

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN KEN MESAROS, on February 9, 1995, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 285, SB 267, HJR 8
Executive Action: SB 259

{Tape: 1; Side: A; Approx. Counter: 58}

HEARING ON SB 285

Opening Statement by Sponsor:

SENATOR BOB PIPINICH, SD #29, MISSOULA, told the committee SB 285 prevents a person from applying for a special license or entering a drawing for a moose, bighorn sheep or mountain goat for 10 years if the person is convicted of the unlawful taking of these species.

Proponents' Testimony:

PAT GRAHAM, Director, Department of Fish, Wildlife & Parks (DFWP), said his department supports the longer waiting period before applying for a special permit (EXHIBIT #1).

BILL ALLEN, Montana Audubon, stated that his organization is concerned with proper management of wildlife species in Montana and supports this bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR AL BISHOP, SD #9, BILLINGS, asked SENATOR PIPINICH how he arrived at five additional years. SENATOR PIPINICH responded that he decided to double the penalty because there is considerable poaching of these species and a 10-year wait might be a deterrent.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked if other states would have to move up to a 10-year penalty if the reciprocity bill passes. SENATOR PIPINICH said they would if one of their citizens is convicted in Montana.

SENATOR TERRY KLAMPE, SD #31, FLORENCE, asked if SENATOR PIPINICH had considered being even more strict and taking away special permit license privileges forever. SENATOR PIPINICH replied that he hadn't because sometimes a hunter shoots what he thinks is an elk and finds he has killed a moose. That hunter would fall under the five-year wait unless a judge found the act to be deliberate, when an additional five years would be added to his penalty.

Closing by Sponsor:

SENATOR PIPINICH said SB 285 is a good bill and hoped it would pass.

HEARING ON SB 267

Opening Statement by Sponsor:

SENATOR GARY FORRESTER, SD #8, BILLINGS, said SB 267 resulted from concern expressed by his constituents about the difficulty of determining boundaries of state lands in the Gravelly Mountains during hunting season. SB 267 would require posting of state recreational land; allocating a portion of the increase in the recreational use fee (if an increase is adopted) to pay the cost of posting; and completion of that work within a five-year period.

SENATOR FORRESTER commented that Jeff Haggener of the Department of State Lands (DSL) had pointed out that lines 15 and 16 on page 1 appear to require posting the entire boundary of currently fenced state lands. That was not his intention and he assumed posting only points of entry would greatly reduce the costs shown on the fiscal note. Also, DSL is required by law to inspect all state lands every 10 years. It was not his intention to create extra work, spend more money and hire more people; an inspection every 10 years would suffice.

At the present time it is difficult to tell when you have entered state land. Vehicular travel is not allowed on roads within state lands, but it's difficult to tell state lands from national forest or BLM lands. The bill specifies a funding source for signing if the Governor's Advisory Council bill passes.

Proponents' Testimony:

VERNON ZICKFUS, Billings, commented that he has hunted elk in the Gravelly Mountains for many years. People pull out stakes showing land is closed. Posting changes from year to year. National forests have simple markers that show you where you are.

JIM RICHARD, Montana Wildlife Federation, supported the bill because his organization believes it will minimize conflicts between sportsmen and landowners.

Opponents' Testimony:

JOHN BLOOMQUIST, Montana Stockgrowers, opposed the bill because posting the boundaries of state lands open to recreation would require posting the boundaries of all state lands; a significant cost factor would be involved. Signs disappear. A lessee of state lands would be responsible for maintenance of signs. As far as paying for the signs, funding is contingent upon increasing the recreational fee to \$10; \$5 goes to the school trust. This bill would take \$2.50 for acquisition of signs.

Mr. Bloomquist acknowledged that sportsmen need to know where they are, but Montana is well mapped. Not all BLM and Forest Service lands are clearly marked. Much state land is not surveyed.

LARRY BROWN, Agricultural Preservation Association, opposed the bill for the reasons given by Mr. Bloomquist. The idea is good but it would be too expensive and impractical to take on the burden of installation and enforcement. It is the responsibility of all sportsmen to know where they are.

