

HOUSE BILL NO. 290

INTRODUCED BY T. JACOBSON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE POWERS AND DUTIES OF THE BOARD OF OUTFITTERS; REQUIRING COOPERATION WITH STATE AGENCIES ON MATTERS OF MUTUAL CONCERN; REQUIRING ADDITIONAL REPORTING FOR HUNTING AND FISHING OUTFITTERS; EXPANDING RULEMAKING AUTHORITY; AND AMENDING SECTION 37-47-201, 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. (Temporary) Powers and duties of board relating to outfitters and guides. The board shall:

- (1) cooperate with state agencies and 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;
 - (d) rules requiring annual reports and establishing outfitter reporting requirements. ~~The reports must be filed annually and report client names;~~ that include:
 - (i) ~~outfitters and guides providing client services and~~ the license numbers of ~~those~~ outfitters and guides, dates of client services, and private land acreage where licensed outfitters are authorized by the landowner to operate, including exclusive arrangements and lease agreements;



1 (ii) for hunting outfitters, the name and automated licensing system number for each client, the species
 2 and sex of each game animal, as defined in 87-2-101, harvested, the date of harvest for each game animal, and
 3 the hunting district of each harvest noting if the harvest occurred on private or public land;

4 (iii) for fishing outfitters, the name and automated licensing system number for each client and an
 5 accounting of each water body fished by date. If the water body fished is a stream, the entry and exit points must
 6 be noted.

7 (e) rules specifying standards for outfitter's assistants and documentation standards for proof of
 8 employment or retention required of outfitter's assistants. The rules may also identify data that may be collected
 9 regarding use of outfitter's assistants.

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

12 (6) maintain records of net client hunter use. (Terminates December 31, 2017--sec. 1, Ch. 136, L. 2015.)

13 **37-47-201. (Effective January 1, 2018) Powers and duties of board relating to outfitters and**
 14 **guides.** The board shall:

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

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

18 (3) establish outfitter standards and guide standards;

19 (4) adopt:

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

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

26 (c) rules specifying components and standards for review and approval of operations plans;

27 (d) rules requiring annual reports and establishing outfitter reporting requirements. ~~The reports must be~~
 28 ~~filed annually and report client names;~~ that include:

29 (i) ~~outfitters and guides providing client services and the~~ license numbers of ~~those~~ outfitters and guides,
 30 dates of client services, and private land acreage where licensed outfitters are authorized by the landowner to

- 1 operate, including exclusive arrangements and lease agreements;
- 2 (ii) for hunting outfitters, the name and automated licensing system number for each client, the species
- 3 and sex of each game animal, as defined in 87-2-101, harvested, the date of harvest for each game animal, and
- 4 the hunting district of each harvest noting if the harvest occurred on private or public land;
- 5 (iii) for fishing outfitters, the name and automated licensing system number for each client and an
- 6 accounting of each water body fished by date. If the water body fished is a stream, the entry and exit points must
- 7 be noted.
- 8 (5) hold hearings and proceedings to suspend or revoke licenses of outfitters and guides for due cause;
- 9 and
- 10 (6) maintain records of net client hunter use."

11 - END -