

HOUSE BILL NO. 264

INTRODUCED BY J. KARLEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO WILDLIFE LOCATION DATA AND TELEMETRY FREQUENCIES; PROVIDING PROHIBITIONS AND EXCEPTIONS ON THE RELEASING OF DATA BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND AMENDING SECTION 2-6-1003, MCA."

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

NEW SECTION. Section 1. Wildlife location data and telemetry frequencies -- DATA-SHARING AGREEMENTS. (1) Except as provided in subsections (2) through (4) ~~(5) OR AS OTHERWISE PROVIDED BY LAW,~~ the department may not release wildlife location data or telemetry frequencies, whether collected by the department or held by the department, of hunted or trapped animals.

(2) Wildlife location data used as part of a study that includes a completion report may be released ~~3-years~~ 1 YEAR after the completion of the study and report.

(3) Wildlife location data that is not used as part of a study may be released ~~3-years~~ 1 YEAR after the department collects or acquires the data.

(4) The department may release wildlife location data for environmental permitting activities.

~~(5) SUBJECT TO THE RESTRICTIONS IN SUBSECTIONS (1) THROUGH (2) AND (3), THE DEPARTMENT MAY SHARE WILDLIFE LOCATION DATA WITH RESEARCH-PROJECT PARTNERS AND OTHER GOVERNMENT AGENCIES THROUGH DATA-SHARING AGREEMENTS.~~

Section 2. Section 2-6-1003, MCA, is amended to read:

"2-6-1003. Access to public information -- safety and security exceptions -- ~~Montana historical society exception additional exceptions.~~ (1) Except as provided in subsections (2) and ~~(3)~~ through (4), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public

1 safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional
2 facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public,
3 students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any
4 more information than is required to protect individual or public safety or the security of public facilities.

5 (3) The Montana historical society may honor restrictions imposed by private record donors as
6 long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years
7 from the date the private record was received. ~~Upon~~On the expiration of the restriction, the private records
8 must be made accessible to the public.

9 (4) Except as provided in [section 1], the department of fish, wildlife, and parks, AND ANY PARTY
10 WITH WHOM THE DEPARTMENT HAS SHARED THE INFORMATION UNDER A DATA-SHARING AGREEMENT PURSUANT TO
11 [SECTION 1], may not release wildlife location data or telemetry frequencies of hunted or trapped animals.

12 (4)(5) A public agency may not refuse to disclose public information because the requested public
13 information is part of litigation or may be part of litigation unless the information is protected from disclosure
14 under another applicable law."

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16 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
17 integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1].

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