

SENATE BILL NO. 58

INTRODUCED BY SWIFT, VOGEL, CLARK,
KOEHNKE, BENEDICT, BURNETT

IN THE SENATE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 4, 1993	FIRST READING.
JANUARY 6, 1993	ON MOTION, SPONSORS ADDED.
JANUARY 15, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 16, 1993	PRINTING REPORT.
JANUARY 18, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
JANUARY 19, 1993	SECOND READING, DO PASS AS AMENDED.
JANUARY 20, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 2.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 21, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 9, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 2, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 5, 1993	THIRD READING, CONCURRED IN. AYES, 97; NOES, 3.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 10, 1993

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

MARCH 18, 1993

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

MARCH 18, 1993

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 25, 1993

CONFERENCE COMMITTEE REPORTED.

MARCH 27, 1993

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

MARCH 29, 1993

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 13, 1993

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1993

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 58

INTRODUCED BY SWIFT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE HUNTING AND FISHING LAWS OF MONTANA; AUTHORIZING CERTAIN HUNTING WITH HANDGUNS; REVISING PROVISIONS REGARDING RESIDENCY OF MINORS; CLARIFYING OWNERSHIP OF TAGGED GAME; INCREASING CERTAIN PENALTIES; AMENDING SECTIONS 87-1-304, 87-2-102, 87-2-509, AND 87-3-143, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) The commission may fix seasons, bag limits, possession limits, and season limits; open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; and declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permit holders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those areas. It may declare areas open to deer or elk or both deer and elk hunting where only bow and arrow or shotguns or both may be used to hunt or kill deer or elk. In areas where deer

or elk or both deer and elk hunting is open to the use of shotguns, the commission shall authorize the use of muzzleloaders and handguns with restrictions as necessary for safety. It may declare areas open to special license holders only and issue special licenses in a limited number when it determines, after proper investigation, that such a season is necessary to assure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. It may declare a special season and issue special licenses when game birds or animals or fur-bearing animals are causing damage to private property or when a written complaint of such damage has been filed with the commission by the owner of that property. In determining to whom those licenses ~~shall~~ must be issued, it may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system ~~shall~~ must be determined by the commission.

(2) The commission may adopt rules governing the use of livestock and vehicles by archers during special archery seasons.

(3) It may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state. It may declare closed season

for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

(4) It may declare a closed season on any species of game, fish, game birds, or fur-bearing animals threatened with undue depletion from any cause. It may close any area or district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited periods of time, when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game and fur-bearing animals, and game and nongame birds. It later may open the area or district upon consent of a majority of the property owners affected.

(5) The commission may authorize the director to open or close any special season upon 12 hours' notice to the public.

(6) It may declare certain fishing waters closed to fishing except by persons under 13 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and enjoyment of juveniles under 13 years of age, at times and in areas the commission in its discretion considers advisable and consistent with its policies relating to fishing."

Section 2. 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, 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 the person 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

1 required by law any vehicles that the person owns and
2 operates in Montana;

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

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

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

13 (4) A person who does not reside in Montana but who
14 meets all of the following requirements is a resident for
15 purposes of obtaining hunting and fishing 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 a
22 full-time basis for at least 12 consecutive months
23 immediately preceding each application.

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

1 (5) An unmarried minor whose parents, legal guardian,
2 or custodial parent is a resident for purposes of this
3 section is also considered a resident for purposes of this
4 section regardless of whether the minor resides primarily in
5 the state or otherwise qualifies as a resident. The resident
6 parent or guardian of the minor may be required to show
7 proof of the parental, guardianship, or custodial
8 relationship to the minor."

9 **Section 3.** Section 87-2-509, MCA, is amended to read:

10 "87-2-509. Tagging of carcasses of game animals. (1)
11 ~~Every~~ Each license issued by the department authorizing the
12 holder ~~thereof~~ of the license to pursue, shoot, kill,
13 capture, take, or possess game animals, whether issued to a
14 resident or a nonresident, ~~shall~~ must provide ~~such~~ any tags,
15 coupons, or markers as the department prescribes. When any
16 person takes or kills any game animal under the license, the
17 person shall immediately ~~thereafter~~ cut out from the tag,
18 coupon, or other marker the date the animal was killed or
19 taken and attach the tag, coupon, or other marker to the
20 animal, completely filled out with the name of the license
21 holder, ~~his~~ the license holder's address, and any other
22 information requested on the tag, coupon, or other marker.
23 ~~Such~~ The tag, coupon, or other marker ~~shall~~ must be kept
24 attached to the carcass ~~so~~ as long as any considerable
25 portion of the carcass remains unconsumed, and when the

1 proper tag, coupon, or other marker is attached to the game
 2 animal ~~so that was killed~~, the ~~same game animal becomes the~~
 3 property of the person who tagged the animal and may be
 4 possessed, used, stored, donated to another or to a charity,
 5 and or transported.

