

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 ELIMINATING THE LICENSING AND PERMITTING OF
6 POSTSECONDARY EDUCATIONAL INSTITUTIONS BY THE DEPARTMENT OF COMMERCE; AMENDING
7 SECTION 2-6-109, MCA; AND REPEALING SECTIONS 20-30-101, 20-30-102, 20-30-103, 20-30-104,
8 20-30-105, 20-30-201, 20-30-202, 20-30-203, 20-30-301, 20-30-302, 20-30-303, 20-30-304,
9 20-30-305, 20-30-306, 20-30-401, 20-30-402, 20-30-403, 20-30-404, AND 20-30-405, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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13 **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 as
15 provided in subsections (3) through (8), in order to protect the privacy of those who deal with state and
16 local government:

17 (a) 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 list of persons prepared by the agency may not be used as a mailing list except by the agency
20 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 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 does 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 from that~~

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

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

7 (8) This section does not apply to the use by the public employees' retirement board of a mailing
8 list of board-administered retirement system participants to send materials on behalf of a third party with
9 tax-exempt status under section 501(c)(3) of the Internal Revenue Code, as amended, for a fee determined
10 by rules of the board, provided that the mailing list is not released to the third party.

11 (9) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor."
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13 **NEW SECTION. Section 2. Repealer.** Sections 20-30-101, 20-30-102, 20-30-103, 20-30-104,
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BUSINESS & ECON DEVEL

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