

HOUSE BILL NO. 557
INTRODUCED BY D. BROWN

IN THE HOUSE

January 29, 1985	Introduced and referred to Committee on Judiciary.
January 30, 1985	Fiscal Note requested.
February 5, 1985	Fiscal Note returned.
February 13, 1985	Committee recommend bill do pass as amended. Report adopted.
February 14, 1985	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.
February 18, 1985	Considered correctly engrossed.
February 19, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 21, 1985	Introduced and referred to Committee on State Administration.
March 7, 1985	New Fiscal Note requested.
March 13, 1985	New Fiscal Note returned.
March 20, 1985	Committee recommend bill be concurrent in. Report adopted.
March 22, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Ayes, 43; Noes, 6. Returned to House.

IN THE HOUSE

March 26, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 557
2 INTRODUCED BY Dave Bran

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONSIDER AS
5 RESIDENTS FOR CERTAIN PURPOSES THOSE NONRESIDENTS WHO MEET
6 CERTAIN CONDITIONS, INCLUDING BEING EMPLOYED IN MONTANA FOR
7 AT LEAST 6 MONTHS A YEAR AND PAYING TAXES IN MONTANA;
8 AMENDING SECTIONS 20-25-501, 87-2-102, AND 87-2-106, MCA."

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

11 Section 1. Section 20-25-501, MCA, is amended to read:

12 "20-25-501. Definitions. (1) Terms used in this part
13 are defined as follows:

14 (a) "Domicile" means a person's true, fixed, and
15 permanent home and place of habitation.

16 (b) "Emancipated minor" means a person under the age
17 of 18 years who supports himself from his own earnings or is
18 married. A person who received more than 25% of the cost of
19 supporting himself from any person other than an agency of
20 the government shall not be considered an emancipated minor.

21 (c) "Minor" means a male or female person who has not
22 obtained the age of 18 years.

23 (d) "Qualified person" means a person legally
24 qualified to determine his own domicile.

25 (e) "Resident student" means:

1 (i) a student who has been domiciled in Montana for 1
2 year immediately preceding registration at any unit for any
3 term or session for which resident classification is
4 claimed. Attendance as a full-time student at any college,
5 university, or other institution of higher education shall
6 not alone be sufficient to qualify for residence in Montana.

7 (ii) any graduate of a Montana high school whose
8 parents, parent, or guardian have resided in Montana at
9 least 1 full year of the 2 years immediately preceding his
10 graduation from high school. Such classification shall
11 continue for not more than 4 academic years if the student
12 remains in continuous attendance at a unit, or

13 (iii) if the state of residency has laws substantially
14 similar to this subsection (1)(e)(iii), a student whose
15 parent or guardian:

16 (A) has his principal employment within the state and
17 the income from this employment is the principal source of
18 family income;

19 (B) is required to pay and has paid Montana income tax
20 in a timely manner and proper amount;

21 (C) has been employed within this state on a full-time
22 basis for at least 6 months of the 1-year period immediately
23 preceding the student's application for admission to a
24 college or university in this state; and

25 (D) has submitted a notarized affidavit attesting to



1 the requirements of this subsection (1)(e)(iii) to the
 2 registrar of the college or university where the student
 3 makes an application for admission; or

4 ~~(iii)~~(iv) a member of the armed forces of the United
 5 States assigned to and residing in Montana, his spouse, or
 6 his dependent children.

7 (2) In the event the definition of residency or any
 8 portion thereof is declared unconstitutional as it is
 9 applied to payment of nonresident fees and tuition, the
 10 regents of the Montana university system shall have
 11 authority to make rules on what constitutes adequate
 12 evidence of residency status not inconsistent with such
 13 court decisions."

14 Section 2. Section 87-2-102, MCA, is amended to read:
 15 "87-2-102. Resident defined. In determining a resident
 16 for the purpose of issuing resident fishing, hunting, and
 17 trapping licenses, the following provisions shall apply:

18 (1) Members of the armed forces of the United States
 19 or members of the armed forces of foreign governments
 20 attached to the armed forces of the United States who are
 21 assigned to duty in Montana and their dependents who reside
 22 in their Montana household with them, after a period of 30
 23 days within Montana, upon presenting assignment orders
 24 emanating from the proper unit commander, shall be
 25 considered residents for the purpose of this chapter. The

1 30-day residence requirement is waived in time of war.

