

1 HOUSE BILL NO. 96

2 INTRODUCED BY P. FIELDER

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A TRAPPING APPRENTICE CERTIFICATE
6 PROGRAM; REVISING THE APPRENTICE HUNTING CERTIFICATE PROGRAM TO INCLUDE HUNTING
7 AND TRAPPING; ESTABLISHING CRITERIA FOR APPRENTICE AND MENTOR ELIGIBILITY; REVISING
8 LICENSES AND TAGS THAT MAY BE ACQUIRED BY AN APPRENTICE; AND AMENDING SECTIONS 87-2-
9 105, 87-2-520, AND 87-2-810, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 87-2-105, MCA, is amended to read:

14 **"87-2-105. Hunter safety and education required.** (1) Except for a youth who qualifies for a license
15 pursuant to 87-2-805(4) or a person who has been issued an apprentice hunting-certificate pursuant to 87-2-
16 810, a hunting license may not be issued to a person born after January 1, 1985, unless the person authorized
17 to issue the license determines proof of completion of:

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

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

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

22 (2) A hunting license may not be issued to a member of the regular armed forces of the United
23 States or to a member of the armed forces of a foreign government attached to the armed forces of the United
24 States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-
25 102(1) or to a member's spouse or dependent, as defined in 87-2-102, who resides in the member's household,
26 unless the person authorized to issue the license determines proof of completion of a hunter safety and
27 education course approved by the department or a hunter safety course in any state or province.

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

1 authorized to issue the license receives an archery license issued for a prior hunting season or determines
2 proof of completion of a bowhunter education course from the national bowhunter education foundation or any
3 other bowhunter education program approved by the department. Neither the department nor the license agent
4 is required to provide records of past archery license purchases. As part of the department's bow and arrow
5 licensing procedures, the department shall notify the public regarding bowhunter education requirements.

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

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

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

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

21

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

23 **"87-2-520. Supplemental game damage license -- terms and conditions.** (1) If at any time the
24 department determines, in conjunction with a landowner or a designated lessee acting as an agent for a
25 landowner, that game animals on the property are causing a level of damage to crops or other vegetation that
26 merits removal of a specific number of game animals or that the taking of a specific number of game animals is
27 advisable for game management purposes, the department may issue nontransferable resident and
28 nonresident supplemental game damage hunting licenses for game management purposes on the property.

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

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

6 (4) (a) In a hunting district with unlimited license quotas, a landowner may designate the resident
7 supplemental game damage license recipient ~~upon~~on approval of issuance, including a recipient who has
8 obtained an apprentice ~~hunting~~-certificate pursuant to 87-2-810.

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

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

14 (6) A licensee shall pay the regular license price or an adjusted price set by the commission for
15 any supplemental game management license issued pursuant to subsection (1). Issuance of a supplemental
16 game damage license authorizes the licensee to hunt, take, and possess the game animal designated on the
17 license. All hunting under a supplemental game damage license must be conducted on the property designated
18 on the license and in accordance with department regulations."
19

20 **Section 3.** Section 87-2-810, MCA, is amended to read:

21 "**87-2-810. Apprentice ~~hunting~~-certificate.** (1) A person who is 10 years of age or older and who has
22 not completed a hunter safety and education course pursuant to 87-2-105 or a trapper education course
23 pursuant to 87-2-127 is eligible to use an apprentice ~~hunting~~-certificate that entitles the holder to obtain and use
24 hunting licenses and permits or a Class C or Class C-2 trapping license in accordance with this title and the
25 provisions of this section.

26 (2) A person may obtain an apprentice ~~hunting~~-certificate for no more than 2 license years before
27 the person shall complete a Montana hunter safety and education course pursuant to 87-2-105 to be eligible for
28 hunting licenses or a trapper education course pursuant to 87-2-127 to be eligible for trapping licenses.

