

HOUSE BILL NO. 75

INTRODUCED BY HAGENER, MILLER

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE MEANS OF PROVIDING ELECTRONIC INFORMATION TO THE PUBLIC; AND AMENDING SECTIONS 2-17-321, 2-17-322, 2-17-323, 75-10-805, AND 87-1-272, MCA."

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

Section 1. Section 2-17-321, MCA, is amended to read:

"2-17-321. Definition of electronic ~~bulletin board~~ access system. As used in 2-17-322 and 2-17-323, "electronic ~~bulletin board~~ access system" means a ~~remote data base system containing capable of making various types of information accessible by means of a computer, a modem, and a telephone line and a telecommunications facility.~~ Electronic access systems may include but are not limited to:

- (1) bulletin board systems;
- (2) internet world wide web servers; or
- (3) other computer or telecommunications systems."

Section 2. Section 2-17-322, MCA, is amended to read:

"2-17-322. Establishment. (1) The department of administration shall establish and maintain a ~~centralized electronic bulletin board system~~ appropriate electronic access systems for state agencies to use as a means of conveying information to the citizens of Montana. Agencies involved in communicating information to the public shall ~~maintain~~ use these systems to provide appropriate information ~~on the bulletin board system~~ to the public, including but not limited to:

- (a) environmental assessments;
- (b) rulemaking notices;
- (c) board vacancy notices as required by 2-15-201;
- (d) agency reports mandated by statute;
- (e) parks reports required by 23-1-110;

INTRODUCED BILL

- 1 (f) requests for bids or proposals; and
 2 (g) public meeting notices and agendas.

3 (2) The purpose of ~~the centralized electronic bulletin board system~~ access systems is to encourage
 4 the practice of providing for direct citizen access to state computerized information."

5

6 **Section 3.** Section 2-17-323, MCA, is amended to read:

7 **"2-17-323. Responsibilities.** (1) The department of administration shall:

8 (a) set standards for the selection of software for the electronic ~~bulletin boards~~ access systems;

9 (b) establish appropriate services ~~on the centralized electronic bulletin board system~~ to support file
 10 ~~transfer by all state agencies~~ agencies' use of the electronic access systems;

11 (c) develop user-friendly file transfer and message systems for entities regularly interacting with
 12 state government, such as professional associations and citizen groups, and promote the systems' use to
 13 reduce copying and mailing costs for state government; and

14 (d) determine procedures for ~~bulletin board~~ use of the electronic access systems.

15 (2) The department shall provide security to protect the integrity of its electronic ~~bulletin board~~
 16 ~~system~~ access systems. Each department is responsible for ensuring the integrity and appropriateness of
 17 the information that it places in the ~~system~~ electronic access systems.

18 (3) The department shall provide for an equitable method for recovering the cost of operating the
 19 electronic ~~bulletin board system~~ access systems."

20

21 **Section 4.** Section 75-10-805, MCA, is amended to read:

22 **"75-10-805. State government source reduction and recycling program.** (1) In order to progress
 23 toward achieving the waste reduction target identified in 75-10-803, each state agency, the legislature,
 24 and the university system shall:

25 (a) prepare a source reduction and recycling plan by January 1, 1992, to reduce the solid waste
 26 generated by state government. This plan must be submitted to the department and must include, at a
 27 minimum, provisions for the composting of yard wastes and the recycling of office and computer paper,
 28 cardboard, used motor oil, and other materials produced by the state for which recycling markets exist or
 29 may be developed.

30 (b) establish and implement a source reduction and recycling program by July 1, 1992; and

1 (c) apply computer technology to reduce the generation of waste paper through:

2 (i) the use of electronic ~~bulletin boards~~ access systems;

3 (ii) the transfer of information in electronic rather than paper form; and

4 (iii) other applications of computer technology.

5 (2) The plan must be evaluated every 5 years and updated as necessary."

