

HOUSE BILL NO. 228

INTRODUCED BY M. ROSENDALE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO YOUTH HUNTING PRIVILEGES;
5 ELIMINATING THE AGE LIMIT TO PURCHASE A LICENSE; ESTABLISHING CRITERIA FOR MINORS UNDER
6 12 YEARS OF AGE TO PURCHASE LICENSES AT A REDUCED COST; AMENDING SECTIONS 87-2-105,
7 87-2-401, 87-2-402, 87-2-404, 87-2-501, 87-2-504, 87-2-505, 87-2-507, 87-2-508, 87-2-510, 87-2-521, 87-2-522,
8 87-2-523, 87-2-524, 87-2-601, 87-2-603, 87-2-701, 87-2-711, AND 87-2-805, MCA; AND PROVIDING A
9 DELAYED EFFECTIVE DATE."

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. Safety instruction required.** (1) Except for a youth who qualifies for a license pursuant to
15 ~~87-2-805(4)~~ 87-2-805(6), a hunting license may not be issued to a person who is born after January 1, 1985,
16 unless the person authorized to issue the 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 2.** Section 87-2-401, MCA, is amended to read:

20 "**87-2-401. Class A-1--resident upland game bird license.** Except as otherwise provided in this
21 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~~
22 ~~or during the season for which the license is issued may~~, upon payment of a fee of \$7.50, may receive a Class
23 A-1 license that entitles a holder ~~who is 12 years of age or older~~ to hunt upland game birds and possess the
24 carcasses of upland game birds as authorized by department rules."

25

26 **Section 3.** Section 87-2-402, MCA, is amended to read:

27 "**87-2-402. Class B-1--nonresident upland game bird license.** Except as otherwise provided in this
28 chapter, a person who is not a resident, as defined in 87-2-102, ~~but who is 12 years of age or older or who will~~
29 ~~turn 12 years old before or during the season for which the license is issued~~, upon payment of a fee of \$110, may
30 receive a Class B-1 license that entitles a holder ~~who is 12 years of age or older~~ to hunt upland game birds and

1 possess the carcasses of upland game birds as authorized by department rules."

2

3 **Section 4.** Section 87-2-404, MCA, is amended to read:

4 **"87-2-404. Three-day nonresident captive-reared bird hunting stamp.** A Except as otherwise
 5 provided in this chapter, a person who is 12 years of age or older or who will turn 12 years old before or during
 6 the season for which the license is issued and who is not a resident, as defined in 87-2-102, may, upon payment
 7 of a fee of \$20, may receive a 3-day nonresident shooting preserve bird hunting stamp that authorizes a holder
 8 who is 12 years of age or older to hunt game specified under 87-4-522 on a shooting preserve licensed under
 9 87-4-501 for 3 consecutive calendar days as indicated on the license."

10

11 **Section 5.** Section 87-2-501, MCA, is amended to read:

12 **"87-2-501. Class A-3, A-4, A-5, A-6, A-7, A-9--resident deer, elk, and bear licenses -- special Class**
 13 **A-7 resident and nonresident license requirements and preference -- fees.** (1) Except as otherwise provided
 14 in this chapter, a resident, as defined by 87-2-102, or a nonresident who wishes to purchase a Class A-7 elk
 15 license only, and who is 12 years of age or older or who will turn 12 years old before or during the season for
 16 which the license is issued, upon payment of the proper fee or fees, is entitled to purchase one each of the
 17 following licenses at the prescribed cost that will entitle a holder who is 12 years of age or older to hunt the game
 18 animal or animals authorized by the license held and to possess the carcasses of those game animals as
 19 authorized by department rules:

20 (a) Class A-3, deer A tag, \$16;

21 (b) Class A-4, deer B tag, \$10;

22 (c) Class A-5, elk tag, \$20;

23 (d) Class A-6, black bear tag, \$19;

24 (e) Class A-7, antlerless elk tag, \$20;

25 (f) Class A-9, resident antlerless elk B tag, \$20.

