

1
2 INTRODUCED BY Beck SENATE BILL NO. 126

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS UNDER WHICH AN AGENCY MAY
6 CHARGE A FEE FOR PROVIDING CERTAIN PUBLIC INFORMATION; ALLOWING THE DEPARTMENT OF
7 REVENUE TO CHARGE A FEE FOR PROVIDING INFORMATION FROM ANY PROPERTY VALUATION AND
8 ASSESSMENT SYSTEM DATA BASE MAINTAINED BY THE DEPARTMENT; CLARIFYING THAT THE
9 DEPARTMENT OF REVENUE MAY CHARGE FEDERAL AND STATE AGENCIES, BUT NOT LOCAL TAXING
10 JURISDICTIONS, A FEE FOR PROVIDING PROPERTY VALUATION AND ASSESSMENT SYSTEM DATA
11 BASE INFORMATION; ALLOWING AN AGENCY TO CHARGE A FEE FOR PROVIDING ONLINE COMPUTER
12 ACCESS TO ELECTRONIC INFORMATION; AMENDING SECTION 2-6-110, MCA; AND PROVIDING AN
13 IMMEDIATE EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 2-6-110, MCA, is amended to read:

18 **"2-6-110. Electronic information -- public access -- fees.** (1) Except as provided by law, each
19 person is entitled to a copy of information compiled, created, or otherwise in the custody of public agencies
20 that is in electronic format, subject to the same restrictions applicable to the information in printed form.
21 All restrictions relating to confidentiality, privacy, business secrets, and copyright are applicable to the
22 electronic information.

23 (2) Except as provided by law and subject to subsection (4), an agency may charge a fee, not to
24 exceed:

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

27 (b) expenses incurred by the agency as a result of mainframe processing charges;

28 (c) expenses incurred by the agency for providing online computer access to the person requesting
29 access; and

30 (d) ~~or~~ other out-of-pocket expenses directly associated with the request for information.

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

4 (4) (a) In addition to the allowable fees in subsection (2), the department of revenue may charge
5 an additional fee as reimbursement for the cost of developing and maintaining the ~~computer-assisted mass~~
6 ~~appraisal system~~ property valuation and assessment system data base from which the information is
7 requested. The fee must be charged to persons, federal agencies, state agencies, and other entities
8 requesting the data base or any part of the data base from ~~the mass appraisal system~~ any department
9 property valuation and assessment system.

10 (b) The department of revenue may not charge a fee for information provided from ~~this any~~
11 department property valuation and assessment system data base to a local taxing jurisdiction for use in
12 taxation and other governmental functions or to an individual taxpayer concerning the taxpayer's property.

13 (c) All fees received by the department of revenue under subsection (2) and this subsection (4)
14 must be deposited in a state special revenue fund as provided in 15-1-521.

15 (5) For the purposes of this section, the term "agency" has the meaning provided in 2-3-102 but
16 includes legislative, judicial, and state military agencies.

17 (6) This section does not authorize the release of electronic security codes giving access to private
18 information."

19
20 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

21 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0126, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

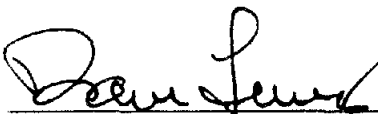
An act revising the provisions under which an agency may charge a fee for providing certain public information; allowing the Department of Revenue to charge a fee for providing information from any property valuation and assessment system data base maintained by the department; clarifying that the Department of Revenue may charge federal and state agencies, but not local taxing jurisdictions, a fee for providing property valuation and assessment system data base information; allowing an agency to charge a fee for providing online computer access to electronic information; and providing an immediate effective date.

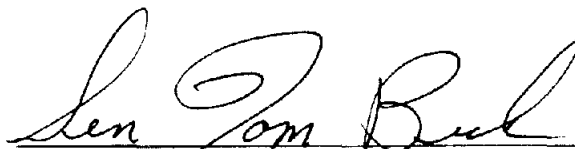
ASSUMPTIONS:

1. The Department of Revenue is currently authorized to charge fees in excess of actual costs to persons requesting electronic information drawn from the computer assisted mass appraisal system. SB126 would authorize such fees for information drawn from any property assessment database, including the business equipment valuation system (BEVS) and the utility assessment system (UAS). SB126 would further clarify that such fees may be charged for provision of online access to data. SB126 would expand the scope of payors to whom the department must charge fees to include federal agencies, state agencies, and other entities.
2. Fees collected by the department are deposited to the property valuation improvement account in the state special revenue fund and are appropriated to the department for the general improvement of Property Appraisal Division operations.
3. To date, the department has collected approximately \$4,600 in FY95 and is appropriated to expend up to \$1 million by HB50, enacted in the November 1993 special session.
4. The Executive Budget recommends a language appropriation for all revenues received by the property valuation improvement account in the 1997 biennium. The Executive Budget also recommends a loan from the general fund of up to \$50,000 to enable the department to initially develop services. This loan must be repaid with interest by the end of the biennium.