6

7 **Section 5.** Section 87-1-272, MCA, is amended to read:

8 **"87-1-272. (Temporary) Future fisheries improvement program -- funding priority -- reports**

9 **required.** (1) In order to enhance future fisheries through natural reproduction, the department shall
10 establish and implement a statewide voluntary program that promotes fishery habitats and spawning areas
11 for the rivers, streams, and lakes of Montana's fisheries.

12 (2) The department shall by April 1, 1996, and thereafter when projects are suggested by the
13 future fisheries review panel, through a public hearing process and with the approval of the commission,
14 prioritize projects that have been recommended by the review panel to be funded. Emphasis must be given
15 to projects that enhance the historic habitat of native fish species. The department shall fund and implement
16 the program regarding the long-term enhancement of streams and streambanks, instream flows, water
17 leasing, lease or purchase of stored water, and other voluntary programs that deal with wild fish and
18 aquatic habitats. A project conducted under the future fisheries improvement program may not restrict or
19 interfere with the exercise of any water rights or property rights of the owners of streambeds and property
20 adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on
21 private property does not create any right of public access to the private property unless that right is
22 granted voluntarily by the property owner.

23 (3) The department shall work in cooperation with private landowners, conservation districts,
24 irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement
25 program. Any department employee who is employed under this section to facilitate contact with
26 landowners must have experience in commercial or irrigated agriculture. The department shall encourage
27 the use of volunteer labor and grants, matching grants, and private donations to accomplish program
28 purposes. The department may use contracted services:

29 (a) for negotiations with landowners, local officials, citizens, and others;

30 (b) for coordination with other agencies that may be involved in projects conducted under this

1 section; and

2 (c) to perform and supervise project work.

3 (4) Funds expended under this section may be used only for projects for the protection of the
4 fisheries resource that have been identified by the review panel established in 87-1-273 and approved by
5 the commission and may not be used for the acquisition of any interest in land.

6 (5) (a) The department shall report to the commission on the progress of the future fisheries
7 improvement program every 12 months and post a copy of the report on ~~the a~~ state electronic bulletin
8 board access system to ensure public access to the report.

9 (b) The department shall also present a detailed report to each regular session of the legislature on
10 the progress of the future fisheries improvement program. The legislative report must include the
11 department's program activities and expenses since the last report and the project schedules and
12 anticipated expenses for the ensuing 10 years' implementation of the future fisheries improvement program.

13 (c) In order to implement 87-1-273 and this section, the department may expend revenue from the
14 future fisheries improvement program for up to two additional full-time employees. (Terminates July 1,
15 2005--sec. 5, Ch. 463, L. 1995.)"

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-END-

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13 2-17-323, "electronic ~~bulletin board~~ access system" means a ~~remote data base~~ system containing capable
14 of making various types of information accessible by means of a computer, ~~a modem, and a telephone line~~
15 and a telecommunications facility. Electronic access systems may include but are not limited to:

- 16 (1) bulletin board systems;
17 (2) internet world wide web servers; or
18 (3) other computer or telecommunications systems."

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20 **Section 2.** Section 2-17-322, MCA, is amended to read:

21 "**2-17-322. Establishment.** (1) The department of administration shall establish and maintain a
22 ~~centralized electronic bulletin board system~~ appropriate electronic access systems for state agencies to use
23 as a means of conveying information to the citizens of Montana. Agencies involved in communicating
24 information to the public shall ~~maintain~~ use these systems to provide appropriate information ~~on the bulletin~~
25 ~~board system to the public,~~ including but not limited to:

- 26 (a) environmental assessments;
27 (b) rulemaking notices;
28 (c) board vacancy notices as required by 2-15-201;
29 (d) agency reports mandated by statute;
30 (e) parks reports required by 23-1-110;

- 1 (f) requests for bids or proposals; and
 2 (g) public meeting notices and agendas.

3 (2) The purpose of ~~the centralized electronic bulletin board system~~ access systems is to encourage
 4 the practice of providing for direct citizen access to state computerized information."
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6 **Section 3.** Section 2-17-323, MCA, is amended to read:

7 **"2-17-323. Responsibilities.** (1) The department of administration shall:

8 (a) set standards for the selection of software for the electronic ~~bulletin boards~~ access systems;

9 (b) establish appropriate services ~~on the centralized electronic bulletin board system~~ to support file
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15 (2) The department shall provide security to protect the integrity of its electronic ~~bulletin board~~
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 17 the information that it places in the ~~system~~ electronic access systems.