6 (2) It is unlawful for a person, who kills any game
 7 animal by authority of any license issued for the killing of
 8 the game animal, to fail or neglect to cut out the day and
 9 month of the kill or provide ~~such any~~ other information ~~as~~
 10 that is required and attach his the tag, coupon, or other
 11 marker so provided with the license issued to the carcass of
 12 the game animal or portion thereof of the game animal. It is
 13 unlawful for a person to fail to keep the tag, coupon, or
 14 other marker attached to the game animal or portion ~~thereof~~
 15 of the game animal while the same animal is possessed by him
 16 the person."

17 **Section 4.** Section 87-3-143, MCA, is amended to read:

18 "87-3-143. **Penalty.** A person convicted of a violation
 19 of 87-3-142 is guilty of a misdemeanor and is punishable by
 20 a fine not to exceed \$500 or imprisonment not to exceed 30
 21 days, or both. A person convicted of a second or subsequent
 22 violation of 87-3-142 is guilty of a felony and is
 23 punishable by a fine not to exceed \$10,000 or imprisonment
 24 in the state prison for a term not to exceed 10 years, or
 25 both."

1 NEW SECTION. **Section 5.** Effective date. [This act] is
 2 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 SB0058, as introduced.

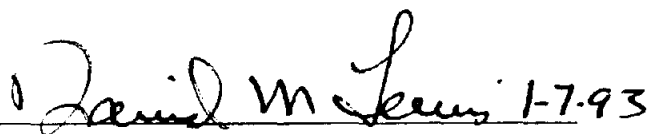
DESCRIPTION OF PROPOSED LEGISLATION:

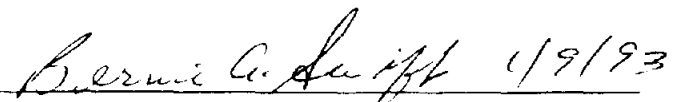
An act generally revising the hunting and fishing laws of Montana; authorizing certain hunting with handguns; revising provisions regarding residency of minors; clarifying ownership of tagged game; and increasing certain penalties.

ASSUMPTIONS:

1. The change in residency for minors will not have a substantive revenue or expenditure impact.
2. The increase in the penalty for violation of Section 87-3-142, MCA, will not significantly increase department revenue.

FISCAL IMPACT: Insignificant.


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


BERNIE A. SWIFT, PRIMARY SPONSOR DATE

Fiscal Note for SB0058, as introduced

SB 58

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 58

INTRODUCED BY SWIFT, VOGEL, CLARK,

KOEHNKE, BENEDICT, BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE HUNTING AND FISHING LAWS OF MONTANA; ~~AUTHORIZING CERTAIN HUNTING WITH HANDGUNS~~ CLARIFYING RESTRICTIONS ON HUNTING WITH SPECIFIED WEAPONS; REVISING PROVISIONS REGARDING RESIDENCY OF MINORS; CLARIFYING OWNERSHIP OF TAGGED GAME; INCREASING CERTAIN PENALTIES; AMENDING SECTIONS 87-1-304, 87-2-102, 87-2-509, AND 87-3-143, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) The commission may fix seasons, bag limits, possession limits, and season limits; open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; and declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permit holders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those areas. ~~It may declare areas open to deer or elk or both deer~~

~~and elk hunting where only bow and arrow or shotguns or both may be used to hunt or kill deer or elk; in areas where deer or elk or both deer and elk hunting is open to the use of shotguns; the commission shall authorize the use of muzzleloaders and handguns with restrictions as necessary for safety; THE COMMISSION MAY RESTRICT AREAS AND SPECIES TO HUNTING WITH ONLY SPECIFIED HUNTING IMPLEMENTS FOR THE REASONS OF SAFETY OR OF PROVIDING DIVERSE HUNTING OPPORTUNITIES AND EXPERIENCES.~~ It may declare areas open to special license holders only and issue special licenses in a limited number when it determines, after proper investigation, that such a season is necessary to assure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. It may declare a special season and issue special licenses when game birds or animals or fur-bearing animals are causing damage to private property or when a written complaint of such damage has been filed with the commission by the owner of that property. In determining to whom those licenses ~~shall~~ must be issued, it may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system ~~shall~~ must be determined by the commission.

(2) The commission may adopt rules governing the use of

1 livestock and vehicles by archers during special archery
2 seasons.

3 (3) It may divide the state into fish and game
4 districts and create fish, game, or fur-bearing animal
5 districts throughout the state. It may declare closed season
6 for hunting, fishing, or trapping in any of those districts
7 and later may open those districts to hunting, fishing, or
8 trapping.

9 (4) It may declare a closed season on any species of
10 game, fish, game birds, or fur-bearing animals threatened
11 with undue depletion from any cause. It may close any area
12 or district of any stream, public lake, or public water or
13 portions thereof to hunting, trapping, or fishing for
14 limited periods of time, when necessary to protect a
15 recently stocked area, district, water, spawning waters,
16 spawn-taking waters, or spawn-taking stations or to prevent
17 the undue depletion of fish, game and fur-bearing animals,
18 and game and nongame birds. It later may open the area or
19 district upon consent of a majority of the property owners
20 affected.

21 (5) The commission may authorize the director to open
22 or close any special season upon 12 hours' notice to the
23 public.