1 Completing a Montana hunter safety and education course or a trapper education course prior to turning 12
2 years of age does not ~~preclude~~prevent a person who is at least 10 years of age from being eligible to obtain
3 and use hunting licenses pursuant to this section. ~~As used in this subsection, "completing a Montana hunter~~
4 ~~safety and education course" means passing a hunter safety and education course or a bowhunter education~~
5 ~~course provided pursuant to 87-2-105(4) through (6), including the required test and field day.~~

6 (3) A person who obtains an apprentice ~~hunting~~ certificate must be in the company of a mentor
7 when hunting and trapping and shall conduct all hunting and trapping in accordance with this section and within
8 the terms and conditions of the license or permit issued.

9 (4) To qualify as a mentor who will accompany an apprentice ~~hunter~~, a person must:

10 (a) be at least 21 years of age;

11 (b) if the apprentice ~~hunter~~ is under 18 years of age, be related to the apprentice ~~hunter~~ by blood,
12 adoption, or marriage, be the legal guardian of the apprentice ~~hunter~~, or be a person designated by a parent or
13 legal guardian as being capable and qualified to assist the apprentice ~~hunter~~;

14 (c) if serving as hunting mentor, have completed a hunter safety and education course pursuant to
15 87-2-105 and have a current hunting license;

16 (d) if serving as a trapping mentor, have completed a trapper education course pursuant to 87-2-
17 127 and have a current trapping license;

18 (d) ~~have a current Montana hunting license;~~

19 (e) have agreed to accompany and supervise the apprentice ~~hunter~~ and remain within sight of and
20 direct voice contact with the apprentice ~~hunter~~ at all times while in the field; and

21 (f) confirm that the apprentice ~~hunter~~ possesses the physical and psychological capacity to safely
22 and ethically engage in hunting and trapping activities.

23 (5) Subject to the conditions of this section, the department shall issue an apprentice ~~hunting~~
24 certificate ~~upon~~on payment of a fee of \$5. This fee must be deposited in the state special revenue fund
25 account to the credit of the department for hunter education purposes.

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

28 (7) Except as provided in subsection (8), a person who obtains an apprentice ~~hunting~~ certificate

1 may purchase any unlimited hunting license or permit by any applicable deadline for the fee established
2 pursuant to this chapter, including:

3 (a) ~~_____ a reduced cost license for which the applicant qualifies. An apprentice hunter who is under 12~~
4 years of age is eligible to obtain the unlimited reduced cost licenses available to a person who is 12 years of
5 age.

6 (b) ~~_____ a wild turkey tag if it is issued in an unlimited number.~~

7 (8) A person who obtains an apprentice hunting certificate is not eligible:

8 (a) to obtain a Class A-2 special bow and arrow license without having:

9 (i) completed a bowhunter education course; and

10 (ii) turned 12 years of age by January 16 of the license year; ~~or~~

11 (b) ~~_____ to obtain a black bear license;~~

12 (c) ~~_____ to obtain a mountain lion license;~~

13 (d) ~~_____ to obtain a Class D-3 resident hound training license;~~

14 (e) ~~_____ to obtain a wolf license;~~

15 (B) _____ TO OBTAIN A BLACK BEAR LICENSE;

16 (C) _____ TO OBTAIN A MOUNTAIN LION LICENSE;

17 (D) _____ TO OBTAIN A CLASS D-3 RESIDENT HOUND TRAINING LICENSE;

18 (E) _____ TO OBTAIN A WOLF LICENSE;

19 (f)(b) (F) to participate in a drawing WITH A LIMITED QUOTA; ~~with a limited quota;~~

20 (g) ~~_____ to obtain a mountain sheep license in any area where the licenses are issued in unlimited~~

21 numbers; or

22 (h) ~~_____ to obtain an elk license if the apprentice hunter is under 15 years of age.~~

23
24 (G) _____ TO OBTAIN A MOUNTAIN SHEEP LICENSE IN ANY ARE WHERE THE LICENSES ARE ISSUED IN UNLIMITED

25 NUMBER; OR

26
27 (H) _____ TO OBTAIN AN ELK LICENSE IF THE APPRENTICE HUNTER IS UNDER 15 YEARS OF AGE.

28 (9) An apprentice hunter who violates the terms of this section or a mentor who violates the terms

1 of this section while accompanying an apprentice hunter is subject to the loss of privileges granted by this
2 section for up to one full license season."

3 - END -