

SENATE BILL NO. 174

INTRODUCED BY D. KARY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING HUNTING WITH A CROSSBOW DURING ARCHERY
5 SEASON OR REGULAR HUNTING SEASONS BY A PERSON CERTIFIED AS DISABLED OR OVER AGE 70;
6 PROVIDING THE BOARD OF MEDICAL EXAMINERS WITH THE AUTHORITY TO REVIEW CERTIFICATIONS
7 TO USE A CROSSBOW; PROVIDING QUALIFYING REQUIREMENTS FOR CROSSBOW HUNTING;
8 REQUIRING AN ANNUAL REPORT TO THE ENVIRONMENTAL QUALITY COUNCIL; AMENDING SECTIONS
9 37-3-203, 87-2-803, AND 87-2-817, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
10 TERMINATION DATE."

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

13
14 NEW SECTION. **Section 1. Reporting requirement.** The department shall report no later than March
15 1 of each year to the environmental quality council, in the manner provided in 5-11-210, regarding the hunting
16 with a crossbow authorized in 87-2-803(10) for persons with a disability and persons over 70 years of age.

17
18 **Section 2.** Section 37-3-203, MCA, is amended to read:

19 **"37-3-203. Powers and duties.** (1) The board may:

20 (a) adopt rules necessary or proper to carry out the requirements in Title 37, chapter 3, parts 1 through
21 4, as well as chapters covering podiatry, acupuncture, physician assistants, nutritionists, and emergency care
22 providers as set forth in Title 37, chapters 6, 13, 20, and 25, and 50-6-203, respectively. The rules must be fair,
23 impartial, and nondiscriminatory.

24 (b) hold hearings and take evidence in matters relating to the exercise and performance of the powers
25 and duties vested in the board;

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

30 (d) review certifications of disability and determinations of eligibility for a permit to hunt from a vehicle

1 ~~as provided in 87-2-803(11)~~ or hunt with a crossbow during the archery season or hunting seasons that allow
2 firearms or archery equipment, as provided in 87-2-803(13); and

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

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

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

14 (3) (a) The board shall report annually on the number and types of complaints it has received involving
15 physician practices in providing written certification, as defined in 50-46-302, for the use of marijuana for a
16 debilitating medical condition provided for in Title 50, chapter 46. The report must contain:

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

18 (ii) the number of complaints for which a reasonable cause determination was made pursuant to
19 37-1-307;

20 (iii) the general nature of the complaints;

21 (iv) the number of investigations conducted into physician practices in providing written certification; and

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

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

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

29 (i) the name of the physician;

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

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

2 (d) The board shall provide the report to the children, families, health, and human services interim
3 committee by August 1 of each year and shall make a copy of the report available on the board's website.

4 (4) The board may enter into agreements with other states for the purposes of mutual recognition of
5 licensing standards and licensing of physicians and ECPs from other states under the terms of a mutual
6 recognition agreement."

7

8 **Section 3.** Section 87-2-803, MCA, is amended to read:

9 **"87-2-803. Licenses for persons with disabilities -- definitions.** (1) Persons with disabilities who are
10 residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental
11 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 conservation license and a resident fishing license, game bird license,
17 deer tag, or elk tag for a particular license year and who is subsequently certified as disabled is entitled to a
18 refund for one-half of the cost of the fishing license, game bird license, deer tag, or elk tag previously purchased
19 for that license year.

20 (3) A person who is certified as disabled pursuant to subsection (4) and who was issued a permit to hunt
21 from a vehicle for license year 2014 or a subsequent license year is automatically entitled to a permit to hunt from
22 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 vehicle,
24 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 subsection
26 (5) as a permit holder, 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, except a
28 state or federal highway;

29 (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way
30 in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway,

1 where hunting is permitted; or

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

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

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

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

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

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

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

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

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

30 (10) (a) The department may issue a permit to hunt with a crossbow during the archery season or hunting

1 seasons that allow firearms or archery equipment, on a form prescribed by the department, if the person meets
 2 the requirements of this subsection (10).

3 (b) A person qualifies for a permit to hunt with a crossbow pursuant to this subsection (10) if the person:

4 (i) is certified by a licensed physician or a licensed physician assistant to have a documented permanent
 5 condition that severely limits the person's ability to draw and hold a long bow, recurve bow, or compound bow
 6 of sufficient draw weight to hunt a licensed or permitted animal; or

7 (ii) is 70 years of age or older.

8 (c) A person who qualifies for a permit to hunt with a crossbow pursuant to this subsection (10):

9 (i) shall complete a national bow hunter education foundation course at least 1 year before applying for
 10 and purchasing a Montana bow and arrow license issued by the department; or

11 (ii) must have purchased an archery license that required passing an archery safety course pursuant to
 12 87-2-105 within the last 3 years.

13 ~~(b)~~(11) For the purposes of this subsection ~~(9)~~ (11), the following definitions apply:

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

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

19 ~~(iii)~~(c) "Documented genetic condition" means a diagnosis derived from genetic testing and confirmed
 20 by a licensed physician.

21 ~~(iv)~~(d) "Nonambulatory" means permanently, physically reliant on a wheelchair or a similar compensatory
 22 appliance or device for mobility.

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

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

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

28 ~~(10)~~(12) Certification under ~~subsection (9)~~ subsections (9) and (10) must be on a form provided by the
 29 department.

30 ~~(11)~~(13) The department or a person who disagrees with a determination of disability or eligibility for a

1 permit to hunt from a vehicle or hunt with a crossbow pursuant to subsection (10) may request a review by the
2 board of medical examiners pursuant to 37-3-203."

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4 **Section 4.** Section 87-2-817, MCA, is amended to read:

5 **"87-2-817. Licenses for service members.** (1) A veteran or a disabled member of the armed forces
6 who meets the qualifications in 87-2-803(9) or (10) as a result of a combat-connected injury may apply at a fish,
7 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 tag, a
8 Class B-8 deer B tag, and a special antelope license made available under 87-2-506(3) for one-half of the license
9 fee. Licenses issued to veterans or disabled members of the armed forces under this part do not count against
10 the number of special antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.

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

20 (b) To be eligible for the free resident wildlife conservation license or free Class AAA resident
21 combination sports license provided for in subsection (2)(a), an applicant shall, in addition to the written
22 application and proof of residency required in 87-2-202(1), provide to any regional department office or to the
23 department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's
24 release or discharge from active duty. The applicant is responsible for providing documentation showing that the
25 applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

26 (c) A Montana resident who meets the service qualifications of subsection (2)(a) and provides the
27 documentation required in subsection (2)(b) is entitled to a free Class A resident fishing license in the license year
28 that the member returns from military service or in the year following the member's return, based on the member's
29 election, and in any of the 4 years after the member's election.

30 (d) The department's general license account must be reimbursed by a quarterly transfer of funds from

1 the general fund to the general license account for costs associated with the free licenses granted pursuant to
2 this subsection (2) during the preceding calendar quarter. Reimbursement costs must be designated as license
3 revenue.

4 (3) A member of the armed forces who forfeited a license or permit issued through a drawing as a result
5 of deployment outside of the continental United States in support of a contingency operation as provided in 10
6 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year
7 of the member's return from deployment or in the first year that the license or permit is made available after the
8 member's return. (Bracketed language terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017.)"

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10 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an
11 integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to [section 1].

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13 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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15 NEW SECTION. **Section 7. Termination.** [This act] terminates February 28, 2022.

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