

HOUSE BILL 1002

Introduced by Ellison, et al.

3/19	Fiscal Note Requested [sic.]
3/19	Introduced
3/19	Referred to Fish & Game
3/19	First Reading
3/22	Hearing
3/22	Fiscal Note Received
3/22	Fiscal Note Printed
3/23	Committee Report--Bill Passed as Amended
4/02	2nd Reading Passed
4/04	3rd Reading Passed
	Transmitted to Senate
4/08	On Motion Rules Suspended To Allow For Late Introduction
4/09	First Reading
4/09	Referred to Fish & Game
4/11	Hearing
4/12	Tabled in Committee

House BILL NO. *1,002*

1
2 INTRODUCED BY *[Signature]*
3 *[Signature]*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS RELATING TO OUTFITTERS AND GUIDES; ESTABLISHING MASTER
6 GUIDE AS A LICENSED PROFESSION; ESTABLISHING QUALIFICATIONS
7 AND LICENSING CRITERIA FOR A MASTER GUIDE; PROVIDING FOR
8 HIRING OF AN EXECUTIVE DIRECTOR FOR THE BOARD OF OUTFITTERS;
9 PROVIDING AN ADMINISTRATIVE PENALTY FOR A VIOLATION OF
10 OUTFITTER LAWS AND REVISING OTHER PENALTIES; AMENDING
11 SECTIONS 37-47-101, 37-47-102, 37-47-201, 37-47-301,
12 37-47-302, 37-47-303, 37-47-304, 37-47-305, 37-47-307,
13 37-47-308, 37-47-309, 37-47-310, 37-47-341, 37-47-343,
14 37-47-344, 37-47-402, 37-47-403, AND 37-47-404, MCA; AND
15 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

19 "37-47-101. (Temporary) Definitions. As used in this
20 chapter, unless the context requires otherwise, the
21 following definitions apply:

22 (1) "Board" means the board of outfitters provided for
23 in 2-15-1883.

24 (2) "Department" means the department of commerce
25 provided for in Title 2, chapter 15, part 18.

1 (3) "License year" means that period commencing January
2 1 and ending December 31 of the same year.

3 (4) "Master guide" means a person who personally
4 furnishes guiding services and equipment and who is retained
5 by a licensed outfitter to provide services for that
6 outfitter's clients.

7 (5) "Nonresident" means a person other than a
8 resident.

9 (6) "Outfitter" means any natural person, except a
10 natural person providing services on real property that he
11 resides on and owns for the primary pursuit of bona fide
12 agricultural interests, who:

13 (a) ~~engages in the business of outfitting for hunting~~
14 ~~or fishing parties, as the term is commonly understood;~~

15 (b) ~~for consideration provides any saddle or pack~~
16 ~~animal or personal service for hunting or fishing parties or~~
17 ~~camping equipment, vehicles, or other conveyance, except~~
18 ~~boats, for any person to hunt, trap, capture, take, or kill~~
19 ~~any game and accompanies such a party or person on an~~
20 ~~expedition for any of these purposes;~~

21 (c) ~~for consideration furnishes a boat or other~~
22 ~~floating craft and accompanies any person for the purpose of~~
23 ~~catching fish; or~~

24 (d) for consideration provides transportation, lodging,
25 equipment, or livestock and aids, or assists, or accompanies



1 any person in ~~locating or~~ pursuing or transporting any game
2 animal, game bird, or game fish.

3 ~~(6)~~(7) "Professional guide" and "guide" mean a person:

4 (a) who is an employee of an outfitter and who
5 furnishes only personal guiding services in assisting a
6 person to hunt or take game animals or fish and who does not
7 furnish any facilities, transportation, or equipment, except
8 an employee who furnishes float fishing services may furnish
9 his own vessel; or

10 (b) who has contracted independently with an outfitter
11 and who furnishes personal guiding services and facilities,
12 transportation, or equipment that he owns in assisting a
13 person to hunt or take game birds or fish. A guide who
14 provides independent contractor services to an outfitter may
15 not provide facilities, equipment, or services for overnight
16 use.

17 ~~(7)~~(8) "Resident" means a person who qualifies for a
18 resident Montana hunting or fishing license under 87-2-102.

19 ~~(8)~~(9) "Participant" means a person using the services
20 offered by a licensed outfitter or professional guide.

21 37-47-101. (Effective July 1, 1991) Definitions. As
22 used in this part, unless the context requires otherwise,
23 the following definitions apply:

24 (1) "License year" means that period commencing January
25 1 and ending December 31 of the same year.

1 (2) "Master guide" means a person who personally
2 furnishes guiding services and equipment and who is retained
3 by a licensed outfitter to provide services for that
4 outfitter's clients.

5 ~~(2)~~(3) "Nonresident" means a person other than a
6 resident.

7 ~~(3)~~(4) "Outfitter" means any natural person, except a
8 natural person providing services on real property that he
9 resides on and owns for the primary pursuit of bona fide
10 agricultural interests, who:

11 ~~(a) --engages in the business of outfitting for hunting~~
12 ~~or fishing parties, as the term is commonly understood;~~

13 ~~(b) --for consideration provides any saddle or pack~~
14 ~~animal or personal service for hunting or fishing parties or~~
15 ~~camping equipment, vehicles, or other conveyance, except~~
16 ~~boats, for any person to hunt, trap, capture, take, or kill~~
17 ~~any game and accompanies such a party or person on an~~
18 ~~expedition for any of these purposes;~~

19 ~~(c) --for consideration furnishes a boat or other~~
20 ~~floating craft and accompanies any person for the purpose of~~
21 ~~catching fish; or~~

22 ~~(d) for consideration provides transportation, lodging,~~
23 ~~equipment, or livestock and aids, or assists, or accompanies~~
24 ~~any person in locating or pursuing or transporting any game~~
25 ~~animal, game bird, or game fish.~~

1 ~~4~~(5) "Outfitters' council" means the Montana
2 outfitters' council provided for in 2-15-1883.

