

1 SENATE BILL NO. 298

2 INTRODUCED BY B. MOLNAR

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO HUNTING BY DISABLED  
5 PERSONS; PROVIDING REQUIREMENTS FOR CROSSBOWS; REVISING RULEMAKING AUTHORITY;  
6 ALLOWING A DISABLED HUNTER TO HUNT WITHOUT A COMPANION OR WITH A COMPANION NOT  
7 LICENSED TO HUNT; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING ADDITIONAL LICENSE  
8 PREFERENCE POINTS AND BONUS POINTS TO CERTAIN DISABLED VETERANS; AMENDING  
9 SECTIONS 37-3-203, 87-1-301, 87-2-105, 87-2-115, 87-2-117, 87-2-803, AND 87-2-817, MCA; AND  
10 PROVIDING A TERMINATION DATE."

11

12 WHEREAS, Montana sold 58,326 archery permits in 2021; and

13 WHEREAS, 48 states allow crossbow use during archery seasons; and

14 WHEREAS, no states have reported problems with the use of crossbows; and

15 WHEREAS, no cases of fraud related to the use of a crossbow have been reported in intermountain  
16 states; and

17 WHEREAS, the compound technology used in vertical bows is the same used in crossbows; and

18 WHEREAS, the rights of Montana's disabled population are protected by the Americans With  
19 Disabilities Act and the Rehabilitation Act; and

20 WHEREAS, an accommodation for a disability that cannot be used is not an accommodation; and

21 WHEREAS, Article IX, section 7, of the Montana Constitution preserves for the individual the right to  
22 harvest wild game animals.

23

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

25

26 NEW SECTION. **Section 1. Permit to hunt with crossbow -- reporting.** (1) Except as provided in  
27 [section 2], the department shall issue a permit to hunt with a crossbow during an archery-only season if the  
28 person applying for the permit meets the requirements of subsection (2), complies with the provisions of

1 subsection (3), and purchases the necessary licenses and permits.

2 (2) (a) A person qualifies for a permit to hunt with a crossbow as an accommodation, on payment  
3 of a fee of \$10, if the person is certified by a physician, ~~as defined in 87-2-803~~, to have a permanent ~~condition~~  
4 disability that severely limits the person's ability to draw and hold a long bow, a recurve bow, or a compound  
5 bow of sufficient draw weight to hunt a game animal, and the person:

6 (i) purchased a Class A-2 special bow and arrow license in the past 3 years; or

7 (ii) completed a crossbow education course pursuant to 87-2-105 prior to applying for a permit to  
8 hunt with a crossbow.

9 (b) Certification under this subsection (2) must be on a form prescribed by the department and  
10 signed by the physician.

11 (c) The department or a person who disagrees with a certification of eligibility for a permit to hunt  
12 with a crossbow submitted pursuant to this subsection (2) may request a review by the board of medical  
13 examiners pursuant to 37-3-203.

14 (3) A person issued a permit to hunt with a crossbow may use a scope only if the scope is not  
15 battery-assisted and has a magnification of no more than four times. While hunting, a crossbow may not be  
16 equipped with a mechanical arrow or bolt drop compensation device, including but not limited to jack plates.

17 (4) A person issued a permit to hunt with a crossbow is automatically entitled to a permit to hunt  
18 with a crossbow for subsequent license years if the criteria for obtaining a permit do not change.

19 (5) A person issued a permit to hunt with a crossbow shall complete hunter surveys issued by the  
20 department. At a minimum, the department shall survey each person regarding the season or seasons in which  
21 the person used the permit and the person's success rate, including the number of shots the person attempted,  
22 the estimated range of the shots, and whether the person harvested, wounded, or lost an animal.

23 (6) The department shall report, in accordance with 5-11-210, to the environmental quality council  
24 established in 5-16-101, on the number of persons issued a permit to hunt with a crossbow in the previous  
25 license year, the certified conditions that qualified the persons to obtain a permit, and the results of the hunter  
26 surveys received pursuant to subsection (5).

27 (7) As used in this section, the following definitions apply:

28 (a) "Disability" means a physical condition arising from a birth defect, accident, illness, or a military

1 combat-related activity, that precludes the individual from drawing, holding, or firing vertical archery equipment  
2 during the legal pursuit of game or nongame animals in Montana.