CANDACE TORGERSON, Montana Cattlemen's Association and Women in Farm Economics, opposed the bill, saying proceeds from state lands must go to the school trust.

Questions From Committee Members and Responses:

SENATOR SPRAGUE asked **SENATOR FORRESTER** why he hadn't signed the fiscal note. **SENATOR FORRESTER** said he hadn't signed the fiscal note because he didn't think it was correct. He had told Bud Clinch, Commissioner of State Lands, that it was his intention to post only entry points to state lands. He hadn't intended that DSL would buy vehicles and add FTE's. He suggested an amendment dealing with boundaries and an amendment on a routine 10-year inspection rather than five years, making the cost factor much lower.

SENATOR BISHOP said it's easy to be critical. Senator Forrester was attempting to come up with a solution to boundaries of state lands. He asked **Mr. Bloomquist** what he would suggest.

MR. BLOOMQUIST said he hadn't seen any evidence that the present situation isn't working.

SENATOR BISHOP commented that Mr. Zickfus and others have stated that there is a problem and he agreed. If DSL can't identify and post a piece of property, how can a sportsman?

MR. BLOOMQUIST responded that he believed there would always be a question of exactly where someone is, but a map would give a fairly good idea. Many roads crossing state lands have been petitioned open. Some, however, remain closed. State and national forest lands intermingle. Possibly posting roads that are closed would help. Posting of access points would be better than posting boundaries.

SENATOR WILLIAM CRISMORE, SD # 41, LIBBY, asked if timber sale roads on state lands are open or closed. **JEFF HAGGENER, DSL,** responded that rules require all roads on state lands to be closed to vehicular access unless signed as open by the department or petitioned open. County roads are obvious. If there is no sign, the assumption should be that the road is closed. **SENATOR CRISMORE** asked if customarily traveled Forest Service/State Lands/Plum Creek roads are open. **Mr. Haggener** said those roads are considered public roads and they are open.

SENATOR JOHN HERTEL, SD #47, MOORE, asked **SENATOR FORRESTER** if there would be a new fiscal note. **SENATOR FORRESTER** said he had a letter from Mr. Haggener saying that costs would be lower if only access points were posted and inspections made routinely every 10 years, but a new fiscal note hadn't been prepared.

SENATOR HERTEL commented that if only entry points were to be posted, the fiscal note obviously was incorrect.

SENATOR BISHOP asked if some state lands were fenced. **SENATOR FORRESTER** responded that over half are fenced; the remainder are not. This bill would not address isolated tracts. **SENATOR BISHOP** commented that it should be no problem to post over half

the state lands, if they are already fenced. **Jeff Haggener** said that was probably true, but sometimes fences are not on legal boundaries. DSL does not have an inventory showing which sections are fenced and which are not.

SENATOR MESAROS asked if DSL could identify the boundaries between state land and private lands without a survey. **Mr. Haggener** replied that he thought they could with reasonable accuracy, but it wouldn't stand up in court.

SENATOR MESAROS said he recognized **SENATOR FORRESTER'S** intent as well as the problem of identifying recreational lands.

SENATOR FORRESTER said landowners are very adept at posting their private property, and there are landowners who don't want people to know where state lands are. It is a problem. The DFWP warden captain in Billings has stated that there are a number of orange posts on state lands in the Billings area.

SENATOR MESAROS asked **SENATOR FORRESTER** to explain what would happen if the \$10 fee bill does not pass. **SENATOR FORRESTER** responded that SB 267 would be in effect only if the fee increase passes. **SENATOR MESAROS** commented that it was his understanding the intent of the bill would be to post state lands only at entry points with routine inspections every 10 years. **SENATOR FORRESTER** replied that 10 years would be inserted on line 16. \$2.50 would be more than adequate for posting.