26 (2) (a) The holder of a Class A-7 antlerless elk license who is 12 years of age or older is entitled to hunt
 27 antlerless elk in areas designated by the commission and at the times and upon the terms set forth by the
 28 commission.

29 (b) Subject to the management provisions provided in 87-1-321 through 87-1-325, a person may not take
 30 more than two elk during any license year, only one of which may be antlered. A person holding a Class A-7

1 antlerless elk tag may not take an elk during the same license year with a Class A-5 license or nonresident elk
2 tag. The use of Class A-7 antlerless elk licenses does not preclude the department's use of special elk permits.

3 (c) Subject to the management provisions provided in 87-1-321 through 87-1-325, a nonresident shall
4 hold a nonresident Class B-10 license as a prerequisite to application for a Class A-7 license.

5 (3) Subject to the limitation of subsection (5), a person who owns or is contracting to purchase 640 acres
6 or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses
7 are awarded under this section must be issued, upon application, a Class A-7 license.

8 (4) An applicant who receives a Class A-7 license under subsection (3) may designate that the license
9 be issued to an immediate family member or a person employed by the landowner. A corporation owning
10 qualifying land under subsection (3) may designate one of its shareholders to receive the license.

11 (5) Subject to the management provisions provided in 87-1-321 through 87-1-325, 15% of the Class A-7
12 licenses available each year under this section in a hunting district must be available to landowners under
13 subsection (3)."

14

15 **Section 6.** Section 87-2-504, MCA, is amended to read:

16 **"87-2-504. Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except as otherwise provided in this
17 chapter, a person who is not a resident, as defined in 87-2-102, ~~but who is 12 years of age or older or who will~~
18 ~~turn 12 years old before or during the season for which the license is issued~~ and is a holder of a nonresident
19 conservation license ~~may~~, upon payment of the proper fee or fees and subject to the limitations prescribed by
20 law and department regulation, may be entitled to apply to the fish, wildlife, and parks office, Helena, Montana,
21 to purchase one each of the following licenses:

22 (i) Class B-7, deer A tag, \$250;

23 (ii) Class B-8, deer B tag, \$75.

24 (b) The license entitles a holder ~~who is 12 years of age or older~~ to hunt the game animal or animals
25 authorized by the license and to possess the carcasses of those animals as authorized by commission rules.

26 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be
27 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or
28 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If purchased
29 as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state, except as
30 provided in 87-2-512(1)(d). Not more than 5,000 Class B-7 licenses may be sold in any license year.

1 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by
2 hunting districts, portions of a hunting district, groups of districts, or administrative regions."

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4 **Section 7.** Section 87-2-505, MCA, is amended to read:

5 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as
6 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, ~~but who is 12 years~~
7 ~~of age or older or who will turn 12 years old before or during the season for which the license is issued may,~~ upon
8 payment of the fee of \$628 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) or upon
9 payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to
10 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the
11 limitations prescribed by law and department regulation, may apply to the fish, wildlife, and parks office, Helena,
12 Montana, to purchase a B-10 nonresident big game combination license that entitles a holder ~~who is 12 years~~
13 ~~of age or older~~ to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license
14 includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class
15 B-10 licenses may be sold in any 1 license year.

16 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big
17 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk
18 permits established by the commission.

19 **87-2-505. (Effective March 1, 2011) Class B-10--nonresident big game combination license.** (1) (a)
20 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, ~~but who is~~
21 ~~12 years of age or older or who will turn 12 years old before or during the season for which the license is issued~~
22 ~~may,~~ upon payment of the fee of \$897 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)
23 and subject to the limitations prescribed by law and department regulation, may apply to the fish, wildlife, and
24 parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a
25 holder ~~who is 12 years of age or older~~ to all the privileges of Class B, Class B-1, and Class B-7 licenses and an
26 elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202.

