

1 HOUSE BILL NO. 817

2 INTRODUCED BY P. FIELDER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING HUNTING LICENSING LAWS FOR
5 PERSONS UNDER 18 YEARS OF AGE; ALLOWING FOR THE ISSUING OF A FREE SPECIAL PERMIT
6 LICENSE FOR ELK, DEER, OR ANTELOPE TO A PERSON UNDER 18 YEARS OF AGE WITH A LIFE-
7 THREATENING ILLNESS WHO IS RECOMMENDED TO THE DEPARTMENT OF FISH, WILDLIFE, AND
8 PARKS BY A MONTANA CHARITY OR NONPROFIT ORGANIZATION; SETTING REQUIREMENTS TO
9 OBTAIN A LICENSE; SETTING REQUIREMENTS TO USE A LICENSE; SETTING LICENSE CAPS;
10 PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 87-2-105 AND 87-2-805, MCA."
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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. Hunter safety and education required.** (1) Except for a youth who qualifies for a license
16 pursuant to 87-2-805(4) or (5) or a person who has been issued an apprentice hunting certificate pursuant to
17 87-2-810, a hunting license may not be issued to a person born after January 1, 1985, unless the person
18 authorized to issue the 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
22 certificate 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
24 States or to a member of the armed forces of a foreign government attached to the armed forces of the United
25 States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-
26 102(1) or to a member's spouse or dependent, as defined in 87-2-102, who resides in the member's household,
27 unless the person authorized to issue the license determines proof of completion of a hunter safety and
28 education 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 a 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."

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

"87-2-805. Licenses for persons under 18 years of age. (1) Resident and nonresident minors under 12 years of age may fish without a license.

(2) Resident minors who are 12 years of age or older and under 18 years of age may purchase the following for one-half the cost:

(a) a conservation license;

(b) a Class A fishing license;

(c) a Class A-1 upland game bird license;

(d) a migratory game bird license;

(e) a Class A-3 deer A tag;

(f) a Class A-5 elk tag;

(g) a Class AAA combination sports license that does not include a Class A-6 black bear tag. This subsection (2)(g) does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase a Class AAA license under this subsection (2)(g). A resident minor who lawfully purchases a Class AAA license pursuant to this subsection (2)(g) at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year.

(3) A nonresident minor who is 12 years of age or older and under 18 years of age may purchase an upland game bird license and a migratory game bird license for one-half of the nonresident fee. Of the fee paid for the upland game bird license, \$17 must be deposited pursuant to 87-1-270 and \$7 must be deposited pursuant to 87-1-246.

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

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

(c) The department may waive hunter safety and education and bowhunter education

requirements in 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the qualified youth to hunt from a vehicle in the manner described in 87-2-803.

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

(5) (a) The department shall issue a free either-sex special permit license for elk, deer, or antelope and a conservation license, as applicable, to a resident or nonresident youth under 18 years of age who has been diagnosed with a life-threatening illness and is recommended by a Montana charitable or nonprofit organization. As used in this subsection (5), "life-threatening illness" means any progressive, degenerative, or malignant disease or condition that results in a significant threat to the child's life.

(b) To qualify for the free license, the department must receive documentation from a licensed physician that the youth has been diagnosed with a life-threatening illness.

(c) The free license may be issued to a youth on a one-time basis for only one hunting season.

(d) In exercising hunting privileges, the youth shall conduct all hunting within the terms and conditions of the license issued and in the company of an adult in possession of a valid Montana hunting license or in the company of a licensed Montana outfitter representing the charitable or nonprofit organization that recommended the youth. The nonprofit organization may facilitate licensing and provide a host to help the youth prior to and during the hunt.

(e) The department may issue up to five elk, five deer, and five antelope special permit licenses pursuant to this subsection (5) annually, but not more than one tag per species per hunting district annually. These special permit licenses do not count against any quota set by the department. Licenses issued pursuant to this subsection (5) do not count against the number of antelope licenses reserved for people with permanent disabilities as provided in 87-2-706 or against the licenses reserved for youth with a life-threatening illness as provided in subsection (4).

(f) The department may waive hunter safety and education and bowhunter education requirements provided in 87-2-105 for a qualified youth under this subsection (5) and, in appropriate circumstances, shall also allow the qualified youth to hunt from a vehicle in the manner described in 87-2-803.

(g) The department shall adopt rules necessary to implement this subsection (5).

(5)(6) Prior to reaching 12 years of age, a minor who will reach 12 years of age by January 16 of a

1 license year may hunt any game species after August 15 of that license year as long as the minor obtains the
2 necessary license pursuant to this chapter."

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