3 ~~5~~(6) "Professional guide" and "guide" mean a person:
4 (a) who is an employee of an outfitter and who
5 furnishes only personal guiding services in assisting a
6 person to hunt or take game animals or fish and who does not
7 furnish any facilities, transportation, or equipment, except
8 an employee who furnishes float fishing services may furnish
9 his own vessel; or

10 (b) who has contracted independently with an outfitter
11 and who furnishes personal guiding services and facilities,
12 transportation, or equipment in assisting a person to hunt
13 or take game animals or fish.

14 ~~6~~(7) "Resident" means a person who qualifies for a
15 resident Montana hunting or fishing license under 87-2-102.

16 ~~7~~(8) "Participant" means a person using the services
17 offered by a license outfitter or professional guide."

18 **Section 2.** Section 37-47-102, MCA, is amended to read:
19 "37-47-102. (Temporary) Determination of what
20 constitutes consideration. The providing of the services,
21 property, or equipment mentioned in 37-47-101~~5~~(6) or the
22 advertising of services to assist persons to hunt, pursue,
23 or take wildlife or to fish shall be presumed to have been
24 for consideration for the purposes of this chapter.

25 37-47-102. (Effective July 1, 1991) Determination of

1 what constitutes consideration. The providing of the
2 services, property, or equipment mentioned in
3 37-47-101~~3~~(4) or the advertising of services to assist
4 persons to hunt, pursue, or take wildlife or to fish shall
5 be presumed to have been for consideration for the purposes
6 of this part."

7 **Section 3.** Section 37-47-201, MCA, is amended to read:

8 "37-47-201. (Temporary) Powers and duties of board
9 relating to outfitters and guides. The board shall:

10 (1) prepare and publish an information pamphlet which
11 contains the names and addresses of all licensed outfitters.
12 This pamphlet shall be available for free distribution as
13 early as possible during each calendar year but not later
14 than the second Friday in March. The pamphlet shall contain
15 the names and addresses of only those outfitters who have a
16 valid license for the current license year.

17 (2) cooperate with the federal government in matters of
18 mutual concern regarding the business of outfitting and
19 guiding in Montana;

20 (3) enforce the provisions of this chapter and rules
21 adopted pursuant to this chapter;

22 (4) establish outfitter standards and professional
23 guide standards;

24 (5) adopt:

25 (a) rules of procedure;

1 (b) rules to administer and enforce this chapter,
 2 including but not limited to rules prescribing all requisite
 3 qualifications for licensure. These qualifications must
 4 include training, experience, knowledge of rules of
 5 governmental bodies pertaining to outfitting, and condition
 6 and type of gear and equipment; and

7 (c) any reasonable rules, not in conflict with this
 8 chapter, necessary for safeguarding the health, safety, and
 9 welfare of those persons using the services of outfitters
 10 and for the protection of landowners, employees, agents,
 11 representatives, and the general public; and

12 (d) rules to develop a procedure for determining areas
 13 where additional outfitter use should or should not be
 14 approved by the board when a state or federal agency limits
 15 or proposes to limit use of an area or river;

16 (6) hold hearings and proceedings to suspend or revoke
 17 licenses of outfitters and professional guides for due
 18 cause.

19 37-47-201. (Effective July 1, 1991) Powers and duties
 20 of department relating to outfitters and guides. The
 21 department shall:

22 (1) prepare and publish an information pamphlet which
 23 contains the names and addresses of all licensed outfitters.
 24 This pamphlet shall be available for free distribution as
 25 early as possible during each calendar year but not later

1 than the second Friday in March. The pamphlet shall contain
 2 the names and addresses of only those outfitters who have a
 3 valid license for the current license year. The costs of
 4 publication of the pamphlet shall be paid from the state
 5 special revenue fund, fish and game account.

6 (2) cooperate with the federal government through its
 7 appropriate agencies or instrumentalities in matters of
 8 mutual concern regarding the business of outfitting and
 9 guiding in Montana;

10 (3) establish a minimum of two meetings annually with
 11 the outfitters' council;

12 (4) consult with the outfitters' council to develop
 13 policy concerning the administration of outfitting,
 14 including a policy for determining areas where outfitter use
 15 should or should not be approved when a state or federal
 16 agency limits or proposes to limit use of an area or river;

17 (5) designate a warden with no conflict of interest
 18 whose primary duties are to administer outfitting and
 19 guiding laws and regulations;

20 (6) when the commission determines it necessary to
 21 protect the fishing resource, public health, public safety,
 22 or public welfare, establish and regulate a moratorium on
 23 either or both the Madison River or Big Hole River, the
 24 issuance of outfitter licenses for the purpose of float
 25 fishing ~~as defined in 37-47-101(3)(c)~~ except that those

1 fishing outfitters licensed in 1980 may receive renewal
2 licenses, if qualified. The total number of professional
3 guide licenses endorsed by fishing outfitters under a
4 moratorium may not be less than the total number issued in
5 1980."

6 **Section 4.** Section 37-47-301, MCA, is amended to read:

7 "**37-47-301. License required -- services performed --**
8 **standards.** (1) No person may act as an outfitter or
9 ~~professional~~ guide or advertise as an outfitter without
10 first securing a license in accordance with the provisions
11 of this part.

12 (2) Whenever an outfitter is engaged by any person, the
13 outfitter shall keep and submit records as required by the
14 department board.

15 (3) Outfitters, ~~professional guides,~~ and their
16 employees may not shoot, kill, or take big game animals ~~for~~
17 ~~or in competition with those employing them~~ while acting
18 ~~under employment as outfitters or professional guides~~
19 providing guiding services for clients.