24 (6) It may declare certain fishing waters closed to
25 fishing except by persons under 13 years of age. The purpose

1 of this subsection is to provide suitable fishing waters for
2 the exclusive use and enjoyment of juveniles under 13 years
3 of age, at times and in areas the commission in its
4 discretion considers advisable and consistent with its
5 policies relating to fishing."

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

7 "87-2-102. **Resident defined.** In determining a resident
8 for the purpose of issuing resident fishing, hunting, and
9 trapping licenses, the following provisions apply:

10 (1) Members of the regular armed forces of the United
11 States or members of the armed forces of foreign governments
12 attached to the armed forces of the United States who are
13 assigned to active duty in Montana and their dependents, as
14 defined in 15-30-113, who reside in their Montana household
15 with them, after a period of 30 days within Montana, upon
16 presenting assignment orders emanating from the proper unit
17 commander, are considered residents for the purpose of this
18 chapter. The 30-day residence requirement is waived in time
19 of war.

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

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

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

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

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

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

13 (3) Any enrollee of a job corps camp located within the
14 state of Montana is, after a period of 30 days within
15 Montana, considered a resident for the purpose of making
16 application for a fishing license as long as the person
17 remains an enrollee in a Montana camp.

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

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

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

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

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

6 (5) An unmarried minor whose parents, legal guardian,
7 or ~~custodial~~ parent WITH JOINT CUSTODY, SOLE CUSTODY, OR
8 VISITATION RIGHTS is a resident for purposes of this section
9 is also considered a resident for purposes of this section
10 regardless of whether the minor resides primarily in the
11 state or otherwise qualifies as a resident. The resident
12 parent or guardian of the minor may be required to show
13 proof of the parental, guardianship, or custodial
14 relationship to the minor."

15 **Section 3.** Section 87-2-509, MCA, is amended to read:

16 "87-2-509. Tagging of carcasses of game animals. (1)
17 ~~Every~~ Each license issued by the department authorizing the
18 holder ~~thereof~~ of the license to pursue, shoot, kill,
19 capture, take, or possess game animals, whether issued to a
20 resident or a nonresident, ~~shall~~ must provide such any tags,
21 coupons, or markers as the department prescribes. When any
22 person takes or kills any game animal under the license, the
23 person shall immediately ~~thereafter~~ cut out from the tag,
24 coupon, or other marker the date the animal was killed or
25 taken and attach the tag, coupon, or other marker to the

animal, completely filled out with the name of the license holder, ~~his~~ the license holder's address, and any other information requested on the tag, coupon, or other marker. ~~Such~~ The tag, coupon, or other marker ~~shall~~ must be kept attached to the carcass ~~so~~ as long as any considerable portion of the carcass remains unconsumed, and when the proper tag, coupon, or other marker is attached to the game animal ~~so that was~~ killed, the same game animal becomes the property of the person who tagged the animal and may be possessed, used, stored, donated to another or to a charity, and or transported.

(2) It is unlawful for a person, who kills any game animal by authority of any license issued for the killing of the game animal, to fail or neglect to cut out the day and month of the kill or provide ~~such~~ any other information ~~as that~~ is required and attach ~~his~~ the tag, coupon, or other marker ~~so~~ provided with the license issued to the carcass of the game animal or portion ~~thereof~~ of the game animal. It is unlawful for a person to fail to keep the tag, coupon, or other marker attached to the game animal or portion ~~thereof~~ of the game animal while the ~~same animal~~ animal is possessed by ~~him~~ the person."

Section 4. Section 87-3-143, MCA, is amended to read:

"87-3-143. **Penalty.** A person convicted of a violation of 87-3-142 is guilty of a misdemeanor and is punishable by

a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both. A person convicted of a second or subsequent violation of 87-3-142 is--guilty--of--a--felony--and is punishable by a fine not to exceed ~~\$10,000~~ \$1,000 or imprisonment in-the-state-prison for a term not to exceed ~~10~~ years 1 YEAR, or both."

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

-End-

1 SENATE BILL NO. 58

2 INTRODUCED BY SWIFT, VOGEL, CLARK,

3 KOEHNKE, BENEDICT, BURNETT

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
6 HUNTING AND FISHING LAWS OF MONTANA; ~~AUTHORIZING CERTAIN~~
7 ~~HUNTING WITH HANDGUNS~~ CLARIFYING RESTRICTIONS ON HUNTING
8 WITH SPECIFIED WEAPONS ARMS; REVISING PROVISIONS REGARDING
9 RESIDENCY OF MINORS; CLARIFYING OWNERSHIP OF TAGGED GAME;
10 INCREASING CERTAIN PENALTIES; AMENDING SECTIONS 87-1-304,
11 87-2-102, 87-2-509, AND 87-3-143, MCA; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 87-1-304, MCA, is amended to read:

16 "87-1-304. Fixing of seasons and bag and possession
17 limits. (1) The commission may fix seasons, bag limits,
18 possession limits, and season limits; open or close or
19 shorten or lengthen seasons on any species of game, bird,
20 fish, or fur-bearing animal as defined by 87-2-101; and
21 declare areas open to the hunting of deer, antelope, elk,
22 moose, sheep, and goat by bow and arrow permit holders and
23 designate times when only bows and arrows may be used to
24 hunt deer, antelope, elk, moose, sheep, and goat in those
25 areas. ~~it may declare areas open to deer or elk or both deer~~