SENATOR BISHOP asked would happen if a landowner reported a trespass in or near state lands. **BOB WINFIELD, DFWP Chief of Enforcement Operations**, replied that field wardens use a GPS hand-held unit to get coordinates to find out whose land the person is on. **SENATOR BISHOP** said it had been stated that it is very difficult to post some state lands. **Mr. Winfield** commented that was true; sometimes fairly large pastures contain mixtures of state land and private lands with only one external boundary.

SENATOR BISHOP asked how expensive the hand-held GPS units are. **Mr. Winfield** said about \$4000 for the units used by his department, but they can go as high as \$30,000.

SENATOR BRUCE CRIPPEN, SD #10, BILLINGS, asked **Mr. Winfield** what a warden does when someone says he is on private land. **Mr. Winfield** responded that the warden requests assistance from the Forest Service, as they have the \$30,000 units that are accurate to a centimeter.

Closing by Sponsor:

SENATOR FORRESTER told the committee it had never been his intention for lessees of state lands to be responsible for maintenance of signs; it would be the responsibility of the DSL. DFWP personnel from the Billings office have made it clear that there are some orange posts on state lands in the Billings area.

The important thing is that people have a right to know where they are.

It is fair that schools receive some benefit from increasing the recreational use fee to \$10, but there will probably also be requests for more weed control from this money. The signing proposed in this bill won't cost much because the signs won't be large. The Forest Service and BLM standards are much higher than what is proposed under this bill. It should be incumbent upon DSL to mark roads that are not to be traveled. DFWP wardens turn information over to county attorneys for prosecution of trespass violations.

{Tape: 1, Side B Begins}

HEARING ON HJR 8

Opening Statement by Sponsor:

REPRESENTATIVE MARIAN HANSON, HD #1, ASHLAND, told the committee her resolution urged Congress to introduce wolves to every region of the nation that doesn't presently have a wolf population if wolves are reintroduced to Yellowstone National Park.

The introduction of wolves to Yellowstone was opposed by people in that ranching area. It will impact ranchers in three states around Yellowstone. People in Washington, DC and on the west coast should not be allowed to put wolves where they aren't wanted. The resolution has a clause stating that it would be void if wolves aren't reintroduced to Yellowstone.

Proponents' Testimony:

JENNIFER HILL, Montana Woolgrowers and Stockgrowers, urged support of the resolution.

JEAN JOHNSON, Executive Secretary, Montana Outfitters & Guides Association, supported the resolution.

JAKE CUMMINS, Montana Farm Bureau, supported the resolution, believing it provides a message that won't be lost on the general public.

LARRY BROWN, Agricultural Preservation Association, supported the resolution. His organization would ask that wolves be redesignated as a predator and any documented kills of wildlife or livestock by wolves be turned over to the wildlife agency as an out-of-season taking and treated the same as a hunting violation.

CANDACE TORGERSON, Montana Cattlemen and Women in Farm Economics, supported the resolution.

Opponents' Testimony:

STAN FRASIER, Helena, said the resolution was a frivolous solution to a serious problem. The vast majority of people in the United States favor reintroduction. The legislature should have better things to do.

Questions From Committee Members and Responses:

SENATOR CRIPPEN asked REPRESENTATIVE HANSON how many wolves she would have placed in Central Park. REPRESENTATIVE HANSON replied 10 breeding pairs a year for 10 years.

SENATOR CRIPPEN commented that he could see REPRESENTATIVE HANSON was obviously very serious about this legislation, and asked if she had considered a different way of approaching the problem. He said he knew many people were concerned about wolf reintroduction, but was worried about how people would react to this bill.

REPRESENTATIVE HANSON said her mail is running 10 to 1 for the resolution, but she had received only three letters against it.

SENATOR CRIPPEN asked where the letters came from.

REPRESENTATIVE HANSON replied, "All over the state and from Wyoming to Annapolis, Maryland."

SENATOR BISHOP asked what REPRESENTATIVE HANSON meant by reintroduction into every other ecosystem and region.

REPRESENTATIVE HANSON replied that wolves lived all over the North American continent before arrival of the white man and that was what she had in mind.

SENATOR BISHOP commented that SENATOR CRIPPEN was trying to make the bill as palatable as possible and he, too, was concerned about the image this bill might project, as he remembered the magpie bill.

