

SENATE BILL NO. 46

INTRODUCED BY J. COHENOUR

BY REQUEST OF THE WATER POLICY INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PUBLIC AGENCIES TO USE DISTRIBUTION LISTS; AND AMENDING SECTIONS 2-6-1017 AND 30-17-101, 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), 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 except by the public agency or another public agency 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.

(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.



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

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

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

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

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

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

15 (11) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor."
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17 **Section 2.** Section 30-17-101, MCA, is amended to read:

18 **"30-17-101. Electronic directory of Montana products.** (1) (a) The department of commerce shall
19 provide an electronic directory on the internet of Montana businesses that market products qualifying as made
20 in Montana or grown in Montana, as described in subsection (5).

21 (b) The department may make a decision on the appropriateness of listing a business on the electronic
22 directory based upon the content or use of the products offered by the business.

23 (2) (a) The electronic directory may be compiled from eligible businesses that have contacted the
24 department of commerce and that have agreed to be listed electronically on the internet. Agreement by a
25 company also means that the company grants permission for inclusion on a distribution list pursuant to
26 ~~2-6-1017(1)~~ 2-6-1017.

27 (b) The department of commerce is not responsible for listing a company if that company has not
28 contacted the department, has not agreed to a listing pursuant to subsection (2), or does not qualify as having
29 products made in Montana or grown in Montana.

30 (3) The electronic directory may contain information allowing a potential customer to access directly a

1 business listed in the directory by telephone, mail, or electronic links if the business works with the department
2 of commerce to facilitate and maintain direct access.

3 (4) The department of commerce may not process orders for a business listed in the electronic directory
4 and is not responsible for handling customer questions or complaints on behalf of a business listed in the
5 electronic directory.

6 (5) For the purposes of this section, a product is considered made in Montana or grown in Montana if
7 the product has 50% or greater value-added within the state.

8 (6) For the purposes of this section, "value-added" means a finished product that has been created,
9 made, produced, or enhanced in Montana by Montana residents resulting in a 50% or greater value-added
10 product."

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