

1 HOUSE BILL NO. 58

2 INTRODUCED BY EWER

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING LAWS RELATING TO THE LICENSURE OF
6 POSTSECONDARY EDUCATION INSTITUTIONS; AMENDING SECTION 2-6-109, MCA; REPEALING
7 SECTIONS 20-30-101, 20-30-102, 20-30-103, 20-30-104, 20-30-105, 20-30-201, 20-30-202, 20-30-203,
8 20-30-301, 20-30-302, 20-30-303, 20-30-304, 20-30-305, 20-30-306, 20-30-401, 20-30-402,
9 20-30-403, 20-30-404, AND 20-30-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1213 **Section 1.** Section 2-6-109, MCA, is amended to read:

14 **"2-6-109. Prohibition on distribution or sale of mailing lists -- exceptions -- penalty.** (1) Except
15 as provided in subsections (3) through ~~(7)~~ (6), in order to protect the privacy of those who deal with state
16 and local government:

17 (a) ~~an~~ an agency may not distribute or sell for use as a mailing list any list of persons without first
18 securing the permission of those on the list; and

19 (b) ~~a~~ a list of persons prepared by the agency may not be used as a mailing list except by the
20 agency or another agency without first securing the permission of those on the list.

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

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

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

29 ~~(5) This section shall not prevent an agency from providing a list to persons providing prelicensing~~
30 ~~or continuing educational courses subject to Title 20, chapter 30, or specifically exempted therefrom as~~

1 ~~provided in 20-30-102.~~

2 ~~(6)(5)~~ This section does not apply to the right of access either by Montana law enforcement
3 agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

4 ~~(7)(6)~~ This section does not apply to a corporate information list developed by the secretary of
5 state containing the name, address, registered agent, officers, and directors of business, nonprofit,
6 religious, professional, and close corporations authorized to do business in this state.

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

9 NEW SECTION. Section 2. Repealer. Sections 20-30-101, 20-30-102, 20-30-103, 20-30-104,
10 20-30-105, 20-30-201, 20-30-202, 20-30-203, 20-30-301, 20-30-302, 20-30-303, 20-30-304,
11 20-30-305, 20-30-306, 20-30-401, 20-30-402, 20-30-403, 20-30-404, and 20-30-405, MCA, are
12 repealed.
13

14 NEW SECTION. Section 3. Coordination instruction. If ___ Bill No. ___ [LC 105] is passed and
15 approved, then [this act] is void.
16

17 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
18

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0058, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act repealing statutes relating to the licensure of postsecondary educational institutions.

ASSUMPTIONS:

1. The fees collected from this legislation are estimated to be \$1,670 per year over the next biennium.
2. The Department of Commerce is unable to administer this program without appropriate staff and funding.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
Office of Consumer Affairs:	<u>Difference</u>	<u>Difference</u>
Postsecondary License Fees	(1,670)	(1,670)

Expenditures:

Office of Consumer Affairs:		
General Fund (01)	(1,670)	(1,670)

Net Impact:

General Fund	0	0
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:


None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None.

TECHNICAL NOTES:

None.

 10-5-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


DAVID EWER, PRIMARY SPONSOR DATE

Fiscal Note for HB0058, as introduced

HB 58