SENATOR BISHOP suggested taking out "...reintroduction into every other ecosystem..." and the remainder of line 20 and all of line 21. REPRESENTATIVE HANSON said there have been a lot of people who referenced Central Park. They see we want them near people.

SENATOR CRIPPEN said his assumption was that REPRESENTATIVE HANSON didn't want wolves in Montana, and asked if she had considered just stating that fact. REPRESENTATIVE HANSON responded that if SENATOR CRIPPEN had a better solution she would welcome it.

Closing by Sponsor:

REPRESENTATIVE HANSON stated that HJR 8 was not a frivolous resolution. Montana will be impacted much sooner than anyone expects. If wolf hunting is not allowed, wolves will become very bold.

EXECUTIVE ACTION ON SB 259

ANDREA MERRILL, Legislative Council Staff, said there were two sets of amendments to this bill. DFWP suggested that atlatl hunting take place during the first two days of the archery season (Page 2). The second set would allow atlatl hunting during the entire archery season.

SENATOR MESAROS commented that he didn't know DFWP was submitting amendments, but both sets were relatively close.

SENATOR CRIPPEN said the atlatl people had wanted two days prior to the archery season. He thought they would get some publicity if they got the first two days of bow season. After that they could use the atlatl during the regular rifle season.

PAT GRAHAM said the department's amendment shifted the two days from "prior to" to "within" the special archery season.

SENATOR CRISMORE stated that the atlatl hunters said they would be happy to be allowed to hunt during the entire archery season, but they requested two additional days.

SENATOR MESAROS asked if he were correct in assuming that if the atlatl is allowed the first two days of archery season they would only be able to hunt for two days and then required to stop until general rifle season begins.

SENATOR KLAMPE asked if atlatl hunters would be in the way of archers. **DAVE BROWN, Montana Bowhunters**, said he had polled some members of his organization and they thought atlatl hunting during the first two days of bow and arrow season would be acceptable.

SENATOR KLAMPE asked if the bowhunters would be opposed to atlatl hunters being out during the entire archery season. **Mr. Brown** said they would; the concept is not well understood. It's reasonable to suppose that after they were out for two days the process will be better understood and possibly the season could be modified later.

Motion: **SENATOR CRIPPEN MOVED THE DFWP AMENDMENTS.**

Discussion:

SENATOR HERTEL asked if bow and arrow hunters would be allowed to hunt during the same two days the atlatl is allowed. He also wanted to know if atlatl hunters could only hunt for two days. **Mr. Graham** said archery season was being broadened to include the atlatl, but only for two days.

SENATOR BISHOP said someone had stated rocks and other things are legal because they are not specifically excluded. He asked if a rock is allowed only during the general season. **Mr. Graham** said yes.

Motion/Vote: ON SENATOR CRIPPEN'S MOTION TO PASS THE DEPARTMENT OF FISH, WILDLIFE & PARKS AMENDMENTS, ALL VOTED AYE EXCEPT SENATOR CRISMORE WHO VOTED NO.

SENATOR JUDY JACOBSON, SD #18, BUTTE, suggested that the bill sunset in two years. The atlant hunters might want to come back and ask that it be extended or change it. SENATOR JACOBSON SO MOVED.

SENATOR CRIPPEN asked why two years seemed appropriate. If the atlant is only allowed for two days for two seasons, little information will be obtained. The purpose of this bill is to give them more experience. He didn't think that two years was enough time.

SENATOR JACOBSON said she felt that the bowhunters would be more comfortable with the idea in two years, and be more amenable to use of the atlant for the entire bow season.

SENATOR CRIPPEN pointed out that would happen in two years whether or not the bill sunsets.

SENATOR KEN MILLER, SD #11, LAUREL, commented that Representative Grinde's bill might make it a short session in 1997.

SENATOR JACOBSON WITHDREW HER MOTION TO SUNSET THE BILL IN TWO YEARS.

SENATOR KLAMPE MOVED THE BILL AS AMENDED.