20 (4) Outfitters utilizing lands under the control of the
21 United States government shall obtain the proper permits
22 required by the government office responsible for the area
23 in which the outfitter intends to operate and shall comply
24 with environmental protection standards established for
25 these lands.

1 (5) An outfitter may not willfully and substantially
2 misrepresent his facilities, prices, equipment, services, or
3 hunting or fishing opportunities.

4 (6) Outfitters and their employees, agents, and
5 representatives shall take every reasonable measure to
6 provide their advertised services to their clients.

7 (7) A master guide or professional guide may not
8 advertise or in any way offer services to clients except on
9 behalf of the outfitter who employs or otherwise retains
10 him."

11 **Section 5.** Section 37-47-302, MCA, is amended to read:

12 "**37-47-302. Outfitter's qualifications.** Each applicant
13 for and holder of an outfitter's license or any renewal
14 thereof shall meet the following qualifications:

15 (1) be a person of at least 18 years of age who is
16 physically capable and mentally competent to perform his
17 duties as an outfitter;

18 (2) own or hold under written lease or represent a
19 company, corporation, or partnership who owns or holds under
20 written lease the equipment and facilities as are necessary
21 to provide the services advertised, contracted for, or
22 agreed upon between the outfitter and his clients (all
23 equipment and facilities shall be subject to inspection at
24 all reasonable times and places by the board or its
25 designated agent);

1 (3) be a person who has demonstrated a respect for and
2 compliance with the laws of any state or of the United
3 States and all rules promulgated thereunder as to matters of
4 fish and game, conservation of natural resources, and
5 preservation of the natural ecosystem without pollution
6 thereof;

7 (4) have not been convicted or forfeited bond of \$100
8 or more on more than one violation of the fish and game laws
9 or applicable regulations of any state or the United States
10 within the past 5 years;

11 (5) have not, at any time, practiced fraud, deception,
12 or ~~material~~ misrepresentation in procuring any previous
13 outfitter's, master guide's, or professional guide's ~~7--er~~
14 ~~conservation~~ license from the state of Montana;

15 (6) have not, at any time, promulgated any false or
16 misleading advertising relating to the business of
17 outfitting;

18 (7) have not been finally adjudged by a court of law
19 guilty of any substantial breach of written or oral contract
20 with any person utilizing the applicant's services as an
21 outfitter, master guide, or professional guide during the
22 ~~license-year-immediately 2 years~~ preceding that for which
23 the application is made;

24 (8) have not committed any negligent act or misconduct
25 while acting as an outfitter, master guide, or professional

1 guide that caused a danger or unreasonable risk of danger to
2 person or property of any client of such the outfitter,
3 master guide, or professional guide during the license year
4 immediately preceding that for which the application is
5 made;

6 (9) have not, at any time, pleaded guilty to or been
7 adjudged by a court guilty of a felony, unless civil rights
8 have been restored pursuant to law. No person may apply for
9 or hold an outfitter's license during any period of time in
10 which a sentence has been deferred or suspended for a
11 felony.

12 (10) have substantially complied with all board
13 regulations and state and federal laws concerning
14 outfitters, master guides, and professional guides, ~~if the~~
15 ~~applicant-has-previously-held-a-license-as-an-outfitter--or~~
16 ~~professional-guide."~~

17 **Section 6.** Section 37-47-303, MCA, is amended to read:

18 "37-47-303. Professional guide's and master guide's
19 qualifications. (1) An applicant for a professional guide's
20 or master guide's license shall meet the following
21 requirements:

22 (a) be a person of at least 18 years of age who is
23 physically capable and mentally competent to perform his
24 duties as a professional guide or master guide;

25 (b) be endorsed and recommended by an outfitter with a

1 valid license;

2 (c) have not been convicted or forfeited bond of \$100
3 or more on more than one violation of the fish and game laws
4 or applicable regulations of the state of Montana or the
5 United States within the past 5 years;

6 (d) have not committed any gross negligent act or
7 misconduct while acting as a guide that caused an accident
8 or injury to person or property of any client of an
9 outfitter during the license year immediately preceding that
10 for which the application is made;

11 (e) have not, at any time, pleaded guilty to or been
12 adjudged by a court guilty of a felony, unless civil rights
13 have been restored pursuant to law. No person may apply for
14 or hold a professional guide's license during any period of
15 time in which a sentence has been deferred or suspended for
16 a felony.

17 ~~(2) A professional guide shall have been issued a valid~~
18 ~~wildlife conservation license. In addition to the~~
19 ~~qualifications set out in subsection (1), a master guide~~
20 ~~must also have successfully passed a standard examination~~
21 ~~administered by the board."~~

22 **Section 7.** Section 37-47-304, MCA, is amended to read:

23 "37-47-304. Application. (1) ~~Each applicant Application~~
24 ~~for an outfitter's or professional guide's license shall~~
25 ~~make application for license upon~~ must be on a form to be

1 ~~prescribed and furnished~~ provided by the board ~~which shall~~
2 ~~and must be accompanied by the required fee. The completed~~
3 ~~form must~~ include:

4 (a) the applicant's full name, residence, address,
5 conservation license number, driver's license number, birth
6 date, physical description, and telephone number;

7 (b) the address of his principal place of business in
8 the state of Montana;

9 (c) the amount and kind of property and equipment owned
10 and used in the outfitting business of the applicant;

11 (d) the experience of the applicant, including years of
12 experience as an outfitter or professional guide, knowledge
13 of areas in which he has operated and intends to operate,
14 and ability to cope with weather conditions and terrain;

15 ~~(e) a signed statement of the licensed outfitter by~~
16 ~~whom the professional guide is to be employed or retained as~~
17 ~~an independent contractor that the professional guide is in~~
18 ~~fact to be employed or retained as an independent contractor~~
19 ~~by such outfitter and stating that the outfitter recommends~~
20 ~~the applicant for his qualifications;~~

21 ~~(f)~~(e) an affidavit by the outfitter applicant to the
22 board that the equipment listed on the application is in
23 fact owned or leased by the applicant, is in good operating
24 condition, and is sufficient and satisfactory for the
25 services advertised or contemplated to be performed by such

1 applicant;

2 ~~(g)~~(f) a statement of the maximum number of guests to

3 be taken at any one time;

4 ~~(h)~~(g) the written approval of the appropriate agency

5 or landowner on whose lands he will establish hunting camps.