2 (2) Any person who has been a resident of the state of
 3 Montana, as defined in 1-1-215, for a period of 6 months
 4 immediately prior to making application for said license
 5 shall be eligible to receive a resident hunting, fishing, or
 6 trapping license.

7 (3) Any enrollee of a job corps camp located within
 8 the state of Montana shall, after a period of 30 days within
 9 Montana, be considered a resident for the purpose of making
 10 application for a fishing license as long as he remains an
 11 enrollee in a Montana camp.

12 (4) A person meeting all of the following requirements
 13 is a resident for purposes of obtaining hunting and fishing
 14 licenses:

15 (a) The person's principal employment is within this
 16 state and the income from this employment is the principal
 17 source of the applicant's family income.

18 (b) The person is required to pay and has paid Montana
 19 income tax in a timely manner and proper amount.

20 (c) The person has been employed within this state on
 21 a full-time basis for at least 6 months of the 1-year period
 22 immediately preceding application.

23 (d) The person's state of residency has laws
 24 substantially similar to this subsection (4)."

25 Section 3. Section 87-2-106, MCA, is amended to read:

1 "87-2-106. Application for license. (1) A license may
 2 be procured from the director, any warden, or any authorized
 3 agent of the director. The applicant shall state his name,
 4 age, occupation, place of residence, post-office address,
 5 the length of time in the state of Montana, whether a
 6 citizen of the United States or an alien, and such other
 7 facts, data, or descriptions as may be required by the
 8 department. Except as provided in subsection subsections (2)
 9 and (3), the statements made by the applicant shall be
 10 subscribed to before the officer or agent issuing the
 11 license.

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

17 (3) To apply for a license under the provisions of
 18 87-2-102(4), the applicant must apply to the director and
 19 must submit at the time of application a notarized affidavit
 20 that attests to fulfillment of the requirements of
 21 87-2-102(4). The director shall process the application in
 22 an expedient manner.

23 (3)(4) A license is void unless subscribed to by the
 24 licensee and by an employee or officer of the department or
 25 by a license agent or an authorized representative of the

1 license agent.

2 (4)(5) It is unlawful to subscribe to any statement,
 3 on any application or license, that is materially false.
 4 Any material false statement contained in an application
 5 renders the license issued pursuant to it void. Any person
 6 violating any provision of this statute is guilty of a
 7 misdemeanor."

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN284-85

Form BD-15

In compliance with a written request received January 30 19 85, there is hereby submitted a Fiscal Note for H.B. 557 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

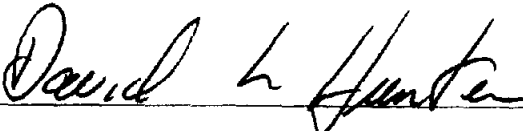
An act to consider as residents for certain purposes those non-residents who meet certain conditions, including being employed in Montana for at least 6 months a year and paying taxes in Montana; amending Sections 20-25-501, 87-2-102, and 87-2-106, MCA.

ASSUMPTIONS:

1. This proposed bill will effect 500 non-residents per year who purchase fishing and hunting (A-tag) licenses.
2. A resident fishing license is \$8.00 and non-resident license is \$30.00.
3. A resident hunting license is \$9.00 and non-resident license is \$100.00.
4. An investigation of each application for fishing and hunting licenses will take approximately four hours.
5. This proposed bill will effect 25 non-resident students per year in the University System.
6. The difference between in-state fees and out-of-state fees for college students in FY86 is \$1764 and in FY87 is \$1818.
7. This bill will effect 10 non-resident students per year in the vocational/technical schools.
8. This difference between in-state fees and out-of-state fees for Vo-Tech students is \$1,035 per year.
9. All license sales will impact revenues beginning in March 1986.
10. Bill is effective October 1, 1985.

FISCAL IMPACTS:

Revenue Loss	1986	1987
Fishing licenses	\$ 11,000	\$ 11,000
Hunting licenses	45,500	45,500
Tuition Vo-techs	6,900	10,350
Tuition U-System	33,075	45,450
TOTAL	\$ 96,475	\$112,300



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 5, 1985
HB 557

FISCAL IMPACT: (continued)

<u>Expenditures</u>	<u>1986</u>	<u>1987</u>
Personal Services	\$ 24,000	\$ 24,000
Operating Expenses	7,500	7,500
	<u>\$ 31,500</u>	<u>\$ 31,500</u>
 Total Impact of Legislation	 \$127,975	 \$143,800
 Earmarked account	 \$ 88,000	 \$ 88,000
Unrestricted fund*		
University & Vo-Tech	39,975	55,800

*Due to the method used in financing the University System and the Vo-Tech Centers, the loss of this revenue from tuition and fees would cause a corresponding increase in the General Fund needed to finance these educational units.

