

1 HOUSE BILL NO. 160

2 INTRODUCED BY S. KERNS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO HUNTING AND
5 FISHING LICENSES FOR RESIDENT DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES;
6 ALLOWING CERTAIN RESIDENT DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES TO
7 RECEIVE FREE HUNTING AND FISHING LICENSES; PROVIDING ELIGIBILITY REQUIREMENTS;
8 PROVIDING REFUNDS TO THOSE WHO PURCHASE LICENSES BEFORE QUALIFYING FOR FREE
9 LICENSES; AMENDING SECTIONS 87-2-202, 87-2-506, 87-2-706, 87-2-803, AND 87-2-817, MCA; AND
10 PROVIDING A DELAYED EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 87-2-202, MCA, is amended to read:
15 **"87-2-202. Application -- fee.** (1) Except as provided in 87-2-817~~(2)~~, a wildlife conservation license
16 must be sold upon written application. The application must contain the applicant's name, age, [last four digits
17 of the applicant's social security number,] occupation, street address of permanent residence, mailing address,
18 qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as
19 an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a
20 Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the
21 department to substantiate the required information when applying for a wildlife conservation license. It is the
22 applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase
23 a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-817~~(2)~~.
24 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
25 recorded according to rules that the department may prescribe.
26 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is
27 a search and rescue surcharge.
28 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is

1 a search and rescue surcharge.

2 [(4) The department shall keep the applicant's social security number confidential, except that the
3 number may be provided to the department of public health and human services for use in administering Title
4 IV-D of the Social Security Act.]

5 (5) The department shall delete the applicant's social security number in any electronic database [5
6 years after the date that application is made for the most recent license]. (Bracketed language terminates or is
7 amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee
8 increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--
9 sec. 8, Ch. 596, L. 2003.)"

10

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

12 **"87-2-506. Restrictions on hunting licenses.** (1) The department may prescribe by rule the number
13 of hunting licenses to be issued. Any license sold may be restricted to a specific administrative region, hunting
14 district, or other designated area and may specify the species, age, and sex to be taken and the time period for
15 which the license is valid.

16 (2) When the number of valid resident applications for big game licenses or permits of a single class
17 or type exceeds the number of licenses or permits the department desires to issue in an administrative region,
18 hunting district, or other designated area, then the number of big game licenses or permits issued to
19 nonresident license or permitholders in the region, district, or area may not exceed 10% of the total issued.

20 ~~(3) Disabled veterans who meet the qualifying criteria provided in 87-2-817(1) must be provided a~~
21 ~~total of 50 Class A 3 deer A tags, 50 Class A 4 deer B tags, 50 Class B 7 deer A tags, 50 Class B 8 deer B~~
22 ~~tags, and 50 special antelope licenses annually, which may be used within the administrative region, hunting~~
23 ~~district, or other designated area of the disabled veteran's choice, except in a region, district, or area where the~~
24 ~~number of licenses are less than the number of applicants, in which case qualifying disabled veterans are~~
25 ~~eligible for no more than 10% of the total licenses for that region, district, or area."~~

26

27 **Section 3.** Section 87-2-706, MCA, is amended to read:

28 **"87-2-706. Drawing for special antelope licenses -- licenses for those with life-threatening**

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

5 (2) The department shall reserve for applicants who are nonambulatory and have a permanent
 6 physical disability, as determined by the department, up to 25 of the total special antelope licenses authorized
 7 for sale in the state, excepting those licenses issued pursuant to 87-2-817~~(4)~~(2), for use in the district
 8 designated by the commission. If the number of valid disabled applicants exceeds the number of licenses
 9 available, the department may hold a drawing in which all applicants have an equal chance of being selected.

10 (3) (a) The department may issue a special antelope license to a resident or nonresident who has
 11 been diagnosed with a life-threatening illness unless the person qualifies for a license pursuant to 87-2-805. As
 12 used in this subsection (3), "life-threatening illness" means any progressive, degenerative, or malignant disease
 13 or condition that results in a significant threat, likelihood, or certainty that the person's life expectancy will not
 14 extend more than 1 year from the date of the request for the license unless the course of the disease is
 15 interrupted or abated.

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

18 (c) The license may be issued on a one-time basis for one hunting season.

19 (d) In exercising hunting privileges, the person shall conduct all hunting within the terms and
 20 conditions of the license issued.

