



House BILL NO. 381

INTRODUCED BY *W. Lyon*

*Harvin* *Stice* *Wilson* *DeLoach* *Clark* *Halvin*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PROOF OF FIREARMS COMPETENCY OR COMPLETION OF A HUNTER SAFETY COURSE BY CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS PRIOR TO ISSUANCE OF A HUNTING LICENSE UNDER THE ARMED FORCES' 30-DAY RESIDENCY EXCEPTION; AMENDING SECTIONS 87-2-102 AND 87-2-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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 apply:

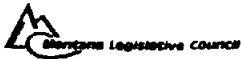
- (1) Members of the regular armed forces of the United States or members of the armed forces of foreign governments attached to the armed forces of the United States who are assigned to active duty in Montana and their dependents, as defined in 15-30-113, who reside in their Montana household with them, after a period of 30 days within Montana, upon presenting assignment orders emanating from the proper unit commander and a certificate of competency, as provided in 87-2-105, or a certificate verifying the successful

completion of a hunter safety course in any state or province, are considered residents for the purpose of this chapter. The 30-day residence requirement is waived in time of war.

(2) A person who has been a resident of the state of Montana for a period of 6 months immediately prior to making application for a license is eligible to receive a resident hunting, fishing, or trapping license. A person is considered a resident if the person meets the following criteria:

- (a) the person lives in Montana or has a fixed intent to return to this state when he leaves it;
- (b) the person files Montana state income tax returns if required to file as a resident;
- (c) the person licenses and titles in Montana as required by law any vehicles that the person owns and operates in Montana;
- (d) the person does not use any resident hunting, fishing, or trapping privileges in another state or country during the time the resident Montana license is valid; and
- (e) if the person registers to vote, the person registers only in Montana.

(3) Any enrollee of a job corps camp located within the state of Montana is, after a period of 30 days within Montana, considered a resident for the purpose of making



1 application for a fishing license as long as the person  
2 remains an enrollee in a Montana camp.

3 (4) A person who does not reside in Montana but who  
4 meets all of the following requirements is a resident for  
5 purposes of obtaining hunting and fishing licenses:

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

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

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

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

16 (5) An unmarried minor whose parents, legal guardian,  
17 or custodial parent is a resident for purposes of this  
18 section is also considered a resident for purposes of this  
19 section."

20 **Section 2.** Section 87-2-105, MCA, is amended to read:

21 "87-2-105. Safety instruction required. (1) A hunting  
22 license may not be issued to a resident person under the age  
23 of 18 years unless he the resident presents to the person  
24 authorized to issue the license a certificate of competency  
25 as provided by this section.

1 (2) A hunting license may not be issued to a  
2 nonresident person under the age of 18 years unless he the  
3 nonresident presents to the person authorized to issue the  
4 license a certificate of competency, as provided in this  
5 section, or a certificate verifying that he the nonresident  
6 has successfully completed a course in the safe handling of  
7 firearms in any state or province.

8 (3) A hunting license may not be issued to a member of  
9 the regular armed forces of the United States or to a member  
10 of the armed forces of a foreign government attached to the  
11 armed forces of the United States who is assigned to active  
12 duty in Montana and who is otherwise considered a resident  
13 under 87-2-102(1) or to a member's dependents, as defined in  
14 15-30-113, who reside in the member's Montana household,  
15 unless the member or dependent presents to the person  
16 authorized to issue the license a certificate of competency,  
17 as provided in this section, or a certificate verifying that  
18 the member or dependent has successfully completed a hunter  
19 safety course in any state or province.

20 (4) A bow and arrow license may not be issued to a  
21 resident or nonresident unless he the resident or  
22 nonresident presents to the person authorized to issue the  
23 license an archery license issued for a prior hunting season  
24 or a certificate of completion from the national bowhunter  
25 education foundation. Neither the department nor the license

1 agent is required to provide records of past archery license  
 2 purchases. As part of the department's bow and arrow  
 3 licensing procedures, the department shall notify the public  
 4 regarding bow hunter education requirements. As part of  
 5 those public information efforts, the department shall  
 6 notify by mail all individuals who purchased a Class A-2  
 7 special bow and arrow license during the 1990-91 hunting  
 8 season.