18 (3) The department shall provide for an equitable method for recovering the cost of operating the
 19 electronic ~~bulletin board system~~ access systems."
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21 **Section 4.** Section 75-10-805, MCA, is amended to read:

22 **"75-10-805. State government source reduction and recycling program.** (1) In order to progress
 23 toward achieving the waste reduction target identified in 75-10-803, each state agency, the legislature,
 24 and the university system shall:

25 (a) prepare a source reduction and recycling plan by January 1, 1992, to reduce the solid waste
 26 generated by state government. This plan must be submitted to the department and must include, at a
 27 minimum, provisions for the composting of yard wastes and the recycling of office and computer paper,
 28 cardboard, used motor oil, and other materials produced by the state for which recycling markets exist or
 29 may be developed.

30 (b) establish and implement a source reduction and recycling program by July 1, 1992; and

1 (c) apply computer technology to reduce the generation of waste paper through:

2 (i) the use of electronic ~~bulletin boards~~ access systems;

3 (ii) the transfer of information in electronic rather than paper form; and

4 (iii) other applications of computer technology.

5 (2) The plan must be evaluated every 5 years and updated as necessary."

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7 **Section 5.** Section 87-1-272, MCA, is amended to read:

8 **"87-1-272. (Temporary) Future fisheries improvement program -- funding priority -- reports**
9 **required.** (1) In order to enhance future fisheries through natural reproduction, the department shall
10 establish and implement a statewide voluntary program that promotes fishery habitats and spawning areas
11 for the rivers, streams, and lakes of Montana's fisheries.

12 (2) The department shall by April 1, 1996, and thereafter when projects are suggested by the
13 future fisheries review panel, through a public hearing process and with the approval of the commission,
14 prioritize projects that have been recommended by the review panel to be funded. Emphasis must be given
15 to projects that enhance the historic habitat of native fish species. The department shall fund and implement
16 the program regarding the long-term enhancement of streams and streambanks, instream flows, water
17 leasing, lease or purchase of stored water, and other voluntary programs that deal with wild fish and
18 aquatic habitats. A project conducted under the future fisheries improvement program may not restrict or
19 interfere with the exercise of any water rights or property rights of the owners of streambeds and property
20 adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on
21 private property does not create any right of public access to the private property unless that right is
22 granted voluntarily by the property owner.

23 (3) The department shall work in cooperation with private landowners, conservation districts,
24 irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement
25 program. Any department employee who is employed under this section to facilitate contact with
26 landowners must have experience in commercial or irrigated agriculture. The department shall encourage
27 the use of volunteer labor and grants, matching grants, and private donations to accomplish program
28 purposes. The department may use contracted services:

29 (a) for negotiations with landowners, local officials, citizens, and others;

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1 section; and

2 (c) to perform and supervise project work.

3 (4) Funds expended under this section may be used only for projects for the protection of the
4 fisheries resource that have been identified by the review panel established in 87-1-273 and approved by
5 the commission and may not be used for the acquisition of any interest in land.

6 (5) (a) The department shall report to the commission on the progress of the future fisheries
7 improvement program every 12 months and post a copy of the report on ~~the~~ a state electronic bulletin
8 board access system to ensure public access to the report.

9 (b) The department shall also present a detailed report to each regular session of the legislature on
10 the progress of the future fisheries improvement program. The legislative report must include the
11 department's program activities and expenses since the last report and the project schedules and
12 anticipated expenses for the ensuing 10 years' implementation of the future fisheries improvement program.

13 (c) In order to implement 87-1-273 and this section, the department may expend revenue from the
14 future fisheries improvement program for up to two additional full-time employees. (Terminates July 1,
15 2005--sec. 5, Ch. 463, L. 1995.)"