1 and elk hunting where only bow and arrow or shotguns or both
2 may be used to hunt or kill deer or elk; in areas where deer
3 or elk or both deer and elk hunting is open to the use of
4 shotguns; the commission shall authorize the use of
5 muzzleloaders and handguns with restrictions as necessary
6 for safety. THE COMMISSION MAY RESTRICT AREAS AND SPECIES TO
7 HUNTING WITH ONLY SPECIFIED HUNTING IMPLEMENTS ARMS FOR THE
8 REASONS OF SAFETY OR OF PROVIDING DIVERSE HUNTING
9 OPPORTUNITIES AND EXPERIENCES. It may declare areas open to
10 special license holders only and issue special licenses in a
11 limited number when it determines, after proper
12 investigation, that such a season is necessary to assure the
13 maintenance of an adequate supply of game birds, fish, or
14 animals or fur-bearing animals. It may declare a special
15 season and issue special licenses when game birds or animals
16 or fur-bearing animals are causing damage to private
17 property or when a written complaint of such damage has been
18 filed with the commission by the owner of that property. In
19 determining to whom those licenses shall must be issued, it
20 may, when more applications are received than the number of
21 animals to be killed, award permits to those chosen under a
22 drawing system. The procedures used for awarding the permits
23 from the drawing system shall must be determined by the
24 commission.

25 (2) The commission may adopt rules governing the use of

1 livestock and vehicles by archers during special archery
2 seasons.

3 (3) It may divide the state into fish and game
4 districts and create fish, game, or fur-bearing animal
5 districts throughout the state. It may declare closed season
6 for hunting, fishing, or trapping in any of those districts
7 and later may open those districts to hunting, fishing, or
8 trapping.

9 (4) It may declare a closed season on any species of
10 game, fish, game birds, or fur-bearing animals threatened
11 with undue depletion from any cause. It may close any area
12 or district of any stream, public lake, or public water or
13 portions thereof to hunting, trapping, or fishing for
14 limited periods of time, when necessary to protect a
15 recently stocked area, district, water, spawning waters,
16 spawn-taking waters, or spawn-taking stations or to prevent
17 the undue depletion of fish, game and fur-bearing animals,
18 and game and nongame birds. It later may open the area or
19 district upon consent of a majority of the property owners
20 affected.

21 (5) The commission may authorize the director to open
22 or close any special season upon 12 hours' notice to the
23 public.

24 (6) It may declare certain fishing waters closed to
25 fishing except by persons under 13 years of age. The purpose

1 of this subsection is to provide suitable fishing waters for
2 the exclusive use and enjoyment of juveniles under 13 years
3 of age, at times and in areas the commission in its
4 discretion considers advisable and consistent with its
5 policies relating to fishing."

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

7 "87-2-102. Resident defined. In determining a resident
8 for the purpose of issuing resident fishing, hunting, and
9 trapping licenses, the following provisions apply:

10 (1) Members of the regular armed forces of the United
11 States or members of the armed forces of foreign governments
12 attached to the armed forces of the United States who are
13 assigned to active duty in Montana and their dependents, as
14 defined in 15-30-113, who reside in their Montana household
15 with them, after a period of 30 days within Montana, upon
16 presenting assignment orders emanating from the proper unit
17 commander, are considered residents for the purpose of this
18 chapter. The 30-day residence requirement is waived in time
19 of war.

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

(a) the person lives in Montana or has a fixed intent to return to this state when he the person 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 application for a fishing license as long as the person remains an enrollee in a Montana camp.

(4) A person who does not reside in Montana but who meets 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 12 consecutive months immediately preceding each application.

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

(5) An unmarried minor whose IS CONSIDERED A RESIDENT FOR THE PURPOSES OF THIS SECTION IF THE MINOR'S parents, legal guardian, or custodial parent WITH JOINT CUSTODY, SOLE CUSTODY, OR VISITATION RIGHTS is a resident for purposes of this section. THE MINOR is also considered a resident for purposes of this section regardless of whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent or guardian of the minor may be required to show proof of the parental, guardianship, or custodial relationship to the minor."

Section 3. Section 87-2-509, MCA, is amended to read:

"87-2-509. Tagging of carcasses of game animals. (1) Every Each license issued by the department authorizing the holder thereof of the license to pursue, shoot, kill, capture, take, or possess game animals, whether issued to a resident or a nonresident, ~~shall~~ must provide such any tags, coupons, or markers as the department prescribes. When any person takes or kills any game animal under the license, the person shall immediately thereafter cut out from the tag, coupon, or other marker the date the animal was killed or

1 taken and attach the tag, coupon, or other marker to the
 2 animal, completely filled out with the name of the license
 3 holder, his the license holder's address, and any other
 4 information requested on the tag, coupon, or other marker.
 5 Such The tag, coupon, or other marker shall must be kept
 6 attached to the carcass so as long as any considerable
 7 portion of the carcass remains unconsumed, and when the
 8 proper tag, coupon, or other marker is attached to the game
 9 animal so that was killed, the same game animal becomes the
 10 property of the person who tagged the animal and may be
 11 possessed, used, stored, donated to another or to a charity,
 12 and or transported.

