

HOUSE BILL 443

Introduced by Bradley, et al.

1/29	Introduced
1/29	Referred to Fish & Game
1/30	First Reading
1/30	Fiscal Note Requested
2/04	Fiscal Note Received
2/04	Fiscal Note Printed
2/05	Hearing
2/05	Tabled in Committee

1 House BILL NO. 443  
 2 INTRODUCED BY Bradley Wilson HARP Walker  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO SELL MAILING  
 6 LISTS; AMENDING SECTIONS 2-6-109 AND 87-1-601, MCA; AND  
 7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8  
 9 STATEMENT OF INTENT

10 A statement of intent is required for this bill because  
 11 [section 1] grants the department of fish, wildlife, and  
 12 parks the authority to adopt rules to administer the sale of  
 13 department mailing lists. At a minimum, it is intended that  
 14 the rules address the proper administration, distribution,  
 15 and sale of department mailing lists and procedures for the  
 16 collection of revenue from sale of the lists. The department  
 17 may adopt rules for the competitive selection of an agent to  
 18 sell or broker lists for the department.

19  
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 NEW SECTION. Section 1. Sale of mailing lists  
 22 authorized -- rules. (1) Lists of license purchasers, permit  
 23 applicants, and magazine subscribers that are compiled and  
 24 maintained by the department are excluded from the  
 25 application of 2-6-109, and the department is authorized to

1 distribute or sell those lists.

2 (2) The department has authority to adopt rules for the  
 3 administration, distribution, and sale of the lists  
 4 described in subsection (1) and for the competitive  
 5 selection of an agent to distribute and sell the lists  
 6 described in subsection (1).

7 **Section 2.** Section 87-1-601, MCA, is amended to read:

8 **"87-1-601. Use of fish and game money.** (1) All money  
 9 collected or received from the sale of hunting and fishing  
 10 licenses or permits, from the sale of seized game or hides,  
 11 or from damages collected for violations of the fish and  
 12 game laws of this state, from appropriations, from the sale  
 13 of mailing lists, or received by the department from any  
 14 other state source shall be turned over to the state  
 15 treasurer and placed by him in the state special revenue  
 16 fund to the credit of the department. Any money received  
 17 from federal sources shall be deposited in the federal  
 18 special revenue fund to the credit of the department.

19 (2) That money shall be exclusively set apart and made  
 20 available for the payment of all salaries, per diem, fees,  
 21 expenses, and expenditures authorized to be made by the  
 22 department under the terms of this title. That money shall  
 23 be spent for those purposes by the department, subject to  
 24 appropriation by the legislature.

25 (3) Any reference to the fish and game fund in this

1 code means fish and game money in the state special revenue  
2 fund and the federal special revenue fund.

3 (4) All money collected or received from fines and  
4 forfeited bonds, except money collected or received by a  
5 justice's court, relating to violations of state fish and  
6 game laws under Title 87 shall be deposited by the state  
7 treasurer and credited to the department of fish, wildlife,  
8 and parks in a state special revenue fund account for this  
9 purpose. Out of any fine imposed by a court for the  
10 violation of the fish and game laws, the costs of  
11 prosecution shall be paid to the county where the trial was  
12 held in any case where the fine is not imposed in addition  
13 to the costs of prosecution.

14 (5) Money received by the department from the sale of  
15 surplus real property; exploration or development of oil,  
16 gas, or mineral deposits from lands acquired by the  
17 department except royalties or other compensation based on  
18 production; and from leases of interests in department real  
19 property not contemplated at the time of acquisition shall  
20 be deposited in an account within the nonexpendable trust  
21 fund of the state treasury. The interest derived therefrom,  
22 but not the principal, may be used only for the purpose of  
23 operation, development, and maintenance of real property of  
24 the department, and only upon appropriation by the  
25 legislature. If the use of money as set forth herein would

1 result in violation of applicable federal laws or state  
2 statutes specifically naming the department or money  
3 received by the department, then the use of this money must  
4 be limited in the manner, method, and amount to those uses  
5 that do not result in such violation."

6 **Section 3.** Section 2-6-109, MCA, is amended to read:

7 "2-6-109. Prohibition on distribution or sale of  
8 mailing lists -- exceptions -- penalty. (1) Except as  
9 provided in subsections (3)~~)-(4)~~~~)-(5)~~~~)-and-(6)~~ through (7),  
10 in order to protect the privacy of those who deal with state  
11 and local government:

12 (a) no agency may distribute or sell for use as a  
13 mailing list any list of persons without first securing the  
14 permission of those on the list; and

15 (b) no list of persons prepared by the agency may be  
16 used as a mailing list except by the agency or another  
17 agency without first securing the permission of those on the  
18 list.

19 (2) As used in this section, "agency" means any board,  
20 bureau, commission, department, division, authority, or  
21 officer of the state or a local government.

22 (3) Except as provided in 30-9-403, this section does  
23 not prevent an individual from compiling a mailing list by  
24 examination of original documents or applications which are  
25 otherwise open to public inspection.

1 (4) This section does not apply to the lists of  
2 registered electors and the new voter lists provided for in  
3 13-2-115 and 13-38-103, to lists of the names of employees  
4 governed by Title 39, chapter 31, or to lists of persons  
5 holding driver's licenses provided for under 61-5-126.

6 (5) This section shall not prevent an agency from  
7 providing a list to persons providing prelicensing or  
8 continuing educational courses subject to Title 20, chapter  
9 30, or specifically exempted therefrom as provided in  
10 20-30-102.

11 (6) This section does not apply to the right of access  
12 either by Montana law enforcement agencies or, by purchase  
13 or otherwise, of public records dealing with motor vehicle  
14 registration.

15 (7) This section does not apply to the lists described  
16 in [section 1].

17 ~~(7)~~(8) A person violating the provisions of subsection  
18 (1)(b) is guilty of a misdemeanor."

19 NEW SECTION. Section 4. Codification instruction.  
20 [Section 1] is intended to be codified as an integral part  
21 of Title 87, and the provisions of Title 87 apply to  
22 [section 1].

23 NEW SECTION. Section 5. Effective date. [This act] is  
24 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0443, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill authorizes the Department of Fish, Wildlife and Parks to sell mailing lists. Lists of license purchasers, permit applicants and magazine subscribers which are compiled and maintained by the department can be sold if the proposed bill is enacted.

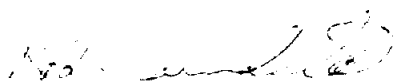
ASSUMPTIONS:

1. The market value of the department lists is \$60 per 1,000 names.
2. The department lists contain approximately 155,000 names.
3. The department anticipates selling its complete list three times per year. This estimate is based upon the past interest shown in the license list.
4. Department expenditures (computer and label costs) will be approximately \$1,600 per year.

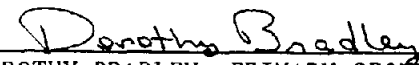
FISCAL IMPACT:

Department of Fish, Wildlife, and Parks:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	0	1,600	1,600	0	1,600	1,600
<u>Funding:</u>						
General License Acct. (02)	0	1,600	1,600	0	1,600	1,600
<u>Revenues:</u>						
General License Acct. (02)	0	27,900	27,900	0	27,900	27,900

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR  
Office of Budget and Program Planning

2-2-91  
DATE

  
\_\_\_\_\_  
DOROTHY BRADLEY, PRIMARY SPONSOR

2-4-91  
DATE

Fiscal Note for HB0443, as introduced

**HB 443**