

Unofficial Draft Copy

As of: June 28, 2018 (4:13pm)

LCw007

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act creating an exception to allow the Department of Natural Resources and Conservation to compile a distribution list that includes contact information for water right holders to be used by the Department of Fish, Wildlife, and Parks; and amending section 2-6-1017, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-6-1017, MCA, is amended to read:

"2-6-1017. Prohibition on dissemination or use of distribution lists -- exceptions -- penalties. (1) Except as provided in subsections (3) through ~~(10)~~(11), to protect the privacy of those who deal with state and local government:

(a) a public agency may not distribute or sell a distribution list without first securing the permission of those on the list; and

(b) a list of persons prepared by a public agency may not be used as a distribution list without first securing the permission of those on the list except by that agency.

(2) As used in this section, "distribution list" means any list of personal contact information collected by a public agency and used to facilitate unsolicited contact with individuals on the distribution list.

Unofficial Draft Copy

As of: June 28, 2018 (4:13pm)

LCw007

(3) This section does not prevent an individual from compiling a distribution list by examination of records that are otherwise open to public inspection.

(4) This section does not apply to the lists of:

(a) registered electors and the new voter lists provided for in 13-2-115;

(b) the names of employees governed by Title 39, chapter 31;

(c) persons holding driver's licenses or Montana identification cards provided for under 61-5-127;

(d) persons holding professional or occupational licenses governed by Title 23, chapter 3; Title 37, chapters 1 through 4, 6 through 20, 22 through 29, 31, 34 through 36, 40, 47, 48, 50, 51, 53, 54, 60, 65 through 69, 72, and 73; and Title 50, chapters 39, 72, 74, and 76; or

(e) persons certified as claims examiners under 39-71-320.

(5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing education courses subject to state law or subject to Title 33, chapter 17.

(6) This section does not apply to the right of access by Montana law enforcement agencies.

(7) This section does not apply to the secretary of state's electronic filing system developed pursuant to 2-15-404 and containing corporate and uniform commercial code information.

(8) This section does not apply to the use by the public employees' retirement board of a list of board-administered retirement system participants to send materials on behalf of a

Unofficial Draft Copy

As of: June 28, 2018 (4:13pm)

LCw007

retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the list is not released to the organization.

(9) This section does not apply to lists of individuals who sign attendance sheets or sign-in sheets at a hearing or meeting of a public agency.

(10) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.

(11) This section does not apply to water right holder distribution lists compiled by the department of natural resource and conservation to be distributed to the department of fish, wildlife, and parks to facilitate duties governed by Title 87, chapter 5.

~~(11)~~(12) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor."

{*Internal References to 2-6-1017:*
7-11-1007[x] 19-2-403[x] 30-17-101[x]}

- END -

{Name : Erin A. Bills
Title : Legal Staff
Agency: Legislative Services Division
Phone : (406) 444-3804
E-Mail: erin.bills@mt.gov}