

HOUSE BILL NO. 100

INTRODUCED BY B. MERCER

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PUBLIC RECORD LAWS; ESTABLISHING REQUIREMENTS AND DEADLINES FOR PUBLIC AGENCIES THAT ARE NOT LOCAL GOVERNMENTS; GENERALLY REVISING FEES FOR PUBLIC INFORMATION REQUESTS; ESTABLISHING A 2-YEAR RETENTION PERIOD OF INFORMATION REQUESTS AND RESPONSES FOR PUBLIC AGENCIES THAT ARE NOT LOCAL GOVERNMENTS; ESTABLISHING THE FEES THAT A PUBLIC AGENCY MAY CHARGE WHEN RESPONDING TO PUBLIC INFORMATION REQUESTS; ALLOWING A PERSON TO FILE AN ACTION IN DISTRICT COURT IF A PUBLIC AGENCY THAT IS NOT A LOCAL GOVERNMENT FAILS TO MEET THE RESPONSE DEADLINE; AMENDING SECTIONS 2-6-1006 AND 2-6-1009, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

WHEREAS, the right to know is a fundamental right; and

WHEREAS, consistent application of the right to know in the branches of state government is in the public interest; and

WHEREAS, access to public information is essential to participation in the activities of state government; and

WHEREAS, in the absence of standards of general application, the agencies and branches of state government have each developed their own procedures and fees for obtaining access to public information; and

WHEREAS, inconsistency and unpredictability lead to uncertainty on the part of individuals seeking access to public information; and

WHEREAS, such uncertainty may discourage people from exercising the right to know; and

WHEREAS, providing consistent standards for handling public information requests across the agencies and branches of state government and setting reasonable limits on the fees charged to individuals requesting public information ensure people will know what to expect.