

SENATE BILL NO. 60

INTRODUCED BY P. FLOWERS

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TRAPPER EDUCATION FOR RESIDENT TRAPPERS; PROVIDING EXCEPTIONS; PROVIDING INSTRUCTOR CERTIFICATION REQUIREMENTS; ESTABLISHING THE TRAPPER EDUCATION COMMITTEE; CREATING A SEPARATE FURBEARER HUNTING LICENSE FOR RESIDENTS WHO DON'T TRAP; STANDARDIZING REFERENCES TO THE HUNTER SAFETY AND EDUCATION COURSE; AMENDING SECTIONS 87-2-102, 87-2-105, 87-2-514, AND 87-2-601, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Trapper education required. (1) (A) Except as provided in subsection (2), a resident born after January 1, 1985, may not obtain a Class C trapper's license pursuant to 87-2-601 unless the person completes a trapper education course established pursuant to this section. A CLASS C TRAPPER'S LICENSE MAY NOT BE ISSUED TO A RESIDENT UNLESS THE LICENSE AGENT PROCESSING THE APPLICATION DETERMINES PROOF OF:

(i) THE APPLICANT'S PURCHASE OF A TRAPPER'S LICENSE IN THREE PRIOR TRAPPING SEASONS; OR

(ii) COMPLETION OF A TRAPPER EDUCATION COURSE ESTABLISHED PURSUANT TO THIS SECTION OR OTHERWISE APPROVED BY THE TRAPPER EDUCATION COMMITTEE.

(B) NEITHER THE DEPARTMENT NOR A LICENSE AGENT IS REQUIRED TO PROVIDE RECORDS OF PAST MONTANA TRAPPER'S LICENSE PURCHASES PRIOR TO 1990 OR FOR TRAPPING LICENSES PURCHASED IN ANOTHER STATE.

(2) A resident ~~born after January 1, 1985,~~ is not required to complete a trapper education course if the resident:

- (a) is trapping for the purposes of livestock or property protection; or
- (b) completes the advanced level of the youth trapper camp offered by the Montana trappers association.

(3) The department shall provide a trapper education course that includes field instruction and classroom or online instruction and incorporates the trapper education manual from the Montana trappers association in the course resources. The course must:

(a) include but is not limited to instruction in trapping ethics, best practices, equipment, regulations, and avoidance of nontarget species; ~~and~~

(b) meet the requirements of rule or law for certification to trap wolves; AND

(C) BE REVIEWED AND, AS NEEDED, REVISED BY THE TRAPPER EDUCATION COMMITTEE ESTABLISHED IN SUBSECTION (6).

(4) To successfully complete a trapper education course, a person must pass a final exam. Upon successful completion, the department shall issue that person a certificate of completion.

(5) To be certified to teach a trapper education course established pursuant to this section, an instructor shall:

(a) pass a background check conducted by the department; and

(b) be deemed competent by the ~~department~~ TRAPPER EDUCATION COMMITTEE ESTABLISHED IN SUBSECTION (6) to give instruction in ethical and humane trapping methods.

(6) THE DEPARTMENT SHALL ESTABLISH A TRAPPER EDUCATION COMMITTEE CONSISTING OF THREE ACTIVE, CERTIFIED TRAPPER INSTRUCTORS, TWO OF WHOM ARE MEMBERS OF THE MONTANA TRAPPERS ASSOCIATION, AND THREE DEPARTMENT STAFF KNOWLEDGEABLE IN TRAPPING. THE COMMITTEE SHALL REVIEW AND REVISE TRAPPER EDUCATION COURSE CONTENT AND CERTIFY NEW TRAPPER EDUCATION INSTRUCTORS.

(7) AS PART OF THE DEPARTMENT'S TRAPPER LICENSING PROCEDURES, THE DEPARTMENT SHALL NOTIFY THE PUBLIC OF THE REQUIREMENTS OF THIS SECTION.