6 (2) The application must be in two parts, including:

7 (a) a license form that requires information the board

8 needs in order to determine the basic abilities and

9 qualifications of the applicant; and

10 (b) a form for an operations plan that requires

11 information the board needs in order to determine the

12 functions an applicant can perform, including:

13 (i) equipment available for use by clients;

14 (ii) number of clients that can be served with equipment

15 listed;

16 (iii) compatibility with the area used; and

17 (iv) verification of permission to use public or private

18 lands.

19 ~~(2)~~(3) Applications An application for an outfitter's

20 license ~~shall~~ must be in the name of an individual person

21 only. Applications involving corporations, proprietorships,

22 or partnerships ~~shall~~ must be made by one individual person

23 who qualifies under the provisions of this part; any license

24 issued pursuant thereto ~~shall~~ to this part must be in the

25 name of that person; and the license shall specifically

1 state that the same is issued for the use and benefit of the

2 named corporation, proprietorship, or partnership involved.

3 Any revocation or suspension of ~~such~~ a license is binding

4 upon the individual person and the partnership or

5 corporation for the use and benefit of which the license was

6 originally issued.

7 ~~(3)~~(4) Application ~~shall~~ must be made to and filed with

8 the board.

9 ~~(4)~~(5) Only one application for an outfitter's, master

10 guide's, or professional guide's license may be made in any

11 one license year. If any application is denied, subsequent

12 applications by the same applicant for the license year

13 involved are void, except as provided in 37-47-308.

14 (6) Application for a professional guide's license must

15 be made on a form prescribed and furnished by the board and

16 must be accompanied by the required fee. The completed form

17 must contain statements signed by:

18 (a) the applicant stating that he meets all the

19 requirements of 37-47-303; and

20 (b) a licensed outfitter verifying that the guide is to

21 be retained by that outfitter and that the guide has the

22 proper experience, knowledge, and expertise to provide the

23 services for which he is being retained.

24 (7) Application for a master guide's license must be on

25 a form prescribed and furnished by the board and must be

1 accompanied by the required fee. The completed form must
2 contain:

3 (a) a statement signed by the applicant stating that he
4 meets all the requirements of 37-47-303;

5 (b) a statement of whether the master guide intends to
6 guide hunters, fishermen, or both;

7 (c) a list of equipment that the master guide intends
8 to use in his guiding operations; and

9 (d) a statement signed by a licensed outfitter
10 verifying that the master guide is to be retained by that
11 outfitter and that the master guide has the proper
12 experience, knowledge, and expertise to provide the services
13 for which he is being retained."

14 **Section 8.** Section 37-47-305, MCA, is amended to read:

15 **"37-47-305. Outfitter's and master guide's examination.**

16 (1) Each applicant for an outfitter's or master guide's
17 license shall pass a standard examination administered by
18 the board or its agent, which examination shall require
19 general and sufficient knowledge displaying and indicating
20 ability to perform the services contemplated with efficiency
21 and with safety to the health and welfare of persons
22 employing such services. The examination shall test the
23 applicant's knowledge of subjects which shall apply to the
24 type of license applied for, ~~in-the-following-subjects:~~

25 ~~(1) federal and state fish and game laws and~~

1 regulations;

2 ~~(2) practical woodsmanship;~~

3 ~~(3) general knowledge of big game;~~

4 ~~(4) field preparation of trophies;~~

5 ~~(5) care of game meat;~~

6 ~~(6) use of outfitter's gear as listed on the~~
7 ~~application;~~

8 ~~(7) knowledge of area and terrain;~~

9 ~~(8) knowledge of firearms;~~

10 ~~(9) federal and state regulations as applicable to~~
11 ~~outfitting;~~

12 ~~(10) first aid;~~

13 ~~(11) boat safety;~~

14 ~~(12) water safety;~~

15 ~~(13) care and safety of livestock.~~

16 (2) A person may not hold more than one Montana
17 outfitter's license, nor may a person hold an outfitter's
18 license for more than one corporation, proprietorship, or
19 partnership."

20 **Section 9.** Section 37-47-307, MCA, is amended to read:

21 **"37-47-307. (Temporary) Investigation of applicant --**
22 **issuance or denial of license. (1) The board shall**
23 **investigate each applicant for an outfitter's, master**
24 **guide's, or professional guide's license and determine his**
25 **qualifications.**

1 (2) The board may deny or refuse to issue any new
 2 license or to renew any previous license if the applicant
 3 does not meet the qualifications herein stated. In the event
 4 that any application for license is denied or refused, the
 5 board shall immediately notify the applicant, setting forth
 6 in the notice the grounds upon which the denial or refusal
 7 is based.

8 (3) Final decision as to issuance of renewal licenses
 9 shall be made not later than 30 days from the date of
 10 receipt of the completed application for renewal and not
 11 later than 90 days from the date of receipt of a completed
 12 application for a new license.

13 (4) A licensee in good standing is entitled to a new
 14 license for the ensuing license year upon complying with the
 15 provisions of this chapter, completing an application for
 16 license renewal on a form provided by the board, and payment
 17 of the renewal fee, but is exempt from having to retake the
 18 written examination.