13 (2) It is unlawful for a person, who kills any game
 14 animal by authority of any license issued for the killing of
 15 the game animal, to fail or neglect to cut out the day and
 16 month of the kill or provide such any other information as
 17 that is required and attach his the tag, coupon, or other
 18 marker so provided with the license issued to the carcass of
 19 the game animal or portion thereof of the game animal. It is
 20 unlawful for a person to fail to keep the tag, coupon, or
 21 other marker attached to the game animal or portion thereof
 22 of the game animal while the same animal is possessed by him
 23 the person."

24 **Section 4.** Section 87-3-143, MCA, is amended to read:

25 "87-3-143. Penalty. A person convicted of a violation

1 of 87-3-142 is guilty of a misdemeanor and is punishable by
 2 a fine not to exceed \$500 or imprisonment not to exceed 30
 3 days, or both. A person convicted of a second or subsequent
 4 violation of 87-3-142 is--guilty--of--a--felony--and is
 5 punishable by a fine not to exceed ~~\$10,000~~ \$1,000 or
 6 imprisonment in-the-state-prison for a term not to exceed 10
 7 years 1 YEAR, or both."

8 **NEW SECTION. Section 5.** Effective date. (This act) is
 9 effective on passage and approval.

-End-

HOUSE STANDING COMMITTEE REPORT

February 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 58 (third reading copy -- blue) be concurred in as amended.

Signed: Mike Foster
Mike Foster, Chair

And, that such amendments read:

Carried by: Rep. Vogel

1. Page 2, line 7.

Following: "ARMS"

Insert: ", including bow and arrow,"

-END-

SB 58

HOUSE

Committee Vote:

Yes 11, No 0.

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 58
Representative Pavlovich

March 2, 1993 8:25 am
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 58 (third reading copy -- blue).

Signed: *Jeff Pavlovich*
Representative Pavlovich

And, that such amendments to Senate Bill 58 read as follows:

1. Title, line 9.

Following: "MINORS"

Insert: "AND CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR
DEPENDENTS"

2. Page 4, line 10.

Following: "(1)"

Insert: "(a)"

3. Page 4, line 20.

Following: line 19

Insert: "(b) Members of the regular armed forces of the United States who are assigned to active duty outside Montana and their dependents, as defined in 15-30-113, who meet the residency requirements of subsection (2), except subsection (2)(a), are considered residents for the purpose of this chapter."

-END-

ADOPT

REJECT

HOUSE

SB 58

470824CW.Hpf

SENATE BILL NO. 58

INTRODUCED BY SWIFT, VOGEL, CLARK,

KOEHNKE, BENEDICT, BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE HUNTING AND FISHING LAWS OF MONTANA; ~~AUTHORIZING CERTAIN HUNTING WITH HANDGUNS~~ CLARIFYING RESTRICTIONS ON HUNTING WITH SPECIFIED WEAPONS ARMS; REVISING PROVISIONS REGARDING RESIDENCY OF MINORS AND CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS; CLARIFYING OWNERSHIP OF TAGGED GAME; INCREASING CERTAIN PENALTIES; AMENDING SECTIONS 87-1-304, 87-2-102, 87-2-509, AND 87-3-143, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) The commission may fix seasons, bag limits, possession limits, and season limits; open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; and declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permit holders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those

areas. ~~it may declare areas open to deer or elk or both deer and elk hunting where only bow and arrow or shotguns or both may be used to hunt or kill deer or elk in areas where deer or elk or both deer and elk hunting is open to the use of shotguns; the commission shall authorize the use of muzzleloaders and handguns with restrictions as necessary for safety. THE COMMISSION MAY RESTRICT AREAS AND SPECIES TO HUNTING WITH ONLY SPECIFIED HUNTING IMPLEMENTS ARMS FOR THE REASONS OF SAFETY OR OF PROVIDING DIVERSE HUNTING OPPORTUNITIES AND EXPERIENCES.~~ It may declare areas open to special license holders only and issue special licenses in a limited number when it determines, after proper investigation, that such a season is necessary to assure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. It may declare a special season and issue special licenses when game birds or animals or fur-bearing animals are causing damage to private property or when a written complaint of such damage has been filed with the commission by the owner of that property. In determining to whom those licenses ~~shall~~ must be issued, it may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system ~~shall~~ must be determined by the commission.

1 (2) The commission may adopt rules governing the use of
2 livestock and vehicles by archers during special archery
3 seasons.

4 (3) It may divide the state into fish and game
5 districts and create fish, game, or fur-bearing animal
6 districts throughout the state. It may declare closed season
7 for hunting, fishing, or trapping in any of those districts
8 and later may open those districts to hunting, fishing, or
9 trapping.