FISCAL IMPACT:

SB126 clarifies and expands the current authority of the department to charge fees to individuals, private entities, and state and federal government agencies for electronic property appraisal data. The future demand for property appraisal data from private entities, federal and other state agencies cannot be determined but is expected to increase once such services are more fully developed and marketed. It is anticipated that fee revenues and associated expenditures from the property valuation improvement account would increase as a result of this bill.

 1-18-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-19-95
TOM BECK, PRIMARY SPONSOR DATE

Fiscal Note for SB0126, as introduced

SB 126

SENATE BILL NO. 126

INTRODUCED BY BECK

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS UNDER WHICH AN AGENCY MAY CHARGE A FEE FOR PROVIDING CERTAIN PUBLIC INFORMATION; ALLOWING THE DEPARTMENT OF REVENUE TO CHARGE A FEE FOR PROVIDING INFORMATION FROM ANY PROPERTY VALUATION AND ASSESSMENT SYSTEM DATA BASE MAINTAINED BY THE DEPARTMENT; CLARIFYING THAT THE DEPARTMENT OF REVENUE MAY CHARGE FEDERAL AND STATE AGENCIES, BUT NOT LOCAL TAXING JURISDICTIONS AND CERTAIN STATE AGENCIES, A FEE FOR PROVIDING PROPERTY VALUATION AND ASSESSMENT SYSTEM DATA BASE INFORMATION; ALLOWING AN AGENCY TO CHARGE A FEE FOR PROVIDING ONLINE COMPUTER ACCESS TO ELECTRONIC INFORMATION; AMENDING SECTION 2-6-110, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-6-110, MCA, is amended to read:

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

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

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

(b) expenses incurred by the agency as a result of mainframe processing charges;

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

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5 an additional fee as reimbursement for the cost of developing and maintaining the ~~computer-assisted mass~~
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7 requested. The fee must be charged to persons, federal agencies, state agencies, and other entities
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9 property valuation and assessment system. THE FEE MAY NOT BE CHARGED TO THE GOVERNOR'S
10 OFFICE OF BUDGET AND PROGRAM PLANNING, THE OFFICE OF LEGISLATIVE FISCAL ANALYST, OR THE
11 STATE TAX APPEAL BOARD.

12 (b) The department of revenue may not charge a fee for information provided from ~~this~~ any
13 department property valuation and assessment system data base to a local taxing jurisdiction for use in
14 taxation and other governmental functions or to an individual taxpayer concerning the taxpayer's property.

15 (c) All fees received by the department of revenue under subsection (2) and this subsection (4)
16 must be deposited in a state special revenue fund as provided in 15-1-521.

17 (5) For the purposes of this section, the term "agency" has the meaning provided in 2-3-102 but
18 includes legislative, judicial, and state military agencies.

19 (6) This section does not authorize the release of electronic security codes giving access to private
20 information."

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

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11 STATE TAX APPEAL BOARD.

12 (b) The department of revenue may not charge a fee for information provided from ~~this~~ any
13 department property valuation and assessment system data base to a local taxing jurisdiction for use in
14 taxation and other governmental functions or to an individual taxpayer concerning the taxpayer's property.

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

23 -END-



HOUSE STANDING COMMITTEE REPORT

March 8, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that Senate Bill 126 (third reading copy -- blue) be concurred in as amended.

Signed: _____

A handwritten signature in dark ink, appearing to read "Chase Hibbard".

Chase Hibbard, Chair

Carried by: Rep. Nelson

And, that such amendments read:

1. Page 2, line 10.

Strike: "THE OFFICE OF LEGISLATIVE FISCAL ANALYST, OR"

2. Page 2, line 11.

Following: "BOARD"

Insert: ", or any legislative agency or committee"

-END-

SB 126

Committee Vote:

Yes 14, No 6

HOUSE

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