



Legislative Background Brief

for the
Economic Affairs Interim Committee

January 2012

Board of Outfitters

Prepared by Pat Murdo, Legislative Research Analyst

Board (2-15-1773, MCA) = 7 members appointed by the governor (consent of the Senate not specified). Of these, 1 member must be a big game hunting outfitter; 1 member must be a fishing outfitter; 2 members must be engaged in the fishing and hunting outfitting business; and 2 members must be sportspersons. The remaining member represents the general public.

Board Members (end of term in parentheses)

<p>Licensed Representatives:</p> <ul style="list-style-type: none"> • Tim Linehan, Troy, big game outfitter (10/1/2014) • Lee Kinsey, Livingston, fishing outfitter (1/1/2013) • Shawn McNeely, Bozeman, hunting/fishing outfitter (10/1/2012) • John Wilkinson, Miles City, hunting/fishing outfitter (10/1/2013) • Carol Gibson, Billings, sportsperson (10/1/2014) • Hugo Tureck, Coffee Creek, sportsperson (10/1/2014) 	<p>Public Member:</p> <ul style="list-style-type: none"> • John Redman, Sidney (10/1/2014)
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Number of Licensees, FY 2011 1,671 **FY2010**2,462 **FY 2009**.....1,597

By Type, FY 2011: Guides 932 Outfitters 739

License Renewal Costs: Guide Annual Renewal \$150 for active (\$50 inactive)
 Outfitter Annual renewal \$375 for active (\$200 inactive)
 New operations plan review \$125
 Equipment inspection for new plan \$375
 Initial/renewal fee for each additional hunting camp \$5,000

Number of Complaints	Disciplinary Action (may be from other years)
FY 10	
FY 09 91	1 license revoked, 0 suspended, 49 dismissed 62 other sanctions and 6 investigations

Revenues/Expenditures FY2009-2010 and Budgets for FY2012-2013

	Revenues		Expenditures	
	Licensing	Other	Personal Services	Operating
FY 2009	\$644,331		\$619,523	
FY 2010	\$646,967 in base budget		\$658,896 actual*	
			Budgets in HB 2	
FY 2012			\$643,473	
FY 2013			\$643,785	

*Includes \$8,271.50 in nonbudgeted transfer from Budget Fund

Expenditures, FY 2010	Direct	Indirect	
		Admin	Div. IT/Bureau
Personal Services, incl. per diem	\$301,320	\$20,414	\$28,069
Operating Expenses			
Consulting, Printing, IT, Other	\$72,335		\$10,839
Supplies, incl. Computer	\$9,948		\$12,190
Postage, mailing, IT network, voice services	\$11,202		\$9,633
Travel for Board Members	\$22,894		--
Rent and other expenses*	\$15,686		\$54,336
Legal and hearings	\$83,760		--

*Includes motor pool leased vehicles of \$10,439, nonoffice equipment of \$2,190, repair and maintenance of \$1,597, single-user computers of \$736 and dues, education & training and fee collection expenses of \$725 for direct expenses and rent of \$18,885, repair and maintenance of \$31, DLI OIT expense of \$10,343, and indirect agency of \$25,077 for indirect expenses.

Scope of Practice

- Guide means, according to 37-47-101(7), a person "who is employed by or who has contracted independently with a licensed outfitter and who accompanies a participant during outdoor recreational activities that are directly related to activities for which the outfitter is licensed."
- Outfitter means, under 37-47-101(11), a "person, except a person providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests, who for consideration provides any saddle or pack animal; facilities; camping equipment; vehicle, watercraft, or other conveyance; or personal service for any person to hunt, trap, capture, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a licensed guide or professional guide in accompanying that person."

2011 Legislation Impacting Board or Profession

- HB 94, sponsored by Rep. Arntzen at the request of the Department of Labor and Industry, generally revises reciprocity and other board functions. (Became law)
- HB 458, sponsored by Rep. Jeff Welborn, revising laws related to outfitting and net client hunter use -- in response to changes in effect after voters in 2010 passed Initiative 161 to change how hunter access programs are funded and removing outfitter-sponsored licenses (Vote = 187,870 for and 161,201 against.) The initiative was effective March 1, 2011.

Other References in Statute to Outfitters:

- 23-4-408, MCA, regarding management of the Smith River allows a portion of permits to be allocated to licensed outfitters.
- 45-1-205, MCA, regarding a 3-year statute of limitations for misdemeanor violation of laws regulating outfitters and guides.
- 50-51-103, MCA, says Department of Public Health and Human Services may develop voluntary guidelines for outfitting and guide facilities in a negotiated process in cooperation with outfitters and guides. The guidelines are not to be regulatory.
- 87-1-269, MCA, says the governor is to appoint a committee that includes outfitters interested in hunting or fishing access enhancement programs, landowner-hunter relations, outfitting industry issues. The committee is to report to the governor and each legislature and is to be assisted by the Department of Fish, Wildlife, and Parks.
- 87-1-503, MCA, makes the Board of Outfitters executive director and investigator ex officio wardens, able to enforce violations of Title 37, chapter 47, and related rules.

Summary of Responses from Survey as made through January 4, 2012:

of Responses from Board of Outfitters' licensees - 26 (mix of outfitters and guides) Among the biggest complaints are the paperwork required, the cost of fees, and the lack of support/investigation in the field (which some note is done by the Department of Fish, Wildlife, and Parks.) Most responses were "none" to highest compliment - 15, but the next highest at 4 was the ability of the board to monitor on behalf of licensees. There were complaints about an "us vs. them" mentality but some noted that the situation is improving. Net client hunter use (NCHU) came in for a lot of criticism. Some felt the board had no purpose; others said it should license only.