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 3 (2) The purpose of ~~the centralized electronic bulletin board system~~ access systems is to encourage
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6 **Section 3.** Section 2-17-323, MCA, is amended to read:

7 **"2-17-323. Responsibilities.** (1) The department of administration shall:

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 19 electronic ~~bulletin board system~~ access systems."
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21 **Section 4.** Section 75-10-805, MCA, is amended to read:

22 **"75-10-805. State government source reduction and recycling program.** (1) In order to progress
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5 (2) The plan must be evaluated every 5 years and updated as necessary."

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7 **Section 5.** Section 87-1-272, MCA, is amended to read:

8 **"87-1-272. (Temporary) Future fisheries improvement program -- funding priority -- reports**
9 **required.** (1) In order to enhance future fisheries through natural reproduction, the department shall
10 establish and implement a statewide voluntary program that promotes fishery habitats and spawning areas
11 for the rivers, streams, and lakes of Montana's fisheries.

12 (2) The department shall by April 1, 1996, and thereafter when projects are suggested by the
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24 irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement
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3 (4) Funds expended under this section may be used only for projects for the protection of the
4 fisheries resource that have been identified by the review panel established in 87-1-273 and approved by
5 the commission and may not be used for the acquisition of any interest in land.

6 (5) (a) The department shall report to the commission on the progress of the future fisheries
7 improvement program every 12 months and post a copy of the report on ~~the~~ a state electronic bulletin
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9 (b) The department shall also present a detailed report to each regular session of the legislature on
10 the progress of the future fisheries improvement program. The legislative report must include the
11 department's program activities and expenses since the last report and the project schedules and
12 anticipated expenses for the ensuing 10 years' implementation of the future fisheries improvement program.

13 (c) In order to implement 87-1-273 and this section, the department may expend revenue from the
14 future fisheries improvement program for up to two additional full-time employees. (Terminates July 1,
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10 (a) IN COLLABORATION WITH OTHER STATE AGENCIES, set standards for the selection of
 11 software for the electronic ~~bulletin boards~~ access systems;

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- (2) internet world wide web servers; or
- (3) other computer or telecommunications systems."

Section 2. Section 2-17-322, MCA, is amended to read:

"2-17-322. **Establishment.** (1) The department of administration shall establish and maintain a ~~centralized electronic bulletin board system~~ appropriate electronic access systems for state agencies to use as a means of conveying information to the citizens of Montana. STATE AGENCIES MAY ESTABLISH ELECTRONIC ACCESS SYSTEMS THAT MEET MINIMUM TECHNICAL STANDARDS ESTABLISHED BY THE DEPARTMENT. Agencies involved in communicating information to the public shall ~~maintain~~ use these systems to provide appropriate information ~~on the bulletin board system~~ to the public, including but not limited to:

- (a) environmental assessments;
- (b) rulemaking notices;
- (c) board vacancy notices as required by 2-15-201;

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- 1 (d) agency reports mandated by statute;
 2 (e) parks reports required by 23-1-110;
 3 (f) requests for bids or proposals; and
 4 (g) public meeting notices and agendas.

5 (2) The purpose of ~~the centralized electronic bulletin board system~~ access systems is to encourage
 6 the practice of providing for direct citizen access to state computerized information."

7

8 **Section 3.** Section 2-17-323, MCA, is amended to read:

9 **"2-17-323. Responsibilities.** (1) The department of administration shall:

10 (a) IN COLLABORATION WITH OTHER STATE AGENCIES, set standards for the selection of
 11 software for the electronic ~~bulletin boards~~ access systems;

12 (b) establish appropriate services ~~on the centralized electronic bulletin board system~~ to support file
 13 ~~transfer by all state agencies~~ agencies' use of the electronic access systems;

14 (c) develop user-friendly file transfer and message systems for entities regularly interacting with
 15 state government, such as professional associations and citizen groups, and promote the systems' use to
 16 reduce copying and mailing costs for state government; and

17 (d) determine procedures for ~~bulletin board~~ use of the electronic access systems.