10 (4) It may declare a closed season on any species of
11 game, fish, game birds, or fur-bearing animals threatened
12 with undue depletion from any cause. It may close any area
13 or district of any stream, public lake, or public water or
14 portions thereof to hunting, trapping, or fishing for
15 limited periods of time, when necessary to protect a
16 recently stocked area, district, water, spawning waters,
17 spawn-taking waters, or spawn-taking stations or to prevent
18 the undue depletion of fish, game and fur-bearing animals,
19 and game and nongame birds. It later may open the area or
20 district upon consent of a majority of the property owners
21 affected.

22 (5) The commission may authorize the director to open
23 or close any special season upon 12 hours' notice to the
24 public.

25 (6) It may declare certain fishing waters closed to

1 fishing except by persons under 13 years of age. The purpose
2 of this subsection is to provide suitable fishing waters for
3 the exclusive use and enjoyment of juveniles under 13 years
4 of age, at times and in areas the commission in its
5 discretion considers advisable and consistent with its
6 policies relating to fishing."

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

8 **"87-2-102. Resident defined.** In determining a resident
9 for the purpose of issuing resident fishing, hunting, and
10 trapping licenses, the following provisions apply:

11 (1) (A) Members of the regular armed forces of the
12 United States or members of the armed forces of foreign
13 governments attached to the armed forces of the United
14 States who are assigned to active duty in Montana and their
15 dependents, as defined in 15-30-113, who reside in their
16 Montana household with them, after a period of 30 days
17 within Montana, upon presenting assignment orders emanating
18 from the proper unit commander, are considered residents for
19 the purpose of this chapter. The 30-day residence
20 requirement is waived in time of war.

21 (B) MEMBERS OF THE REGULAR ARMED FORCES OF THE UNITED
22 STATES WHO ARE ASSIGNED TO ACTIVE DUTY OUTSIDE MONTANA AND
23 THEIR DEPENDENTS, AS DEFINED IN 15-30-113, WHO MEET THE
24 RESIDENCY REQUIREMENTS OF SUBSECTION (2), EXCEPT SUBSECTION
25 (2)(A), ARE CONSIDERED RESIDENTS FOR THE PURPOSE OF THIS

1 CHAPTER.

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

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

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

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

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

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

20 (3) Any enrollee of a job corps camp located within the
21 state of Montana is, after a period of 30 days within
22 Montana, considered a resident for the purpose of making
23 application for a fishing license as long as the person
24 remains an enrollee in a Montana camp.

25 (4) A person who does not reside in Montana but who

1 meets all of the following requirements is a resident for
2 purposes of obtaining hunting and fishing licenses:

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

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

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

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

13 (5) An unmarried minor whose IS CONSIDERED A RESIDENT
14 FOR THE PURPOSES OF THIS SECTION IF THE MINOR'S parents,
15 legal guardian, or custodial parent WITH JOINT CUSTODY, SOLE
16 CUSTODY, OR VISITATION RIGHTS is a resident for purposes of
17 this section. THE MINOR is also considered a resident for
18 purposes of this section regardless of whether the minor
19 resides primarily in the state or otherwise qualifies as a
20 resident. The resident parent or guardian of the minor may
21 be required to show proof of the parental, guardianship, or
22 custodial relationship to the minor."

23 **Section 3.** Section 87-2-509, MCA, is amended to read:

24 "87-2-509. Tagging of carcasses of game animals. (1)
25 Every Each license issued by the department authorizing the

1 holder thereof of the license to pursue, shoot, kill,
 2 capture, take, or possess game animals, whether issued to a
 3 resident or a nonresident, shall must provide such any tags,
 4 coupons, or markers as the department prescribes. When any
 5 person takes or kills any game animal under the license, the
 6 person shall immediately thereafter cut out from the tag,
 7 coupon, or other marker the date the animal was killed or
 8 taken and attach the tag, coupon, or other marker to the
 9 animal, completely filled out with the name of the license
 10 holder, his the license holder's address, and any other
 11 information requested on the tag, coupon, or other marker.
 12 Such The tag, coupon, or other marker shall must be kept
 13 attached to the carcass so as long as any considerable
 14 portion of the carcass remains unconsumed, and when the
 15 proper tag, coupon, or other marker is attached to the game
 16 animal so that was killed, the same game animal becomes the
 17 property of the person who tagged the animal and may be
 18 possessed, used, stored, donated to another or to a charity,
 19 and or transported.

20 (2) It is unlawful for a person, who kills any game
 21 animal by authority of any license issued for the killing of
 22 the game animal, to fail or neglect to cut out the day and
 23 month of the kill or provide such any other information as
 24 that is required and attach his the tag, coupon, or other
 25 marker so provided with the license issued to the carcass of

1 the game animal or portion thereof of the game animal. It is
 2 unlawful for a person to fail to keep the tag, coupon, or
 3 other marker attached to the game animal or portion thereof
 4 of the game animal while the same animal is possessed by him
 5 the person."

