

1 SENATE BILL NO. 197

2 INTRODUCED BY S. BOULANGER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN APPRENTICE HUNTING CERTIFICATE FOR
5 PERSONS WHO HAVE NOT COMPLETED A HUNTER SAFETY AND EDUCATION COURSE; ESTABLISHING
6 QUALIFYING CRITERIA AND CONDITIONS OF USE; AMENDING SECTIONS 87-2-105, 87-2-404, 87-2-520,
7 87-2-701, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

8

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

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11 NEW SECTION. **Section 1. Apprentice hunting certificate.** (1) A person of any age who has not
12 completed a hunter safety and education course pursuant to 87-2-105 is eligible to apply for an apprentice
13 hunting certificate that entitles the holder to obtain and use hunting licenses and permits in accordance with this
14 title and the provisions of this section. A person may obtain an apprentice hunting certificate in multiple license
15 years. Each certificate is valid only in the license year in which it is obtained.

16 (2) A person who obtains an apprentice hunting certificate must be in the company of a mentor when
17 hunting and shall conduct all hunting in accordance with this section and within the terms and conditions of the
18 license or permit issued.

19 (3) To qualify as a mentor who will accompany an apprentice hunter, a person must:

20 (a) be at least 18 years of age;

21 (b) have completed a hunter safety and education course as required in 87-2-105;

22 (c) have a current Montana hunting license; and

23 (d) have agreed to accompany and supervise the apprentice hunter and remain within sight of and direct
24 voice contact with the apprentice hunter at all times while in the field.

25 (4) The department shall issue an apprentice hunting certificate that allows an apprentice hunter to be
26 accompanied by multiple mentors.

27 (5) Except as provided in subsection (6), a person who obtains an apprentice hunting certificate may
28 purchase any unlimited hunting license or permit by any applicable deadline for the fee established pursuant to
29 this chapter, including:

30 (a) a reduced cost license for which the applicant qualifies. An apprentice hunter who is under 12 years

- 1 of age is eligible to obtain the unlimited reduced cost licenses available to a person who is 12 years of age.
- 2 (b) a wild turkey tag if it is issued in an unlimited number.
- 3 (6) A person who obtains an apprentice hunting certificate is not eligible:
- 4 (a) to obtain a Class A-2 special bow and arrow license without having completed a bowhunter education
- 5 course;
- 6 (b) to obtain a Class D-3 resident hound training license; or
- 7 (c) to participate in any license preference system.
- 8 (7) An apprentice hunter who violates the terms of this section or a mentor who violates the terms of this
- 9 section while accompanying an apprentice hunter is subject to the loss of privileges granted by this section for
- 10 the license season in which the privileges are granted.

11

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

13 **"87-2-105. Safety instruction required.** (1) Except for a youth who qualifies for a license pursuant to

14 87-2-805(4) or who has been issued an apprentice hunting certificate pursuant to [section 1], a hunting license

15 may not be issued to a person who is born after January 1, 1985, unless the person authorized to issue the

16 license determines proof of completion of:

- 17 (a) a Montana hunter safety and education course established in subsection (4) or (6);
- 18 (b) a hunter safety course in any other state or province; or
- 19 (c) a Montana hunter safety and education course that qualifies the person for a provisional certificate
- 20 as provided in 87-2-126.

21 (2) A hunting license may not be issued to a member of the regular armed forces of the United States

22 or to a member of the armed forces of a foreign government attached to the armed forces of the United States

23 who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to

24 a member's dependents, as defined in 15-30-2115, who reside in the member's Montana household, unless the

25 person authorized to issue the license determines proof of completion of a hunter safety course approved by the

26 department or a hunter safety course in any state or province.

27 (3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized

28 to issue the license receives an archery license issued for a prior hunting season or determines proof of

29 completion of a bowhunter education course from the national bowhunter education foundation or any other

30 bowhunter education program approved by the department. Neither the department nor the license agent is

1 required to provide records of past archery license purchases. As part of the department's bow and arrow
2 licensing procedures, the department shall notify the public regarding bowhunter education requirements.

