

SENATE BILL NO. 401
INTRODUCED BY MAZUREK

IN THE SENATE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 49; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 14, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 15, 1989	SECOND READING, CONCURRED IN.
MARCH 16, 1989	THIRD READING, CONCURRED IN. AYES, 93; NOES, 1.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1989	RECEIVED FROM HOUSE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 401
2 INTRODUCED BY *Margul*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GIVING THE BOARD OF
5 REGENTS ACCESS TO GOVERNMENT RECORDS THAT WOULD ASSIST IT IN
6 COLLECTING DEFAULTED STUDENT LOANS UNDER THE MONTANA
7 GUARANTEED STUDENT LOAN PROGRAM."
8

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

10 NEW SECTION. Section 1. Access to governmental
11 records. The board may request from any state or local
12 government agency or officer information that would aid in
13 the collection of delinquent student loans. All state and
14 local government officials and employees shall cooperate
15 with the board in supplying the information and shall on
16 request supply the board with any relevant information
17 regarding the location, income, or property of the debtor.
18 The board shall use the information only for purposes
19 related to the collection of student loans or other
20 educational debts.

21 NEW SECTION. Section 2. Codification instruction.
22 [Section 1] is intended to be codified as an integral part
23 of Title 20, chapter 26, part 11, and the provisions of
24 Title 20, chapter 26, part 11, apply to [section 1].

-End-

INTRODUCED BILL
SB 401

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 401

INTRODUCED BY MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT GIVING THE BOARD OF REGENTS ACCESS TO GOVERNMENT RECORDS THAT WOULD ASSIST IT IN COLLECTING DEFAULTED STUDENT LOANS UNDER THE MONTANA GUARANTEED STUDENT LOAN PROGRAM; AND AMENDING SECTION 15-30-303, MCA."

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

NEW SECTION. Section 1. Access to governmental records. The board may request from any state or local government agency or officer information that would aid in the collection of delinquent student loans. All state and local government officials and employees shall cooperate with the board in supplying the information and shall on request supply the board with any relevant information regarding the location, ~~income, or property~~ of the debtor. The board shall use the information only for purposes related to the collection of student loans or other educational debts.

SECTION 2. SECTION 15-30-303, MCA, IS AMENDED TO READ:

"15-30-303. Confidentiality of tax records. (1) Except in accordance with proper judicial order or as otherwise provided by law, it is unlawful for the department or any

deputy, assistant, agent, clerk, or other officer or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this chapter or any other information secured in the administration of this chapter. It is also unlawful to divulge or make known in any manner any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) The officers charged with the custody of such reports and returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except in any action or proceeding to which the department is a party under the provisions of this chapter or any other taxing act or on behalf of any party to any action or proceedings under the provisions of this chapter or such other act when the reports or facts shown thereby are directly involved in such action or proceedings, in either of which events the court may require the production of and may admit in evidence so much of said reports or of the facts shown thereby as are pertinent to the action or proceedings and no more.

(3) Nothing herein shall be construed to prohibit:

(a) the delivery to a taxpayer or his duly authorized representative of a certified copy of any return or report

1 filed in connection with his tax;

2 (b) the publication of statistics so classified as to
3 prevent the identification of particular reports or returns
4 and the items thereof; or

5 (c) the inspection by the attorney general or other
6 legal representative of the state of the report or return of
7 any taxpayer who shall bring action to set aside or review
8 the tax based thereon or against whom an action or
9 proceeding has been instituted in accordance with the
10 provisions of 15-30-311 and 15-30-322.

11 (4) Reports and returns shall be preserved for 3 years
12 and thereafter until the department orders them to be
13 destroyed.

14 (5) Any offense against subsections (1) through (4) of
15 this section shall be punished by a fine not exceeding
16 \$1,000 or by imprisonment in the county jail not exceeding 1
17 year, or both, at the discretion of the court, and if the
18 offender be an officer or employee of the state, he shall be
19 dismissed from office and be incapable of holding any public
20 office in this state for a period of 1 year thereafter.