6 **Section 4.** Section 87-3-143, MCA, is amended to read:

7 "87-3-143. Penalty. A person convicted of a violation
 8 of 87-3-142 is guilty of a misdemeanor and is punishable by
 9 a fine not to exceed \$500 or imprisonment not to exceed 30
 10 days, or both. A person convicted of a second or subsequent
 11 violation of 87-3-142 is--guilty--of--a--felony--and is
 12 punishable by a fine not to exceed \$10,000 \$1,000 or
 13 imprisonment in-the-state-prison for a term not to exceed 10
 14 years 1 YEAR, or both."

15 **NEW SECTION. Section 5.** Effective date. [This act] is
 16 effective on passage and approval.

-End-

Conference Committee
on Senate Bill No. 58
Report No. 1, March 23, 1993

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 58, met and considered:

House amendments to Senate Bill No. 58.

We recommend that Senate Bill No. 58 (reference copy - salmon) be amended as follows:

1. Page 4, line 11 through page 5, line 1.

Following: "(1)" on line 11

Strike: the remainder of line 11 through page 5, line 1 in their entirety

Insert: "A member of the regular armed forces of the United States, a member's dependent, as defined in 15-30-113, who resides in the member's Montana household, or a member of the armed forces of a foreign government attached to the regular armed forces of the United States is considered a resident for the purposes of this chapter if:

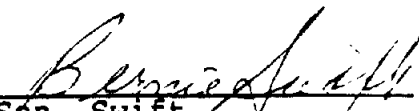
(a) the member was a resident of Montana under the provisions of subsection (2) at the time the member entered the armed forces and continues to meet residency criteria of subsection (2); or

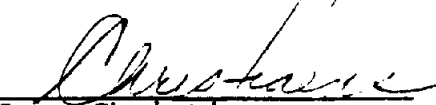
(b) the member is currently assigned to active duty in Montana, has resided in Montana for at least 30 days, and presents official assignment orders. The 30-day residence requirement is waived in time of war."

And that this Conference Committee report be adopted.

For the Senate:


Sen. Pipinich, Chair


Sen. Swift

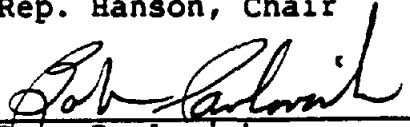

Sen. Christiaens
Amd. Coord.
Sec. of Senate

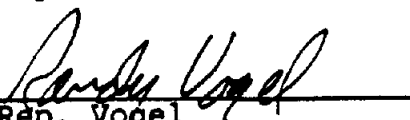
ADOPT

REJECT

For the House:


Rep. Hanson, Chair


Rep. Pavlovich


Rep. Vogel

C.C.R. # 1
SB 58

651711CC.San

SENATE BILL NO. 58

INTRODUCED BY SWIFT, VOGEL, CLARK,

KOEHNKE, BENEDICT, BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE HUNTING AND FISHING LAWS OF MONTANA; ~~AUTHORIZING CERTAIN HUNTING WITH HANDGUNS~~ CLARIFYING RESTRICTIONS ON HUNTING WITH SPECIFIED WEAPONS ARMS; REVISING PROVISIONS REGARDING RESIDENCY OF MINORS AND CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS; CLARIFYING OWNERSHIP OF TAGGED GAME; INCREASING CERTAIN PENALTIES; AMENDING SECTIONS 87-1-304, 87-2-102, 87-2-509, AND 87-3-143, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) The commission may fix seasons, bag limits, possession limits, and season limits; open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; and declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permit holders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those

areas. ~~It may declare areas open to deer or elk or both deer and elk hunting where only bow and arrow or shotguns or both may be used to hunt or kill deer or elk in areas where deer or elk or both deer and elk hunting is open to the use of shotguns; the commission shall authorize the use of muzzleloaders and handguns with restrictions as necessary for safety. THE COMMISSION MAY RESTRICT AREAS AND SPECIES TO HUNTING WITH ONLY SPECIFIED HUNTING IMPLEMENTS ARMS FOR THE REASONS OF SAFETY OR OF PROVIDING DIVERSE HUNTING OPPORTUNITIES AND EXPERIENCES.~~ It may declare areas open to special license holders only and issue special licenses in a limited number when it determines, after proper investigation, that such a season is necessary to assure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. It may declare a special season and issue special licenses when game birds or animals or fur-bearing animals are causing damage to private property or when a written complaint of such damage has been filed with the commission by the owner of that property. In determining to whom those licenses shall must be issued, it may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system shall must be determined by the commission.

(2) The commission may adopt rules governing the use of livestock and vehicles by archers during special archery seasons.

(3) It may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state. It may declare closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

(4) It may declare a closed season on any species of game, fish, game birds, or fur-bearing animals threatened with undue depletion from any cause. It may close any area or district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited periods of time, when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game and fur-bearing animals, and game and nongame birds. It later may open the area or district upon consent of a majority of the property owners affected.

(5) The commission may authorize the director to open or close any special season upon 12 hours' notice to the public.

(6) It may declare certain fishing waters closed to

fishing except by persons under 13 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and enjoyment of juveniles under 13 years of age, at times and in areas the commission in its discretion considers advisable and consistent with its policies relating to fishing."