19 (5) An outfitter licensee must make an application for
 20 license renewal by January 1 of the license year. A penalty
 21 fee of \$50 will be charged in addition to the regular
 22 resident or nonresident outfitter's license fee if the
 23 application for such license is not completed and made by
 24 January 1 of the license year. This subsection does not
 25 apply to a new applicant for an outfitter's license.

1 37-47-307. (Effective July 1, 1991) Investigation of
 2 applicant -- issuance or denial of license. (1) The director
 3 in his discretion may cause to be made such additional
 4 investigation and inquiry relative to the applicant for
 5 outfitter's, master guide's, or professional guide's license
 6 and an applicant's qualifications as he considers advisable.

7 (2) The director may deny or refuse to issue any new
 8 license or to renew any previous license if, in his opinion,
 9 the applicant does not meet the qualifications herein
 10 stated. In the event that any application for license is
 11 denied or refused, the director shall immediately notify the
 12 applicant, setting forth in the notice the grounds upon
 13 which the denial or refusal is based.

14 (3) Final decision as to issuance of renewal licenses
 15 shall be made not later than 30 days from the date of
 16 receipt of the completed application for renewal and not
 17 later than 90 days from the date of receipt of a completed
 18 application for a new license.

19 (4) A licensee in good standing is entitled to a new
 20 license for the ensuing license year upon complying with the
 21 provisions of this part and completing an application for
 22 license renewal on a form provided by the department but is
 23 exempt from having to retake the written examination.

24 (5) An outfitter licensee must make an application for
 25 license renewal by January 1 of the license year. A penalty

1 fee of \$50 will be charged in addition to the regular
2 resident or nonresident outfitter's license fee if the
3 application for such license is not completed and made by
4 January 1 of the license year. This subsection does not
5 apply to a new applicant for an outfitter's license."

6 **Section 10.** Section 37-47-308, MCA, is amended to read:

7 "~~37-47-308. Kinds of licenses. (1) After receipt of the~~
8 ~~application--and--when~~ When all the conditions and
9 ~~requirements of this part licensure~~ have been satisfied, the
10 board shall issue ~~either--of--the--following--licenses,~~
11 ~~depending upon its determination of the applicant's ability~~
12 ~~and the service that the applicant can perform with the~~
13 ~~equipment listed on his application:~~

14 ~~(a) a general license authorizing him to perform all~~
15 ~~the functions of an outfitter as that term is defined in~~
16 ~~37-47-101; or~~

17 ~~(b) a special license authorizing him to perform only~~
18 ~~the function of outfitting listed on the license~~ a license
19 stating the outfitter functions that the applicant is
20 qualified and approved to perform.

21 (2) The license shall be in the form prescribed and
22 shall be valid for the licensing year in which issued.

23 (3) If the application is denied, the board shall
24 notify the applicant in writing of the reasons for the
25 denial, and if the reasons are corrected, a license shall be

1 issued upon reapplication thereof."

2 **Section 11.** Section 37-47-309, MCA, is amended to read:

3 "~~37-47-309. Professional and master guide's license.~~

4 (1) For the purposes of this part, a person may serve as a
5 professional guide or master guide under an outfitter's
6 license, after submitting his application with the proper
7 license fee, until the license is issued or denied.

8 (2) To be valid, a professional guide's or master
9 guide's license must bear the signature and outfitter's
10 license number of the endorsing outfitter and is valid only
11 while the holder of such license is employed or retained as
12 an independent contractor by the endorsing outfitter."

13 **Section 12.** Section 37-47-310, MCA, is amended to read:

14 "~~37-47-310. Transfer or amendment of outfitter's~~
15 ~~license. (1) No outfitter's license may be transferred~~
16 ~~during any license year.~~

17 (2) An individual person may, upon proper showing, have
18 his outfitter's license amended to indicate that he is
19 holding the license for the use and benefit of a named
20 partnership, proprietorship, or corporation.

21 (3) Subject to approval by the board, the immediate
22 members of the family of a deceased licensed outfitter may
23 continue to outfit for the deceased outfitter's unexpired
24 license year or until the heirs or personal representative
25 of the estate sells the outfitting business or obtains

1 relicensure therefor of the business."

2 **NEW SECTION. Section 13. Administrative penalty.** After
3 following the procedures prescribed in 37-47-342 and
4 37-47-343, the board may assess an administrative penalty
5 not to exceed \$500 for each violation of this chapter or a
6 rule adopted under this chapter.

7 **Section 14.** Section 37-47-341, MCA, is amended to read:

8 "37-47-341. Grounds for suspension or revocation of
9 license. Every license or right to apply for and hold such
10 the license may be suspended or revoked upon any of the
11 following grounds:

12 (1) having ceased to meet all of the qualifications for
13 holding a license;

14 (2) fraud or deception in procuring a license;

15 (3) fraudulent, untruthful, or misleading advertising;

16 (4) having pleaded guilty to or been adjudged by a
17 court guilty of a felony, including a case in which the
18 sentence is suspended or imposition of the sentence is
19 deferred, unless civil rights have been restored pursuant to
20 law;

21 (5) two convictions or bond forfeitures of \$100 or more
22 as to violations of the fish and game or outfitting laws or
23 regulations of the state of Montana, any other state, or of
24 the United States within the past 5 years;

25 (6) a substantial breach of any contract with any

1 person utilizing the services of the license holder provided
2 that such the breach is established as a matter of final
3 judgment in a court of law;

4 (7) the willful employment of or contracting with an
5 unlicensed professional guide by an outfitter;

6 (8) negligence or ~~misconduct~~ while acting as an
7 outfitter; ~~or professional guide that causes an accident or~~
8 ~~injury to person or property of any client of such outfitter~~
9 ~~or professional guide~~

10 (9) a violation of this chapter or rules adopted under
11 this chapter."

