provided with four copies of the Montana Code
- 3 Annotated and supplements, including annotations and other subsequent and ancillary publications.
- 4 (c) The legislative council shall include in the cost price of the code the cost of providing the copies
- 5 under this subsection."

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7 **Section 2.** Section 2-6-110, MCA, is amended to read:

8 **"2-6-110. Electronic information -- public access.** (1) Except as provided by law, each person is

9 entitled to a copy of information compiled, created, or otherwise in the custody of public agencies that is

10 in electronic format, subject to the same restrictions applicable to the information in printed form. All

11 restrictions relating to confidentiality, privacy, business secrets, and copyright are applicable to the

12 electronic information.

13 (2) Except as provided by law and subject to subsection ~~(4)~~ (3), an agency may charge a fee, not

14 to exceed:

15 (a) the agency's actual cost of purchasing the electronic media used for transferring data, if the

16 person requesting the information does not provide the media; ~~or~~

17 (b) expenses incurred by the agency as a result of mainframe processing charges or other

18 out-of-pocket expenses directly associated with the request for information; and

19 ~~(3)(c) An agency may also charge an hourly fee~~ the hourly rate for the current fiscal year for a state

20 employee classified as grade 10, market salary, under 2-18-312 for each hour, or fraction of an hour, after

21 one-half hour of copying service has been provided. ~~The hourly fee may not exceed the hourly rate for the~~

22 ~~current fiscal year for a state employee classified as grade 10, market salary, under 2-18-312.~~

23 ~~(4)~~(3) In addition to the allowable fees in subsection (2), the department of revenue may charge

24 an additional fee as reimbursement for the cost of developing and maintaining the computer-assisted mass

25 appraisal system. The fee must be charged to persons requesting the data base or any part of the data base

26 from the mass appraisal system. The department may not charge a fee for information provided from this

27 data base to a local taxing jurisdiction for use in taxation and other governmental functions or to an

28 individual taxpayer concerning the taxpayer's property. All fees received by the department under this

29 subsection must be deposited in a state special revenue fund as provided in 15-1-521.

30 ~~(5)~~(4) For the purposes of this section, the term "agency" has the meaning provided in 2-3-102

1 but includes legislative, judicial, and state military agencies.

2 ~~(6)~~(5) This section does not authorize the release of electronic security codes giving access to
3 private information."

4

5 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 1995.

6

-END-

STATE OF MONTANA - FISCAL NOTE

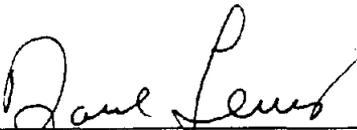
Fiscal Note for HB0023, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

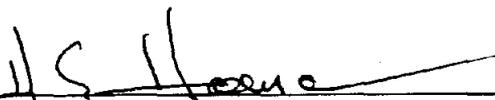
Clarifies the fee for providing information in an electronic format.

ASSUMPTIONS:

1. The bill merely clarifies the hourly rate to be charged for copying service time provided by state agencies. It is estimated that it will have no material fiscal impact on state agency expenditures or revenue.

 1-5-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



H. S. "SONNY" HANSON, PRIMARY SPONSOR DATE
Fiscal Note for HB0023, as introduced

HB 23

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 23

INTRODUCED BY H.S. HANSON

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FEE FOR PROVIDING INFORMATION IN AN ELECTRONIC FORMAT; AMENDING SECTIONS 1-11-301 AND 2-6-110, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 1-11-301, MCA, is amended to read:

"1-11-301. Publication and sale of Montana Code Annotated -- free distribution. (1) The legislative council, with the advice of the code commissioner, shall decide on the quantity, quality, style, format, and grade of all publications prior to having the code commissioner call for bids for the printing and binding and contract for their publication. The code commissioner shall follow the requirements of state law relating to contracts and bids, except as provided in this section.

(2) The methods of sale to the public of the Montana Code Annotated and supplements or other subsequent and ancillary publications may be included as an alternative specification and bid and as a part of a contract to be let by bids by the code commissioner.

(3) The sales price to the public of all Montana Code Annotated material must be fixed by the legislative council but may not exceed the cost price plus 25%. All revenue generated from the sale of the Montana Code Annotated or ancillary publications must be deposited in the state special revenue fund. Appropriations from the fund may be made for the use of the office and facilities of the legislative council under this chapter.

(4) Sets of the Montana Code Annotated purchased by the state, Montana local governmental agencies that are supported by public funds, and nonprofit organizations may not exceed the cost price of the sets plus 5%.

(5) (a) The Montana Code Annotated and supplements and other subsequent and ancillary publications except annotations must be provided at no cost to the following:

(i) each library designated as a depository library under 22-1-214, one copy;

1 (ii) each library designated as a federation headquarters library under 22-1-402, one copy.

2 (b) The state law library in Helena must be provided with four copies of the Montana Code
3 Annotated and supplements, including annotations and other subsequent and ancillary publications.

4 (c) The legislative council shall include in the cost price of the code the cost of providing the copies
5 under this subsection."
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7 **Section 2.** Section 2-6-110, MCA, is amended to read:

8 **"2-6-110. Electronic information -- public access.** (1) Except as provided by law, each person is
9 entitled to a copy of information compiled, created, or otherwise in the custody of public agencies that is
10 in electronic format, subject to the same restrictions applicable to the information in printed form. All
11 restrictions relating to confidentiality, privacy, business secrets, and copyright are applicable to the
12 electronic information.

13 (2) Except as provided by law and subject to subsection ~~(4)~~ (3), an agency may charge a fee, not
14 to exceed:

15 (a) the agency's actual cost of purchasing the electronic media used for transferring data, if the
16 person requesting the information does not provide the media; ~~or~~

17 (b) expenses incurred by the agency as a result of mainframe processing charges or other
18 out-of-pocket expenses directly associated with the request for information; and

19 ~~(3)(c) An agency may also charge an hourly fee~~ the hourly rate for the current fiscal year for a state
20 employee classified as grade 10, market salary, under 2-18-312 for each hour, or fraction of an hour, after
21 one-half hour of copying service has been provided. ~~The hourly fee may not exceed the hourly rate for the~~
22 ~~current fiscal year for a state employee classified as grade 10, market salary, under 2-18-312.~~

23 ~~(4)(3)~~ In addition to the allowable fees in subsection (2), the department of revenue may charge
24 an additional fee as reimbursement for the cost of developing and maintaining the computer-assisted mass
25 appraisal system. The fee must be charged to persons requesting the data base or any part of the data base
26 from the mass appraisal system. The department may not charge a fee for information provided from this
27 data base to a local taxing jurisdiction for use in taxation and other governmental functions or to an
28 individual taxpayer concerning the taxpayer's property. All fees received by the department under this
29 subsection must be deposited in a state special revenue fund as provided in 15-1-521.

30 ~~(5)(4)~~ For the purposes of this section, the term "agency" has the meaning provided in 2-3-102

1 but includes legislative, judicial, and state military agencies.

2 ~~(6)~~(5) This section does not authorize the release of electronic security codes giving access to
3 private information."

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5 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 1995.

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