

SENATE BILL NO. 218

INTRODUCED BY M. BLASDEL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE APPRENTICE HUNTER PROGRAM; MAKING
5 ELIGIBLE PERSONS 18 YEARS OF AGE AND OLDER; CLARIFYING THAT PERSONS YOUNGER THAN 12
6 YEARS OF AGE WHO COMPLETE A HUNTER SAFETY AND EDUCATION COURSE ARE ELIGIBLE;
7 CHANGING MENTOR REQUIREMENTS FOR THOSE 18 YEARS OF AGE AND OLDER; PROHIBITING AN
8 APPRENTICE HUNTER FROM OBTAINING A BLACK BEAR, MOUNTAIN LION, OR WOLF LICENSE;
9 EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 87-2-105 AND 87-2-810, MCA; AND
10 PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

29 (3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized
30 to issue the license receives an archery license issued for a prior hunting season or determines proof of

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

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

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

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

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

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

22 **"87-2-810. Apprentice hunting certificate.** (1) A person who is 10 years of age or older and ~~under 18~~
 23 ~~years of age~~ who has not completed a hunter safety and education course pursuant to 87-2-105 is eligible to
 24 apply for an apprentice hunting certificate that entitles the holder to obtain and use hunting licenses and permits
 25 in accordance with this title and the provisions of this section.

26 (2) A person may obtain an apprentice hunting certificate for no more than 2 license years before the
 27 person must complete a Montana hunter safety and education course pursuant to 87-2-105. Completing a
 28 Montana hunter safety and education course prior to turning 12 years of age does not preclude a person who is
 29 at least 10 years of age from being eligible to obtain and use hunting licenses pursuant to this section. As used
 30 in this subsection (2), "completing a Montana hunter safety and education course" means passing a hunter safety

1 and education course or a bowhunter education course provided pursuant to 87-2-105(4) through (6), including
2 the required test and field day.

3 ~~(2)~~(3) A person who obtains an apprentice hunting certificate must be in the company of a mentor when
4 hunting and shall conduct all hunting in accordance with this section and within the terms and conditions of the
5 license or permit issued.

6 ~~(3)~~(4) To qualify as a mentor who will accompany an apprentice hunter, a person must:

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

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

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

12 (d) have a current Montana hunting license;

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

15 (f) confirm that the apprentice hunter possesses the physical and psychological capacity to safely and
16 ethically engage in hunting activities.

17 ~~(4)~~(5) Subject to the conditions of this section, the department shall issue an apprentice hunting
18 certificate upon payment of a fee of \$5. This fee must be deposited in the state special revenue fund account to
19 the credit of the department for hunter education purposes.

20 ~~(5)~~(6) The department shall issue an apprentice hunting certificate that allows an apprentice hunter to
21 be accompanied by multiple mentors.

22 ~~(6)~~(7) Except as provided in subsection ~~(7)~~ (8), a person who obtains an apprentice hunting certificate
23 may purchase any unlimited hunting license or permit by any applicable deadline for the fee established pursuant
24 to this chapter, including:

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

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

28 ~~(7)~~(8) A person who obtains an apprentice hunting certificate is not eligible:

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

- 1 (b) to obtain a black bear license;
2 (c) to obtain a mountain lion license;
3 ~~(b)~~(d) to obtain a Class D-3 resident hound training license;
4 (e) to obtain a wolf license;
5 ~~(e)~~(f) to participate in a drawing with a limited quota;
6 ~~(d)~~(g) to obtain a mountain sheep license in any area where the licenses are issued in unlimited
7 numbers; or
8 ~~(e)~~(h) to obtain an elk license if the apprentice hunter is under 15 years of age.
9 ~~(b)~~(9) An apprentice hunter who violates the terms of this section or a mentor who violates the terms of
10 this section while accompanying an apprentice hunter is subject to the loss of privileges granted by this section
11 for up to one full license season."

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13 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2017.

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