27 (b) Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

28 (c) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant
29 to subsection (1)(a), 25% must be deposited in the account established in 87-1-290.

30 (d) The cost of the Class B-10 nonresident big game combination license must be adjusted annually

1 based on any change to the consumer price index from the previous year. The consumer price index to be used
2 for calculations is the consumer price index for all urban consumers (CPI-U).

3 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big
4 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk
5 permits established by the commission."
6

7 **Section 8.** Section 87-2-507, MCA, is amended to read:

8 **"87-2-507. Class D-1--nonresident mountain lion license.** Except as otherwise provided in this
9 chapter, a person who is not a resident, as defined in 87-2-102, ~~but who is 12 years of age or older or who will~~
10 ~~turn 12 years old before or during the season for which the license is issued,~~ upon payment of a fee of \$320, may
11 receive a Class D-1 license that entitles a holder ~~who is 12 years of age or older~~ to hunt mountain lion and
12 possess the carcass of the mountain lion as authorized by department rules. If a holder of a valid mountain lion
13 license under this section kills a mountain lion, the licensee shall purchase a trophy license for a fee of \$50 within
14 10 days after the date of kill. The trophy license authorizes the holder to possess and transport the trophy."
15

16 **Section 9.** Section 87-2-508, MCA, is amended to read:

17 **"87-2-508. Class D-2--resident mountain lion license.** Except as otherwise provided in this chapter,
18 a person who is a resident, as defined in 87-2-102, ~~and who is 12 years of age or older or who will turn 12 years~~
19 ~~old before or during the season for which the license is issued,~~ upon payment of a fee of \$19, may receive a
20 Class D-2 license that entitles a holder ~~who is 12 years of age or older~~ to hunt mountain lion and possess the
21 carcass of the mountain lion as authorized by department rules. If a holder of a valid mountain lion license under
22 this section kills a mountain lion, the licensee shall purchase a trophy license for a fee of \$50 within 10 days after
23 the date of kill. The trophy license authorizes the holder to possess and transport the trophy."
24

25 **Section 10.** Section 87-2-510, MCA, is amended to read:

26 **"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise
27 provided in this chapter, a person who is not a resident, as defined in 87-2-102, ~~but who is 12 years of age or~~
28 ~~older or who will turn 12 years old before or during the season for which the license is issued may,~~ upon payment
29 of a fee of \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), upon payment of the
30 fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants

1 indicating their intent to use the services of a licensed outfitter or upon payment of the fee of \$328 plus the
2 nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant
3 to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor
4 and subject to the limitations prescribed by law and department regulation, may apply to the fish, wildlife, and
5 parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a
6 holder ~~who is 12 years of age or older~~ to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This
7 license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

8 (2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

9 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
10 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
11 established by the commission.

12 **87-2-510. (Effective March 1, 2011) Class B-11--nonresident deer combination license.** (1) (a)
13 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, ~~but who is~~
14 ~~12 years of age or older or who will turn 12 years old before or during the season for which the license is issued~~
15 ~~may~~, upon payment of a fee of \$527 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) and
16 subject to the limitations prescribed by law and department regulation, may apply to the fish, wildlife, and parks
17 office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder
18 ~~who is 12 years of age or older~~ to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license
19 includes the nonresident wildlife conservation license as prescribed in 87-2-202.

20 (b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant to
21 subsection (1)(a), 25% must be deposited in the account established in 87-1-290.

22 (c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based
23 on any change to the consumer price index from the previous year. The consumer price index to be used for
24 calculations is the consumer price index for all urban consumers (CPI-U).

25 (2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year.

26 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
27 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
28 established by the commission."
29

30 **Section 11.** Section 87-2-521, MCA, is amended to read:

1 **"87-2-521. Class D-3--resident hound training license.** A person who is a resident, as defined in
 2 87-2-102, ~~and who is 12 years of age or older or who will turn 12 years old before or during the season for which~~
 3 ~~the license is issued~~, upon payment of a fee of \$5, may receive a Class D-3 hound training license that entitles
 4 the holder to use a dog or dogs to aid in pursuing mountain lions or bobcats during the training season
 5 established in 87-3-124(3)(c)."