12 **Section 15.** Section 37-47-343, MCA, is amended to read:

13 "37-47-343. Appeal procedure. Any person who feels
14 aggrieved by the denial of issuance of a license or
15 suspension or revocation of a license as an outfitter,
16 master guide, or professional guide may appeal to the
17 district court of the county of his residence within 30 days
18 after the date of such the action by filing with the clerk
19 of said the court a notice of appeal briefly setting forth
20 the action complained of and appealed from. Summons and copy
21 of the notice of appeal shall must be served on the board,
22 and all proceedings shall must conform to the code of civil
23 procedure of the state of Montana. Upon such appeal, the
24 action shall must be by trial de novo, and upon demand in
25 writing, either party shall be is entitled to trial by jury.

1 The court may sustain or reverse the action of the board or
 2 take such other action as the court may deem considers just
 3 and proper. If the board or the court has ordered a stay of
 4 any revocation or suspension and the board's revocation or
 5 suspension is thereafter sustained by the court, the period
 6 of suspension or revocation ~~shall--begin~~ begins with the
 7 first day after the court's action sustaining the decision
 8 of the board."

9 **Section 16.** Section 37-47-344, MCA, is amended to read:

10 "**37-47-344. Penalties -- disposition of fines --**
 11 reimbursement. (1) ~~A--person-who-violates-any-provision-of~~
 12 ~~this-chapter-or-rule-adopted-under-this-chapter-is-guilty-of~~
 13 ~~a-misdemeanor-and-is-punishable--by--a--fine--not--exceeding~~
 14 ~~\$500.~~

15 ~~(2)~~ A person who represents himself as an outfitter or
 16 purposely engages in outfitting without a license as
 17 required by this chapter is ~~guilty-of-a-misdemeanor-and-is~~
 18 ~~punishable by a fine of not less than \$200-and-not-more-than~~
 19 ~~\$500 or up to 6 weeks in the county jail, or both.~~ In
 20 addition, the person must be assessed and pay to the board
 21 the amount of all costs incurred by the board or other
 22 investigating agency in investigating and preparing the case
 23 for trial.

24 ~~(3)~~(2) ~~Fifty--percent--of--all~~ All fines paid under this
 25 section must be deposited in the general fund of the county

1 in which the conviction is obtained, ~~--and--50%--must-be~~
 2 ~~deposited-in-the-state-special-revenue-fund-for-the--use--of~~
 3 ~~the-board-in-enforcing-this-chapter.~~

4 (3) Upon conviction, a violator shall reimburse to the
 5 person to whom he illegally provided outfitter services the
 6 fair market value of the services illegally provided based
 7 on the fees charged for similar services by a licensed
 8 outfitter."

9 **Section 17.** Section 37-47-402, MCA, is amended to read:

10 "**37-47-402. Duties of outfitters and guides.** An
 11 outfitter or guide offering professional services in this
 12 state shall:

13 (1) act as would a reasonably prudent member of his
 14 respective profession while engaging in providing the
 15 services authorized to be performed by a licensed member of
 16 his profession;

17 (2) comply with all standards adopted by rule by the
 18 department-of-fish, wildlife, and parks board."

19 **Section 18.** Section 37-47-403, MCA, is amended to read:

20 "**37-47-403. Duties of participants.** (1) A participant
 21 shall:

22 (a) act as would a reasonably prudent person when
 23 engaging in the activities offered by a licensed outfitter
 24 or guide in this state;

25 (b) receive permission from the outfitter or guide

1 prior to embarking on any self-initiated activity and inform
2 the outfitter or guide of his plans and intentions upon
3 receiving permission to engage in such self-initiated
4 activity; and

5 (c) accept personal responsibility for risks that occur
6 in activities that have inherent risks, including hunting,
7 fishing, use of livestock, boating, vehicular
8 transportation, and associated activities.

9 (2) A participant may not:

10 (a) interfere with the running or operation of an
11 outfitter's or guide's activities when such activities
12 conform to the standards of care set forth in 37-47-402;

13 (b) use the outfitter's or guide's equipment,
14 facilities, or services unless the participant has requested
15 and received permission from the outfitter or guide;

16 (c) knowingly, purposely, or negligently engage in any
17 type of conduct that contributes to or causes injury to
18 himself or any other person."

19 **Section 19.** Section 37-47-404, MCA, is amended to read:

20 "37-47-404. **Responsibility for violations of law.** (1)
21 Any person accompanying a hunting or fishing party as an
22 outfitter or agent or employee of ~~such the~~ outfitter ~~shall~~
23 ~~be is~~ equally responsible with any person or party employing
24 him as an outfitter for any violation of fish and game
25 laws. ~~any--such~~ An outfitter or employee of ~~such the~~

1 outfitter who ~~shall~~ willfully ~~fail~~ fails to or ~~refuse~~
2 refuses to report any violation of fish and game laws ~~shall~~
3 ~~be is~~ liable to the penalties as herein provided. If any
4 master guide or professional guide commits any violation of
5 the laws or applicable regulations relating to fish and
6 game, outfitting, or guiding with actual or implied
7 knowledge of an outfitter then employing ~~such the~~ guide, the
8 outfitter is legally responsible for ~~such the~~ violation for
9 all purposes under the laws or regulations if the outfitter
10 fails to report any ~~such~~ violation to proper authority.

11 (2) An outfitter, master guide, or professional guide
12 shall report any violation or suspected violation of fish
13 and game laws of which he has or reasonably should have
14 knowledge that has been committed by his employees, agents,
15 representatives, clients, or participants in the outfitting
16 activity. The violation or suspected violation must be
17 reported at the earliest possible opportunity.

18 ~~(2)(3)~~ No person may hire or retain any outfitter,
19 master guide, or professional guide unless the outfitter,
20 master guide, or professional guide is currently licensed in
21 accordance with the laws of the state of Montana."

