

CHAPTER NO. 606

SENATE BILL NO. 170

INTRODUCED BY RASMUSSEN, B. BROWN

IN THE SENATE

January 19, 1979	Introduced and referred to Committee on Judiciary.
January 23, 1979	Rereferred to Committee on State Administration.
February 12, 1979	Committee recommend bill do pass as amended. Report adopted.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on State Administration.
March 2, 1979	Committee recommend bill be not concurred in. Report adopted.
March 3, 1979	Objection raised to adverse committee report. Bill placed on second reading.
March 6, 1979	Second reading, pass consideration as amended.
March 7, 1979	On motion taken from second reading and referred to Committee on State Administration.
March 21, 1979	On motion taken from Committee on State Administration and referred to second reading.
March 22, 1979	Second reading, concurred in as amended.

March 26, 1979 Third reading, concurred in
as amended.

IN THE SENATE

March 27, 1979 Returned from second house.
Concurred in as amended.

March 29, 1979 Second reading, amendments
rejected.

On motion Joint Conference
Committee requested.

March 30, 1979 Joint Conference Committee appointed.

April 5, 1979 Joint Conference Committee
dissolved.

On motion Free Joint Conference
Committee requested.

Free Joint Conference
Committee appointed.

April 11, 1979 Free Joint Conference
Committee reported.

April 12, 1979 Second reading, adopted.

April 13, 1979 On motion taken from third
reading and rereferred to
Free Joint Conference Committee.
Motion adopted.

Report rejected by second
house.

House rejects Senate amendment.
On motion New Free Joint Conference
Committee requested and appointed.

April 17, 1979 New Free Joint Conference Committee
reported.

April 18, 1979

On motion New Free Joint
Conference Committee report adopted.

On motion rules suspended. Bill
placed on Calendar for third
reading this day.

On roll call New Free Joint
Conference Committee report adopted.

House rejected Report #2.

April 19, 1979

House rejects Free Joint Conference
Committee Report #2. On motion
New New Free Joint Conference
Committee requested and appointed.

April 20, 1979

Free Joint Conference Committee
Report #3 reported. On motion rules
suspended. Bill referred to
second reading for consideration
this day.

On motion Free Joint Conference
Committee report adopted.

On motion taken from third reading
and referred to second reading.

Passed consideration.

On motion Free Joint Conference
Committee report adopted.

On roll call Free Joint Conference
Committee report adopted.

Report #3 adopted by House.

Previous House action reconsidered
and Free Joint Conference Committee
Report #3 placed on second reading.

Second reading, adopted.

Third reading, adopted.

Sent to enrolling.

Reported correctly enrolled.

1 Senete BILL NO. 170
 2 INTRODUCED BY Rasmussen, Bob Brown

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE USE OF
 5 LISTS OF PERSONS COMPILED BY STATE AND LOCAL AGENCIES AS
 6 MAILING LISTS BY PRIVATE PARTIES; PROVIDING A PENALTY."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Prohibition on distribution or sale of
 10 mailing lists -- penalty. (1) Except as provided in
 11 subsection (3), in order to protect the privacy of those who
 12 deal with state and local government:

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

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

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

23 (3) This section does not prevent an individual from
 24 compiling a mailing list by examination of original
 25 documents or applications which are otherwise open to public

1 inspection. This section does not apply to the list of
 2 potential new voters provided for in 13-38-103.

3 (4) A person violating the provisions of subsection
 4 (1)(b) is guilty of a misdemeanor.

-End-

Approved by Committee
on State Administration

SENATE BILL NO. 170

INTRODUCED BY RASMUSSEN, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE USE OF
LISTS OF PERSONS COMPILED BY STATE AND LOCAL AGENCIES AS
MAILING LISTS BY PRIVATE PARTIES; PROVIDING A PENALTY."

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

Section 1. Prohibition on distribution or sale of
mailing lists -- penalty. (1) Except as provided in
subsection SUBSECTIONS (3), (4), (5), AND (6), in order to
protect the privacy of those who deal with state and local
government:

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

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

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

(3) This section does not prevent an individual from
compiling a mailing list by examination of original

documents or applications which are otherwise open to public
inspection. ~~This section does not apply to the list of
potential new voters provided for in 13-38-103.~~

~~(4) THIS SECTION DOES NOT APPLY TO THE LIST OF
POTENTIAL NEW VOTERS PROVIDED FOR IN 13-2-115 AND 13-38-103.~~

~~(5) THIS SECTION SHALL NOT PREVENT AN AGENCY FROM
PROVIDING A LIST TO PERSONS PROVIDING PRELICENSING OR
CONTINUING EDUCATIONAL COURSES SUBJECT TO TITLE 20, CHAPTER
30, MCA.~~