21 (e) The department may issue up to 25 licenses pursuant to this subsection (3) annually. These
 22 licenses do not count against any quota set by the department. Licenses issued pursuant to this subsection (3)
 23 do not count against the number of special antelope licenses reserved for people with permanent disabilities as
 24 provided in subsection (2).

25 (4) The department may promulgate rules that are necessary to implement this section."
 26

27 **Section 4.** Section 87-2-803, MCA, is amended to read:

28 **"87-2-803. Licenses for persons with disabilities -- definitions.** (1) ~~Persons~~Except as provided in

1 87-2-817, persons with disabilities who are residents of Montana not residing in an institution and are certified
2 as disabled as prescribed by departmental rule may purchase the following for one-half the cost:

- 3 (a) a Class A fishing license;
- 4 (b) a Class A-1 upland game bird license;
- 5 (c) a Class A-3 deer A tag;
- 6 (d) a Class A-5 elk tag.

7 (2) A person who has purchased a wildlife conservation license and a resident fishing license, game
8 bird license, deer tag, or elk tag for a particular license year and who is subsequently certified as disabled
9 pursuant to subsection (1) is entitled to a refund for one-half of the cost of the fishing license, game bird license,
10 deer tag, or elk tag previously purchased for that license year.

11 (3) A person who is certified as disabled pursuant to subsection (4) and who was issued a permit to
12 hunt from a vehicle for license year 2014 or a subsequent license year is automatically entitled to a permit to
13 hunt from a vehicle for subsequent license years if the criteria for obtaining a permit do not change.

14 (4) A person may be certified as disabled by the department and issued a permit to hunt from a
15 vehicle, on a form prescribed by the department, if the person meets the requirements of subsection (9).

16 (5) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection
17 (5) as a permitholder, may hunt by shooting a firearm from:

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

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

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

26 (b) This subsection (5) does not allow a permitholder to shoot across the roadway of any public
27 highway or to hunt on private property without permission of the landowner.

28 (c) A permitholder must have a companion to assist in immediately dressing any killed game animal.

1 The companion may also assist the permitholder by hunting a game animal that has been wounded by the
2 permitholder when the permitholder is unable to pursue and kill the wounded game animal.

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

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

10 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301,
11 may be issued regular resident deer and elk licenses, in the manner provided in subsection (1) of this section,
12 and must be accompanied by a companion, as provided in subsection (5)(c) of this section.

13 (7) The department shall adopt rules to establish the qualifications that a person must meet to be a
14 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
15 person.

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

19 (9) (a) A person qualifies for a permit to hunt from a vehicle if the person is certified by a licensed
20 physician, a licensed chiropractor, a licensed physician assistant, or an advanced practice registered nurse to
21 be nonambulatory, to have substantially impaired mobility, or to have a documented genetic condition that limits
22 the person's ability to walk or carry significant weight for long distances.

23 (b) For the purposes of this subsection (9), the following definitions apply:

24 (i) "Advanced practice registered nurse" means a registered professional nurse who has completed
25 educational requirements related to the nurse's specific practice role, as specified by the board of nursing
26 pursuant to 37-8-202, in addition to completing basic nursing education.

27 (ii) "Chiropractor" means a person who has a valid license to practice chiropractic in this state pursuant
28 to Title 37, chapter 12, part 3.

1 (iii) "Documented genetic condition" means a diagnosis derived from genetic testing and confirmed by
2 a licensed physician.

3 (iv) "Nonambulatory" means permanently, physically reliant on a wheelchair or a similar compensatory
4 appliance or device for mobility.

5 (v) "Physician" means a person who holds a degree as a doctor of medicine or doctor of osteopathy
6 and who has a valid license to practice medicine or osteopathic medicine in this state.

7 (vi) "Physician assistant" has the meaning provided in 37-20-401.

8 (vii) "Substantially impaired mobility" means virtual inability to move on foot due to permanent physical
9 reliance on crutches, canes, prosthetic appliances, or similar compensatory appliances or devices.

10 (10) Certification under subsection (9) must be on a form provided by the department.