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

None

LONG-RENGE EFFECTS OF PROPOSED LEGISLATION:

The loss of revenues and increased expenditures will continue.

TECHNICAL NOTE:

Present confidentiality laws preclude anyone from obtaining information about someone else's Montana income tax filings. This would preclude the departments from confirming that the applicant pays Montana income taxes.

FISCAL NOTE

Form BD-15

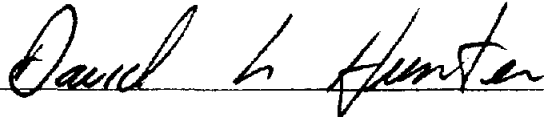
In compliance with a written request received March 7, 19 85, there is hereby submitted a Fiscal Note for Amended House Bill 557 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Consider as residents for the purpose of obtaining fishing and hunting licenses those nonresidents who meet certain conditions, including being employed in Montana for at least 12 months a year and paying taxes in Montana.

ASSUMPTIONS:

1. Approximately 500 additional people per year would apply for resident licenses under the new law. We assume that these people will meet the amended employment period requirement of 12 consecutive months. We assume these people are in permanent employment situations.
2. An investigation of these 500 applications would take four hours each.
3. The number of special applicants would increase 5% per year.
4. We assume these 500 applicants are now buying nonresident fishing and deer A licenses. We cannot estimate if these people would purchase additional licenses if they were in a resident status.
5. No effective date is specified. We assume this bill would take effect October 1, 1985, and as a result would only impact fishing license sales in FY1986. Expenditures would be impacted beginning in FY1986 because the new license year begins in March, 1986 and people could begin applying for resident licenses at that time. We also assume that those who will apply for resident licenses under this new law will do so early.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: March 13, 1985

HB 557
Amended

FISCAL IMPACT:

	<u>FY86</u>			<u>FY87</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Differences</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Differences</u>
<u>Revenue:</u>						
Earmarked Special Revenue Fund - License Acct.	\$13,500,000	\$13,489,000	(\$11,000)	\$13,500,000	\$13,443,500	(\$56,500)
<u>Expenditures:</u>						
Personal Services	\$ 2,600,000	\$ 2,624,000	\$24,000	\$ 2,600,000	\$ 2,624,000	\$24,000
Operating Expenses	785,000	792,500	7,500	785,000	792,500	7,500
Net Effect	\$10,115,000	\$10,072,500	(\$42,500)	\$10,115,000	\$10,027,000	(\$88,000)

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Not applicable.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

We anticipate that the number of people applying as residents will increase 5% per year. As a result, the loss of revenue and the increase in administrative expenses will continue.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

Present confidentiality laws preclude anyone from obtaining information about someone else's Montana income tax filings. This would preclude the department from confirming that the applicant pays Montana income taxes.

APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE BILL NO. 557
 2 INTRODUCED BY D. BROWN
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONSIDER AS
 5 RESIDENTS FOR CERTAIN--PURPOSES THE PURPOSE OF OBTAINING
 6 FISHING AND HUNTING LICENSES THOSE NONRESIDENTS WHO MEET
 7 CERTAIN CONDITIONS, INCLUDING BEING EMPLOYED IN MONTANA FOR
 8 AT LEAST 6 12 MONTHS A YEAR AND PAYING TAXES IN MONTANA;
 9 AMENDING SECTIONS 20-25-501, 87-2-102, AND 87-2-106, MCA."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section-1--Section-20-25-501-MCA-is-amended-to-read:
 13 "20-25-501--Definitions--(1)--Terms-used-in-this-part
 14 are-defined-as-follows:
 15 (a)--"Domicile"--means--a--person's--true,--fixed,--and
 16 permanent-home-and-place-of-habitation;
 17 (b)--"Emancipated-minor"--means--a--person--under--the--age
 18 of--18--years--who--supports--himself--from--his--own--earnings--or--is
 19 married--A--person--who--received--more--than--25%--of--the--cost--of
 20 supporting--himself--from--any--person--other--than--an--agency--of
 21 the--government--shall--not--be--considered--an--emancipated--minor;
 22 (c)--"Minor"--means--a--male--or--female--person--who--has--not
 23 obtained--the--age--of--18--years;
 24 (d)--"Qualified--person"--means--a--person--legally
 25 qualified--to--determine--his--own--domicile;

