

HOUSE BILL 187

Introduced by Ream, et al.

1/14	Introduced
1/16	Referred to Fish & Game
1/17	Fiscal Note Requested
1/19	Hearing
1/23	Fiscal Note Received
1/25	Committee Report--Bill Not Passed
1/26	Adverse Committee Report Adopted
1/29	Fiscal Note Printed

1 HOUSE BILL NO. 187
2 INTRODUCED BY Ream Hager
3 BY REQUEST OF THE DEPARTMENT OF FISH,
4 WILDLIFE, AND PARKS

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

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Sale of mailing lists
13 authorized -- rules. (1) Lists of license purchasers, permit
14 applicants, and magazine subscribers compiled and maintained
15 by the department are excluded from the application of
16 2-6-109, and the department is authorized to distribute or
17 sell those lists.

18 (2) The department has authority to adopt rules for
19 the administration, distribution, and sale of the lists
20 described in subsection (1).

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

22 "87-1-601. Use of fish and game money. (1) All money
23 collected or received from the sale of hunting and fishing
24 licenses or permits, from the sale of seized game or hides,
25 or from damages collected for violations of the fish and

1 game laws of this state, from appropriations, from the sale
2 of mailing lists, or received by the department from any
3 other state source shall be turned over to the state
4 treasurer and placed by him in the state special revenue
5 fund to the credit of the department. Any money received
6 from federal sources shall be deposited in the federal
7 special revenue fund to the credit of the department.

8 (2) That money shall be exclusively set apart and made
9 available for the payment of all salaries, per diem, fees,
10 expenses, and expenditures authorized to be made by the
11 department under the terms of this title. That money shall
12 be spent for those purposes by the department, subject to
13 appropriation by the legislature.

14 (3) Any reference to the fish and game fund in this
15 code means fish and game money in the state special revenue
16 fund and the federal special revenue fund.

17 (4) All money collected or received from fines and
18 forfeited bonds, except money collected or received by a
19 justice's court, relating to violations of state fish and
20 game laws under Title 87 shall be deposited by the state
21 treasurer and credited to the department of fish, wildlife,
22 and parks in a state special revenue fund account for this
23 purpose. Out of any fine imposed by a court for the
24 violation of the fish and game laws, the costs of
25 prosecution shall be paid to the county where the trial was

held in any case where the fine is not imposed in addition to the costs of prosecution.

(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department except royalties or other compensation based on production; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in an account within the nonexpendable trust fund of the state treasury. The interest derived therefrom, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department, and only upon appropriation by the legislature. If the use of money as set forth herein would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

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

"2-6-109. Prohibition on distribution or sale of mailing lists -- penalty. (1) Except as provided in subsections (3), ~~(4)~~, ~~(5)~~, and ~~(6)~~, through (7), 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) Except as provided in 30-9-403, 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.

(4) 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, or to lists of the names of employees governed by Title 39, chapter 31.

(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, or specifically exempted therefrom as provided in 20-30-102.

(6) This section does not apply to the right of access either by Montana law enforcement agencies or, by purchase

1 or otherwise, of public records dealing with motor vehicle
2 registration.

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

5 ~~{7}~~(8) A person violating the provisions of subsection
6 (1)(b) is guilty of a misdemeanor."

7 NEW SECTION. Section 4. Codification instruction.
8 [Section 1] is intended to be codified as an integral part
9 of Title 87, and the provisions of Title 87 apply to
10 [section 1].

11 NEW SECTION. Section 5. Extension of authority. Any
12 existing authority to make rules on the subject of the
13 provisions of [this act] is extended to the provisions of
14 [this act].

15 NEW SECTION. Section 6. Effective date. [This act] is
16 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 HB187, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The legislation would authorize the Department of Fish, Wildlife and Parks to sell mailing lists.

ASSUMPTIONS:

1. The market value of the department's lists is \$60 per 1,000 names.
2. The department's lists contain approximately 150,000 names (30,000 Montana Outdoors subscribers and 120,000 license buyers).
3. The department anticipates selling its complete list three times per year. This estimate is based upon the past interest shown in our license buyers list.
4. Costs to the department (computer and label costs) would be an estimated \$1,500 per year.

FISCAL IMPACT:

	<u>FY90</u>			<u>FY91</u>		
	<u>Current</u>	<u>Proposed</u>		<u>Current</u>	<u>Proposed</u>	
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Operating Expenses	\$ -0-	\$ 1,500	\$ 1,500	\$ -0-	\$ 1,500	\$ 1,500
<u>Funding:</u>						
State Special						
Revenue	-0-	1,500	1,500	-0-	1,500	\$ 1,500
<u>Revenue:</u>						
State Special						
Revenue						
License Account	\$ -0-	\$27,000	\$27,000	\$ -0-	\$27,000	\$27,000
Net Increase	\$ -0-	\$25,500	\$25,500	\$ -0-	\$25,500	\$25,500
License Account						

Ray Shackelford 1/23/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Bob Ream 1/24/89
 BOB REAM, PRIMARY SPONSOR DATE

Fiscal Note for HB187, as introduced

HB 187