11 (11) The department or a person who disagrees with a determination of disability or eligibility for a
12 permit to hunt from a vehicle may request a review by the board of medical examiners pursuant to 37-3-203."
13

14 **Section 5.** Section 87-2-817, MCA, is amended to read:

15 **"87-2-817. Licenses for service members.** (1) (a) A veteran or a disabled member of the armed
16 forces who is a resident, as defined in 87-2-102, and who provides documentation from the U.S. department of
17 veterans affairs that the person currently has a disability rating of at least 50% or is paid, at a minimum, at the
18 50% disabled rate for a service-connected disability is entitled to receive the following at no cost:

19 (i) a wildlife conservation license;

20 (ii) a base hunting license;

21 (iii) an aquatic invasive species prevention pass; and

22 (iv) a Class AAA combination sports license that does not include a Class A-6 black bear tag.

23 (b) A person who purchased a license listed in subsection (1)(a) or any of the individual licenses or
24 tags that comprise the Class AAA combination sports license for a license year and subsequently meets the
25 requirements of subsection (1)(a) for that license year is entitled to a full refund for the purchased licenses and
26 tags.

27 (2) (a) A veteran or a disabled member of the armed forces who is a nonresident and who meets the
28 qualifications in 87-2-803(9) as a result of a combat-connected injury may apply at a fish, wildlife, and parks

1 office for a ~~regular 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~~
 2 tag, and a special antelope license ~~made available under 87-2-506(3)~~ for one-half of the license fee.

3 (b) A total of 50 of each type of license must be made available annually pursuant to this subsection
 4 (2) and may be used within the administrative region, hunting district, or other designated area of the disabled
 5 veteran's choice, except in a region, district, or area where the number of licenses is less than the number of
 6 applicants, in which case qualifying disabled veterans are eligible for no more than 10% of the total licenses for
 7 that region, district, or area. Licenses issued to ~~veterans or disabled members of the armed forces~~ under this
 8 ~~part~~ subsection (2) do not count against the number of special antelope licenses reserved for people with
 9 permanent disabilities, as provided in 87-2-706.

10 ~~(2)(3)~~ (a) A Montana resident who is a member of the Montana national guard or the federal reserve
 11 as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a
 12 contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months
 13 outside of the state, upon request and upon presentation of the documentation described in subsection ~~(2)(e)~~
 14 (3)(c), must be issued a free resident wildlife conservation license and a Class A resident fishing license or a
 15 Class AAA resident combination sports license, which may not include a Class A-6 black bear tag, upon
 16 payment of the resident base hunting license fee in 87-2-116 and the purchase of the resident aquatic invasive
 17 species prevention pass pursuant to 87-2-130, in the license year that the member returns from military service
 18 or in the year following the member's return, based on the member's election, and in any of the 4 years after the
 19 member's election.

20 (b) If a Montana resident who meets the service qualifications of subsection ~~(2)(a)~~ (3)(a) is
 21 subsequently required to serve another 2 months or more outside of the state under the same service
 22 qualifications, the entitlement to free licenses provided pursuant to subsection ~~(2)(a)~~ (3)(a) resets and the
 23 member may start a new 5-year entitlement period beginning in the license year that the member returns from
 24 the subsequent military service or in the year following the member's return, based on the member's election.
 25 There is no limit on the number of times the entitlement period may be reset if the Montana resident repeatedly
 26 meets the service qualifications of subsection ~~(2)(a)~~ (3)(a).

27 (c) To be eligible for the free licenses provided for in subsection ~~(2)(a)~~ (3)(a) or ~~(2)(b)~~ (3)(b), an
 28 applicant shall, in addition to the written application and proof of residency required in 87-2-202(1), provide to

1 any regional department office or to the department headquarters in Helena, by mail or in person, the member's
2 DD form 214 verifying the member's release or discharge from active duty. The applicant is responsible for
3 providing documentation showing that the applicant participated in a contingency operation as provided in 10
4 U.S.C. 101(a)(13).

5 (d) The department's general license account must be reimbursed by a quarterly transfer of funds
6 from the general fund to the general license account for costs associated with the free licenses granted
7 pursuant to this subsection ~~(2)~~ (3) during the preceding calendar quarter. Reimbursement costs must be
8 designated as license revenue.

9 ~~(3)~~ (4) A member of the armed forces who forfeited a license or permit issued through a drawing as a
10 result of deployment outside of the continental United States in support of a contingency operation as provided
11 in 10 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the
12 year of the member's return from deployment or in the first year that the license or permit is made available
13 after the member's return."
14

15 NEW SECTION. Section 6. Effective date. [This act] is effective March 1, 2022.

16 - END -