

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY TO PROVIDE A DISTRIBUTION LIST TO  
5 A COUNTY WATER AND/OR SEWER DISTRICT TO NOTIFY PROPERTY OWNERS OF A PUBLIC  
6 HEARING; ALLOWING A COUNTY TO CHARGE A FEE FOR THE DISTRIBUTION LIST; AND AMENDING  
7 SECTIONS 2-6-1017 AND 7-13-2275, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 2-6-1017, MCA, is amended to read:

12 **"2-6-1017. Prohibition on dissemination or use of distribution lists -- exceptions -- penalties. (1)**

13 Except as provided in subsections (3) through (10), to protect the privacy of those who deal with state and local  
14 government:

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

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

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

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

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

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

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

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

27 (d) persons holding professional or occupational licenses governed by Title 37, chapters 1 through 4,  
28 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

1 Title 50, chapters 39, 72, 74, and 76;

2 (e) persons who own property in a county water and/or sewer district provided for in 7-13-2275(4)(d);

3 or

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

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

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

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

10 (8) This section does not apply to the use by the public employees' retirement board of a list of board-  
11 administered retirement system participants to send materials on behalf of a retiree organization formed for  
12 board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the  
13 Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the list is not  
14 released to the organization.

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

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

20 (11) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor."  
21

22 **Section 2.** Section 7-13-2275, MCA, is amended to read:

23 **"7-13-2275. Procedure relating to ordinances and resolutions -- rates, fees, and charges**

24 **established.** (1) The ayes and noes must be taken upon the passage of all ordinances or resolutions and  
25 entered upon the journal of the proceedings of the board of directors. An ordinance or resolution may not be  
26 passed or become effective without the affirmative votes of at least a majority of the total members of the  
27 board.

28 (2) The enacting clause of all ordinances passed by the board must be in these words: "Be it ordained

1 by the board of directors of \_\_\_\_\_ district as follows:"

2 (3) All resolutions and ordinances must be signed by the president of the board and attested by the  
3 secretary.

4 (4) (a) Except as provided in subsections (5) and (6), prior to the passage or enactment of an  
5 ordinance or resolution imposing, establishing, changing, or increasing rates, fees, or charges for services or  
6 facilities, the board shall order a public hearing.

7 (b) Notice of the public hearing must be published as provided in 7-1-2121. The published notice must  
8 contain:

9 (i) the date, time, and place of the hearing;

10 (ii) a brief statement of the proposed action; and

11 (iii) the address and telephone number of a person who may be contacted for further information  
12 regarding the hearing.

13 (c) The notice must also be mailed to all persons who own property in the district and to all customers  
14 of the district at least 7 days and not more than 30 days prior to the public hearing. The mailed notice must  
15 contain an estimate of the amount that the property owner or customer will be charged under the proposed  
16 ordinance or resolution.

17 (d) The county or counties with territory included in the district shall provide to the district a list that  
18 includes the addresses of all persons who own property in the district pursuant to the notice requirements  
19 provided in subsection (4)(c). The county or counties may assess the district a fee not to exceed a total of \$50  
20 for the development and distribution of the list provided for in this subsection (4)(d).

21 ~~(d)~~(e) Any interested person, corporation, or company may be present, represented by counsel, and  
22 testify at the hearing.

23 ~~(e)~~(f) The hearing may be continued by the board as necessary. After the public hearing, the board  
24 may, by resolution, impose, establish, change, or increase rates, fees, or charges.

25 (5) A public hearing is not required for a cumulative rate increase of less than or equal to 5% within a  
26 12-month period if the board provides notification of the increase to persons within the district on whom the rate  
27 will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing  
28 the increase.

1 (6) (a) If the establishment of or change in rates, fees, or charges proposed by a regional authority  
2 requires the authority to hold a public hearing pursuant to 75-6-326 and requires an increase to the rates, fees,  
3 or charges imposed by the district greater than the increase provided in subsection (5) of this section, the board  
4 shall:

5 (i) mail notice of the public hearing to be held by the authority to all customers of the district system at  
6 least 15 days prior to the public hearing; and

7 (ii) provide notification of the change to customers of the district system on whom the increased rates,  
8 fees, or charges will be imposed at least 10 days prior to the passage or enactment of the ordinance or  
9 resolution implementing the increase.

10 (b) The district is not required to hold a public hearing on the increase."

11 - END -