

## 1 HOUSE BILL NO. 559

2 INTRODUCED BY D. HIMMELBERGER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REDUCED-COST HUNTING LICENSES TO CERTAIN  
5 MONTANA RESIDENTS WHO ARE ACTIVE MEMBERS OF THE MILITARY; AMENDING SECTION 87-2-803,  
6 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

9

10 **Section 1.** Section 87-2-803, MCA, is amended to read:

11 **"87-2-803. Persons with disabilities -- service members -- definitions.** (1) Persons with disabilities  
12 are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are  
13 residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental  
14 rule. A person who has purchased a conservation license and a resident fishing license or game bird license for  
15 a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license  
16 or game bird license previously purchased for that license year. A person who is certified as disabled pursuant  
17 to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent  
18 license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria  
19 for obtaining a permit does not change.

20 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an  
21 institution may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8. A person who has  
22 purchased a conservation license and a resident deer license or resident elk license for a particular license year  
23 and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously  
24 purchased and reissuance of the license for that license year at the rate established in this subsection.

25 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,  
26 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to  
27 subsection (9).

28 (4) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection  
29 (4) as a permit holder, may hunt by shooting a firearm from:

30 (i) the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-101, except a

1 state or federal highway;

2 (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way  
3 in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway,  
4 where hunting is permitted; or

5 (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted  
6 and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or  
7 snowmobile is marked as described in subsection (4)(d) of this section.

8 (b) This subsection (4) does not allow a permitholder to shoot across the roadway of any public highway  
9 or to hunt on private property without permission of the landowner.

10 (c) A permitholder must have a companion to assist in immediately dressing any killed game animal. The  
11 companion may also assist the permitholder by hunting a game animal that has been wounded by the  
12 permitholder when the permitholder is unable to pursue and kill the wounded game animal.

13 (d) Any vehicle from which a permitholder is hunting must be conspicuously marked with an  
14 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,  
15 or as prescribed by the department.

16 (5) A veteran who meets the qualifications in subsection (9) as a result of a combat-connected injury may  
17 apply at a fish, wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7  
18 deer A tag, a Class B-8 deer B tag, and a special antelope license at one-half the license fee. Fifty licenses of  
19 each license type must be made available annually. Licenses issued to veterans under this part do not count  
20 against the number of special antelope licenses reserved for people with permanent disabilities, as provided in  
21 87-2-706.

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

27 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may  
28 be issued regular resident deer and elk licenses, in the manner provided in subsection (2) of this section, and  
29 must be accompanied by a companion, as provided in subsection (4)(c) of this section.

30 (7) The department shall adopt rules to establish the qualifications that a person must meet to be a

1 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled  
2 person.

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

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

7 (a) is certified by a licensed physician, an advanced practice registered nurse, or a licensed physician  
8 assistant to be dependent on an oxygen device or dependent on a wheelchair, crutch, or cane for mobility;

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

10 (c) is certified by a licensed physician, an advanced practice registered nurse, or a licensed physician  
11 assistant to be unable to walk, unassisted, 600 yards over rough and broken ground while carrying 15 pounds  
12 within 1 hour and to be unable to handle and maneuver up to 25 pounds.

13 (10) Certification by a licensed physician, an advanced practice registered nurse, or a licensed physician  
14 assistant under subsection (9) must be on a form provided by the department.

15 (11) The department or a person who disagrees with a determination of disability or eligibility for a permit  
16 to hunt from a vehicle may request a review by the board of medical examiners pursuant to 37-3-203.

17 (12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as  
18 provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency  
19 operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the  
20 state, upon request and upon presentation of the documentation described in subsection (12)(b), must be issued  
21 a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not  
22 include a bear license, upon payment of the resident hunting access enhancement fee provided for in  
23 87-2-202(3)(c), in the license year that the member returns from military service or in the year following the  
24 member's return, based on the member's election, and in any of the 4 years after the member's election. A  
25 member who participated in a contingency operation after September 11, 2001, that required the member to  
26 serve at least 2 months outside of the state may make an election in 2007 or in the year following the member's  
27 return, based on the member's election, and in any of the 4 years after the member's election and be entitled to  
28 a free resident wildlife conservation license or a free Class AAA resident combination sports license in the year  
29 of election and in any of the 4 years after the member's election.

30 (b) To be eligible for the free resident wildlife conservation license or free Class AAA resident

1 combination sports license provided for in subsection (12)(a), an applicant shall, in addition to the written  
2 application and proof of residency required in 87-2-202(1), provide to any regional department office or to the  
3 department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's  
4 release or discharge from active duty. The applicant is responsible for providing documentation showing that the  
5 applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

6 (c) A Montana resident who meets the service qualifications of subsection (12)(a) and the documentation  
7 required in subsection (12)(b) is entitled to a free Class A resident fishing license in the license year that the  
8 member returns from military service or in the year following the member's return, based on the member's  
9 election, and in any of the 4 years after the member's election.

10 (d) A Montana resident, as defined in 87-2-102, who is an active member of the regular armed forces  
11 of the United States and who participated or is participating in a contingency operation as provided in 10 U.S.C.  
12 101(a)(13) that has required the member to serve at least 2 months outside of the state is entitled to the same  
13 licensing privileges authorized in subsections (12)(a) and (12)(c) of this section. The member may apply for these  
14 reduced-cost licenses in any of the 5 years after the member meets the service requirements of this subsection  
15 (12)(d). An applicant shall, in addition to the written application and proof of residency required in 87-2-202(1),  
16 provide proof of the qualifying military service to any regional department office or to the department headquarters  
17 in Helena, by mail or in person.

18 (d)(e) The department's general license account must be reimbursed by a quarterly transfer of funds from  
19 the general fund to the general license account for costs associated with the free licenses granted pursuant to  
20 this subsection (12) during the preceding calendar quarter. Reimbursement costs must be designated as license  
21 revenue."

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23 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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