Vote: SB 259 PASSED AS AMENDED UNANIMOUSLY.

ADJOURNMENT

Adjournment: The meeting adjourned at 2:20 p.m.

{This meeting is recorded on both sides of one 60-Minute Tape}


KEN MESAROS, Chairman


SERENA ANDREW, Secretary

KM/sa

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

2/09/95

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SENATE STANDING COMMITTEE REPORT

Page 1 of 3
February 10, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration SB 259 (first reading copy -- white), respectfully report that SB 259 be amended as follows and as so amended do pass.

Signed: 
Senator Ken Mesaros, Chair

That such amendments read:

1. Title, line 5.

Following: the first "SEASON"

Strike: "PRECEDING A"

Insert: "DURING THE"

Strike: "SECTION 87-1-304"

Insert: "SECTIONS 87-1-301, 87-2-105, AND 87-2-708"

2. Page 1, line 10 through page 2, line 26.

Strike: sections 1 through 3 in their entirety

Insert: "Section 1. Section 87-1-301, MCA, is amended to read:

"87-1-301. Powers of commission. (1) The commission shall:

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

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

(c) establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

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


(e) approve all acquisitions or transfers by the department of interests in land or water;


(f) review and approve the budget of the department prior to its transmittal to the budget office; and

(g) review and approve construction projects whose estimated cost is more than \$1,000 but less than \$5,000.

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

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

 Amd. Coord.

 Sec. of Senate

351232SC.SRF

"87-2-105. Safety instruction required. (1) A hunting license may not be issued to a resident person under the age of 18 years unless the resident presents to the person authorized to issue the license a certificate of competency as provided by this section.

(2) A hunting license may not be issued to a nonresident person under the age of 18 years unless the nonresident presents to the person authorized to issue the license a certificate of competency, as provided in this section, or a certificate verifying that the nonresident has successfully completed a course in the safe handling of firearms in any state or province.

(3) 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 member or dependent presents to the person authorized to issue the license a certificate of competency, as provided in this section, or a certificate verifying that the member or dependent has successfully completed a hunter safety course in any state or province.

(4) A bow and arrow license, including a license to hunt with an atlatl under the provisions of 87-2-708(2), may not be issued to a resident or nonresident unless the resident or nonresident presents to the person authorized to issue the license an archery license issued for a prior hunting season or a certificate of completion from the national bowhunter education foundation. 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 bow hunter education requirements. ~~As part of those public information efforts, the department shall notify by mail all individuals who purchased a Class A 2 special bow and arrow license during the 1990-91 hunting season.~~

(5) The department shall provide for a course of 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 safety in the handling of firearms. The department may designate as an instructor any person it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person successfully completing the course.

(6) The department shall provide for a course of

instruction from the national bowhunter education foundation 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 the national bowhunter education foundation instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion from the national bowhunter education foundation to any person successfully completing the course."

Section 3. Section 87-2-708, MCA, is amended to read:

"87-2-708. **Class A-2--special bow and arrow license.** (1) A holder of a valid hunting license for which a special archery season is set by the department commission may receive, upon payment of an additional fee of \$8, a Class A-2 license which shall authorize that authorizes the holder thereof license holder to pursue, hunt, shoot, and kill with bow and arrow the game animals so authorized by the licenses held and to possess the carcass thereof of an authorized game animal during seasons and in areas, as designated by the department commission.

(2) A holder of a Class A-2 license and a valid hunting license for deer may hunt deer with an atlatl during the first 2 days of the special archery season set by the commission."

-END-

SENATE FISH AND GAME

EXHIBIT NO. 1

DATE 2/09/95

BILL NO. SB 285

TSB285.SP

Senate Bill No. SB285

February 9, 1995

Testimony presented by Pat Graham

Montana Fish, Wildlife & Parks

before the

Senate Fish and Game Committee

Montana Fish, Wildlife & Parks supports a longer waiting period before people convicted of illegally taking a moose, sheep or goat can apply for a permit to hunt them again. The bill provides for more equitable treatment between legal hunters and those convicted of illegally taking a sheep, mountain goat or moose. Currently anyone who receives a legal permit for one of these species in the limited drawing process may not apply for another permit of that species (except ewe sheep) for seven years.