22 NEW SECTION. Section 20. Executive director --
23 qualifications -- duties. (1) The department shall hire an
24 executive director to assist the board in the discharge of
25 its duties under this chapter.

- 1 (2) The executive director must:
- 2 (a) be a citizen of the United States and a resident of
- 3 Montana;
- 4 (b) have knowledge of outfitting and guiding; and
- 5 (c) have not less than 2 years of experience in
- 6 administrative work.
- 7 (3) The duties of the executive director include:
- 8 (a) processing applications for licensure under this
- 9 chapter;
- 10 (b) processing operation plans and changes in operation
- 11 plans required under this chapter;
- 12 (c) compiling information and investigative reports for
- 13 submission to the board regarding complaints filed pursuant
- 14 to this chapter;
- 15 (d) coordinating investigation and enforcement
- 16 activities; and
- 17 (e) assisting the board in implementing statutes
- 18 applicable to outfitters and guides and any rules adopted by
- 19 the board.

20 NEW SECTION. Section 21. Coordination. If House Bill
 21 No. 149, making permanent the administrative authority of
 22 the board of outfitters, is not passed and approved:

- 23 (1) wherever the word "board" appears in [sections 4
- 24 through 8 and 10 through 19 of this act], the word is
- 25 changed to "department"; and

- 1 (2) [section 20 of this act] is void.
- 2 NEW SECTION. Section 22. Codification instruction.
- 3 [Sections 13 and 20] are intended to be codified as an
- 4 integral part of Title 37, chapter 47, part 3, and the
- 5 provisions of Title 37, chapter 47, part 3, apply to
- 6 [sections 13 and 20].
- 7 NEW SECTION. Section 23. Effective date. [This act] is
- 8 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB1002, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to generally revise the laws relating to outfitters and guides; establishing master guide as a licensed profession; establishing qualifications and licensing criteria for a master guide; providing for hiring of an executive director for the Board of Outfitters; providing an administrative penalty for a violation of outfitter laws and revising other penalties.

ASSUMPTIONS:

1. A 1.00 FTE (grade 16) executive director will be hired.
2. Additional office space will be needed at an annual cost of approximately \$6.00 per square foot. Office equipment and furniture will cost approximately \$4,926 in FY92.
3. The reporting requirements contained in the proposed legislation will increase the number of violations per year. The program anticipates an additional 80 cases per year will need investigation and/or board review.
4. The Board of Outfitters will meet an additional two days per year to handle the additional responsibilities contained in the proposed legislation.
5. The Professional and Occupational Licensing Bureau (POL Bureau) will collect license fees and process the adoption of rules, applications and licenses, examinations, registry of licensees, administrative support for disciplinary procedures, and board meetings. These additional services will require an additional 0.75 FTE in the POL Bureau. Administrative overhead charges for the above services must be reflected in the POL Bureau budget.
6. The Board of Outfitters issues approximately 650 licenses per year. The additional services contained in the proposed legislation will increase license fees \$100 per year.
7. Current law represents the budget recommendation contained in HB0002 for the Board of Outfitters, Dept. of Commerce during the 1993 biennium.

FISCAL IMPACT:

Board of Outfitters:

Expenditures:


	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0	1.00	1.00	0	1.00	1.00
Personal Services	7,180	39,988	32,808	7,180	40,068	32,888
Operating Costs	112,329	138,888	26,559	112,025	136,236	24,211
Equipment	0	4,926	4,926	0	0	0
Total	119,509	183,802	64,293	119,205	176,304	57,099

Funding:

State Special	119,509	183,802	64,293	119,205	176,304	57,099
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Revenues:

Board Fees (02)	125,350	190,350	65,000	125,350	190,350	65,000
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 _____ 3-22-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 _____ 3/22/91
 ORVAL S. ELLISON, PRIMARY SPONSOR DATE

APPROVED BY COMM.
ON FISH AND GAME

HOUSE BILL NO. 1002

INTRODUCED BY ELLISON, HARPER, SPRING,
R. DEBRUYCKER, STRIZICH, J. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO OUTFITTERS AND GUIDES; ESTABLISHING MASTER GUIDE AS A LICENSED PROFESSION; ESTABLISHING QUALIFICATIONS AND LICENSING CRITERIA FOR A MASTER GUIDE; PROVIDING FOR HIRING OF AN EXECUTIVE DIRECTOR FOR THE BOARD OF OUTFITTERS; PROVIDING AN ADMINISTRATIVE PENALTY FOR A VIOLATION OF OUTFITTER LAWS AND REVISING OTHER PENALTIES; AMENDING SECTIONS 37-47-101, 37-47-102, 37-47-201, 37-47-301, 37-47-302, 37-47-303, 37-47-304, 37-47-305, 37-47-307, 37-47-308, 37-47-309, 37-47-310, 37-47-341, 37-47-343, 37-47-344, 37-47-402, 37-47-403, AND 37-47-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"37-47-101. (Temporary) Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Board" means the board of outfitters provided for in 2-15-1883.

(2) "Department" means the department of commerce

provided for in Title 2, chapter 15, part 18.

(3) "License year" means that period commencing January 1 and ending December 31 of the same year.

(4) "Master guide" means a person who personally furnishes guiding services and equipment and who is retained by a licensed outfitter to provide services for that outfitter's clients.

(5) "Nonresident" means a person other than a resident.

(6) "Outfitter" means any natural person, except a natural person providing services on real property that he resides-on-and owns for the primary pursuit of bona fide agricultural interests, who:

(a) engages in the business of outfitting for hunting or fishing parties, as the term is commonly understood;

(b) for consideration provides any saddle or pack animal or personal service for hunting or fishing parties or camping equipment, vehicles, or other conveyance, except boats, for any person to hunt, trap, capture, take, or kill any game and accompanies such a party or person on an expedition for any of these purposes;

(c) for consideration furnishes a boat or other floating craft and accompanies any person for the purpose of catching fish; or

(d) for consideration provides transportation, lodging,



1 equipment, or livestock and aids, or assists, or accompanies
 2 any person in locating or pursuing or transporting any game
 3 animal, game bird, or game fish.