6

7 **Section 12.** Section 87-2-522, MCA, is amended to read:

8 **"87-2-522. Class B-13--nonresident youth big game combination license.** (1) Except as otherwise
 9 provided in this chapter, a person who is not a resident, as defined in 87-2-102, and who is between 12 years
 10 ~~of age or older or will turn 12 years old before or during the season for which the license is issued and who is~~
 11 ~~under and~~ 18 years of age ~~may~~, upon payment of a fee of one-half the cost of a regularly priced Class B-10
 12 nonresident big game combination license, plus the nonresident hunting access enhancement fee in
 13 87-2-202(3)(d), and subject to the limitations prescribed by law and department regulation, may apply to the fish,
 14 wildlife, and parks office in Helena, Montana, to purchase a Class B-13 nonresident youth big game combination
 15 license.

16 (2) The holder of a Class B-13 license is entitled to all the privileges of a Class B license, a Class B-1
 17 license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license. When using a Class B-13
 18 license, the holder must be accompanied by an adult immediate family member who is the holder of a valid
 19 nonresident Class B-10 or Class B-11 combination license or who is the holder of a valid resident deer or elk tag.
 20 As used in this subsection, an adult immediate family member means an applicant's natural or adoptive parent,
 21 grandparent, brother, or sister who is 18 years of age or older.

22 (3) Not more than 300 Class B-13 licenses are authorized for sale each license year. Class B-13 licenses
 23 are not included in the limit on the number of available Class B-10 nonresident big game combination licenses
 24 issued pursuant to 87-2-505.

25 (4) The holder of a valid Class B-13 license may apply for a Class B-12 nonresident elk B tag license
 26 when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license
 27 entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions
 28 specified by the commission."

29

30 **Section 13.** Section 87-2-523, MCA, is amended to read:

1 **"87-2-523. Class E-1--resident wolf license.** Except as otherwise provided in this chapter, a person
2 who is a resident, as defined in 87-2-102, and ~~who is 12 years of age or older or who will turn 12 years old before~~
3 ~~or during the season for which the license is issued~~, upon payment of a fee of \$19, may receive a Class E-1
4 license that entitles a holder ~~who is 12 years of age or older~~ to hunt a wolf and possess the carcass of the wolf
5 as authorized by commission rules."
6

7 **Section 14.** Section 87-2-524, MCA, is amended to read:

8 **"87-2-524. Class E-2--nonresident wolf license.** Except as otherwise provided in this chapter, a person
9 who is not a resident, as defined in 87-2-102, ~~but who is 12 years of age or older or who will turn 12 years old~~
10 ~~before or during the season for which the license is issued~~, upon payment of a fee of \$350, may receive a Class
11 E-2 license that entitles a holder ~~who is 12 years of age or older~~ to hunt a wolf and possess the carcass of the
12 wolf as authorized by commission rules."
13

14 **Section 15.** Section 87-2-601, MCA, is amended to read:

15 **"87-2-601. Class C--trapper's license.** Except as otherwise provided in this chapter, a resident, as
16 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
17 department, may receive a Class C license that authorizes the holder to trap fur-bearing animals and hunt bobcat,
18 wolverine, and Canada lynx within the state at the times and in the manner provided by law and the regulations
19 of the commission and at the places that may be designated in the license."
20

21 **Section 16.** Section 87-2-603, MCA, is amended to read:

22 **"87-2-603. Class C-2--nonresident trapper's license.** (1) A person not a resident, as defined in
23 87-2-102, ~~who is 12 years of age or older~~, upon making application and payment of a fee of \$250 to the
24 department, is entitled to a nonresident trapper's license that authorizes the holder to trap and snare predatory
25 animals and nongame wildlife within the state. The trapping or snaring is permitted only after October 15 of each
26 license year and in the manner provided by law and the rules of the commission and at the places that may be
27 designated in the license.

28 (2) A person not a resident whose state of residence does not sell nonresident trapper's licenses to
29 Montanans may not be issued a Class C-2 license under subsection (1)."
30

1 **Section 17.** Section 87-2-701, MCA, is amended to read:

2 **"87-2-701. Special licenses.** (1) An applicant who is ~~12 years of age or older or who will turn 12 years~~
3 ~~old before or during the season for which the license is issued~~ and is the holder of a resident wildlife conservation
4 license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the
5 department, is to be issued and shall pay the following fees:

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

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

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

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

10 (e) grizzly bear--resident, \$50; nonresident, \$300;

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

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

13 (2) If a holder of a valid special grizzly bear license ~~who is 12 years of age or older~~ kills a grizzly bear,
14 the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy
15 license authorizes the holder to possess and transport the trophy.

16 (3) Special licenses must be issued in a manner prescribed by the department."
17

18 **Section 18.** Section 87-2-711, MCA, is amended to read:

19 **"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, ~~who is~~
20 ~~12 years of age or older or who will turn 12 years old before or during the season for which the license is issued~~
21 is entitled to:

22 (a) a combination sports license that permits a holder ~~who is 12 years of age or older~~ to exercise all
23 rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed
24 in 87-2-202 upon payment of the sum of \$70, plus the resident hunting access enhancement fee provided for in
25 87-2-202(3)(c), or, if the resident is a service member eligible for a combination sports license pursuant to
26 87-2-803(12), upon payment of the resident hunting access enhancement fee provided for in 87-2-202(3)(c); or

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

30 (2) The department may furnish each holder of a combination sports license an appropriate decal."

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Section 19. Section 87-2-805, MCA, is amended to read:

"87-2-805. Persons under 18 years of age -- youth combination sports license -- youth with life-threatening illness under 18 years of age. (1) (a) ~~Resident~~ Subject to the provisions of subsection (5), minors who are:

(i) ~~12 years of age or older and~~ under 15 years of age may fish and may hunt upland game and migratory game birds during the open season with only a conservation license;

(ii) 15 years of age may hunt migratory game birds with only a conservation license; ~~and~~

(iii) under 12 years of age may fish without a license; and

(iv) 12 years of age or older and under 15 years of age may fish with only a conservation license.

(b) ~~A~~ Subject to the provisions of subsection (5), a nonresident minor:

(i) under 15 years of age may not fish in or on any Montana waters without first having obtained a Class B, B-4, or B-5 fishing license unless the nonresident minor is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident minor and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.

(ii) who is ~~12 years of age or older and~~ under 16 years of age may hunt upland game and migratory game birds during the open season with the purchase of a Class B-1 nonresident upland game bird license for a cost of \$35. Of that fee, \$17 must be deposited pursuant to 87-1-270 and \$7 must be deposited pursuant to 87-1-246.

(2) A resident, as defined by 87-2-102, who is ~~12 years of age or older and~~ under 15 years of age may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8.

(3) (a) A resident who is ~~12 years of age or older and~~ under 18 years of age may purchase a youth combination sports license for \$25. A resident who is ~~12 years of age or older and~~ under 18 years of age and who applies for any hunting license for the first time is entitled to receive a youth combination sports license free of charge.

(b) The youth combination sports license includes:

(i) a conservation license;

(ii) a fishing license;

(iii) an upland game bird license;

(iv) an elk license; and

(v) a deer license.

1 (c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing
2 license for \$8.

3 (d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1
4 upland game bird license for \$3.

5 (e) A person who lawfully purchases or is granted a free youth combination sports license at 17 years
6 of age, but who reaches 18 years of age during that license year, may legally use the license during that license
7 year. A person who hunts or fishes using a youth combination sports license purchased or granted free after the
8 person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties
9 by the sentencing court:

10 (i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the person's
11 hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing privileges
12 for life; and

13 (ii) a monetary fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on a
14 person under this chapter for the specific hunting or fishing violation.

15 (f) This section does not prohibit a resident minor from purchasing any individual licenses for which the
16 minor may be eligible under this chapter if the minor does not purchase the youth combination sports license.

17 (4) Except as otherwise provided in this chapter and subject to the provisions of subsection (5), a
18 resident or nonresident minor who is under 12 years of age prior to December 1 of the applicable hunting or
19 trapping season may obtain any available hunting or trapping license for a fee equal to one-half the cost of the
20 regularly priced resident or nonresident hunting or trapping license. A resident minor who is under 12 years of
21 age prior to December 1 and who applies for the first time for any hunting or trapping license that is not issued
22 through a drawing is entitled to receive that license free of charge.

23 (5) To be eligible to apply for or obtain any reduced cost hunting license pursuant to this chapter, a minor
24 who is under 12 years of age prior to December 1 of the applicable hunting season:

25 (a) shall provide proof of completion of a hunter safety and education course pursuant to 87-2-105. If
26 the minor is a resident, that minor shall attend the hunter safety and education course while accompanied by an
27 adult of at least 21 years of age, achieve a passing grade of at least 85% on the final written test, and
28 demonstrate to the instructor's satisfaction that the minor can safely and independently handle a firearm in the
29 field with live ammunition.

30 (b) if the minor is a nonresident, shall provide documentation, as required by the department, showing

1 proof of eligibility to purchase a hunting license in the minor's state of residence;

2 (c) shall purchase a wildlife conservation license and pay the hunting access enhancement fee pursuant
3 to 87-2-202; and

4 (d) must, when using a license, be accompanied at all times by an adult who is at least 21 years of age
5 and who is the holder of a valid wildlife conservation license. While accompanying the minor, the adult may not
6 possess any hunting arms, including bow and arrow, and shall remain in close proximity to the minor in order to
7 maintain constant visual and oral communication with the minor.

8 ~~(4)(6)~~ (a) The department may issue a free resident or nonresident big game combination license, as
9 applicable, or a free resident or nonresident antelope license and wildlife conservation license, as applicable, to
10 a resident or nonresident youth under 18 years of age who has been diagnosed with a life-threatening illness.
11 In order for a youth to qualify for the free license, the department must receive documentation that the youth has
12 been diagnosed with a life-threatening illness from a licensed physician. The free license may be issued to a
13 youth on a one-time basis for only one hunting season. As used in this subsection, "life-threatening illness" means
14 any progressive, degenerative, or malignant disease or condition that results in a significant threat, likelihood,
15 or certainty that the child's life expectancy will not extend past the child's 19th birthday unless the course of the
16 disease is interrupted or abated.

17 (b) In exercising hunting privileges, the youth must be in the company of an adult in possession of a valid
18 Montana hunting license or of a licensed Montana outfitter and conduct all hunting within the terms and conditions
19 of the license issued.

20 (c) The department may waive hunter safety and education and bowhunter education requirements in
21 87-2-105 for a qualified youth under this subsection ~~(4)~~ (6) and, in appropriate circumstances, may also allow the
22 qualified youth to hunt from a vehicle in the manner described in 87-2-803.

23 (d) The department may limit the number of licenses issued pursuant to this subsection ~~(4)~~ (6) to a total
24 of 25 annually.

25 ~~(5) Prior to reaching 12 years of age, minors who will reach 12 years of age by January 16 of a license~~
26 ~~year may hunt any game species after August 15 of that license year as long as the minor obtains the necessary~~
27 ~~license pursuant to this chapter."~~

28
29 **NEW SECTION. Section 20. Effective date.** [This act] is effective March 1, 2012.

30 - END -