18 (2) The department shall provide security to protect the integrity of its electronic ~~bulletin board~~
 19 ~~system~~ access systems. Each department is responsible for ensuring the integrity and appropriateness of
 20 the information that it places in the ~~system~~ electronic access systems.

21 (3) The department shall provide for an equitable method for recovering the cost of operating the
 22 electronic ~~bulletin board system~~ access systems THAT THE DEPARTMENT PROVIDES."

23

24 **Section 4.** Section 75-10-805, MCA, is amended to read:

25 **"75-10-805. State government source reduction and recycling program.** (1) In order to progress
 26 toward achieving the waste reduction target identified in 75-10-803, each state agency, the legislature,
 27 and the university system shall:

28 (a) prepare a source reduction and recycling plan by January 1, 1992, to reduce the solid waste
 29 generated by state government. This plan must be submitted to the department and must include, at a
 30 minimum, provisions for the composting of yard wastes and the recycling of office and computer paper,

1 cardboard, used motor oil, and other materials produced by the state for which recycling markets exist or
2 may be developed.

3 (b) establish and implement a source reduction and recycling program by July 1, 1992; and

4 (c) apply computer technology to reduce the generation of waste paper through:

5 (i) the use of electronic ~~bulletin boards~~ access systems;

6 (ii) the transfer of information in electronic rather than paper form; and

7 (iii) other applications of computer technology.

8 (2) The plan must be evaluated every 5 years and updated as necessary."
9

10 **Section 5.** Section 87-1-272, MCA, is amended to read:

11 **"87-1-272. (Temporary) Future fisheries improvement program -- funding priority -- reports**
12 **required.** (1) In order to enhance future fisheries through natural reproduction, the department shall
13 establish and implement a statewide voluntary program that promotes fishery habitats and spawning areas
14 for the rivers, streams, and lakes of Montana's fisheries.

15 (2) The department shall by April 1, 1996, and thereafter when projects are suggested by the
16 future fisheries review panel, through a public hearing process and with the approval of the commission,
17 prioritize projects that have been recommended by the review panel to be funded. Emphasis must be given
18 to projects that enhance the historic habitat of native fish species. The department shall fund and implement
19 the program regarding the long-term enhancement of streams and streambanks, instream flows, water
20 leasing, lease or purchase of stored water, and other voluntary programs that deal with wild fish and
21 aquatic habitats. A project conducted under the future fisheries improvement program may not restrict or
22 interfere with the exercise of any water rights or property rights of the owners of streambeds and property
23 adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on
24 private property does not create any right of public access to the private property unless that right is
25 granted voluntarily by the property owner.

26 (3) The department shall work in cooperation with private landowners, conservation districts,
27 irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement
28 program. Any department employee who is employed under this section to facilitate contact with
29 landowners must have experience in commercial or irrigated agriculture. The department shall encourage
30 the use of volunteer labor and grants, matching grants, and private donations to accomplish program

1 purposes. The department may use contracted services:

2 (a) for negotiations with landowners, local officials, citizens, and others;

3 (b) for coordination with other agencies that may be involved in projects conducted under this
4 section; and

5 (c) to perform and supervise project work.

6 (4) Funds expended under this section may be used only for projects for the protection of the
7 fisheries resource that have been identified by the review panel established in 87-1-273 and approved by
8 the commission and may not be used for the acquisition of any interest in land.

9 (5) (a) The department shall report to the commission on the progress of the future fisheries
10 improvement program every 12 months and post a copy of the report on ~~the~~ a state electronic bulletin
11 board access system to ensure public access to the report.

12 (b) The department shall also present a detailed report to each regular session of the legislature on
13 the progress of the future fisheries improvement program. The legislative report must include the
14 department's program activities and expenses since the last report and the project schedules and
15 anticipated expenses for the ensuing 10 years' implementation of the future fisheries improvement program.

16 (c) In order to implement 87-1-273 and this section, the department may expend revenue from the
17 future fisheries improvement program for up to two additional full-time employees. (Terminates July 1,
18 2005--sec. 5, Ch. 463, L. 1995.)"

19

-END-