1 (e)--"Resident-student"--means:
 2 (i)--a--student--who--has--been--domiciled--in--Montana--for--1
 3 year--immediately--preceding--registration--at--any--unit--for--any
 4 term--or--session--for--which--resident--classification--is
 5 claimed--Attendance--as--a--full-time--student--at--any--college,
 6 university,--or--other--institution--of--higher--education--shall
 7 not--alone--be--sufficient--to--qualify--for--residence--in--Montana;
 8 (ii)--any--graduate--of--a--Montana--high--school--whose
 9 parents,--parent,--or--guardian--have--resided--in--Montana--at
 10 least--1--full--year--of--the--2--years--immediately--preceding--his
 11 graduation--from--high--school--Such--classification--shall
 12 continue--for--not--more--than--4--academic--years--if--the--student
 13 remains--in--continuous--attendance--at--a--unit, or
 14 (iii)--if--the--state--of--residency--has--laws--substantially
 15 similar--to--this--subsection--(1)(e)(iii),--a--student--whose
 16 parent--or--guardian:
 17 (A)--has--his--principal--employment--within--the--state--and
 18 the--income--from--this--employment--is--the--principal--source--of
 19 family--income;
 20 (B)--is--required--to--pay--and--has--paid--Montana--income--tax
 21 in--a--timely--manner--and--proper--amount;
 22 (C)--has--been--employed--within--this--state--on--a--full-time
 23 basis--for--at--least--6--months--of--the--1--year--period--immediately
 24 preceding--the--student's--application--for--admission--to--a
 25 college--or--university--in--this--state--and

~~(D) has submitted a notarized affidavit attesting to the requirements of this subsection (1)(e)(iii) to the registrar of the college or university where the student makes an application for admission; or~~

~~(iii)(iv) a member of the armed forces of the United States assigned to and residing in Montana, his spouse, or his dependent children;~~

~~(2) in the event the definition of residency or any portion thereof is declared unconstitutional as it is applied to payment of nonresident fees and tuition, the regents of the Montana university system shall have authority to make rules on what constitutes adequate evidence of residency status not inconsistent with such court decisions."~~

Section 1. Section 87-2-102, MCA, is amended to read:

"87-2-102. Resident defined. In determining a resident for the purpose of issuing resident fishing, hunting, and trapping licenses, the following provisions shall apply:

(1) Members of the armed forces of the United States or members of the armed forces of foreign governments attached to the armed forces of the United States who are assigned to duty in Montana and their dependents who reside in their Montana household with them, after a period of 30 days within Montana, upon presenting assignment orders emanating from the proper unit commander, shall be

considered residents for the purpose of this chapter. The 30-day residence requirement is waived in time of war.

(2) Any person who has been a resident of the state of Montana, as defined in 1-1-215, for a period of 6 months immediately prior to making application for said license shall be eligible to receive a resident hunting, fishing, or trapping license.

(3) Any enrollee of a job corps camp located within the state of Montana shall, after a period of 30 days within Montana, be considered a resident for the purpose of making application for a fishing license as long as he remains an enrollee in a Montana camp.

(4) A person meeting all of the following requirements is a resident for purposes of obtaining hunting and fishing licenses:

(a) The person's principal employment is within this state and the income from this employment is the principal source of the applicant's family income.

(b) The person is required to pay and has paid Montana income tax in a timely manner and proper amount.

(c) The person has been employed within this state on a full-time basis for at least 6 months of the 1-year period 12 CONSECUTIVE MONTHS immediately preceding EACH application.

(d) The person's state of residency has laws

1 substantially similar to this subsection (4)."

2 Section 2. Section 87-2-106, MCA, is amended to read:

3 "87-2-106. Application for license. (1) A license may
4 be procured from the director, any warden, or any authorized
5 agent of the director. The applicant shall state his name,
6 age, occupation, place of residence, post-office address,
7 the length of time in the state of Montana, whether a
8 citizen of the United States or an alien, and such other
9 facts, data, or descriptions as may be required by the
10 department. Except as provided in subsection subsections (2)
11 and (3), the statements made by the applicant shall be
12 subscribed to before the officer or agent issuing the
13 license.

