

HOUSE BILL NO. 272

INTRODUCED BY LAMBERT

A BILL FOR AN ACT ENTITLED: "AN ACT ~~GUARANTEEING~~ PROVIDING 50 25 50 HALF-PRICED DEER AND ANTELOPE LICENSES TO CERTAIN DISABLED COMBAT VETERANS; EXCEPTING CLASS ~~A-3, A-4, A-3,~~ A-4, B-7, AND B-8 AND SPECIAL ANTELOPE LICENSES ISSUED TO CERTAIN DISABLED COMBAT VETERANS FROM NUMERICAL LICENSE LIMITS; AND AMENDING SECTIONS 87-2-506, 87-2-706, AND 87-2-803, MCA."

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

Section 1. Section 87-2-506, MCA, is amended to read:

"87-2-506. Restrictions on hunting licenses. (1) The department may prescribe by rule the number of hunting licenses to be issued. Any license sold may be restricted to a specific administrative region, hunting district, or other designated area and may specify the species, age, and sex to be taken and the time period for which the license is valid; ~~except as provided in subsection (3).~~

(2) When the number of valid resident applications for big game licenses or permits of a single class or type exceeds the number of licenses or permits the department desires to issue in an administrative region, hunting district, or other designated area, then the number of big game licenses or permits issued to nonresident license or permit holders in the region, district, or area may not exceed 10% of the total issued; ~~except as provided in subsection (3).~~

~~(3) A disabled veteran who meets~~ DISABLED VETERANS WHO MEET the qualifying criteria provided in 87-2-803(5) must be guaranteed one deer and one PROVIDED A TOTAL OF 50 25 50 CLASS A-3 DEER A TAGS, 25 50 CLASS A-4 DEER B TAGS, 25 50 CLASS B-7 DEER A TAGS, 50 25 50 CLASS B-8 DEER B TAGS, AND 50 25 50 special antelope license LICENSES annually, WHICH MAY BE USED within the administrative region, hunting district, or other designated area of the disabled veteran's choice, EXCEPT IN A REGION, DISTRICT, OR AREA WHERE THE NUMBER OF LICENSES ARE LESS THAN THE NUMBER OF APPLICANTS, IN WHICH CASE QUALIFYING DISABLED VETERANS ARE ELIGIBLE FOR NO MORE THAN 10% OF THE TOTAL LICENSES FOR THAT REGION, DISTRICT, OR AREA."

Section 2. Section 87-2-706, MCA, is amended to read:

1 **"87-2-706. Drawing for special antelope licenses.** (1) In the event that the number of valid
2 applications for special antelope licenses for a hunting district exceeds the quota set by the department for the
3 district, the licenses must be awarded by a drawing. The department shall provide for those persons making
4 valid application for special antelope licenses a method of selecting first, second, and third choice hunting
5 districts for any drawing held pursuant to this section.

6 (2) The department shall reserve for applicants who are nonambulatory and have a permanent physical
7 disability, as determined by the department, up to 25 of the total special antelope licenses authorized for sale
8 in the state, excepting those licenses issued pursuant to 87-2-803(5), for use in the district designated by the
9 commission. If the number of valid disabled applicants exceeds the number of licenses available, the department
10 may hold a drawing in which all applicants have an equal chance of being selected.

11 (3) The department may promulgate rules that are necessary to implement this section."
12

13 **Section 3.** Section 87-2-803, MCA, is amended to read:

14 **"87-2-803. Persons with disabilities -- definitions.** (1) Persons with disabilities are entitled to fish and
15 to hunt game birds, not including turkeys, with only a conservation license if they are residents of Montana not
16 residing in an institution and are certified as disabled as prescribed by departmental rule. A person who has
17 purchased a conservation license and a resident fishing license or game bird license for a particular license year
18 and who is subsequently certified as disabled is entitled to a refund for the fishing license or game bird license
19 previously purchased for that license year. A person who is certified as disabled pursuant to subsection (3) and
20 who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent license year is
21 automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria for obtaining
22 a permit does not change.

23 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
24 institution may purchase regular resident deer and elk licenses at one-half the fee paid by a resident who is 15
25 years of age or older and who is under 62 years of age. A person who has purchased a conservation license
26 and a resident deer license or resident elk license for a particular license year and who is subsequently certified
27 as disabled is entitled to a refund for the deer license or elk license previously purchased and reissuance of the
28 license for that license year at the rate established in this subsection.

29 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
30 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to

1 subsection ~~(8)~~ (9). The department shall adopt rules to establish a voluntary board or boards of review to resolve
 2 any disputes over whether a person meets the criteria established in subsection ~~(8)~~ (9). Each board must have
 3 at least one Montana-licensed physician as a member.

4 (4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as
 5 a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public
 6 highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from
 7 within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner
 8 that will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting
 9 is permitted. This subsection does not allow a permitholder to shoot across the roadway of any public highway
 10 or to hunt on private property without permission of the landowner. A permitholder must have a companion to
 11 assist in immediately dressing any killed game animal. The companion may also assist the permitholder by
 12 hunting a game animal that has been wounded by the permitholder when the permitholder is unable to pursue
 13 and kill the wounded game animal. Any vehicle from which a permitholder is hunting must be conspicuously
 14 marked with an orange-colored international symbol of persons with disabilities on the front, rear, and each side
 15 of the vehicle, or as prescribed by the department.

16 ~~(5) A veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S.~~
 17 ~~department of veterans affairs for~~ MEETS THE QUALIFICATIONS IN SUBSECTION (9) AS A RESULT OF A
 18 ~~combat-connected disability must be issued~~ INJURY MAY APPLY AT A FISH, WILDLIFE, AND PARKS OFFICE FOR a regular
 19 ~~Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7 deer A tag, a Class B-8 deer B tag, and a special~~
 20 ~~antelope license at one-half the license fee for resident and nonresident hunters, as applicable. FIFTY~~
 21 ~~TWENTY-FIVE~~ FIFTY LICENSES OF EACH LICENSE TYPE MUST BE MADE AVAILABLE ANNUALLY. Licenses issued to
 22 ~~veterans under this part do not count against the number of special antelope licenses reserved for people with~~
 23 ~~permanent disabilities, as provided in 87-2-706. Deer tags issued under this part are not subject to~~
 24 ~~department-determined limits on the number of licenses allowed, as provided in 87-2-506.~~

25 ~~(5)~~(6) (a) A resident of Montana who is certified by the department as experiencing blindness, as
 26 defined in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10.
 27 The license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by
 28 department rule. An applicant for a license under this subsection need not obtain a wildlife conservation license
 29 as a prerequisite to licensure.

30 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may

1 be issued regular resident deer and elk licenses₁ in the manner provided in subsection (2), and must be
2 accompanied by a companion, as provided in subsection (4).

3 ~~(6)~~(7) The department shall adopt rules to establish the qualifications that a person must meet to be a
4 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
5 person.

6 ~~(7)~~(8) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers
7 to a person experiencing a condition medically determined to be permanent and substantial and resulting in
8 significant impairment of the person's functional ability.

9 ~~(8)~~(9) A person is entitled to a permit to hunt from a vehicle if the person:

10 (a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a
11 wheelchair, crutch, or cane for mobility;

12 (b) is an amputee above the wrist or ankle; or

13 (c) is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and
14 broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25
15 pounds.

16 ~~(9)~~(10) Certification by a licensed physician under subsection ~~(8)~~ (9) must be on a form provided by the
17 department.

18 ~~(10)~~(11) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may
19 request a review by a voluntary board of review pursuant to subsection (3)."

20 - END -