

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE BOARD OF
5 OUTFITTERS; REQUIRING FISHING GUIDES AND OUTFITTERS TO REPORT SERVICE DAYS; CAPPING
6 THE NUMBER OF FISHING OUTFITTER LICENSES; REQUIRING GUIDE LICENSE TYPES BE SPECIFIED;
7 PROVIDING A DEFINITION; AND AMENDING SECTIONS 37-47-101 AND 37-47-201, MCA."

8

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

10

11 **Section 1.** Section 37-47-101, MCA, is amended to read:

12 **"37-47-101. Definitions.** As used in this chapter, unless the context requires otherwise, the following
13 definitions apply:

14 (1) "Accompany" means to go with or be together with a participant as an escort, companion, or
15 other service provider, with an actual physical presence in the area where the activity is being conducted and
16 within sight or sound of the participant at some time during the furnishing of service.

17 (2) "Board" means the board of outfitters provided for in 2-15-1773.

18 (3) "Business entity" means any version of a proprietorship, partnership, corporation, or limited
19 liability company.

20 (4) "Consideration" means something of value given or done in exchange for something of value
21 given or done by another.

22 (5) "Department" means the department of labor and industry provided for in Title 2, chapter 15,
23 part 17.

24 (6) "Emergency" means an unforeseen combination of circumstances or the resulting state that
25 calls for immediate action.

26 (7) "Guide" means a person who is employed by or who has contracted independently with a
27 licensed outfitter and who accompanies a participant during outdoor recreational activities that are directly
28 related to activities for which the outfitter is licensed.

(8) "License year" means the period indicated on the face of the license for which the license is valid.

(9) "Net client hunter use" or "NCHU" means the number of clients authorized to be served by an outfitter on private and state land and on any federal land where an outfitter's use of the federal land is not limited by some means other than NCHU.

(10) "Outfitter" means any 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 outfitter's assistant in accompanying that person.

(11) "Outfitter's assistant" means a person who is employed or retained by and directed by a licensed outfitter to perform the tasks of a guide when a guide's license cannot be readily attained prior to or during the service of a participant due to an emergency. The person may not represent to the public that the person is an outfitter or guide.

(12) "Participant" means a person using the services offered by a licensed outfitter.

(13) "Service day" means a day when an outfitter or guide is engaged in hunting or fishing services for a client."

Section 2. 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,

1 experience, and knowledge of rules of governmental bodies pertaining to outfitting.

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

5 (c) rules specifying components and standards for review and approval of operations plans.

6 Operations plans must:

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

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

11 (d) rules establishing outfitter reporting requirements, including mandatory reporting of service
12 days and locations for fishing guides and outfitters; and

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

17 (g) rules specifying and recording what type of license a guide holds.

18 (5) cap the number of fishing outfitter licenses at the total amount in circulation during the 2024
19 license year;

20 (5)(6) hold hearings and proceedings to suspend or revoke licenses of outfitters and guides for due
21 cause; and

22 (6)(7) maintain records of net client hunter use."

23 - END -