

HOUSE BILL NO. 613
INTRODUCED BY B. BERGREN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING LIMITED LICENSE AND HUNTING PRIVILEGES FOR YOUTHS WHO ARE 9 YEARS OF AGE BUT LESS THAN 12 YEARS OF AGE; PROVIDING CONDITIONS FOR EXERCISE OF THE LICENSE AND HUNTING PRIVILEGES; AMENDING SECTION 87-2-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Limited hunting privileges for youths age nine through eleven. (1) A resident, as defined in 87-2-102, who is 9 years of age or older or who will turn 9 years of age before or during the season for which the license is issued and who is less than 12 years of age may, with the purchase of a resident wildlife conservation license, hunt upland game birds and migratory game birds and may also purchase and exercise the privileges of a wild turkey tag and a Class A-4 deer B tag, pursuant to the conditions of this section and the rules and regulations of the commission and the department.

(2) A youth who exercises the license and hunting privileges in subsection (1) must be accompanied by a licensed resident hunter who is 25 years of age or older and who affirms by affidavit that the resident hunter will accompany the youth during all of the youth's hunting and will remain within normal hearing distance of the youth while using normal voice control.

(3) A youth who exercises the license and hunting privileges in this section is not required to complete a hunter safety and education course.

(4) A youth who exercises the license and hunting privileges in this section does not forfeit eligibility for a free youth combination license as provided in 87-2-805(3).

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

"87-2-105. Safety instruction required. (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) and as provided in [section 1], a hunting license may not be issued to a person who is born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

- (a) a Montana hunter safety and education course established in subsection (4) or (6); or
- (b) a hunter safety course in any other state or province.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the person authorized to issue the license determines proof of completion of a hunter safety course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

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

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

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

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

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to [section 1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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