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

19 (3) To apply for a license under the provisions of
20 87-2-102(4), the applicant must apply to the director and
21 must submit at the time of application a notarized affidavit
22 that attests to fulfillment of the requirements of
23 87-2-102(4). The director shall process the application in
24 an expedient manner.

25 (3)(4) A license is void unless subscribed to by the

1 licensee and by an employee or officer of the department or
2 by a license agent or an authorized representative of the
3 license agent.

4 (4)(5) It is unlawful to subscribe to any statement,
5 on any application or license, that is materially false.
6 Any material false statement contained in an application
7 renders the license issued pursuant to it void. Any person
8 violating any provision of this statute is guilty of a
9 misdemeanor."

10 NEW SECTION. SECTION 3. EXTENSION OF AUTHORITY. ANY
11 EXISTING AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND
12 PARKS TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS
13 ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

-End-

HOUSE BILL NO. 557

INTRODUCED BY D. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO CONSIDER AS RESIDENTS FOR CERTAIN PURPOSES THE PURPOSE OF OBTAINING FISHING AND HUNTING LICENSES THOSE NONRESIDENTS WHO MEET CERTAIN CONDITIONS, INCLUDING BEING EMPLOYED IN MONTANA FOR AT LEAST 6 12 MONTHS A YEAR AND PAYING TAXES IN MONTANA; AMENDING SECTIONS 20-25-501, 87-2-102, AND 87-2-106, MCA."

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

Section 1. Section 20-25-501, MCA, is amended to read:

"20-25-501. Definitions. (1) Terms used in this part are defined as follows:

(a) "Domicile" means a person's true, fixed, and permanent home and place of habitation.

(b) "Emancipated minor" means a person under the age of 18 years who supports himself from his own earnings or is married. A person who received more than 25% of the cost of supporting himself from any person other than an agency of the government shall not be considered an emancipated minor.

(c) "Minor" means a male or female person who has not obtained the age of 18 years.

(d) "Qualified person" means a person legally qualified to determine his own domicile.

(e) "Resident student" means:

(i) a student who has been domiciled in Montana for 1 year immediately preceding registration at any unit for any term or session for which resident classification is claimed. Attendance as a full-time student at any college, university, or other institution of higher education shall not alone be sufficient to qualify for residence in Montana;

(ii) any graduate of a Montana high school whose parents, parent, or guardian have resided in Montana at least 1 full year of the 2 years immediately preceding his graduation from high school. Such classification shall continue for not more than 4 academic years if the student remains in continuous attendance at a unit; or

(iii) if the state of residency has laws substantially similar to this subsection (1)(e)(iii), a student whose parent or guardian:

(A) has his principal employment within the state and the income from this employment is the principal source of family income;

(B) is required to pay and has paid Montana income tax in a timely manner and proper amount;

(C) has been employed within this state on a full-time basis for at least 6 months of the 1-year period immediately preceding the student's application for admission to a college or university in this state; and .

~~(b) has submitted a notarized affidavit attesting to the requirements of this subsection (i)(c)(iii) to the registrar of the college or university where the student makes an application for admission; or~~

~~(iii)(iv) a member of the armed forces of the United States assigned to and residing in Montana, his spouse, or his dependent children.~~

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~~(b) "Emancipated minor" means a person under the age of 18 years who supports himself from his own earnings or is married; A person who received more than 25% of the cost of supporting himself from any person other than an agency of the government shall not be considered an emancipated minor;~~

~~(c) "Minor" means a male or female person who has not obtained the age of 18 years;~~

~~(d) "Qualified person" means a person legally qualified to determine his own domicile;~~

~~(e) "Resident student" means:~~

~~(i) a student who has been domiciled in Montana for 1 year immediately preceding registration at any unit for any term or session for which resident classification is claimed; Attendance as a full-time student at any college, university, or other institution of higher education shall not alone be sufficient to qualify for residence in Montana;~~

~~(ii) any graduate of a Montana high school whose parents, parent, or guardian have resided in Montana at least 1 full year of the 2 years immediately preceding his graduation from high school; Such classification shall continue for not more than 4 academic years if the student remains in continuous attendance at a unit; or~~

~~(iii) if the state of residency has laws substantially similar to this subsection (1)(e)(iii), a student whose parent or guardian:~~