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

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

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

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

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19 **Section 3.** Section 87-2-404, MCA, is amended to read:

20 **"87-2-404. Three-day nonresident captive-reared bird hunting stamp.** A ~~Except as otherwise~~
21 provided in this chapter, a person who is 12 years of age or older or who will turn 12 years old before or during
22 the season for which the license is issued and who is not a resident, as defined in 87-2-102, may, upon payment
23 of a fee of \$20, receive a 3-day nonresident shooting preserve bird hunting stamp that authorizes a holder who
24 is 12 years of age or older to hunt game specified under 87-4-522 on a shooting preserve licensed under
25 87-4-501 for 3 consecutive calendar days as indicated on the license."

26

27 **Section 4.** Section 87-2-520, MCA, is amended to read:

28 **"87-2-520. Supplemental game damage license -- terms and conditions.** (1) If at any time the
29 department determines, in conjunction with a landowner or a designated lessee acting as an agent for a
30 landowner, that game animals on the property are causing a level of damage to crops or other vegetation that

1 merits removal of a specific number of game animals or that the taking of a specific number of game animals is
2 advisable for game management purposes, the department may issue nontransferable resident and nonresident
3 supplemental game damage hunting licenses for game management purposes on the property.

4 (2) Supplemental game damage hunting licenses may be issued only for antlerless animals and may
5 be issued only for use on lands eligible for game damage assistance pursuant to 87-1-225. A landowner may not
6 charge a fee to a hunter using a license obtained pursuant to this section.

7 (3) Supplemental game damage licenses may be issued to hunters as an alternative to issuing a kill
8 permit to a landowner.

9 (4) (a) In a hunting district with unlimited license quotas, a landowner may designate the resident
10 supplemental game damage license recipient upon approval of issuance, including a recipient who has obtained
11 an apprentice hunting certificate pursuant to [section 1].

12 (b) In a hunting district with limited permit quotas, a landowner may designate up to 75% of the resident
13 supplemental game damage license recipients, with the remainder of the licenses offered to hunters in a manner
14 prescribed by the department.

15 (5) If additional supplemental game damage licenses are available, the department may issue those
16 licenses to resident and nonresident hunters.

17 (6) A licensee shall pay the regular license price or an adjusted price set by the commission for any
18 supplemental game management license issued pursuant to subsection (1). Issuance of a supplemental game
19 damage license authorizes the licensee to hunt, take, and possess the game animal designated on the license.
20 All hunting under a supplemental game damage license must be conducted on the property designated on the
21 license and in accordance with department regulations."
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23 **Section 5.** Section 87-2-701, MCA, is amended to read:

24 **"87-2-701. Special licenses.** (1) An Except as otherwise provided in this chapter, an applicant who is
25 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued
26 and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may
27 apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

28 (a) moose--resident, \$125; nonresident, \$750;

29 (b) mountain goat--resident, \$125; nonresident, \$750;

30 (c) mountain sheep--resident, \$125; nonresident, \$750;

1 (d) antelope--resident, \$14; nonresident, \$200;

2 (e) grizzly bear--resident, \$150; nonresident, \$1,000;

3 (f) black bear--nonresident, \$350;

4 (g) wild buffalo or bison--resident, \$125; nonresident, \$750.

5 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
6 the person shall purchase a trophy license for a fee of \$50 within 10 days after the date of the kill. The trophy
7 license authorizes the holder to possess and transport the trophy.

8 (3) Except as provided in 87-5-302 for special grizzly bear licenses, special licenses must be issued in
9 a manner prescribed by the department."

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11 **Section 6.** Section 87-2-711, MCA, is amended to read:

12 **"87-2-711. Class AAA--combination sports license.** (1) Except as otherwise provided in this
13 chapter, a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before
14 or during the season for which the license is issued is entitled to:

15 (a) a combination sports license that permits a holder who is 12 years of age or older to exercise all
16 rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed
17 in 87-2-202 upon payment of the sum of \$70, plus the resident hunting access enhancement fee provided for in
18 87-2-202(3)(c), or, if the resident is a service member eligible for a combination sports license pursuant to
19 87-2-803(12), upon payment of the resident hunting access enhancement fee provided for in 87-2-202(3)(c); or

20 (b) a combination sports license that permits a holder who is 12 years of age or older to exercise all
21 rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license upon
22 payment of the sum of \$85, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c).

23 (2) The department may furnish each holder of a combination sports license an appropriate decal."
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25 NEW SECTION. **Section 7. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to [section 1].
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28 NEW SECTION. **Section 8. Effective date.** [This act] is effective March 1, 2014.
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