9 †4)5) The department shall provide for a course of  
 10 instruction in the safe handling of firearms and for that  
 11 purpose may cooperate with any reputable organization having  
 12 as one of its objectives the promotion of safety in the  
 13 handling of firearms. The department may designate as an  
 14 instructor any person it finds to be competent to give  
 15 instructions in the handling of firearms. A person appointed  
 16 shall give the course of instruction and shall issue a  
 17 certificate of competency in the safe handling of firearms  
 18 to a person successfully completing the course.

19 †5)6) The department shall provide for a course of  
 20 instruction from the national bowhunter education foundation  
 21 and for that purpose may cooperate with any reputable  
 22 organization having as one of its objectives the promotion  
 23 of safety in the handling of bow hunting tackle. The  
 24 department may designate as an instructor any person it  
 25 finds to be competent to give the national bowhunter

1 education foundation instruction. A person appointed shall  
 2 give the course of instruction and shall issue a certificate  
 3 of completion from the national bowhunter education  
 4 foundation to any person successfully completing the  
 5 course."

6 NEW SECTION. **Section 3. Effective date.** [This act] is  
 7 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0381, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring proof of firearms competency or completion of a hunter safety course by certain members of the armed forces and their dependents prior to issuance of a hunting license under the armed forces' 30-day residency exception and providing an immediate effective date.

ASSUMPTIONS:

1. Any additional hunter safety classes will be absorbed within the existing program.
2. This potential could be a deterrent to purchasing a hunting license. However, DFWP does not anticipate a noticeable decrease in licenses sold to members of the armed forces. Thus, there is no impact on department revenues.

FISCAL IMPACT: None.

TECHNICAL NOTES: In order to conform to the Department of Fish, Wildlife and Parks license year, the effective date should be March 1, 1994.

*David Lewis* 2-2-93

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

*Wm Ryan* 2-4-93  
WILLIAM M. RYAN, PRIMARY SPONSOR DATE

Fiscal Note for HB0381, as introduced

**HB 381**

APPROVED BY COMM.  
ON FISH AND GAME

HOUSE BILL NO. 381

INTRODUCED BY RYAN, GERVAIS, ENDY, DOLEZAL,  
CLARK, STRIZICH, GALVIN, S. RICE, WILSON, MCCULLOCH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PROOF OF  
FIREARMS COMPETENCY OR COMPLETION OF A HUNTER SAFETY COURSE  
BY CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS  
PRIOR TO ISSUANCE OF A HUNTING LICENSE UNDER THE ARMED  
FORCES' 30-DAY RESIDENCY EXCEPTION; AMENDING SECTIONS  
87-2-102 AND 87-2-105, MCA; AND PROVIDING AN-IMMEDIATE A  
DELAYED EFFECTIVE DATE."

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

**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 apply:

(1) Members of the regular 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 active duty in Montana and their dependents, as  
defined in 15-30-113, 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 and a certificate of competency, as provided in

87-2-105, or a certificate verifying the successful  
completion of a hunter safety course in any state or  
province, are considered residents for the purpose of this  
chapter. The 30-day residence requirement is waived in time  
of war.

(2) A person who has been a resident of the state of  
Montana for a period of 6 months immediately prior to making  
application for a license is eligible to receive a resident  
hunting, fishing, or trapping license. A person is  
considered a resident if the person meets the following  
criteria:

(a) the person lives in Montana or has a fixed intent  
to return to this state when he leaves it;

(b) the person files Montana state income tax returns  
if required to file as a resident;

(c) the person licenses and titles in Montana as  
required by law any vehicles that the person owns and  
operates in Montana;

(d) the person does not use any resident hunting,  
fishing, or trapping privileges in another state or country  
during the time the resident Montana license is valid; and

(e) if the person registers to vote, the person  
registers only in Montana.

(3) Any enrollee of a job corps camp located within the  
state of Montana is, after a period of 30 days within

1 Montana, considered a resident for the purpose of making  
 2 application for a fishing license as long as the person  
 3 remains an enrollee in a Montana camp.

4 (4) A person who does not reside in Montana but who  
 5 meets all of the following requirements is a resident for  
 6 purposes of obtaining hunting and fishing licenses:

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

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

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

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

17 (5) An unmarried minor whose parents, legal guardian,  
 18 or custodial parent is a resident for purposes of this  
 19 section is also considered a resident for purposes of this  
 20 section."

21 **Section 2.** Section 87-2-105, MCA, is amended to read:

22 "87-2-105. **Safety instruction required.** (1) A hunting  
 23 license may not be issued to a resident person under the age  
 24 of 18 years unless he the resident presents to the person  
 25 authorized to issue the license a certificate of competency

1 as provided by this section.

2 (2) A hunting license may not be issued to a  
 3 nonresident person under the age of 18 years unless he the  
 4 nonresident presents to the person authorized to issue the  
 5 license a certificate of competency, as provided in this  
 6 section, or a certificate verifying that he the nonresident  
 7 has successfully completed a course in the safe handling of  
 8 firearms in any state or province.

9 (3) A hunting license may not be issued to a member of  
 10 the regular armed forces of the United States or to a member  
 11 of the armed forces of a foreign government attached to the  
 12 armed forces of the United States who is assigned to active  
 13 duty in Montana and who is otherwise considered a resident  
 14 under 87-2-102(1) or to a member's dependents, as defined in  
 15 15-30-113, who reside in the member's Montana household,  
 16 unless the member or dependent presents to the person  
 17 authorized to issue the license a certificate of competency,  
 18 as provided in this section, or a certificate verifying that  
 19 the member or dependent has successfully completed a hunter  
 20 safety course in any state or province.

21 (4) A bow and arrow license may not be issued to a  
 22 resident or nonresident unless he the resident or  
 23 nonresident presents to the person authorized to issue the  
 24 license an archery license issued for a prior hunting season  
 25 or a certificate of completion from the national bowhunter

1 education foundation. Neither the department nor the license  
 2 agent is required to provide records of past archery license  
 3 purchases. As part of the department's bow and arrow  
 4 licensing procedures, the department shall notify the public  
 5 regarding bow hunter education requirements. As part of  
 6 those public information efforts, the department shall  
 7 notify by mail all individuals who purchased a Class A-2  
 8 special bow and arrow license during the 1990-91 hunting  
 9 season.

10 †4)5) The department shall provide for a course of  
 11 instruction in the safe handling of firearms and for that  
 12 purpose may cooperate with any reputable organization having  
 13 as one of its objectives the promotion of safety in the  
 14 handling of firearms. The department may designate as an  
 15 instructor any person it finds to be competent to give  
 16 instructions in the handling of firearms. A person appointed  
 17 shall give the course of instruction and shall issue a  
 18 certificate of competency in the safe handling of firearms  
 19 to a person successfully completing the course.

20 †5)6) The department shall provide for a course of  
 21 instruction from the national bowhunter education foundation  
 22 and for that purpose may cooperate with any reputable  
 23 organization having as one of its objectives the promotion  
 24 of safety in the handling of bow hunting tackle. The  
 25 department may designate as an instructor any person it

1 finds to be competent to give the national bowhunter  
 2 education foundation instruction. A person appointed shall  
 3 give the course of instruction and shall issue a certificate  
 4 of completion from the national bowhunter education  
 5 foundation to any person successfully completing the  
 6 course."

7 NEW SECTION. Section 3. Effective date. [This act] is  
 8 effective ~~on-passage-and-approval~~ MARCH 1, 1994.

-End-



## 1 HOUSE BILL NO. 381

2 INTRODUCED BY RYAN, GERVAIS, ENDY, DOLEZAL,

3 CLARK, STRIZICH, GALVIN, S. RICE, WILSON, MCCULLOCH

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6 (2) A person who has been a resident of the state of  
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12 (a) the person lives in Montana or has a fixed intent  
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14 (b) the person files Montana state income tax returns  
15 if required to file as a resident;

16 (c) the person licenses and titles in Montana as  
17 required by law any vehicles that the person owns and  
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THERE ARE NO CHANGES IN THIS BILL  
AND WILL NOT BE REPRINTED. PLEASE  
REFER TO YELLOW COPY FOR COMPLETE TEXT.

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11 income tax in a timely manner and proper amount.

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7 NEW SECTION. **Section 3.** *Effective date.* [This act] is  
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-End-