

## HOUSE BILL NO. 411

INTRODUCED BY GALLUS, BARRETT, R. BROWN, COHENOUR, CYR, FACEY, FUCHS, HARRINGTON,  
 KEANE, KEENAN, LANGE, LASLOVICH, MCCARTHY, ROME, SHEA, TESTER, F. THOMAS, WAGMAN,  
 GOLIE, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE TRANSFER OF RIVER-USE DAYS TO THE  
 PURCHASER NEW OWNER OF A FISHING OUTFITTER BUSINESS; AMENDING SECTION 37-47-310, MCA;  
 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 37-47-310, MCA, is amended to read:

**"37-47-310. Transfer or amendment of outfitter's license -- transfer of river-use days to purchaser  
 NEW OWNER of fishing outfitter business.** (1) An outfitter's license may not be transferred during any license  
 year.

(2) An individual person may, upon proper showing, have that person's outfitter's license amended to  
 indicate that the license is being held for the use and benefit of a named proprietorship, partnership, or  
 corporation.

(3) Subject to approval by the board, an immediate member of the family of a deceased licensed outfitter  
 may continue to outfit for the deceased outfitter's unexpired license year or until the heirs or personal  
 representative of the estate sells the outfitting business or obtains relicensure of the business.

(4) (A) When a fishing outfitter's business is sold OR TRANSFERRED IN ITS ENTIRETY, any river-use days that  
 have been allocated to that fishing outfitter through the fishing outfitter's historic use of or activities on  
 restricted-use streams are transferrable to the purchaser NEW OWNER of the fishing outfitter's business. UPON THE  
 SALE OR TRANSFER OF A FISHING OUTFITTER'S BUSINESS, THE OUTFITTER WHO SELLS OR TRANSFERS THE BUSINESS  
 SHALL NOTIFY THE NEW OWNER THAT THE USE OF ANY TRANSFERRED RIVER-USE DAYS IS SUBJECT TO CHANGE PURSUANT  
 TO RULES ADOPTED BY THE FISH, WILDLIFE, AND PARKS COMMISSION AND THAT NO PROPERTY RIGHT ATTACHES TO THE  
 TRANSFERRED RIVER-USE DAYS.

(B) IF THE FISH, WILDLIFE, AND PARKS COMMISSION IMPLEMENTS A SYSTEM OF PUBLIC ALLOCATION OF RIVER-USE  
 DAYS ON A RESTRICTED-USE STREAM, ANY RIVER-USE DAYS ALLOCATED TO A FISHING OUTFITTER THROUGH THE FISHING  
 OUTFITTER'S HISTORIC USE OF OR ACTIVITIES ON THE RESTRICTED-USE STREAM MUST BE REALLOCATED TO PUBLIC USE."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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