

HB 407 INTRODUCED BY GRADY, ET AL.
NONRESIDENT LANDOWNER RESIDENCY EXCEPTION FOR BIG
GAME LICENSE
BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE,
& PARKS

1/22 INTRODUCED
1/22 REFERRED TO FISH & GAME
1/23 FISCAL NOTE REQUESTED
1/26 FISCAL NOTE RECEIVED
2/03 HEARING
2/17 TABLED IN COMMITTEE

1 House BILL NO. 407
 2 INTRODUCED BY Bronley Hickey
 3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW NONRESIDENTS
 6 TO HUNT DEER, ANTELOPE, AND ELK ON THEIR OWN PROPERTY WITH A
 7 RESIDENT LICENSE; TO PROHIBIT THE USE OF A RESIDENT HUNTING,
 8 FISHING, OR TRAPPING LICENSE BY A NONRESIDENT EXCEPT AS
 9 PERMITTED BY LAW; AMENDING SECTIONS 87-2-102 AND 87-2-106,
 10 MCA; AND PROVIDING AN EFFECTIVE DATE."
 11

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

13 Section 1. Section 87-2-102, MCA, is amended to read:
 14 "87-2-102. Resident defined. (1) In determining a
 15 resident for the purpose of issuing resident fishing,
 16 hunting, and trapping licenses, the following provisions
 17 shall apply:

18 (1)(a) Members of the armed forces of the United
 19 States 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)(b) Any person who has been a resident of the state
 3 of 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)(c) 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)(d) A person meeting all of the following
 13 requirements is a resident for purposes of obtaining hunting
 14 and fishing licenses:

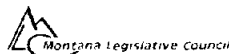
15 (a)(i) The person's principal employment is within
 16 this state and the income from this employment is the
 17 principal source of the applicant's family income.

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

20 (c)(iii) The person has been employed within this state
 21 on a full-time basis for at least 12 consecutive months
 22 immediately preceding each application.

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

25 (2) Except as provided in [section 2], it is unlawful



1 for any person who is not a resident as defined in this
 2 section to acquire, use, or possess a resident hunting,
 3 fishing, or trapping license."

4 NEW SECTION. Section 2. Nonresident landowner
 5 residency exception. (1) A person not a resident, as defined
 6 in 87-2-102, or a member of his immediate family may
 7 purchase a resident deer, antelope, or elk license and may
 8 hunt with such license, but only on land that:

9 (a) he owns in fee simple, either individually, as a
 10 joint tenant, or as a tenant in common;

11 (b) is owned in fee simple by a partnership, other
 12 than a limited partnership, of which he is a partner; or

13 (c) is owned in fee simple by a corporation of which
 14 he owns 5% or more of the outstanding shares.

15 (2) For the purpose permitted by this section, the
 16 nonresident person or member of his immediate family may
 17 purchase a Class A-3, deer A tag; a Class A-4, deer B tag;
 18 or a Class A-5, elk tag or may apply for a resident special
 19 antelope license. Such license is subject to the same
 20 conditions and limitations that apply to resident license
 21 holders, and except as provided in 87-2-106(3) and in
 22 subsection (3) of this section, the nonresident person is
 23 subject to the same fees and application and special license
 24 drawing requirements that apply to residents.

25 (3) A Class A-3, Class A-4, or Class A-5 license

1 purchased for use under this section must be purchased at
 2 least 60 days prior to the general season opening.

3 (4) For the purpose of this section, immediate family
 4 means spouse, parents, children, brothers, or sisters.

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

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

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

21 (3) To apply for a license under the provisions of
 22 87-2-102(4)(1)(d) or [section 2], the applicant must apply
 23 to the director and must submit at the time of application a
 24 notarized affidavit that attests to fulfillment of the
 25 requirements of 87-2-102(4)(1)(d) or [section 2]. The

1 director shall process the application in an expedient
2 manner.

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

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

12 NEW SECTION. Section 4. Extension of authority. Any
13 existing authority of the department of fish, wildlife, and
14 parks to make rules on the subject of the provisions of this
15 act is extended to the provisions of this act.

16 NEW SECTION. Section 5. Effective date. This act is
17 effective March 1, 1988.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB407, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would allow non-residents to hunt deer, antelope and elk on their own property with a resident license, and prohibit the use of a resident hunting, fishing or trapping license by a non-resident except as permitted by law.

ASSUMPTIONS:

1. There is no data available that can be used to estimate the number of non-resident land owners. This information is the basis for the calculation.

FISCAL IMPACT:

Cost cannot be calculated.

David L. Hunter DATE 1/24/87
DAVID L. HUNTER, BUDGET DIRECTOR

Office of Budget and Program Planning

Rep. Grady DATE 1-26-87
EDWARD GRADY, PRIMARY SPONSOR

Fiscal Note for HB407, as introduced.

HB 407