~~(A) has his principal employment within the state and the income from this employment is the principal source of family income;~~

~~(B) is required to pay and has paid Montana income tax in a timely manner and proper amount;~~

~~(C) has been employed within this state on a full-time basis for at least 6 months of the 1-year period immediately preceding the student's application for admission to a college or university in this state; and~~

1 ~~(B) has submitted a notarized affidavit attesting to~~
 2 ~~the requirements of this subsection (1)(e)(iii) to the~~
 3 ~~registrar of the college or university where the student~~
 4 ~~makes an application for admission, or~~

5 ~~(iii)(iv) a member of the armed forces of the United~~
 6 ~~States assigned to and residing in Montana, his spouse, or~~
 7 ~~his dependent children.~~

8 ~~(2) in the event the definition of residency or any~~
 9 ~~portion thereof is declared unconstitutional as it is~~
 10 ~~applied to payment of nonresident fees and tuition, the~~
 11 ~~regents of the Montana university system shall have~~
 12 ~~authority to make rules on what constitutes adequate~~
 13 ~~evidence of residency status not inconsistent with such~~
 14 ~~court decisions."~~

15 Section 1. Section 87-2-102, MCA, is amended to read:

16 "87-2-102. Resident defined. In determining a resident
 17 for the purpose of issuing resident fishing, hunting, and
 18 trapping licenses, the following provisions shall apply:

19 (1) Members of the armed forces of the United States
 20 or members of the armed forces of foreign governments
 21 attached to the armed forces of the United States who are
 22 assigned to duty in Montana and their dependents who reside
 23 in their Montana household with them, after a period of 30
 24 days within Montana, upon presenting assignment orders
 25 emanating from the proper unit commander, shall be

1 considered residents for the purpose of this chapter. The
 2 30-day residence requirement is waived in time of war.

3 (2) Any person who has been a resident of the state of
 4 Montana, as defined in 1-1-215, for a period of 6 months
 5 immediately prior to making application for said license
 6 shall be eligible to receive a resident hunting, fishing, or
 7 trapping license.

8 (3) Any enrollee of a job corps camp located within
 9 the state of Montana shall, after a period of 30 days within
 10 Montana, be considered a resident for the purpose of making
 11 application for a fishing license as long as he remains an
 12 enrollee in a Montana camp.

13 (4) A person meeting all of the following requirements
 14 is a resident for purposes of obtaining hunting and fishing
 15 licenses:

16 (a) The person's principal employment is within this
 17 state and the income from this employment is the principal
 18 source of the applicant's family income.

19 (b) The person is required to pay and has paid Montana
 20 income tax in a timely manner and proper amount.

21 (c) The person has been employed within this state on
 22 a full-time basis for at least 6 months of the 1-year period
 23 12 CONSECUTIVE MONTHS immediately preceding EACH
 24 application.

25 (d) The person's state of residency has laws

1 substantially similar to this subsection (4)."

2 Section 2. Section 87-2-106, MCA, is amended to read:

3 "87-2-106. Application for license. (1) A license may
4 be procured from the director, any warden, or any authorized
5 agent of the director. The applicant shall state his name,
6 age, occupation, place of residence, post-office address,
7 the length of time in the state of Montana, whether a
8 citizen of the United States or an alien, and such other
9 facts, data, or descriptions as may be required by the
10 department. Except as provided in subsection subsections (2)
11 and (3), the statements made by the applicant shall be
12 subscribed to before the officer or agent issuing the
13 license.

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

19 (3) To apply for a license under the provisions of
20 87-2-102(4), the applicant must apply to the director and
21 must submit at the time of application a notarized affidavit
22 that attests to fulfillment of the requirements of
23 87-2-102(4). The director shall process the application in
24 an expedient manner.

25 ~~(3)~~(4) A license is void unless subscribed to by the

1 licensee and by an employee or officer of the department or
2 by a license agent or an authorized representative of the
3 license agent.

4 ~~(4)~~(5) It is unlawful to subscribe to any statement,
5 on any application or license, that is materially false.
6 Any material false statement contained in an application
7 renders the license issued pursuant to it void. Any person
8 violating any provision of this statute is guilty of a
9 misdemeanor."

10 NEW SECTION. SECTION 3. EXTENSION OF AUTHORITY. ANY
11 EXISTING AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND
12 PARKS TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS
13 ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

-End-