Section 2. 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) ~~{A}-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,--are--considered--residents--for--the--purpose--of--this--chapter. The--30--day--residence--requirement--is--waived--in--time--of--war.~~

~~{B}-MEMBERS--OF--THE--REGULAR--ARMED--FORCES--OF--THE--UNITED--STATES--WHO--ARE--ASSIGNED--TO--ACTIVE--DUTY--OUTSIDE--MONTANA--AND--THEIR--DEPENDENTS,--AS--DEFINED--IN--15-30-113,--WHO--MEET--THE--RESIDENCY--REQUIREMENTS--OF--SUBSECTION--(2),--EXCEPT--SUBSECTION--(2){A},--ARE--CONSIDERED--RESIDENTS--FOR--THE--PURPOSE--OF--THIS~~

CHAPTER: A MEMBER OF THE REGULAR ARMED FORCES OF THE UNITED STATES, A MEMBER'S DEPENDENT, AS DEFINED IN 15-30-113, WHO RESIDES IN THE MEMBER'S MONTANA HOUSEHOLD, OR A MEMBER OF THE ARMED FORCES OF A FOREIGN GOVERNMENT ATTACHED TO THE REGULAR ARMED FORCES OF THE UNITED STATES IS CONSIDERED A RESIDENT FOR THE PURPOSES OF THIS CHAPTER IF:

(A) THE MEMBER WAS A RESIDENT OF MONTANA UNDER THE PROVISIONS OF SUBSECTION (2) AT THE TIME THE MEMBER ENTERED THE ARMED FORCES AND CONTINUES TO MEET RESIDENCY CRITERIA OF SUBSECTION (2); OR

(B) THE MEMBER IS CURRENTLY ASSIGNED TO ACTIVE DUTY IN MONTANA, HAS RESIDED IN MONTANA FOR AT LEAST 30 DAYS, AND PRESENTS OFFICIAL ASSIGNMENT ORDERS. 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 the person 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 application for a fishing license as long as the person remains an enrollee in a Montana camp.

(4) A person who does not reside in Montana but who meets 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 12 consecutive months immediately preceding each application.

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

1 (5) An unmarried minor whose IS CONSIDERED A RESIDENT
 2 FOR THE PURPOSES OF THIS SECTION IF THE MINOR'S parents,
 3 legal guardian, or custodial parent WITH JOINT CUSTODY, SOLE
 4 CUSTODY, OR VISITATION RIGHTS is a resident for purposes of
 5 this section. THE MINOR is also considered a resident for
 6 purposes of this section regardless of whether the minor
 7 resides primarily in the state or otherwise qualifies as a
 8 resident. The resident parent or guardian of the minor may
 9 be required to show proof of the parental, guardianship, or
 10 custodial relationship to the minor."

11 **Section 3.** Section 87-2-509, MCA, is amended to read:

12 "87-2-509. Tagging of carcasses of game animals. (1)
 13 Every Each license issued by the department authorizing the
 14 holder thereof of the license to pursue, shoot, kill,
 15 capture, take, or possess game animals, whether issued to a
 16 resident or a nonresident, ~~shall~~ must provide such any tags,
 17 coupons, or markers as the department prescribes. When any
 18 person takes or kills any game animal under the license, the
 19 person shall immediately ~~thereafter~~ cut out from the tag,
 20 coupon, or other marker the date the animal was killed or
 21 taken and attach the tag, coupon, or other marker to the
 22 animal, completely filled out with the name of the license
 23 holder, his the license holder's address, and any other
 24 information requested on the tag, coupon, or other marker.
 25 Such The tag, coupon, or other marker ~~shall~~ must be kept

1 attached to the carcass ~~so~~ as long as any considerable
 2 portion of the carcass remains unconsumed, and when the
 3 proper tag, coupon, or other marker is attached to the game
 4 animal ~~so that was~~ killed, the same game animal becomes the
 5 property of the person who tagged the animal and may be
 6 possessed, used, stored, donated to another or to a charity,
 7 and or transported.

8 (2) It is unlawful for a person, who kills any game
 9 animal by authority of any license issued for the killing of
 10 the game animal, to fail or neglect to cut out the day and
 11 month of the kill or provide such any other information as
 12 that is required and attach his the tag, coupon, or other
 13 marker ~~so~~ provided with the license issued to the carcass of
 14 the game animal or portion thereof of the game animal. It is
 15 unlawful for a person to fail to keep the tag, coupon, or
 16 other marker attached to the game animal or portion thereof
 17 of the game animal while the same animal is possessed by him
 18 the person."

19 **Section 4.** Section 87-3-143, MCA, is amended to read:

20 "87-3-143. Penalty. A person convicted of a violation
 21 of 87-3-142 is guilty of a misdemeanor and is punishable by
 22 a fine not to exceed \$500 or imprisonment not to exceed 30
 23 days, or both. A person convicted of a second or subsequent
 24 violation of 87-3-142 is--guilty--of--a--felony--and is
 25 punishable by a fine not to exceed \$107000 \$1,000 or

1 imprisonment in-the-state-prison for a term not to exceed 10
2 years 1 YEAR, or both."

3 NEW SECTION. **Section 5.** Effective date. [This act] is
4 effective on passage and approval.

-End-