

1 SENATE BILL NO. 262

2 INTRODUCED BY J. WELLS, ADAMS, BERRY, BUTCHER, DAVIES, GLASER, HARGROVE, KEENAN,
3 LASZLOFFY, K. MILLER, SPRAGUE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A PERSON'S SOCIAL
6 SECURITY NUMBER BE INCLUDED ON AN APPLICATION FOR A MONTANA HUNTING, FISHING, OR
7 TRAPPING LICENSE OR A WILDLIFE CONSERVATION LICENSE IN CERTAIN CIRCUMSTANCES IF THE
8 STATE RECEIVES AN EXEMPTION FROM THE REQUIREMENT; AMENDING SECTIONS 87-2-106 AND
9 87-2-202, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

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

12
13 **Section 1.** Section 87-2-106, MCA, is amended to read:

14 **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license
15 may be procured from the director, a warden, or an authorized agent of the director. The applicant shall
16 state the applicant's name, age, [social security number,] occupation, street address of permanent
17 residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as
18 a citizen of the United States or as an alien and other facts, data, or descriptions as may be required by
19 the department. An applicant for a resident license shall present a valid Montana driver's license, Montana
20 driver's examiner's identification card, or other identification specified by the department to substantiate
21 the required information. It is the applicant's burden to provide documentation establishing the applicant's
22 identity and qualifications to purchase a license. It is unlawful and a misdemeanor for a license agent to
23 sell a hunting, fishing, or trapping license to an applicant who fails to produce the required identification
24 at the time of application for licensure. Except as provided in subsections (2) through (4), the statements
25 made by the applicant must be subscribed to before the officer or agent issuing the license.

26 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
27 mail. Statements on an application for a license to be issued by mail need not be subscribed to before the
28 employee or officer.

29 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the
30 director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the

1 requirements of 87-2-102(7). The director shall process the application in an expedient manner.

2 (4) A resident may apply for and purchase a wildlife conservation license, hunting license, or
3 fishing license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to
4 obtain the license.

5 (5) A license is void unless subscribed to by the licensee and by an employee or officer of the
6 department or by a license agent or an authorized representative of the license agent.

7 (6) It is unlawful to subscribe to any statement, on an application or license, that is materially
8 false. Any material false statement contained in an application renders the license issued pursuant to it
9 void. A person violating any provision of this subsection is guilty of a misdemeanor.

10 (7) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of
11 affirming to a false statement to obtain a resident license shall be:

12 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that
13 authorized the sought-after privilege or more than \$1,000;

14 (ii) imprisoned in the county jail for not more than 6 months; or

15 (iii) both fined and imprisoned.

16 (b) In addition to the penalties specified in subsection (7)(a), upon conviction or forfeiture of bond
17 or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt,
18 fish, and trap in Montana for not less than 18 months.

19 (8) It is unlawful and a misdemeanor for a person to purposely or knowingly assist an unqualified
20 applicant in obtaining a resident license in violation of this section.

21 (9) [The department shall keep the applicant's social security number confidential, except that the
22 number may be provided to the department of public health and human services for use in administering
23 Title IV-D of the Social Security Act.]

24 (10) The department shall delete an applicant's social security number in any electronic database
25 [5 years after the date that application is made for the most recent license]."

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27 **Section 2.** Section 87-2-202, MCA, is amended to read:

28 **"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon
29 written application. The application must contain the applicant's name, age, [social security number,]
30 occupation, street address of permanent residence, mailing address, qualifying length of time as a resident

1 in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by
2 the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's
3 identification card, or other identification specified by the department to substantiate the required
4 information when applying for a wildlife conservation license. It is the applicant's burden to provide
5 documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation
6 license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an
7 applicant who fails to produce the required identification at the time of application for licensure.

8 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
9 recorded according to rules that the department may prescribe.

10 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

11 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

12 (4) Licenses issued are void after the last day of February next succeeding their issuance.

13 (5) [The department shall keep the applicant's social security number confidential, except that the
14 number may be provided to the department of public health and human services for use in administering
15 Title IV-D of the Social Security Act.]

16 (6) The department shall delete the applicant's social security number in any electronic database
17 [5 years after the date that application is made for the most recent license]."

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19 **NEW SECTION. Section 3. Contingent termination.** (1) If the director of the department of public
20 health and human services certifies to the governor and the secretary of state in writing that the federal
21 government has granted the state of Montana an exemption from the requirement that an applicant under
22 16 years of age provide a social security number on an application for a recreational license, the bracketed
23 language in 87-2-106(1) and 87-2-202(1) must read: "social security number for an applicant 16 years
24 of age or older".

25 (2) If the director of the department of public health and human services certifies to the governor
26 and the secretary of state in writing that the federal government has granted the state of Montana an
27 exemption from the requirement that a Montana resident provide a social security number on an application
28 for a recreational license, the bracketed language in 87-2-106(1) and 87-2-202(1) must read: "social
29 security number for a nonresident applicant, social security number, driver's license number, or Montana
30 identification card number issued by the department of justice for a resident who does not hold a Montana

1 driver's license if the applicant has provided a social security number when applying for the Montana
2 identification card".

3 (3) If the director of the department of public health and human services certifies to the governor
4 and the secretary of state in writing that the federal government has granted the state of Montana an
5 exemption from the requirement that any applicant provide a social security number on an application for
6 a recreational license, the bracketed language in 87-2-106(1) and 87-2-202(1) must read: "social security
7 number for a nonresident applicant who does not hold and present a valid driver's license from the
8 applicant's state of residence, social security number, driver's license number, or Montana identification
9 card number issued by the department of justice for a resident who does not hold a Montana driver's
10 license if the applicant has provided a social security number when applying for the Montana identification
11 card".

12 (4) If the director of the department of public health and human services certifies to the governor
13 and the secretary of state in writing that the federal government, through repeal or amendment of federal
14 law, no longer requires an applicant to provide a social security number on an application for a recreational
15 license, the bracketed language in 87-2-106(1) and 87-2-202(1) is void, the bracketed language in
16 87-2-106(9) and 87-2-202(5) is void, and the bracketed language in 87-2-106(10) and 87-2-202(6) must
17 read: "maintained by the department".

18 (5) The secretary of state shall notify the code commissioner of the occurrence of any of the
19 contingencies described in subsections (1) through (4).

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21 NEW SECTION. SECTION 4. OCCURRENCE OF MULTIPLE CONTINGENCIES -- DIRECTIONS TO CODE
22 COMMISSIONER. WHENEVER THE SECRETARY OF STATE NOTIFIES THE CODE COMMISSIONER OF THE OCCURRENCE OF MORE
23 THAN ONE OF THE CONTINGENCIES DESCRIBED IN [SECTION 3], THE CODE COMMISSIONER IS DIRECTED TO CHANGE THE
24 BRACKETED LANGUAGE IN 87-2-106(1) AND 87-2-202(1) TO GIVE EFFECT TO EACH EXEMPTION.

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26 NEW SECTION. SECTION 5. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 282 AND [THIS ACT] ARE BOTH
27 PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

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29 NEW SECTION. Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is
30 effective on passage and approval.

1 (2) If one or more of the contingencies in [section 3] occur, the applicable contingency is effective
2 upon certification of that contingency to the governor and the secretary of state and notification to the
3 Montana code commissioner.

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5 NEW SECTION. **Section 7. Applicability.** With regard to an application for a new hunting, fishing,
6 or trapping license or wildlife conservation license, [this act] applies to license years beginning on or after
7 the first day of March immediately following [the effective date of the respective applicable contingency].

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