

HOUSE BILL NO. 517

INTRODUCED BY B. SMITH

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TRAPPER EDUCATION; ESTABLISHING COURSE STANDARDS AND INSTRUCTOR CERTIFICATION; ESTABLISHING A TRAPPER EDUCATION ADVISORY COUNCIL; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 87-2-102, MCA."

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

NEW SECTION. **Section 1. Trapper education -- instructor certification -- rulemaking.** (1) The

department shall provide a trapper education course approved by the commission that uses the trapper education manual provided by the association of fish and wildlife agencies and includes classroom or field instruction or both. The course must include but is not limited to instruction in trapping ethics, best management practices, equipment, regulations, avoidance of nontarget species, benefits of target species and their role in the ecosystem, and nonlethal methods to prevent or eliminate conflict with a target species.

(2) The commission shall consult with the trapper education advisory council established in [section 2] on the creation and refinement of the course.

(3) The commission shall adopt rules prescribing who is required to take the course.

(4) To successfully complete a trapper education course, a person must pay a course fee of a reasonable amount determined by the commission and pass a final exam, as prescribed by the commission. Upon successful completion, the department shall issue the person a certificate of completion, which the person shall have in the person's possession when required by rule to purchase a trapping license, set traps, harvest a trapped animal, present the carcass, skull, body part, or pelt of a trapped animal to the department as required by regulation, or sell the pelt of a trapped animal.

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

- (a) pass a background check conducted by the department;
- (b) successfully complete the trapper education course provided pursuant to this section; and
- (c) apprentice teach with a certified instructor at least two complete trapper education courses and be recommended for certification by that instructor.



1 (6) To maintain certification to teach a trapper education course pursuant to this section, an instructor  
2 shall teach or assist in teaching at least one trapper education course during any consecutive 2-year time period.

3 (7) As part of the department's trapping license procedures, the department shall notify the public  
4 regarding trapper education requirements.

5 (8) The department shall require relevant employees working on wildlife issues to successfully complete  
6 a trapper education course as a condition of employment.

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8 **NEW SECTION. Section 2. Trapper education advisory council.** (1) The director, with commission  
9 approval, shall appoint a trapper education advisory council to regularly assess and advise the commission on  
10 the creation and refinement of the curriculum for a trapper education course provided pursuant to [section 1].

11 (2) The trapper education advisory council must be composed of at least six members of the public, each  
12 of whom must have wildlife or animal interests related to trapping. The council must include equal representation  
13 of consumptive and nonconsumptive interests.

14 (3) The trapper education advisory council is attached to the department in an advisory capacity only,  
15 as defined in 2-15-102.

16

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

18 **"87-2-102. Resident defined.** In determining whether a person is a resident for the purpose of issuing  
19 resident hunting, fishing, and trapping licenses, the following provisions apply:

20 (1) (a) A member of the regular armed forces of the United States, a member's spouse or dependent,  
21 as defined in 15-30-2115, who resides in the member's household, or a member of the armed forces of a foreign  
22 government attached to the regular armed forces of the United States is considered a resident for the purposes  
23 of this chapter if:

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

26 (ii) the member is currently stationed in and assigned to active duty in Montana, has resided in Montana  
27 for at least 30 days, and presents official assignment orders and proof of completion of a hunter safety course  
28 approved by the department, as provided in 87-2-105, or, if applicable, a trapper education course pursuant to  
29 [section 1], or a certificate verifying the successful completion of a hunter safety course in any state or province.

30 The 30-day residence requirement is waived in time of war. Reassignment to another state, United States

1 territory, or country terminates Montana residency for purposes of this section, except that a reassigned member  
2 continues to qualify as a resident if the member's spouse and dependents continue to physically reside in  
3 Montana and the member continues to meet the residency criteria of subsections (4)(b) through (4)(e). The  
4 designation of Montana by a member of the regular armed forces as a "home of record" or "home of residence"  
5 in that member's armed forces records does not determine the member's residency for purposes of this section.

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

10 (2) A person who has physically resided in Montana as the person's principal or primary home or place  
11 of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately before making  
12 application for any license is eligible to receive resident hunting, fishing, and trapping licenses. As used in this  
13 section, a vacant lot or a premises used solely for business purposes is not considered a principal or primary  
14 home or place of abode.

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

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

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

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

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

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

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

29 (5) A student who is enrolled full-time in a postsecondary educational institution out of state and who  
30 would qualify for Montana resident tuition or who otherwise meets the residence requirements of subsection (2)

1 or (3) is considered a resident for purposes of this section.

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

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

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

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

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

13 (d) The person's state of residency has laws substantially similar to this subsection (7).

14 (8) An unmarried minor is considered a resident for the purposes of this section if the minor's parents,  
15 legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for purposes of this  
16 section. The minor is considered a resident for purposes of this section regardless of whether the minor resides  
17 primarily in the state or otherwise qualifies as a resident. The resident parent or guardian of the minor may be  
18 required to show proof of the parental, guardianship, or custodial relationship to the minor.

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

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

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

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

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25 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified  
26 as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [sections  
27 1 and 2].

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