

SENATE BILL NO. 17
INTRODUCED BY KENNEDY

IN THE SENATE

DECEMBER 22, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 4, 1993	FIRST READING.
JANUARY 15, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 16, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 18, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
JANUARY 30, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 2, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
FEBRUARY 4, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 6, 1993	THIRD READING, CONCURRED IN. AYES, 95; NOES, 0.
	RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 17
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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COMPANION OF A LICENSED DISABLED HUNTER TO PURSUE, HUNT, TAKE, SHOOT, OR KILL A GAME ANIMAL WOUNDED BY THE DISABLED HUNTER WHEN THE DISABLED HUNTER IS UNABLE TO PURSUE AND KILL THE WOUNDED GAME ANIMAL; AMENDING SECTIONS 87-2-103 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 87-2-103, MCA, is amended to read:

"87-2-103. License required. (1) It Except as provided in subsection (2), it is unlawful for any a person to:

(1)(a) pursue, hunt, trap, take, shoot, or kill or attempt to trap, take, shoot, or kill any game animal, any game bird, or any fur-bearing animal or take, kill, trap, or fish for any fish within this state or have, keep, or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts thereof, except as herein provided or as provided by the department; or

(2)(b) pursue, hunt, trap, take, shoot, or kill or attempt to trap, take, shoot, or kill any game animal, game bird, or fur-bearing animal or take, kill, trap, or fish for any fish, except at the places and during the periods and in

the manner herein defined or as defined by the department;
or

(3)(c) pursue, hunt, trap, take, shoot, or kill or attempt to trap, take, shoot, or kill any game animal, game bird, or fur-bearing animal or take, kill, trap, or fish for any fish within this state or have, keep, possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or parts thereof without first having obtained a proper license or permit from the department to do so; or

(4)(d) trap or snare or attempt to trap or snare predatory animals or nongame wildlife without a license, as prescribed in 87-2-603, if that person is not a resident as defined in 87-2-102.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to pursue, hunt, take, shoot, or kill or attempt to pursue, hunt, take, shoot, or kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal."

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

1 prescribed by departmental rule.

2 (2) A resident of Montana who is certified as disabled
3 by the department and who is not residing in an institution
4 may purchase regular resident deer and elk licenses at
5 one-half the fee paid by a resident who is 15 years old or
6 older and who is under 62 years of age.

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

15 (4) A disabled person carrying a permit as required in
16 subsection (3), upon which is stamped "Permission to Hunt
17 From a Vehicle", may hunt by shooting a firearm from the
18 shoulder, berm, or barrow pit right-of-way of a public
19 highway, as defined in 61-1-202, except a state or federal
20 highway, or may hunt by shooting a firearm from within a
21 self-propelled or drawn vehicle parked on such a shoulder,
22 berm, or barrow pit right-of-way in a manner that will not
23 impede traffic or endanger motorists or may hunt by shooting
24 a firearm from within a self-propelled or drawn vehicle
25 parked in an area, not a public highway, where hunting is

1 permitted. Nothing in this subsection allows such a disabled
2 person to shoot across the roadway of any public highway or
3 to hunt on private property without permission of the
4 landowner. A disabled person who hunts as authorized in this
5 subsection must have a companion to assist in immediately
6 dressing any killed game animal. The companion may also
7 assist the disabled hunter by pursuing, hunting, taking,
8 shooting, or killing a game animal that has been wounded by
9 the disabled hunter when the disabled hunter is unable to
10 pursue and kill the wounded game animal. Any vehicle from
11 which a disabled person is hunting must be conspicuously
12 marked with an orange-colored international symbol of the
13 handicapped on the front, rear, and each side of such the
14 vehicle.

15 (5) A resident of Montana who is certified by the
16 department as a blind individual, as defined in 53-7-301,
17 may be issued a lifetime fishing license for the blind upon
18 payment of a one-time fee of \$10. The license is valid for
19 the lifetime of the blind individual and allows the licensee
20 to fish with hook and line or rod, as authorized by
21 department rule. An applicant for a license under this
22 subsection need not obtain a wildlife conservation license
23 as a prerequisite to licensure."

24 NEW SECTION. Section 3. Effective date. [This act] is
25 effective on passage and approval.

-End-

-4-

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 17

INTRODUCED BY KENNEDY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COMPANION OF A LICENSED DISABLED HUNTER TO PURSUE, HUNT, TAKE, SHOOT, OR KILL A GAME ANIMAL WOUNDED BY THE DISABLED HUNTER WHEN THE DISABLED HUNTER IS UNABLE TO PURSUE AND KILL THE WOUNDED GAME ANIMAL; AMENDING SECTIONS 87-2-103 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 87-2-103, MCA, is amended to read:

"87-2-103. License required. (1) It Except as provided in subsection (2), it is unlawful for any a person to:

(1)(a) pursue, hunt, trap, take, shoot, or kill or attempt to trap, take, shoot, or kill any game animal, any game bird, or any fur-bearing animal or take, kill, trap, or fish for any fish within this state or have, keep, or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts thereof, except as herein provided or as provided by the department; or

(2)(b) pursue, hunt, trap, take, shoot, or kill or attempt to trap, take, shoot, or kill any game animal, game bird, or fur-bearing animal or take, kill, trap, or fish for any fish, except at the places and during the periods and in

the manner herein defined or as defined by the department; or

(3)(c) pursue, hunt, trap, take, shoot, or kill or attempt to trap, take, shoot, or kill any game animal, game bird, or fur-bearing animal or take, kill, trap, or fish for any fish within this state or have, keep, possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or parts thereof without first having obtained a proper license or permit from the department to do so; or

(4)(d) trap or snare or attempt to trap or snare predatory animals or nongame wildlife without a license, as prescribed in 87-2-603, if that person is not a resident as defined in 87-2-102.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to pursue, hunt, take, shoot, or kill or attempt to pursue, hunt, take, shoot, or kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal; HOWEVER, THE PERSON MUST MEET THE QUALIFICATIONS FOR A LICENSE IN THE PERSON'S STATE OF RESIDENCE."

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

1 conservation license if they are residents of Montana not
2 residing in an institution and are certified as disabled as
3 prescribed by departmental rule.

4 (2) A resident of Montana who is certified as disabled
5 by the department and who is not residing in an institution
6 may purchase regular resident deer and elk licenses at
7 one-half the fee paid by a resident who is 15 years old or
8 older and who is under 62 years of age.

9 (3) Such A RESIDENT OR NONRESIDENT disabled persons
10 shall PERSON WHO IS CERTIFIED AS DISABLED BY THE DEPARTMENT
11 AND WHO IS NOT RESIDING IN AN INSTITUTION MAY carry a permit
12 on a form prescribed by the department. A disabled person
13 issued a permit under this subsection is entitled to have
14 the department stamp ~~such-a~~ the permit with "Permission to
15 Hunt From a Vehicle" if the person establishes to the
16 satisfaction of the department that he the person is
17 permanently physically handicapped and nonambulatory or ~~his~~
18 that the person's mobility is substantially impaired.

19 (4) A disabled person carrying a permit as required in
20 subsection (3), upon which is stamped "Permission to Hunt
21 From a Vehicle", may hunt by shooting a firearm from the
22 shoulder, berm, or barrow pit right-of-way of a public
23 highway, as defined in 61-1-202, except a state or federal
24 highway, or may hunt by shooting a firearm from within a
25 self-propelled or drawn vehicle parked on such a shoulder,

1 berm, or barrow pit right-of-way in a manner that will not
2 impede traffic or endanger motorists or may hunt by shooting
3 a firearm from within a self-propelled or drawn vehicle
4 parked in an area, not a public highway, where hunting is
5 permitted. Nothing in this subsection allows ~~such a~~ disabled
6 person to shoot across the roadway of any public highway or
7 to hunt on private property without permission of the
8 landowner. A disabled person who hunts as authorized in this
9 subsection must have a companion to assist in immediately
10 dressing any killed game animal. The companion may also
11 assist the disabled hunter by pursuing, hunting, taking,
12 shooting, or killing a game animal that has been wounded by
13 the disabled hunter when the disabled hunter is unable to
14 pursue and kill the wounded game animal. Any vehicle from
15 which a disabled person is hunting must be conspicuously
16 marked with an orange-colored international symbol of the
17 handicapped on the front, rear, and each side of ~~such the~~
18 vehicle.

19 (5) A resident of Montana who is certified by the
20 department as a blind individual, as defined in 53-7-301,
21 may be issued a lifetime fishing license for the blind upon
22 payment of a one-time fee of \$10. The license is valid for
23 the lifetime of the blind individual and allows the licensee
24 to fish with hook and line or rod, as authorized by
25 department rule. An applicant for a license under this

SB 0017/02

1 subsection need not obtain a wildlife conservation license
2 as a prerequisite to licensure."

3 NEW SECTION. **Section 3.** Effective date. [This act] is
4 effective on passage and approval.

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