

HOUSE BILL NO. 174  
INTRODUCED BY GRINDE

IN THE HOUSE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 14, 1989	FIRST READING.
JANUARY 25, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 26, 1989	PRINTING REPORT.
JANUARY 28, 1989	SECOND READING, DO PASS.
JANUARY 30, 1989	ENGROSSING REPORT.
JANUARY 31, 1989	THIRD READING, PASSED. AYES, 94; NOES, 2.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 14, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 16, 1989	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE.

FEBRUARY 17, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 174  
2 INTRODUCED BY Larry Ho. C. Ho.  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A LIFETIME  
5 FISHING LICENSE FOR THE BLIND; AMENDING SECTIONS 87-2-201  
6 AND 87-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
7 DATE."  
8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10 **Section 1.** Section 87-2-201, MCA, is amended to read:  
11 **"87-2-201. Wildlife conservation license prerequisite**  
12 **for other licenses. It ~~is~~ Except as provided in 87-2-803(5), it**  
13 **~~is shall be~~ unlawful for any person or persons to purchase**  
14 **any hunting, fishing, or trapping license without first**  
15 **having obtained a wildlife conservation license as**  
16 **hereinafter provided."**  
17 **Section 2.** Section 87-2-803, MCA, is amended to read:  
18 **"87-2-803. Disabled persons. (1) Disabled persons are**  
19 **entitled to fish and to hunt game birds with only a**  
20 **conservation license if they are residents of Montana not**  
21 **residing in an institution and are certified as disabled as**  
22 **prescribed by departmental rule.**  
23 **(2) A resident of Montana who is certified as disabled**  
24 **by the department and who is not residing in an institution**  
25 **may purchase regular resident deer and elk licenses at**

1 one-half the fee paid by a resident who is 15 years old or  
2 older and who is under 62 years of age.  
3 (3) Such disabled persons shall carry a permit on a  
4 form prescribed by the department. A disabled person issued  
5 a permit under this subsection is entitled to have the  
6 department stamp such a permit with "Permission to Hunt From  
7 a Vehicle" if the person establishes to the satisfaction of  
8 the department that he is permanently physically handicapped  
9 and nonambulatory or his mobility is substantially impaired.  
10 (4) A disabled person carrying a permit as required in  
11 subsection (3), upon which is stamped "Permission to Hunt  
12 From a Vehicle", may hunt by shooting a firearm from the  
13 shoulder, berm, or borrow-pit right-of-way of a public  
14 highway, as defined in 61-1-202, except a state or federal  
15 highway, or may hunt by shooting a firearm from within a  
16 self-propelled or drawn vehicle parked on such shoulder,  
17 berm, or borrow-pit right-of-way in a manner that will not  
18 impede traffic or endanger motorists or may hunt by shooting  
19 a firearm from within a self-propelled or drawn vehicle  
20 parked in an area, not a public highway, where hunting is  
21 permitted. Nothing in this subsection allows such disabled  
22 person to shoot across the roadway of any public highway or  
23 to hunt on private property without permission of the  
24 landowner. A disabled person who hunts as authorized in this  
25 subsection must have a companion to assist in immediately

1 dressing any killed game animal. Any vehicle from which a  
2 disabled person is hunting must be conspicuously marked with  
3 an orange-colored international symbol of the handicapped on  
4 the front, rear, and each side of such vehicle.

5 (5) A resident of Montana who is certified by the  
6 department as suffering from permanent blindness may be  
7 issued a lifetime fishing license for the blind upon payment  
8 of a one-time fee of \$10. The license is valid for the  
9 lifetime of the blind individual and allows the licensee to  
10 fish with hook and line or rod, as authorized by department  
11 rule. An applicant for a license under this subsection need  
12 not obtain a wildlife conservation license as a prerequisite  
13 to licensure."

14 NEW SECTION. Section 3. Extension of authority. Any  
15 existing authority to make rules on the subject of the  
16 provisions of [this act] is extended to the provisions of  
17 [this act].

18 NEW SECTION. Section 4. Effective date. [This act] is  
19 effective on passage and approval.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB174, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB174 establishes a lifetime fishing license for the blind upon payment of a one-time \$10 fee.

ASSUMPTIONS:

1. Any blind disabled person who is interested in fishing is currently purchasing a disabled conservation license at a cost of \$2.00 per annum.
2. There are 2,200 disabled conservation licenses purchased annually, about 3% or 66 of which would qualify under this bill as legally blind.
3. There is a 5% change among members of the state blind fishing population each year, so three new lifetime licenses would be sold annually.
4. The Department of Fish, Wildlife, and Parks receives \$1.25 in federal DJ funding for each fishing license sold.

FISCAL IMPACT:Expenditures: None

	<u>FY90</u>			<u>FY91</u>		
<u>Revenue:</u>	Current	Proposed		Current	Proposed	
	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Conservation Licenses	\$ 132	\$ -0-	( \$ 132 )	\$ 132	\$ -0-	( \$ 132 )
Blind Lifetime Licenses	-0-	660	660	-0-	30	30
Federal DJ Revenue	83	83	-0-	83	4	79
Total	\$ 215	\$ 743	\$ 528	\$ 215	\$ 34	( \$ 181 )

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The department will lose each year approximately \$132 in state special revenue license fees and \$79 in federal revenue.

Ray Shackleford 1/19/89  
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
 OFFICE OF BUDGET AND PROGRAM PLANNING

Larry Hal Grinde 1/23/89  
 LARRY HAL GRINDE, PRIMARY SPONSOR DATE

Fiscal Note for HB174, as introduced

**HB 174**

APPROVED BY COMM.  
ON FISH AND GAME

HOUSE BILL NO. 174

INTRODUCED BY GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A LIFETIME FISHING LICENSE FOR THE BLIND; AMENDING SECTIONS 87-2-201 AND 87-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 87-2-201, MCA, is amended to read:

"87-2-201. Wildlife conservation license prerequisite for other licenses. It Except as provided in 87-2-803(5), it is shall-be unlawful for any person or persons to purchase any hunting, fishing, or trapping license without first having obtained a wildlife conservation license as hereinafter provided."

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

"87-2-803. Disabled persons. (1) Disabled persons are entitled to fish and to hunt game birds with only a conservation license if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule.

(2) A resident of Montana who is certified as disabled by the department and who is not residing in an institution may purchase regular resident deer and elk licenses at

one-half the fee paid by a resident who is 15 years old or older and who is under 62 years of age.

(3) Such disabled persons shall carry a permit on a form prescribed by the department. A disabled person issued a permit under this subsection is entitled to have the department stamp such a permit with "Permission to Hunt From a Vehicle" if the person establishes to the satisfaction of the department that he is permanently physically handicapped and nonambulatory or his mobility is substantially impaired.

(4) A disabled person carrying a permit as required in subsection (3), upon which is stamped "Permission to Hunt From a Vehicle", may hunt by shooting a firearm from the shoulder, berm, or borrow-pit right-of-way of a public highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from within a self-propelled or drawn vehicle parked on such shoulder, berm, or borrow-pit right-of-way in a manner that will not impede traffic or endanger motorists or may hunt by shooting a firearm from within a self-propelled or drawn vehicle parked in an area, not a public highway, where hunting is permitted. Nothing in this subsection allows such disabled person to shoot across the roadway of any public highway or to hunt on private property without permission of the landowner. A disabled person who hunts as authorized in this subsection must have a companion to assist in immediately

1 dressing any killed game animal. Any vehicle from which a  
2 disabled person is hunting must be conspicuously marked with  
3 an orange-colored international symbol of the handicapped on  
4 the front, rear, and each side of such vehicle.

5 (5) A resident of Montana who is certified by the  
6 department as ~~suffering from permanent blindness~~ A BLIND  
7 INDIVIDUAL, AS DEFINED IN 53-7-301, may be issued a lifetime  
8 fishing license for the blind upon payment of a one-time fee  
9 of \$10. The license is valid for the lifetime of the blind  
10 individual and allows the licensee to fish with hook and  
11 line or rod, as authorized by department rule. An applicant  
12 for a license under this subsection need not obtain a  
13 wildlife conservation license as a prerequisite to  
14 licensure."

15 NEW SECTION. Section 3. Extension of authority. Any  
16 existing authority to make rules on the subject of the  
17 provisions of [this act] is extended to the provisions of  
18 [this act].

19 NEW SECTION. Section 4. Effective date. [This act] is  
20 effective on passage and approval.

-End-

## 1 HOUSE BILL NO. 174

2 INTRODUCED BY GRINDE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A LIFETIME  
5 FISHING LICENSE FOR THE BLIND; AMENDING SECTIONS 87-2-201  
6 AND 87-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
7 DATE."  
8

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

10 Section 1. Section 87-2-201, MCA, is amended to read:

11 "87-2-201. Wildlife conservation license prerequisite  
12 for other licenses. It Except as provided in 87-2-803(5), it  
13 is shall-be unlawful for any person or persons to purchase  
14 any hunting, fishing, or trapping license without first  
15 having obtained a wildlife conservation license as  
16 hereinafter provided."

17 Section 2. Section 87-2-803, MCA, is amended to read:

18 "87-2-803. Disabled persons. (1) Disabled persons are  
19 entitled to fish and to hunt game birds with only a  
20 conservation license if they are residents of Montana not  
21 residing in an institution and are certified as disabled as  
22 prescribed by departmental rule.

23 (2) A resident of Montana who is certified as disabled  
24 by the department and who is not residing in an institution  
25 may purchase regular resident deer and elk licenses at

1 one-half the fee paid by a resident who is 15 years old or  
2 older and who is under 62 years of age.

3 (3) Such disabled persons shall carry a permit on a  
4 form prescribed by the department. A disabled person issued  
5 a permit under this subsection is entitled to have the  
6 department stamp such a permit with "Permission to Hunt From  
7 a Vehicle" if the person establishes to the satisfaction of  
8 the department that he is permanently physically handicapped  
9 and nonambulatory or his mobility is substantially impaired.

10 (4) A disabled person carrying a permit as required in  
11 subsection (3), upon which is stamped "Permission to Hunt  
12 From a Vehicle", may hunt by shooting a firearm from the  
13 shoulder, berm, or borrow-pit right-of-way of a public  
14 highway, as defined in 61-1-202, except a state or federal  
15 highway, or may hunt by shooting a firearm from within a  
16 self-propelled or drawn vehicle parked on such shoulder,  
17 berm, or borrow-pit right-of-way in a manner that will not  
18 impede traffic or endanger motorists or may hunt by shooting  
19 a firearm from within a self-propelled or drawn vehicle  
20 parked in an area, not a public highway, where hunting is  
21 permitted. Nothing in this subsection allows such disabled  
22 person to shoot across the roadway of any public highway or  
23 to hunt on private property without permission of the  
24 landowner. A disabled person who hunts as authorized in this  
25 subsection must have a companion to assist in immediately



1 dressing any killed game animal. Any vehicle from which a  
2 disabled person is hunting must be conspicuously marked with  
3 an orange-colored international symbol of the handicapped on  
4 the front, rear, and each side of such vehicle.

5 (5) A resident of Montana who is certified by the  
6 department as suffering from permanent blindness A BLIND  
7 INDIVIDUAL, AS DEFINED IN 53-7-301, may be issued a lifetime  
8 fishing license for the blind upon payment of a one-time fee  
9 of \$10. The license is valid for the lifetime of the blind  
10 individual and allows the licensee to fish with hook and  
11 line or rod, as authorized by department rule. An applicant  
12 for a license under this subsection need not obtain a  
13 wildlife conservation license as a prerequisite to  
14 licensure."

15 NEW SECTION. Section 3. Extension of authority. Any  
16 existing authority to make rules on the subject of the  
17 provisions of [this act] is extended to the provisions of  
18 [this act].

19 NEW SECTION. Section 4. Effective date. [This act] is  
20 effective on passage and approval.

-End-

## HOUSE BILL NO. 174

INTRODUCED BY GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A LIFETIME FISHING LICENSE FOR THE BLIND; AMENDING SECTIONS 87-2-201 AND 87-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 87-2-201, MCA, is amended to read:

"87-2-201. Wildlife conservation license prerequisite for other licenses. It Except as provided in 87-2-803(5), it is shall be unlawful for any person or persons to purchase any hunting, fishing, or trapping license without first having obtained a wildlife conservation license as hereinafter provided."

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

"87-2-803. Disabled persons. (1) Disabled persons are entitled to fish and to hunt game birds with only a conservation license if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule.

(2) A resident of Montana who is certified as disabled by the department and who is not residing in an institution may purchase regular resident deer and elk licenses at

one-half the fee paid by a resident who is 15 years old or older and who is under 62 years of age.

(3) Such disabled persons shall carry a permit on a form prescribed by the department. A disabled person issued a permit under this subsection is entitled to have the department stamp such a permit with "Permission to Hunt From a Vehicle" if the person establishes to the satisfaction of the department that he is permanently physically handicapped and nonambulatory or his mobility is substantially impaired.

(4) A disabled person carrying a permit as required in subsection (3), upon which is stamped "Permission to Hunt From a Vehicle", may hunt by shooting a firearm from the shoulder, berm, or borrow-pit right-of-way of a public highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from within a self-propelled or drawn vehicle parked on such shoulder, berm, or borrow-pit right-of-way in a manner that will not impede traffic or endanger motorists or may hunt by shooting a firearm from within a self-propelled or drawn vehicle parked in an area, not a public highway, where hunting is permitted. Nothing in this subsection allows such disabled person to shoot across the roadway of any public highway or to hunt on private property without permission of the landowner. A disabled person who hunts as authorized in this subsection must have a companion to assist in immediately

1 dressing any killed game animal. Any vehicle from which a  
2 disabled person is hunting must be conspicuously marked with  
3 an orange-colored international symbol of the handicapped on  
4 the front, rear, and each side of such vehicle.

5 (5) A resident of Montana who is certified by the  
6 department as suffering from permanent blindness A BLIND  
7 INDIVIDUAL, AS DEFINED IN 53-7-301, may be issued a lifetime  
8 fishing license for the blind upon payment of a one-time fee  
9 of \$10. The license is valid for the lifetime of the blind  
10 individual and allows the licensee to fish with hook and  
11 line or rod, as authorized by department rule. An applicant  
12 for a license under this subsection need not obtain a  
13 wildlife conservation license as a prerequisite to  
14 licensure."

15 **NEW SECTION. Section 3.** Extension of authority. Any  
16 existing authority to make rules on the subject of the  
17 provisions of [this act] is extended to the provisions of  
18 [this act].

19 **NEW SECTION. Section 4.** Effective date. [This act] is  
20 effective on passage and approval.

-End-