Those convicted of illegally taking one of these species may apply after only five years. This change will add an additional five years to that penalty.

Amendments to Senate Bill No. 259
1st Reading Copy

Requested by the Committee on Fish and Game

Prepared by Andrea Merrill
February 9, 1995

1. Title, line 5.

Following: the first "SEASON"

Strike: "PRECEDING A"

Insert: "DURING THE"

Strike: "SECTION 87-1-304"

Insert: "SECTIONS 87-1-301, 87-2-105, AND 87-2-708"

2. Page 1, line 10 through page 2, line 26.

Strike: sections 1 through 3 in their entirety

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

"87-1-301. Powers of commission. (1) The commission shall:

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

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

(c) establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

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

(e) approve all acquisitions or transfers by the department of interests in land or water;

(f) review and approve the budget of the department prior to its transmittal to the budget office; and

(g) review and approve construction projects whose estimated cost is more than \$1,000 but less than \$5,000.

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

{Internal References to 87-1-301: None.}

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

"87-2-105. Safety instruction required. (1) A hunting license may not be issued to a resident person under the age of 18 years unless the resident presents to the person authorized to issue the license a certificate of competency as provided by this section.

(2) A hunting license may not be issued to a nonresident person under the age of 18 years unless the nonresident presents to the person authorized to issue the license a certificate of competency, as provided in this section, or a certificate verifying that the nonresident has successfully completed a

course in the safe handling of firearms in any state or province.

(3) 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 member or dependent presents to the person authorized to issue the license a certificate of competency, as provided in this section, or a certificate verifying that the member or dependent has successfully completed a hunter safety course in any state or province.

(4) A bow and arrow license, including a license to hunt with an atlatl under the provisions of 87-2-708(2), may not be issued to a resident or nonresident unless the resident or nonresident presents to the person authorized to issue the license an archery license issued for a prior hunting season or a certificate of completion from the national bowhunter education foundation. 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 bow hunter education requirements. ~~As part of those public information efforts, the department shall notify by mail all individuals who purchased a Class A-2 special bow and arrow license during the 1990-91 hunting season.~~

(5) The department shall provide for a course of 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 safety in the handling of firearms. The department may designate as an instructor any person it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person successfully completing the course.

(6) The department shall provide for a course of instruction from the national bowhunter education foundation 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 the national bowhunter education foundation instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion from the national bowhunter education foundation to any person successfully completing the course."

{Internal References to 87-2-105:

x 87-2-102}

Section 3. Section 87-2-708, MCA, is amended to read:

"87-2-708. Class A-2--special bow and arrow licens^c. (1) A holder of a valid hunting license for which a special archery season is set by the ~~department~~ commission may receive, upon payment of an additional fee of \$8, a Class A-2 license which

~~shall authorize that authorizes the holder thereof license holder~~
to pursue, hunt, shoot, and kill with bow and arrow the game
animals ~~so~~ authorized by the licenses held and to possess the
carcass ~~thereof~~ of an authorized game animal during seasons and
in areas, as designated by the ~~department~~ commission.

(2) A holder of a Class A-2 license and a valid hunting
license for deer may hunt deer with an atlatl during the first 2
days of the special archery season set by the commission."

{Internal References to 87-2-708:

x 87-5-405}

DATE 2/9/95

SENATE COMMITTEE ON Fish and Game

BILLS BEING HEARD TODAY: SB 285, 7, 4 JR 8

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Bill Allen	MT Audubon	SB 285	X	
J. Lee Cummings	MT FARM Bureau	SB 267	X	
"	"	HJR 8	X	
CANDACE Torgerson	Marian Cattlemen WIFE	SB 267	X	
Glenn Johnson	MT Outfitters & Guides	HJR 8	X	
Stan Frazier	Self	HJR 8		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY