

MONTANA SHOOTING SPORTS ASSOCIATION
2015 LEGISLATIVE ISSUES

2014 LEGISLATIVE CANDIDATE QUESTIONNAIRE
(Return by March 31, 2014)

Please check the response that best describes your position on each issue.

1. Smokeless powder and primer production. There is a serious threat to our right to bear arms because of narrow, monolithic and federally-controlled manufacture of essential ammunition components, smokeless powder (propellant), primers and cartridge brass. For example, there are only two manufacturers of smokeless powder in the U.S., one plant owned by defense contractor General Dynamics and another owned by defense contractor Alliant Systems (ATK). All other smokeless powder used in the U.S. is imported, and subject to immediate and arbitrary import restrictions. And, General Dynamics and Alliant Systems are subject to a standard condition of military contracts that 100% of their production may be commandeered for military use at any time. Without ammunition, our firearms and our right to bear ammunition are worth nothing. We propose certain incentives to encourage small-scale production of ammunition components in Montana. That model includes offering liability protection to future producers, providing that such producers qualify for existing state assistance with financing, and will include a 20-year tax amnesty from start of business, which would give up zero current tax income to the state but would provide jobs for Montana.
<http://leg.mt.gov/bills/2013/billhtml/HB0468.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

2. Prohibit enforcement of new federal gun laws by Montana public employees. Every week there is talk of a new federal gun control bill, to limit magazine capacity, to outlaw semi-auto rifles, to ban common bullets, to limit the number of firearms a person may own, and many more. The principle has already been established by the U.S. Supreme Court (*Printz v. US*) that the federal government may not commandeer state and local government employees to implement federal programs. We propose that Montana public employees be prohibited from enforcing, or assisting to enforce, any federal gun laws that are not already in effect.
<http://leg.mt.gov/bills/2013/billhtml/HB0302.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

3. Allow safe travel to work and employee property right inside private vehicles. Employees have a property right to what they choose to carry in their vehicles, whether Bibles, newspapers, or firearms. Employees also have a constitutional right to be equipped to provide for their own personal protection when traveling to and from work. However, many private employers have made it a termination offense for an employee to have a firearm locked in the employee's vehicle if that vehicle is parked in a company parking lot. Such employers assume no responsibility for employee safety during travel

to and from work. We propose that employers be prohibited from firing employees only because that employee has a firearm locked in a privately owned vehicle in a company parking lot. This bill would require that any such firearms also be out of sight from outside the vehicle.

<http://leg.mt.gov/bills/2013/billhtml/HB0571.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

4. **“Prohibited Places.”** There is a badly-conceived statute at 45-8-328 to regulate "prohibited places." This law allows anyone to carry a firearm openly in the listed places but prohibits those who have taken training, had a background check, obtained a concealed weapon permit from their sheriff from exercising their CWP in these “prohibited places.” We propose that this archaic and bad law be repealed. There is a backup, alternative solution at:

<http://leg.mt.gov/bills/2013/billhtml/HB0358.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

5. **University system gun bans.** The people of Montana have reserved from government interference the right to keep or bear arms in the Montana Constitution. The Montana university system is a government entity. The Montana Constitution gives the Board of Regents broad authority to manage the affairs of the U. system, but it gives the Board NO authority whatsoever to suspend, amend or abolish the Constitution and the rights the people have reserved to themselves from government interference. We propose a bill that withdraws all authority from the Board of Regents to restrict firearms on U. system campuses, and then gives back to the U. system narrowly-tailored authority to adopt certain restrictions that are sensible and also defensible under recent federal (*Heller* and *McDonald*) and state (Colorado, Oregon and Utah) court cases.

<http://leg.mt.gov/bills/2013/billhtml/HB0240.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

6. **Sheriffs First - Law Enforcement Cooperation.** Many Montanans, both citizens and people in public office, are concerned about the lack of accountability of federal officers conducting law enforcement operations in Montana. In Montana, we know the county sheriff and he is elected and accountable locally. We believe the sheriff is the chief law enforcement officer in the county, and ought to have the tools to implement that status. MSSA will offer a bill to require federal officers to obtain the written permission of the local sheriff before conducting an arrest, search, or seizure in the sheriff’s county. There are exceptions for federal reservations, Border Patrol, Immigration and Naturalization Service, close pursuit, when a federal officer witnesses a crime that requires an immediate response, if the sheriff or his personnel are under investigation, and other necessary exceptions. This bill was passed by the Legislature in 1995, but was vetoed by the Governor.

<http://www.SheriffsFirst.net>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

7. Sound suppressors illegal for poaching. Firearm suppressors do not "silence" firearms, but suppress somewhat the noise of the muzzle blast. They do nothing to attenuate the loud crack of the sonic boom as a bullet breaks the sound barrier all along its flight path. Currently, firearm suppressors are illegal for hunting. FWP argues this is necessary for them to be able to catch criminals who poach. We propose a bill to make use of suppressors illegal for poaching only, but not for general hunting. Some argue that use of suppressors for hunting is not "fair chase," because the hunted animal would not hear the muzzle blast from a hunter's rifle. This argument ignores physics - that a rifle bullet arrives before the sound of the muzzle blast because the bullet flies faster than the speed of sound. It ignores that a missed shot will startle the game animal with the nearby sonic boom before any sound of muzzle blast arrives. Finally, it ignores the common acceptance of "fair chase" hunting with absolutely silent arrows during archery season. <http://leg.mt.gov/bills/2013/billhtml/HB0205.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

8. Harmonizing concealed weapon permit (CWP) requirements. Since 1991, a CWP has not been required for a law-abiding person to carry a concealed weapon in 99.4% of Montana - outside the limits of cities or towns. With over two decades of experience that not requiring CWPs for nearly all of Montana has not created any problems, we propose a bill to harmonize the law so a permit will no longer be required for a law abiding person to carry a concealed weapon in the remaining small 6/10ths of 1% of Montana, inside cities and towns. We intend to leave the permitting process in place, so citizens who desire them may still obtain CWPs for travel to other states that recognize Montana CWPs, and for firearm purchases at gun stores under the federal Brady Law. This change would exclude criminals from applicability - it would still be illegal for criminals to carry concealed weapons. <http://leg.mt.gov/bills/2013/billhtml/HB0304.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

9. Clarify authority of school boards for firearms violations. An underreported tragedy in Montana is the number of students who have been disciplined, many expelled, for forgetting that their hunting rifle was locked in their vehicle, usually from a weekend hunt. When such a condition occurs in a school parking lot, ill-informed administrators usually tell reviewing school boards (incorrectly) that the board has no choice but to expel offending students because of mandatory federal law. However, unknown to these poorly-informed administrators, federal law on the subject specifically excludes from consideration any firearm locked in a vehicle in a school parking lot. About 450 Montana high school students have been expelled, and had their academic aspirations ruined for life, over this issue. We propose a bill to clarify for uninformed administrators and misinformed school boards that firearms locked in a student vehicle does not mandate expulsion, but that school boards have full discretion to apply discipline as needed and appropriate to the ingredients of the incident. This bill would NOT deprive

school boards of tools to deal with genuine safety problems, but would clarify that firearms locked in vehicles do not MANDATE student expulsion.
<http://leg.mt.gov/bills/2011/billhtml/HB0558.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

10. **Bankruptcy and Arms.** Allow up to \$5,000 of firearms, archery equipment and ammunition that a person has owned for a year or more to be exempt from claims under bankruptcy.

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

11. **Home Guard.** Expand upon existing laws establishing the Montana Home Guard to specify organization, mission, duties, responsibilities and control.
<http://leg.mt.gov/bills/2011/billhtml/HB0278.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

12. **Shooting range funding.** Montana began using some hunter license money to make matching grants to develop shooting ranges in 1989. The program to build safe and suitable places for Montana people to shoot was put into state law in 1999, as the Shooting Range Development Program (SRDP). The funds for this program are approved each legislative session in the appropriations process for the Department of Fish, Wildlife and Parks budget. There are **no general tax revenues** used for this program, only the money hunters pay for licenses. The 2007 Legislature appropriated \$1,000,000 for the SRDP. \$600,000 was appropriated in 2009, and about \$650,000 in 2011 and 2013. We ask that \$1,000,000 be appropriated to the SRDP in the 2014 legislative session, regardless of any FWP opposition to that level of funding.

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

The foregoing responses are actually my positions on these issues, to the best of my knowledge and at this time.

Candidate Signature (electronic signature accepted)

Date

Candidate printed name

Office sought

NOTE: This Candidate Questionnaire released electronically on March 17, 2014. Any candidates with Primary Election challenges MUST have their CQ returned

electronically, and no later than 5PM, Monday, March 31, 2014, for MSSA's candidate evaluations for the June Primary elections. Thank you.

Thank you for being willing to serve your community and state in public office, and thank you very much for helping to provide us information about your views on issues important to MSSA members.

Please return questionnaire to mssa@mtssa.org or MSSA, P.O. Box 4924, Missoula 59806.

Any additional comments may be added here or attached: