

1 SENATE BILL NO. 395

2 INTRODUCED BY M. BLASDEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO YOUTH HUNTING; CREATING AN
5 APPRENTICE HUNTING CERTIFICATE FOR THOSE OVER 10 YEARS OF AGE; REQUIRING THE FISH AND
6 WILDLIFE COMMISSION TO ESTABLISH A YOUTH-ONLY DEER HUNTING SEASON; PROVIDING
7 QUALIFYING CONDITIONS FOR AN APPRENTICE HUNTING CERTIFICATE; PROVIDING FOR A
8 CERTIFICATE FEE; EXTENDING A REDUCED LICENSE FEE FOR CERTAIN PERSONS; AMENDING
9 SECTIONS 87-1-301, 87-2-105, 87-2-404, 87-2-520, 87-2-711, AND 87-2-805, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."
11

12 WHEREAS, Montana's rich hunting heritage has seen a significant decline in resident hunting license
13 sales over the past 10 years, as evidenced by the fact that although approximately 145,000 licenses were sold
14 in 2006, only 104,000 were sold in 2011; and

15 WHEREAS, 35 states, including the four states immediately adjacent to Montana, allow new hunters to
16 experience hunting with a qualified mentor prior to completing hunter safety and education courses; and

17 WHEREAS, the safety rate of those first-time, apprentice hunters is nearly five times greater than the
18 safety rate of the general hunting population; and

19 WHEREAS, the fastest-growing first-time hunter demographic in the United States is female hunters.
20

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
22

23 NEW SECTION. **Section 1. Apprentice hunting certificate.** (1) A person who is 10 years of age or
24 older and who has not completed a hunter safety and education course pursuant to 87-2-105 is eligible to apply
25 for an apprentice hunting certificate that entitles the holder to obtain and use hunting licenses and permits in
26 accordance with this title and the provisions of this section. A person may obtain an apprentice hunting certificate
27 for no more than 2 license years before the person must complete a Montana hunter safety and education course
28 pursuant to 87-2-105.

29 (2) A person who obtains an apprentice hunting certificate must be in the company of a mentor when
30 hunting and shall conduct all hunting in accordance with this section and within the terms and conditions of the

1 license or permit issued.

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

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

4 (b) have completed a hunter safety and education course pursuant to 87-2-105;

5 (c) have a current Montana hunting license;

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

8 (e) confirm that the apprentice hunter possesses the physical and psychological capacity to safely and
9 ethically engage in hunting activities.

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

13 (5) The department shall issue an apprentice hunting certificate that allows an apprentice hunter to be
14 accompanied by multiple mentors.

15 (6) Except as provided in subsection (7), a person who obtains an apprentice hunting certificate may
16 purchase any unlimited hunting license or permit by any applicable deadline for the fee established pursuant to
17 this chapter, including:

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

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

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

22 (a) to obtain a Class A-2 special bow and arrow license without having completed a bowhunter education
23 course;

24 (b) to obtain a Class D-3 resident hound training license;

25 (c) to participate in a drawing with a limited quota; or

26 (d) to obtain an elk license if the apprentice hunter is under 15 years of age.

27 (8) An apprentice hunter who violates the terms of this section or a mentor who violates the terms of this
28 section while accompanying an apprentice hunter is subject to the loss of privileges granted by this section for
29 the license season in which the privileges are granted.

30

1 **Section 2.** Section 87-1-301, MCA, is amended to read:

2 **"87-1-301. Powers of commission.** (1) Except as provided in subsections (7) and (8) and subject to
3 subsection (3)(b), the commission:

4 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,
5 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment
6 of all other responsibilities of the department related to fish and wildlife as provided by law;

7 (b) shall establish the hunting, fishing, and trapping rules of the department;

8 (c) except as provided in 23-1-111 and 87-1-303(3), shall establish the rules of the department governing
9 the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

10 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;

11 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as
12 provided in 23-1-111 and 87-1-209(2) and (4);

13 (f) except as provided in 23-1-111, shall review and approve the budget of the department prior to its
14 transmittal to the office of budget and program planning;

15 (g) except as provided in 23-1-111, shall review and approve construction projects that have an
16 estimated cost of more than \$1,000 but less than \$5,000;

17 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided
18 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as
19 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider
20 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular
21 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal
22 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting
23 district where a restriction on elk hunting on public property is proposed.

24 (i) shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to 87-3-145; and

25 (j) shall comply with, adopt policies that comply with, and ensure the department implements in each
26 region the provisions of state wildlife management plans adopted following an environmental review conducted
27 pursuant to Title 75, chapter 1, parts 1 through 3.

28 (2) The commission may adopt rules regarding the use and type of archery equipment that may be
29 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in
30 archery equipment change.

1 (3) (a) The commission may adopt rules regarding the establishment of special licenses or permits,
2 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or
3 enhance hunting by Montana's youth and persons with disabilities.

4 (b) To promote and enhance hunting opportunities for Montana's youth, the commission shall establish
5 a 4-day, youth-only deer season. Subject to the licensing provisions of Title 87, chapter 2, the youth-only deer
6 season must be open to all minors who are 10 years of age or older and under 18 years of age.

7 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

8 (i) separate deer licenses from nonresident elk combination licenses;

9 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the
10 deer tag;

11 (iii) condition the use of the deer licenses; and

12 (iv) limit the number of licenses sold.

13 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and
14 appropriate to regulate the harvest by nonresident big game combination license holders:

15 (i) for the biologically sound management of big game populations of elk, deer, and antelope;

16 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

17 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321
18 through 87-1-325.

19 (5) (a) Subject to the provisions of 87-2-115, the commission may adopt rules establishing license
20 preference systems to distribute hunting licenses and permits:

21 (i) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant
22 who has been unsuccessful for a shorter period of time; and

23 (ii) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(a), "qualifying
24 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by
25 the commission.

26 (b) The commission shall square the number of points purchased by an applicant per species when
27 conducting drawings for licenses and permits.

28 (6) (a) The commission may adopt rules to:

29 (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

30 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting

1 districts.

2 (b) The commission shall consider, but is not limited to consideration of, the following factors:

3 (i) harvest of lions by resident and nonresident hunters;

4 (ii) history of quota overruns;

5 (iii) composition, including age and sex, of the lion harvest;

6 (iv) historical outfitter use;

7 (v) conflicts among hunter groups;

8 (vi) availability of public and private lands; and

9 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

10 (7) The commission may not regulate the use or possession of firearms, firearm accessories, or
11 ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

12 (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the
13 establishment of special archery seasons;

14 (b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including
15 bows and arrows, traditional handguns, and muzzleloading rifles;

16 (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

17 (d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

18 (e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

19 (8) Pursuant to 23-1-111, the commission does not oversee department activities related to the
20 administration of state parks, primitive parks, state recreational areas, public camping grounds, state historic
21 sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant
22 to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9."

23

24 **Section 3.** Section 87-2-105, MCA, is amended to read:

25 **"87-2-105. Safety instruction required.** (1) Except for a youth who qualifies for a license pursuant to
26 87-2-805(4) or who has been issued an apprentice hunting certificate pursuant to [section 1], a hunting license
27 may not be issued to a person who is born after January 1, 1985, unless the person authorized to issue the
28 license determines proof of completion of:

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

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

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

3 (2) A hunting license may not be issued to a member of the regular armed forces of the United States
4 or to a member of the armed forces of a foreign government attached to the armed forces of the United States
5 who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to
6 a member's dependents, as defined in 15-30-2115, who reside in the member's Montana household, unless the
7 person authorized to issue the license determines proof of completion of a hunter safety course approved by the
8 department or a hunter safety course in any state or province.

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

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

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

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

28 (7) The department may adopt rules regarding how a person authorized to issue a license determines
29 proof of completion of a required course."
30

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

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

9 **Section 5.** Section 87-2-520, MCA, is amended to read:

10 **"87-2-520. Supplemental game damage license -- terms and conditions.** (1) If at any time the
11 department determines, in conjunction with a landowner or a designated lessee acting as an agent for a
12 landowner, that game animals on the property are causing a level of damage to crops or other vegetation that
13 merits removal of a specific number of game animals or that the taking of a specific number of game animals is
14 advisable for game management purposes, the department may issue nontransferable resident and nonresident
15 supplemental game damage hunting licenses for game management purposes on the property.

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

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

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

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

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

29 (6) A licensee shall pay the regular license price or an adjusted price set by the commission for any
30 supplemental game management license issued pursuant to subsection (1). Issuance of a supplemental game

1 damage license authorizes the licensee to hunt, take, and possess the game animal designated on the license.
2 All hunting under a supplemental game damage license must be conducted on the property designated on the
3 license and in accordance with department regulations."
4

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

6 **"87-2-711. Class AAA--combination sports license.** (1) ~~A~~ Except as otherwise provided in this
7 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
8 or during the season for which the license is issued is entitled to:

9 (a) a combination sports license that permits a holder who is 12 years of age or older to exercise all
10 rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed
11 in 87-2-202 upon payment of the sum of \$70, plus the resident hunting access enhancement fee provided for in
12 87-2-202(3)(c), or, if the resident is a service member eligible for a combination sports license pursuant to
13 87-2-803(12), upon payment of the resident hunting access enhancement fee provided for in 87-2-202(3)(c); or

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

17 (2) The department may furnish each holder of a combination sports license an appropriate decal."
18

19 **Section 7.** Section 87-2-805, MCA, is amended to read:

20 **"87-2-805. Persons under 18 years of age -- youth combination sports license -- youth with**
21 **life-threatening illness under 18 years of age.** (1) (a) Resident minors who are:

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

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

25 (iii) under 12 years of age may fish without a license.

26 (b) A nonresident minor:

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

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

4 (2) A resident, as defined by 87-2-102, who is 12 years of age or older and under ~~15~~ 18 years of age may
5 purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8.

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

10 (b) The youth combination sports license includes:

11 (i) a conservation license;

12 (ii) a fishing license;

13 (iii) an upland game bird license;

14 (iv) an elk license; and

15 (v) a deer license.

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

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

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

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

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

30 (f) This section does not prohibit a resident minor from purchasing any individual licenses for which the

1 minor may be eligible under this chapter if the minor does not purchase the youth combination sports license.

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

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

14 (c) The department may waive hunter safety and education and bowhunter education requirements in
 15 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the
 16 qualified youth to hunt from a vehicle in the manner described in 87-2-803.

17 (d) The department may limit the number of licenses issued pursuant to this subsection (4) to a total of
 18 25 annually.

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

22
 23 **NEW SECTION. Section 8. Codification instruction.** [Section 1] is intended to be codified as an
 24 integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to [section 1].

25
 26 **NEW SECTION. Section 9. Effective date.** [This act] is effective on passage and approval.

27
 28 **NEW SECTION. Section 10. Applicability.** [Sections 2 and 7] apply to hunting seasons established
 29 after March 1, 2016.

30 - END -