3 (b) "Accommodation" means a privilege granted by the state that is useful to a petitioning  
4 physically disabled individual to help accomplish common tasks or endeavors enjoyed by able-bodied  
5 individuals.

6

7 **NEW SECTION. Section 2. Denial of crossbow permit -- requirements -- appeal.** (1) The  
8 department may deny a permit application pursuant to [section 1] if the department documents that:

- 9 (a) use of a crossbow by the applicant will biologically damage wildlife populations;
- 10 (b) administering the permit is an excessive cost to the department; or
- 11 (c) the permit will adversely affect the archery season.

12 (2) A denial pursuant to subsection (1) may be appealed to the commission.

13 (3) (a) A commission denial may be appealed to district court in the county where the applicant  
14 resides.

15 (b) The prevailing party is entitled to costs enumerated in 25-10-201 and reasonable attorney fees  
16 as determined by the court.

17 (c) If the commission denial is reversed but the applicant missed the archery season during which  
18 the permit was applied for, the department shall issue a permit of the applicant's choice for the next available  
19 season without reducing the number of permits available.

20

21 **Section 3.** Section 37-3-203, MCA, is amended to read:

22 **"37-3-203. Powers and duties -- rulemaking authority.** (1) The board may:

- 23 (a) adopt rules necessary or proper to carry out the requirements in Title 37, chapter 3, parts 1  
24 through 4, and of chapters covering podiatry, acupuncture, physician assistants, nutritionists, and emergency  
25 care providers as set forth in Title 37, chapters 6, 13, 20, and 25, and 50-6-203, respectively. Rules adopted for  
26 emergency care providers with an endorsement to provide community-integrated health care must address the  
27 scope of practice, competency requirements, and educational requirements.

28 (b) hold hearings and take evidence in matters relating to the exercise and performance of the

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1 powers and duties vested in the board;

2 (c) aid the county attorneys of this state in the enforcement of parts 1 through 4 and 8 of this  
3 chapter as well as Title 37, chapters 6, 13, 20, and 25, and Title 50, chapter 6, regarding emergency care  
4 providers licensed by the board. The board also may assist the county attorneys of this state in the prosecution  
5 of persons, firms, associations, or corporations charged with violations of the provisions listed in this subsection  
6 (1)(c).

7 (d) review certifications of disability and determinations of eligibility for a permit to hunt from a  
8 vehicle as provided in 87-2-803(11) and certifications of conditions of eligibility for a permit to hunt with a  
9 crossbow as provided in [section 1]; and

10 (e) fund additional staff, hired by the department, to administer the provisions of this chapter, by  
11 increasing license fees as necessary.

12 (2) (a) The board shall establish a medical assistance program to assist and rehabilitate licensees  
13 who are subject to the jurisdiction of the board and who are found to be physically or mentally impaired by  
14 habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by  
15 mental illness or chronic physical illness.

16 (b) The board shall ensure that a licensee who is required or volunteers to participate in the  
17 medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed  
18 to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a  
19 qualified treatment program outside the state unless the board finds that there is no qualified treatment program  
20 in this state.

21 (3) (a) The board shall report annually on the number and types of complaints it has received  
22 involving physician practices in providing written certification, as defined in 16-12-502, for the use of marijuana  
23 for a debilitating medical condition provided for in Title 16, chapter 12, part 5. The report must contain:

24 (i) the number of complaints received by the board pursuant to 37-1-308;

25 (ii) the number of complaints for which a reasonable cause determination was made pursuant to  
26 37-1-307;

27 (iii) the general nature of the complaints;

28 (iv) the number of investigations conducted into physician practices in providing written

1 certification; and

2 (v) the number of physicians disciplined by the board for their practices in providing written  
3 certification for the use of marijuana for a debilitating medical condition.

4 (b) Except as provided in subsection (3)(c), the report may not contain individual identifying  
5 information regarding the physicians about whom the board received complaints.

6 (c) For each physician against whom the board takes disciplinary action related to the physician's  
7 practices in providing written certification for the use of marijuana for a debilitating medical condition, the report  
8 must include:

9 (i) the name of the physician;

10 (ii) the general results of the investigation of the physician's practices; and

11 (iii) the disciplinary action taken against the physician.

12 (d) The board shall provide the report to the economic affairs interim committee in accordance with  
13 5-11-210 and shall make a copy of the report available on the board's website.

14 (4) The board may enter into agreements with other states for the purposes of mutual recognition  
15 of licensing standards and licensing of physicians and emergency care providers from other states under the  
16 terms of a mutual recognition agreement."

17

18 **Section 4.** Section 87-1-301, MCA, is amended to read:

19 **"87-1-301. Powers of commission.** (1) Except as provided in subsections (6) and (7), the  
20 commission:

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

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

25 (c) except as provided in 23-1-111 and 87-1-303(3), shall establish the rules of the department  
26 governing the use of lands owned or controlled by the department and waters under the jurisdiction of the  
27 department;

28 (d) must have the power within the department to establish wildlife refuges and bird and game

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1 preserves;

2 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except  
3 as provided in 23-1-111 and 87-1-209(2) and (4);

4 (f) except as provided in 23-1-111, shall review and approve the budget of the department prior to  
5 its transmittal to the office of budget and program planning;

6 (g) except as provided in 23-1-111, shall review and approve construction projects that have an  
7 estimated cost of more than \$1,000 but less than \$5,000;

8 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as  
9 provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates  
10 as provided in 87-1-323. In developing or implementing an elk management plan, the commission shall  
11 consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a  
12 particular hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or  
13 documented verbal opinion of an affected landowner regarding the impact upon the landowner's property within  
14 the particular hunting district where a restriction on elk hunting on public property is proposed.

15 (i) shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to 87-3-145;

16 (j) shall comply with, adopt policies that comply with, and ensure the department implements in  
17 each region the provisions of state wildlife management plans adopted following an environmental review  
18 conducted pursuant to Title 75, chapter 1, parts 1 through 3; and

19 (k) shall review and approve the issuance of an either-sex or antlerless elk license, permit, or  
20 combination thereof to a landowner or a landowner's designee pursuant to 87-2-513.

21 (2) ~~The~~ Except as provided in [section 1], the commission may adopt rules regarding the use and  
22 type of archery equipment that may be employed for hunting and fishing purposes, taking into account  
23 applicable standards as technical innovations in archery equipment change.

24 (3) The commission may adopt rules regarding the establishment of special licenses or permits,  
25 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or  
26 enhance hunting by Montana's youth and persons with disabilities.

27 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

28 (i) separate deer licenses from nonresident elk combination licenses;

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- 1           (ii)     set the fees for the separated deer combination licenses and the elk combination licenses  
2 without the deer tag;
- 3           (iii)    condition the use of the deer licenses; and  
4           (iv)     limit the number of licenses sold.
- 5           (b)     The commission may exercise the rulemaking authority in subsection (4)(a) when it is  
6 necessary and appropriate to regulate the harvest by nonresident big game combination license holders:
- 7           (i)     for the biologically sound management of big game populations of elk, deer, and antelope;  
8           (ii)    to control the impacts of those elk, deer, and antelope populations on uses of private property;  
9 and
- 10          (iii)    to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-  
11 1-321 through 87-1-325.
- 12          (5)     (a) Subject to the provisions of subsection (5)(b), the commission may adopt rules to:
- 13           (i)     limit the number of nonresident mountain lion hunters in designated hunting districts; and  
14           (ii)    determine the conditions under which nonresidents may hunt mountain lion in designated  
15 hunting districts.
- 16          (b)     The commission shall adopt rules for the use of and set quotas for the sale of Class D-4  
17 nonresident hound licenses by hunting district, portions of a hunting district, group of districts, or administrative  
18 regions.
- 19          (c)     The commission shall consider, but is not limited to consideration of, the following factors:
- 20           (i)     harvest of lions by resident and nonresident hunters;  
21           (ii)    history of quota overruns;  
22           (iii)   composition, including age and sex, of the lion harvest;  
23           (iv)    historical outfitter use;  
24           (v)     conflicts among hunter groups;  
25           (vi)    availability of public and private lands; and  
26           (vii)   whether restrictions on nonresident hunters are more appropriate than restrictions on all  
27 hunters.
- 28          (6)     The commission may not regulate the use or possession of firearms, firearm accessories, or

1 ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

2 (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the  
3 establishment of special archery seasons and the special muzzleloader heritage hunting season established in  
4 87-1-304;

5 (b) for human safety, the restriction of certain areas to the use of only specified hunting arms,  
6 including bows and arrows, traditional handguns, and muzzleloading rifles;

7 (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

8 (d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

9 (e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

10 (7) Pursuant to 23-1-111, the commission does not oversee department activities related to the  
11 administration of state parks, primitive parks, state recreational areas, public camping grounds, state historic  
12 sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant  
13 to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9."

14

15 **Section 5.** Section 87-2-105, MCA, is amended to read:

16 **"87-2-105. Hunter safety and education required.** (1) Except for a youth who qualifies for a license  
17 pursuant to 87-2-805(4) or a person who has been issued an apprentice hunting certificate pursuant to 87-2-  
18 810, a hunting license may not be issued to a person born after January 1, 1985, unless the person authorized  
19 to issue the license determines proof of completion of:

20 (a) a Montana hunter safety and education course established in subsection (4) or (6);

21 (b) a hunter safety course in any other state or province; or

22 (c) a Montana hunter safety and education course that qualifies the person for a provisional  
23 certificate as provided in 87-2-126.

24 (2) A hunting license may not be issued to a member of the regular armed forces of the United  
25 States or to a member of the armed forces of a foreign government attached to the armed forces of the United  
26 States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-  
27 102(1) or to a member's spouse or dependent, as defined in 87-2-102, who resides in the member's household,  
28 unless the person authorized to issue the license determines proof of completion of a hunter safety and

1 education course approved by the department or a hunter safety course in any state or province.

2 (3) A bow and arrow license may not be issued to a resident or nonresident unless the person  
3 authorized to issue the license receives an archery license issued for a prior hunting season or determines  
4 proof of completion of a bowhunter education course from the national bowhunter education foundation or any  
5 other bowhunter education program approved by the department. Neither the department nor the license agent  
6 is required to provide records of past archery license purchases. As part of the department's bow and arrow  
7 licensing procedures, the department shall notify the public regarding bowhunter education requirements.

8 (4) The department shall provide for a hunter safety and education course that includes instruction  
9 in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as  
10 one of its objectives the promotion of hunter safety and education. The department may designate as an  
11 instructor any person it finds to be competent to give instructions in hunter safety and education, including the  
12 handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of  
13 completion from Montana's hunter safety and education course to a person successfully completing the course.

14 (5) The department shall provide for a course of instruction from the national bowhunter education  
15 foundation or any other bowhunter education program approved by the department and for that purpose may  
16 cooperate with any reputable organization having as one of its objectives the promotion of safety in the  
17 handling of bow hunting tackle. The department may designate as an instructor any person it finds to be  
18 competent to give bowhunter education instruction. A person appointed shall give the course of instruction and  
19 shall issue a certificate of completion to a person successfully completing the course.

20 (6) The department may develop an adult hunter safety and education course and develop or  
21 adopt a crossbow safety course.

22 (7) As part of the department's licensing procedures, the department shall notify the public  
23 regarding crossbow education requirements.

24 (7)(8) The department may adopt rules regarding how a person authorized to issue a license  
25 determines proof of completion of a required course."  
26

27 **Section 6.** Section 87-2-115, MCA, is amended to read:

28 **"87-2-115. Nonresident elk and deer license preference point system.** (1) The department shall

1 establish a preference point system to distribute Class B-10 nonresident big game combination licenses and  
2 Class B-11 nonresident deer combination licenses.

3 (2) Nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a  
4 preference point, upon payment of a nonrefundable \$100 fee, that gives an applicant who has more preference  
5 points priority to receive a Class B-10 or Class B-11 license over an applicant who has purchased fewer  
6 preference points.

7 (3) An applicant may:

8 (a) purchase only one preference point per license year except a nonresident hunting with an  
9 outfitter licensed pursuant to Title 37, chapter 47, part 3, and providing the documentation required in  
10 subsection (8), may purchase two preference points per license year. No applicant may accumulate more than  
11 three preference points total.

12 (b) purchase a preference point without applying for a Class B-10 or Class B-11 license. An  
13 applicant not applying for a Class B-10 or Class B-11 license may purchase a preference point only between  
14 July 1 and December 31 of that license year.

15 (4) (a) The department shall delete an applicant's accumulated preference points if the applicant:

16 (i) obtains a Class B-10 or Class B-11 license; or

17 (ii) does not apply for a Class B-10 or Class B-11 license in consecutive years.

18 (b) If an applicant is unsuccessful in drawing a Class B-10 or Class B-11 license, the department  
19 shall allow the applicant to keep and apply preference points to subsequent drawings if done in consecutive  
20 years.

21 (5) The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for  
22 purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants in  
23 the order of which applicants have purchased the greatest number of preference points. If the number of  
24 licenses to be issued under this subsection exceeds the number of applicants who have purchased preference  
25 points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

26 (6) The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for  
27 purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants who  
28 have not purchased any preference points. If the number of licenses to be issued under this subsection

1 exceeds the number of applicants who have not purchased preference points, the remaining licenses must be  
2 added to the licenses issued pursuant to subsection (5).

3 (7) Up to five applicants may apply as a party under this section. The department shall use an  
4 average of the number of preference points accumulated by those applicants to determine their priority in  
5 receiving licenses issued pursuant to subsection (5). The department shall calculate the average rounded to the  
6 third decimal place.

7 (8) A nonresident purchasing a second preference point pursuant to subsection (3)(a) shall provide  
8 written affirmation at the time of application indicating the name and license number of the outfitter with whom  
9 the person intends to hunt. If the nonresident obtains the license applied for with the preference points  
10 purchased pursuant to subsection (3)(a), the nonresident may only use the license when accompanied by an  
11 outfitter or the outfitter's designee licensed to provide guiding services.

12 (9) (a) Fees collected from a nonresident purchasing a second preference point pursuant to  
13 subsection (3)(a) must be allocated as follows:

14 (i) 25% to public access land agreements established pursuant to 87-1-295;

15 (ii) 25% to hunting access programs established pursuant to 87-1-265;

16 (iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding  
17 projects that provide public access through private property; and

18 (iv) 25% to the purchase of permanent easements through private property to access otherwise  
19 inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to  
20 public land that is leased by the landowner, public land for which there is no leaseholder, or public land for  
21 which the landowner has consent of the leaseholder.

22 (b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a)  
23 to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including  
24 but not limited to contracting and transaction costs incurred by the department or entities partnering with the  
25 department, and for providing support to the private land/public wildlife advisory committee for its review of  
26 public access land agreements pursuant to 87-1-295.

27 (c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain  
28 unobligated are available to the department for any purpose pursuant to 87-1-201(3).

1 (10) Military veterans disabled in combat and holding a crossbow permit pursuant to [section 1] who  
2 purchase a preference point must be awarded 10 additional preference points."

3  
4 **Section 7.** Section 87-2-117, MCA, is amended to read:

5 **"87-2-117. License bonus point system.** (1) The commission shall establish a bonus point system  
6 that gives an applicant who has purchased more bonus points more chances to receive a license, tag, or permit  
7 over an applicant who has purchased fewer bonus points.

8 (2) A person may purchase only one bonus point per species per license year and may:

9 (a) purchase a bonus point when applying for a license, tag, or permit by paying the fee  
10 established in 87-2-113(2) per species; or

11 (b) if the person is otherwise eligible to apply for a license, tag, or permit, purchase a bonus point  
12 without applying for the license, tag, or permit by paying the fee established in subsection (5). An applicant not  
13 applying for a license, tag, or permit may purchase a bonus point only between July 1 and September 30 in the  
14 current license year.

15 (3) The department may only apply any accumulated bonus points to a person's chance to obtain  
16 a license, tag, or permit if the person purchases a bonus point when applying for the license, tag, or permit.

17 (4) Bonus points may only be applied to first choice drawings.

18 (5) (a) A resident who does not apply for a license, tag, or permit may purchase a bonus point for  
19 \$15 for each species for which a bonus point is made available by the commission.

20 (b) A nonresident who does not apply for a license, tag, or permit may purchase a bonus point for  
21 \$25 for each species for which a bonus point is made available by the commission, except that the fee is \$75  
22 for moose, mountain goat, mountain sheep, and wild buffalo or bison.

