

HOUSE BILL 313

Introduced by Barnhart, et al.

1/22	Introduced
1/22	Referred to Fish & Game
1/22	First Reading
1/22	Fiscal Note Requested
1/26	Fiscal Note Received
1/29	Fiscal Note Printed
2/04	Hearing
2/16	Tabled in Committee

1 *House* BILL NO. *313*
 2 INTRODUCED BY *Berukast Eck Whalen*
 3 *Don H. Enly House Time Stanford*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A STUDENT WHO
 5 IS NOT A RESIDENT OF MONTANA BUT IS ENROLLED AS A FULL-TIME
 6 STUDENT IN A MONTANA UNIVERSITY OR COLLEGE TO PURCHASE A
 7 RESIDENT FISHING LICENSE; AND AMENDING SECTION 87-2-102,
 8 MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 **Section 1.** Section 87-2-102, MCA, is amended to read:
 12 "87-2-102. Resident defined. In determining a resident
 13 for the purpose of issuing resident fishing, hunting, and
 14 trapping licenses, the following provisions apply:
 15 (1) Members of the regular armed forces of the United
 16 States or members of the armed forces of foreign governments
 17 attached to the armed forces of the United States who are
 18 assigned to active duty in Montana and their dependents, as
 19 defined in 15-30-113, who reside in their Montana household
 20 with them, after a period of 30 days within Montana, upon
 21 presenting assignment orders emanating from the proper unit
 22 commander, are considered residents for the purpose of this
 23 chapter. The 30-day residence requirement is waived in time
 24 of war.
 25 (2) A person who has been a resident of the state of

1 Montana for a period of 6 months immediately prior to making
 2 application for a license is eligible to receive a resident
 3 hunting, fishing, or trapping license. A person is
 4 considered a resident if the person meets the following
 5 criteria:
 6 (a) the person lives in Montana or has a fixed intent
 7 to return to this state when he the person leaves it;
 8 (b) the person files Montana state income tax returns
 9 if required to file as a resident;
 10 (c) the person licenses and titles in Montana as
 11 required by law any vehicles that the person owns and
 12 operates in Montana;
 13 (d) the person does not use any resident hunting,
 14 fishing, or trapping privileges in another state or country
 15 during the time the resident Montana license is valid; and
 16 (e) if the person registers to vote, the person
 17 registers only in Montana.
 18 (3) Any enrollee of a job corps camp located within the
 19 state of Montana is, after a period of 30 days within
 20 Montana, considered a resident for the purpose of making
 21 application for a fishing license as long as the person
 22 remains an enrollee in a Montana camp.
 23 (4) A person who does not reside in Montana but who
 24 meets all of the following requirements is a resident for
 25 purposes of obtaining hunting and fishing licenses:

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

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

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

9 (d) The person's state of residency has laws
10 substantially similar to this subsection (4).

11 (5) An unmarried minor whose parents, legal guardian,
12 or custodial parent is a resident for purposes of this
13 section is also considered a resident for purposes of this
14 section.

15 (6) A full-time student who is attending a university
16 or college in this state may purchase a resident fishing
17 license as long as the student continues in a full-time
18 enrollment status."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0313, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing a student who is not a resident of Montana but is enrolled as a full time student in a Montana university or college to purchase a resident fishing license.

FISCAL IMPACT:

The fiscal impacts on the Department of Fish, Wildlife and Parks are unknown because:

- A. The number of nonresident students currently buying nonresident fishing licenses is unknown, but it is assumed a certain percentage do.
- B. Passage of this bill would encourage additional students to purchase Montana licenses for the first time.
- C. The revenue lost from nonresident sales would be offset by the revenue received from additional license sales.

TECHNICAL NOTES:

- 1. In order to better determine whether the qualifications are met, nonresident full-time students should purchase their licenses at either a regional headquarters or the state headquarters in Helena.
- 2. A current tuition receipt and ID card should be required as adequate proof.
- 3. The effective date should be March 1, 1994, the start of a new licensing year.

 1-26-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BEVERLY BARNHART, PRIMARY SPONSOR DATE

Fiscal Note for HB0313, as introduced

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