

SENATE BILL NO. 222

INTRODUCED BY J. COHENOUR, J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE RULEMAKING AUTHORITY OF THE BOARD OF OUTFITTERS; AND AMENDING SECTIONS 37-47-201 AND 37-47-304, MCA."

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

**Section 1.** Section 37-47-201, MCA, is amended to read:

**"37-47-201. Powers and duties of board relating to outfitters and guides.** The board shall:

(1) cooperate with the federal government in matters of mutual concern regarding the business of outfitting and guiding in Montana;

(2) enforce the provisions of this chapter and rules adopted pursuant to this chapter;

(3) establish outfitter standards and guide standards;

(4) adopt:

(a) rules to administer and enforce this chapter, including rules prescribing all requisite qualifications for licensure as an outfitter or guide. Qualifications for outfitters may include training, testing, experience, and knowledge of rules of governmental bodies pertaining to outfitting.

(b) any reasonable rules, not in conflict with this chapter, necessary for safeguarding the public health, safety, and welfare, including evidence of qualification and licensure under this chapter for any person practicing or offering to practice as an outfitter or guide;

(c) rules specifying components and standards for review and approval of operations plans; Operations plans must:

(i) be updated at least annually if there has been a substantive change; and

(ii) report all forms of use of private land acreage where licensed outfitters are authorized by the landowner to operate, except for the use of private lands that allow unrestricted public access and are managed under cooperative agreements with adjacent public lands.

(d) rules establishing outfitter reporting requirements. The reports must be filed annually and report:

(i) client names or automated licensing system numbers;

(ii) names or license numbers of outfitters, and guides, and outfitter's assistants providing client services;



1 and

2 ~~(iii) the license numbers of those outfitters and guides, dates of client services, and private land acreage~~  
 3 ~~where licensed outfitters are authorized by the landowner to operate, including exclusive arrangements and lease~~  
 4 ~~agreements.~~

5 (e) rules specifying what constitutes an emergency for which an outfitter's assistant may be hired,  
 6 standards for outfitter's assistants, and documentation standards for proof of employment or retention required  
 7 of outfitter's assistants. The rules must also identify data that may be collected regarding use of outfitter's  
 8 assistants.

9 (5) hold hearings and proceedings to suspend or revoke licenses of outfitters and guides for due cause;

10 and

11 (6) maintain records of net client hunter use."

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13 **Section 2.** Section 37-47-304, MCA, is amended to read:

14 **"37-47-304. Application.** (1) Each applicant for an outfitter's or guide's license shall apply for a license  
 15 on a form furnished by the department.

16 (2) The application for an outfitter's license must include:

17 (a) the applicant's full name, address, conservation license number, and telephone number;

18 (b) the applicant's years of experience as an outfitter or guide; and

19 (c) components of the outfitter's operations plan as required by board rule, which may include:

20 (i) an affidavit by the outfitter to the board that the amount and kind of equipment that is owned, leased,  
 21 or contracted for by the applicant is sufficient and satisfactory for the services advertised or contemplated to be  
 22 performed by the applicant; and

23 (ii) ~~except as provided in 37-47-201(4)(c)(ii),~~ a description of any land, water body, or portion of a water  
 24 body that will be utilized by the applicant while providing services. A DESCRIPTION IS NOT REQUIRED FOR THE USE  
 25 OF PRIVATE LANDS THAT ALLOW UNRESTRICTED PUBLIC ACCESS AND ARE MANAGED UNDER COOPERATIVE AGREEMENTS  
 26 WITH ADJACENT PUBLIC LANDS.

27 (3) An application for an outfitter's license must be in the name of an individual person only. An  
 28 application involving a business entity must be made by one individual person who qualifies under the provisions  
 29 of this part. A license issued pursuant to this part must be in the name of that person. Any revocation or  
 30 suspension of a license is binding upon the individual person and the business entity for the use and benefit of

1 which the license was originally issued.

2 (4) Application must be made to and filed with the board.

3 (5) Only one application for an outfitter's license may be made in any license year. If an application is  
4 denied, subsequent applications by the same applicant for the license year involved are void, except as provided  
5 in 37-47-308."

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