~~(6) THIS SECTION DOES NOT APPLY TO THE RIGHT OF ACCESS
BY MONTANA LAW ENFORCEMENT AGENCIES OR BY PURCHASE OR
OTHERWISE OF PUBLIC RECORDS DEALING WITH MOTOR VEHICLE
REGISTRATION.~~

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

-End-

SENATE BILL NO. 170

INTRODUCED BY RASMUSSEN, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE USE OF LISTS OF PERSONS COMPILED BY STATE AND LOCAL AGENCIES AS MAILING LISTS BY PRIVATE PARTIES; PROVIDING A PENALTY."

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

Section 1. Prohibition on distribution or sale of mailing lists -- penalty. (1) Except as provided in subsection SUBSECTIONS (3), (4), (5), AND (6), in order to protect the privacy of those who deal with state and local government:

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

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

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

(3) This section does not prevent an individual from compiling a mailing list by examination of original

documents or applications which are otherwise open to public inspection. ~~This section does not apply to the list of potential new voters provided for in 13-38-103.~~

(4) THIS SECTION DOES NOT APPLY TO THE LIST OF POTENTIAL NEW VOTERS PROVIDED FOR IN 13-2-115 AND 13-38-103.

(5) THIS SECTION SHALL NOT PREVENT AN AGENCY FROM PROVIDING A LIST TO PERSONS PROVIDING PRELICENSING OR CONTINUING EDUCATIONAL COURSES SUBJECT TO TITLE 20, CHAPTER 30, MCA.

(6) THIS SECTION DOES NOT APPLY TO THE RIGHT OF ACCESS BY MONTANA LAW ENFORCEMENT AGENCIES OR, BY PURCHASE OR OTHERWISE, OF PUBLIC RECORDS DEALING WITH MOTOR VEHICLE REGISTRATION.

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

-End-

1 SENATE BILL NO. 170

2 INTRODUCED BY RASMUSSEN, B. BROWN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE USE OF
5 LISTS OF PERSONS COMPILED BY STATE AND LOCAL AGENCIES AS
6 MAILING LISTS BY PRIVATE PARTIES; PROVIDING A PENALTY."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Prohibition on distribution or sale of
10 mailing lists -- penalty. (1) Except as provided in
11 subsection SUBSECTIONS (3), (4), (5), AND (6), in order to
12 protect the privacy of those who deal with state and local
13 government:

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

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

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

24 (3) This section does not prevent an individual from
25 compiling a mailing list by examination of original

1 documents or applications which are otherwise open to public
2 inspection. ~~This section does not apply to the list of
3 potential new voters provided for in 13-38-103.~~

4 ~~(4) THIS SECTION DOES NOT APPLY TO THE LIST OF
5 POTENTIAL NEW VOTERS OR LABOR ORGANIZATIONS PURSUANT TO THE
6 COLLECTIVE BARGAINING ACT PROVIDED FOR IN 13-2-115 AND
7 13-38-103. THIS SECTION DOES NOT APPLY TO THE LISTS OF
8 REGISTERED ELECTORS AND THE NEW-VOTER LISTS PROVIDED FOR IN
9 13-2-115 AND 13-38-103.~~

10 ~~(5) THIS SECTION SHALL NOT PREVENT AN AGENCY FROM
11 PROVIDING A LIST TO PERSONS PROVIDING PRELICENSING OR
12 CONTINUING EDUCATIONAL COURSES SUBJECT TO TITLE 20, CHAPTER
13 30, MCA, OR SPECIFICALLY EXEMPTED THEREFROM AS PROVIDED IN
14 20-30-102.~~

15 ~~(6) THIS SECTION DOES NOT APPLY TO THE RIGHT OF ACCESS
16 EITHER BY MONTANA LAW ENFORCEMENT AGENCIES OR BY PURCHASE
17 OR OTHERWISE OF PUBLIC RECORDS DEALING WITH MOTOR VEHICLE
18 REGISTRATION. THIS SECTION DOES NOT APPLY TO THE RIGHT OF
19 ACCESS BY MONTANA LAW ENFORCEMENT AGENCIES TO PUBLIC RECORDS
20 DEALING WITH MOTOR VEHICLE REGISTRATION.~~

21 ~~(4)(7) A person violating the provisions of subsection
22 (1)(b) is guilty of a misdemeanor.~~