NEW SECTION. Section 2. Class C-4--resident license to hunt bobcat, wolverine, and Canada lynx. Except as otherwise provided in this chapter, a resident, as defined in 87-2-102, who is 12 years of age or older, upon making application and payment of a fee of \$20 to the department, may receive a Class C-4 license that authorizes the holder to hunt bobcat, wolverine, and Canada lynx within the state at the times and in the manner provided by law and the regulations of the commission and at the places that may be designated in the license.

Section 3. Section 87-2-102, MCA, is amended to read:

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

(1) (a) A member of the regular armed forces of the United States, a member's spouse or dependent, as defined in 15-30-2115, who resides in the member's 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:

(i) the member was a resident of Montana under the provisions of subsection (4) and continues to meet the residency criteria of subsections (4)(b) through (4)(e); or

(ii) the member is currently stationed in and assigned to active duty in Montana, has resided in Montana for at least 30 days, and presents official assignment orders and proof of completion of a hunter safety and education course approved by the department, as provided in 87-2-105, ~~or~~ a certificate verifying the successful completion of a hunter safety course in any state or province, or, if applicable, proof of completion of a trapper education course pursuant to [section 1]. The 30-day residence requirement is waived in time of war. Reassignment to another state, United States territory, or country terminates Montana residency for purposes of this section, except that a reassigned member continues to qualify as a resident if the member's spouse and dependents continue to physically reside in Montana and the member continues to meet the residency criteria of subsections (4)(b) through (4)(e). The designation of Montana by a member of the regular armed forces as a "home of record" or "home of residence" in that member's armed forces records does not determine the member's residency for purposes of this section.

(b) A member of the regular armed forces of the United States who is otherwise considered a Montana resident pursuant to subsection (1)(a)(i) does not forfeit that status as a resident because the member, by virtue of that membership, also possesses, has applied for, or has received resident hunting, fishing, or trapping privileges in another state or country.

(2) A person who has physically resided in Montana as the person's principal or primary home or place of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately before making application for any license is eligible to receive resident hunting, fishing, and trapping licenses. As used

1 in this section, a vacant lot or a premises used solely for business purposes is not considered a principal or
2 primary home or place of abode.

3 (3) A person who obtains residency under subsection (2) may continue to be a resident for purposes
4 of this section by physically residing in Montana as the person's principal or primary home or place of abode for
5 not less than 120 days a year and by meeting the criteria of subsection (4) prior to making application for any
6 resident hunting, fishing, or trapping license.

7 (4) In addition to the requirements of subsection (2) or (3), a person shall meet the following criteria to
8 be considered a resident for purposes of this section:

9 (a) the person's principal or primary home or place of abode is in Montana;

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

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

13 (d) except as provided in subsection (1)(b), the person does not possess or apply for any resident
14 hunting, fishing, or trapping licenses from another state or country or exercise resident hunting, fishing, or
15 trapping privileges in another state or country; and

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

17 (5) A student who is enrolled full-time in a postsecondary educational institution out of state and who
18 would qualify for Montana resident tuition or who otherwise meets the residence requirements of subsection (2)
19 or (3) is considered a resident for purposes of this section.

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

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

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

27 (b) The person is required to pay and has paid Montana income tax in a timely manner and proper
28 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 (7).

(8) An unmarried minor is considered a resident for the purposes of this section if the minor's parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for purposes of this section. The minor is 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.

(9) A person is not considered a resident for the purposes of this section if the person:

(a) claims residence in any other state or country for any purpose; or

(b) is an absentee property owner paying property tax on property in Montana.

(10) A license agent is not considered a representative of the state for the purpose of determining a license applicant's residence status."

Section 4. Section 87-2-105, MCA, is amended to read:

"87-2-105. ~~Safety instruction~~ Hunter safety and education required. (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) or a person who has been issued an apprentice hunting certificate pursuant to 87-2-810, a hunting license may not be issued to a person born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6);

(b) a hunter safety course in any other state or province; or

(c) a Montana hunter safety and education course that qualifies the person for a provisional certificate as provided in 87-2-126.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's spouse or dependent, as defined in 15-30-2115, who resides in the member's household, unless the person authorized to issue the license determines proof of completion of a hunter safety and education

1 course approved by the department or a hunter safety course in any state or province.