23 (6) The department may not delete a person's accumulated bonus points unless the person  
24 obtains the license, tag, or permit associated with the bonus points, in which case the department shall delete  
25 the person's accumulated bonus points.

26 (7) (a) Except as provided in subsection (7)(b), the department shall square the number of points  
27 purchased by a person per species when conducting drawings for licenses, tags, and permits.

28 (b) For persons applying for licenses, tags, or permits as a party, the department shall calculate

1 the average number of bonus points accumulated by the individuals listed on the party application, rounded to  
2 the nearest whole number, and square the average. Each individual retains their own bonus points unless the  
3 party obtains the licenses, tags, or permits associated with the bonus points, in which case the department shall  
4 delete each person's accumulated bonus points.

5 (8) Military veterans disabled in combat and holding a crossbow permit pursuant to [section 1] who  
6 purchase a bonus point must be awarded 10 additional bonus points."

7  
8 **Section 8.** Section 87-2-803, MCA, is amended to read:

9 **"87-2-803. Licenses for persons with disabilities -- definitions.** (1) Persons with disabilities who  
10 are residents of Montana not residing in an institution and are certified as disabled as prescribed by  
11 departmental rule may purchase the following for one-half the cost:

- 12 (a) a Class A fishing license;
- 13 (b) a Class A-1 upland game bird license;
- 14 (c) a Class A-3 deer A tag;
- 15 (d) a Class A-5 elk tag.

16 (2) A person who has purchased a wildlife conservation license and a resident fishing license,  
17 game bird license, deer tag, or elk tag for a particular license year and who is subsequently certified as disabled  
18 is entitled to a refund for one-half of the cost of the fishing license, game bird license, deer tag, or elk tag  
19 previously purchased for that license year.

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

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

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

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

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

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

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

9 (c) (i) The department may not require:

10 (A) a permitholder to hunt with a companion unless case-specific documentation is provided; or

11 (B) that a companion possess a license for the game animal being hunted.

12 (ii) A permitholder must have a companion to may assist in immediately dressing any killed game  
13 animal. The companion may also assist the permitholder by hunting a game animal that has been wounded by  
14 the permitholder when the permitholder is unable to pursue and kill the wounded game animal provided that the  
15 companion uses a weapon allowed for the season and district.

16 (d) A permitholder hunting without a companion who is unable to pursue and kill a wounded game  
17 animal may be charged with wasting a game animal pursuant to 87-6-205.

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

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

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

28 (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  
4 refers to a person experiencing a condition medically determined to be permanent and substantial and resulting  
5 in significant impairment of the person's functional ability.

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

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

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

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

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

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

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

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

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

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

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

28

1           **Section 9.** Section 87-2-817, MCA, is amended to read:

2           **"87-2-817. Licenses for service members.** (1) A veteran or a disabled member of the armed forces  
3 who meets the qualifications in 87-2-803(9) or [section 1] as a result of a combat-connected injury may apply at  
4 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 deer A  
5 tag, a Class B-8 deer B tag, and a special antelope license made available under 87-2-506(3) for one-half of  
6 the license fee. Licenses issued to veterans or disabled members of the armed forces under this part do not  
7 count against the number of special antelope licenses reserved for people with permanent disabilities, as  
8 provided in 87-2-706.

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

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

26           (c)     To be eligible for the free licenses provided for in subsection (2)(a) or (2)(b), an applicant shall,  
27 in addition to the written application and proof of residency required in 87-2-202(1), provide to any regional  
28 department office or to the department headquarters in Helena, by mail or in person, the member's DD form

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68th Legislature

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1 214 verifying the member's release or discharge from active duty. The applicant is responsible for providing  
2 documentation showing that the applicant participated in a contingency operation as provided in 10 U.S.C.  
3 101(a)(13).

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

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

14 **NEW SECTION. Section 10. Codification instruction.** [Sections 1 and 2] are intended to be codified  
15 as an integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to  
16 [sections 1 and 2].  
17

18 **NEW SECTION. Section 11. Severability.** If a part of [this act] is invalid, all valid parts that are  
19 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
20 the part remains in effect in all valid applications that are severable from the invalid applications.  
21

22 **NEW SECTION. Section 12. Termination.** [This act] terminates June 30, 2027.  
23

- END -