21 (6) Notwithstanding the provisions of this section,
22 the department may permit the commissioner of internal
23 revenue of the United States or the proper officer of any
24 state imposing a tax upon the incomes of individuals or the
25 authorized representative of either such officer to inspect

1 the return of income of any individual or may furnish to
2 such officer or his authorized representative an abstract of
3 the return of income of any individual or supply him with
4 information concerning any item of income contained in any
5 return or disclosed by the report of any investigation of
6 the income or return of income of any individual, but such
7 permission shall be granted or such information furnished to
8 such officer or his representative only if the statutes of
9 the United States or of such other state, as the case may
10 be, grant substantially similar privileges to the proper
11 officer of this state charged with the administration of
12 this chapter.

13 (7) Further, notwithstanding any of the provisions of
14 this section, the department shall furnish:

15 (a) to the department of justice all information
16 necessary to identify those persons qualifying for the
17 additional exemption for blindness pursuant to 15-30-112(4),
18 for the purpose of enabling the department of justice to
19 administer the provisions of 61-5-105; and

20 (b) to the department of social and rehabilitation
21 services information acquired under 15-30-301, pertaining to
22 an applicant for public assistance, reasonably necessary for
23 the prevention and detection of public assistance fraud and
24 abuse, provided notice to the applicant has been given; and

25 (c) to the board of regents information required under

1 [section 1]."

2 NEW SECTION. **Section 3.** Codification instruction.

3 [Section 1] is intended to be codified as an integral part
4 of Title 20, chapter 26, part 11, and the provisions of
5 Title 20, chapter 26, part 11, apply to [section 1].

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deputy, assistant, agent, clerk, or other officer or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this chapter or any other information secured in the administration of this chapter. It is also unlawful to divulge or make known in any manner any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) The officers charged with the custody of such reports and returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except in any action or proceeding to which the department is a party under the provisions of this chapter or any other taxing act or on behalf of any party to any action or proceedings under the provisions of this chapter or such other act when the reports or facts shown thereby are directly involved in such action or proceedings, in either of which events the court may require the production of and may admit in evidence so much of said reports or of the facts shown thereby as are pertinent to the action or proceedings and no more.

(3) Nothing herein shall be construed to prohibit:

(a) the delivery to a taxpayer or his duly authorized representative of a certified copy of any return or report

1 filed in connection with his tax;

2 (b) the publication of statistics so classified as to

3 prevent the identification of particular reports or returns

4 and the items thereof; or

5 (c) the inspection by the attorney general or other

6 legal representative of the state of the report or return of

7 any taxpayer who shall bring action to set aside or review

8 the tax based thereon or against whom an action or

9 proceeding has been instituted in accordance with the

10 provisions of 15-30-311 and 15-30-322.

11 (4) Reports and returns shall be preserved for 3 years

12 and thereafter until the department orders them to be

13 destroyed.

14 (5) Any offense against subsections (1) through (4) of

15 this section shall be punished by a fine not exceeding

16 \$1,000 or by imprisonment in the county jail not exceeding 1

17 year, or both, at the discretion of the court, and if the

18 offender be an officer or employee of the state, he shall be

19 dismissed from office and be incapable of holding any public

20 office in this state for a period of 1 year thereafter.

21 (6) Notwithstanding the provisions of this section,

22 the department may permit the commissioner of internal

23 revenue of the United States or the proper officer of any

24 state imposing a tax upon the incomes of individuals or the

25 authorized representative of either such officer to inspect

1 the return of income of any individual or may furnish to

2 such officer or his authorized representative an abstract of

3 the return of income of any individual or supply him with

4 information concerning any item of income contained in any

5 return or disclosed by the report of any investigation of

6 the income or return of income of any individual, but such

7 permission shall be granted or such information furnished to

8 such officer or his representative only if the statutes of

9 the United States or of such other state, as the case may

10 be, grant substantially similar privileges to the proper

11 officer of this state charged with the administration of

12 this chapter.

13 (7) Further, notwithstanding any of the provisions of

14 this section, the department shall furnish:

15 (a) to the department of justice all information

16 necessary to identify those persons qualifying for the

17 additional exemption for blindness pursuant to 15-30-112(4),

18 for the purpose of enabling the department of justice to

19 administer the provisions of 61-5-105; and

20 (b) to the department of social and rehabilitation

21 services information acquired under 15-30-301, pertaining to

22 an applicant for public assistance, reasonably necessary for

23 the prevention and detection of public assistance fraud and

24 abuse, provided notice to the applicant has been given; and

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SB 0401/02

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