-End-

1 SENATE BILL NO. 170
 2 INTRODUCED BY RASMUSSEN, B. BROWN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE USE OF
 5 LISTS OF PERSONS COMPILED BY STATE AND LOCAL AGENCIES AS
 6 MAILING LISTS BY PRIVATE PARTIES; PROVIDING A PENALTY."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Prohibition on distribution or sale of
 10 mailing lists -- penalty. (1) Except as provided in
 11 subsection ~~SUBSECTIONS~~ (3), ~~(4)~~, ~~(5)~~, AND ~~(6)~~, in order to
 12 protect the privacy of those who deal with state and local
 13 government:

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

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

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

24 (3) This section does not prevent an individual from
 25 compiling a mailing list by examination of original

1 documents or applications which are otherwise open to public
 2 inspection. ~~This section does not apply to the list of~~
 3 ~~potential new voters provided for in 13-38-103.~~

4 ~~(4) THIS SECTION DOES NOT APPLY TO THE LIST OF~~
 5 ~~POTENTIAL NEW VOTERS OR LABOR ORGANIZATIONS PURSUANT TO THE~~
 6 ~~COLLECTIVE BARGAINING ACT PROVIDED FOR IN 13-2-115 AND~~
 7 ~~13-38-103. THIS SECTION DOES NOT APPLY TO THE LISTS OF~~
 8 ~~REGISTERED ELECTORS AND THE NEW VOTER LISTS PROVIDED FOR IN~~
 9 ~~13-2-115 AND 13-38-103. THIS SECTION DOES NOT APPLY TO THE~~
 10 ~~LISTS OF REGISTERED ELECTORS AND THE NEW VOTER LISTS~~
 11 ~~PROVIDED FOR IN 13-2-115 AND 13-38-103, OR TO LISTS OF THE~~
 12 ~~NAMES OF EMPLOYEES GOVERNED BY TITLE 39, CHAPTER 31, MCA.~~

13 ~~(5) THIS SECTION SHALL NOT PREVENT AN AGENCY FROM~~
 14 ~~PROVIDING A LIST TO PERSONS PROVIDING PRELICENSING OR~~
 15 ~~CONTINUING EDUCATIONAL COURSES SUBJECT TO TITLE 20, CHAPTER~~
 16 ~~30, MCA, OR SPECIFICALLY EXEMPTED THEREFROM AS PROVIDED IN~~
 17 ~~20-30-102.~~

18 ~~(6) THIS SECTION DOES NOT APPLY TO THE RIGHT OF ACCESS~~
 19 ~~EITHER BY MONTANA LAW ENFORCEMENT AGENCIES OR BY PURCHASE~~
 20 ~~OR OTHERWISE OF PUBLIC RECORDS DEALING WITH MOTOR VEHICLE~~
 21 ~~REGISTRATION. THIS SECTION DOES NOT APPLY TO THE RIGHT OF~~
 22 ~~ACCESS BY MONTANA LAW ENFORCEMENT AGENCIES TO PUBLIC RECORDS~~
 23 ~~DEALING WITH MOTOR VEHICLE REGISTRATION. THIS SECTION DOES~~
 24 ~~NOT APPLY TO THE RIGHT OF ACCESS EITHER BY MONTANA LAW~~
 25 ~~ENFORCEMENT AGENCIES OR, BY PURCHASE OR OTHERWISE, OF PUBLIC~~

SB 0170/04

- 1 RECORDS DEALING WITH MOTOR VEHICLE REGISTRATION.
- 2 ††(Z) A person violating the provisions of subsection
- 3 (1)(b) is guilty of a misdemeanor.

-End-

HOUSE OF REPRESENTATIVES
March 5, 1979

Committee of the Whole Amendments to Senate Bill No. 170, third reading copy, as follows:

1. Page 2, line 5.
Following: "VOTERS"
Insert: "or labor organizations pursuant to the collective bargaining act"

2. Page 2, line 10.
Following: "ACCESS"
Insert: "either"

AND AS AMENDED
BE CONCURRED IN

HOUSE OF REPRESENTATIVES
March 7, 1979

Committee of the Whole Amendments to Senate Bill No. 170, third reading copy, as follows:

1. Page 2, lines 4 and 5.

Following: "(4)"

Strike: remainder of lines 4 and 5 in their entirety

Insert: "This section does not apply to the lists of registered electors and the new-voter lists provided for in 13-2-115 and 13-38-103."

2. Page 2, line 9.

Following: "MCA"

Insert: ", or specifically exempted therefrom as provided in 20-30-102"

3. Page 2, lines 10 through 13.

Following: "(6)"

Strike: remainder of lines 10 through 13 in their entirety

Insert: "This section does not apply to the right of access by Montana law enforcement agencies to public records dealing with motor vehicle registration."

AND AS AMENDED
BE CONCURRED IN