2 (3) A bow and arrow license may not be issued to a resident or nonresident unless the person
3 authorized to issue the license receives an archery license issued for a prior hunting season or determines
4 proof of completion of a bowhunter education course from the national bowhunter education foundation or any
5 other bowhunter education program approved by the department. Neither the department nor the license agent
6 is required to provide records of past archery license purchases. As part of the department's bow and arrow
7 licensing procedures, the department shall notify the public regarding bowhunter education requirements.

8 (4) The department shall provide for a hunter safety and education course that includes instruction in
9 the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one
10 of its objectives the promotion of hunter safety and education. The department may designate as an instructor
11 any person it finds to be competent to give instructions in hunter safety and education, including the handling of
12 firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from
13 Montana's hunter safety and education course to a person successfully completing the course.

14 (5) The department shall provide for a course of instruction from the national bowhunter education
15 foundation or any other bowhunter education program approved by the department and for that purpose may
16 cooperate with any reputable organization having as one of its objectives the promotion of safety in the
17 handling of bow hunting tackle. The department may designate as an instructor any person it finds to be
18 competent to give bowhunter education instruction. A person appointed shall give the course of instruction and
19 shall issue a certificate of completion to a person successfully completing the course.

20 (6) The department may develop an adult hunter safety and education course.

21 (7) The department may adopt rules regarding how a person authorized to issue a license determines
22 proof of completion of a required course."

23
24 **Section 5.** Section 87-2-514, MCA, is amended to read:

25 **"87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at**
26 **reduced cost -- definitions.** (1) For the purposes of this section, the following definitions apply:

27 (a) "Nonresident relative of a resident" means a person born in Montana who is the natural or
28 adoptive child, sibling, or parent of a resident but is not a resident.

(b) "Resident" means a resident as defined in 87-2-102.

(2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the qualifications of subsection (4) may purchase the following at one-half the cost:

(a) a Class B nonresident fishing license;

(b) a Class B-1 nonresident upland game bird license;

(c) one of the following:

(i) a Class B-10 nonresident big game combination license;

(ii) a Class B-11 nonresident deer combination license; or

(iii) a nonresident elk-only combination license;

(d) if available:

(i) a Class B-8 nonresident deer B tag;

(ii) a Class B-12 nonresident antlerless elk B tag license.

(3) Class B-10 and Class B-11 licenses sold pursuant to subsection (2) are not included in the limit on the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.

Nonresident elk-only combination licenses sold pursuant to subsection (2) are in addition to nonresident elk-only combination licenses available for sale pursuant to 87-2-511.

(4) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply at any department regional office or at the department's state office in Helena and present proof of the following:

(a) a birth certificate verifying the applicant's birth in Montana or documentation that the applicant was born to parents who were residents at the time of birth;

(b) evidence that the person previously held a Montana resident hunting or fishing license or has passed a hunter safety and education course in Montana pursuant to 87-2-105; and

(c) proof that the applicant is a nonresident relative of a resident.

(5) Of the fee paid for a hunting license purchased pursuant to subsection (2), 28.5% must be deposited in the account established in 87-1-290."

Section 6. Section 87-2-601, MCA, is amended to read:

"87-2-601. Class C--trapper's license. Except as otherwise provided in this chapter, a resident, as defined in 87-2-102, who is 12 years of age or older, upon making application and payment of a fee of \$20 to the department, may receive a Class C license that authorizes the holder to trap fur-bearing animals ~~and hunt bobcat, wolverine, and Canada lynx~~ within the state at the times and in the manner provided by law and the regulations of the commission and at the places that may be designated in the license. This license includes the Class C-4 license to hunt bobcat, wolverine, and Canada lynx established in [section 2]."

NEW SECTION. **Section 7. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 2, part 6, and the provisions of Title 87, chapter 2, part 6, apply to [section 2].

NEW SECTION. Section 8. Effective date. [This act] is effective March 1, 2022.

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