4 {6}{7} "Professional guide" and "guide" mean a person:

5 (a) who is an employee of an outfitter and who
 6 furnishes only personal guiding services in assisting a
 7 person to hunt or take game animals or fish and who does not
 8 furnish any facilities, transportation, or equipment, except
 9 an employee who furnishes float fishing services may furnish
 10 his own vessel; or

11 (b) who has contracted independently with an outfitter
 12 and who furnishes personal guiding services and facilities,
 13 transportation, or equipment that he owns in assisting a
 14 person to hunt or take game birds or fish. A HUNTING guide
 15 who provides independent contractor services to an outfitter
 16 may not provide facilities, equipment, or services for
 17 overnight use.

18 {7}{8} "Resident" means a person who qualifies for a
 19 resident Montana hunting or fishing license under 87-2-102.

20 {8}{9} "Participant" means a person using the services
 21 offered by a licensed outfitter or professional guide.

22 37-47-101. (Effective July 1, 1991) Definitions. As
 23 used in this part, unless the context requires otherwise,
 24 the following definitions apply:

25 (1) "License year" means that period commencing January

1 and ending December 31 of the same year.

2 {2} "Master guide" means a person who personally
 3 furnishes guiding services and equipment and who is retained
 4 by a licensed outfitter to provide services for that
 5 outfitter's clients.

6 {2}{3} "Nonresident" means a person other than a
 7 resident.

8 {3}{4} "Outfitter" means any natural person, except a
 9 natural person providing services on real property that he
 10 resides on and owns for the primary pursuit of bona fide
 11 agricultural interests, who:

12 {a} ~~engages in the business of outfitting for hunting~~
 13 ~~or fishing parties, as the term is commonly understood;~~

14 {b} ~~for consideration provides any saddle or pack~~
 15 ~~animal or personal service for hunting or fishing parties or~~
 16 ~~camping equipment, vehicles, or other conveyance, except~~
 17 ~~boats, for any person to hunt, trap, capture, take, or kill~~
 18 ~~any game and accompanies such a party or person on an~~
 19 ~~expedition for any of these purposes;~~

20 {c} ~~for consideration furnishes a boat or other~~
 21 ~~floating craft and accompanies any person for the purpose of~~
 22 ~~catching fish; or~~

23 {d} for consideration provides transportation, lodging,
 24 equipment, or livestock and aids, or assists, or accompanies
 25 any person in locating or pursuing or transporting any game

1 animal, game bird, or game fish.

2 †4†(5) "Outfitters' council" means the Montana
3 outfitters' council provided for in 2-15-1883.

4 †5†(6) "Professional guide" and "guide" mean a person:

5 (a) who is an employee of an outfitter and who
6 furnishes only personal guiding services in assisting a
7 person to hunt or take game animals or fish and who does not
8 furnish any facilities, transportation, or equipment, except
9 an employee who furnishes float fishing services may furnish
10 his own vessel; or

11 (b) who has contracted independently with an outfitter
12 and who furnishes personal guiding services and facilities,
13 transportation, or equipment in assisting a person to hunt
14 or take game animals or fish.

15 †6†(7) "Resident" means a person who qualifies for a
16 resident Montana hunting or fishing license under 87-2-102.

17 †7†(8) "Participant" means a person using the services
18 offered by a license outfitter or professional guide."

19 **Section 2.** Section 37-47-102, MCA, is amended to read:

20 "37-47-102. (Temporary) Determination of what
21 constitutes consideration. The providing of the services,
22 property, or equipment mentioned in 37-47-101†5†(6) or the
23 advertising of services to assist persons to hunt, pursue,
24 or take wildlife or to fish shall be presumed to have been
25 for consideration for the purposes of this chapter.

1 37-47-102. (Effective July 1, 1991) Determination of
2 what constitutes consideration. The providing of the
3 services, property, or equipment mentioned in
4 37-47-101†3†(4) or the advertising of services to assist
5 persons to hunt, pursue, or take wildlife or to fish shall
6 be presumed to have been for consideration for the purposes
7 of this part."

8 **Section 3.** Section 37-47-201, MCA, is amended to read:

9 "37-47-201. (Temporary) Powers and duties of board
10 relating to outfitters and guides. The board shall:

11 (1) prepare and publish an information pamphlet which
12 contains the names and addresses of all licensed outfitters.
13 This pamphlet shall be available for free distribution as
14 early as possible during each calendar year but not later
15 than the second Friday in March. The pamphlet shall contain
16 the names and addresses of only those outfitters who have a
17 valid license for the current license year.

18 (2) cooperate with the federal government in matters of
19 mutual concern regarding the business of outfitting and
20 guiding in Montana;

21 (3) enforce the provisions of this chapter and rules
22 adopted pursuant to this chapter;

23 (4) establish outfitter standards and professional
24 guide standards;

25 (5) adopt:

1 (a) rules of procedure;

2 (b) rules to administer and enforce this chapter,

3 including but not limited to rules prescribing all requisite

4 qualifications for licensure. These qualifications must

5 include training, experience, knowledge of rules of

6 governmental bodies pertaining to outfitting, and condition

7 and type of gear and equipment; and

8 (c) any reasonable rules, not in conflict with this

9 chapter, necessary for safeguarding the health, safety, and

10 welfare of those persons using the services of outfitters

11 and for the protection of landowners, employees, agents,

12 representatives, and the general public; and

13 (d) rules to develop a procedure for determining areas

14 where additional outfitter use should or should not be

15 approved by the board when a state or federal agency limits

16 or proposes to limit use of an area or river;

17 (6) hold hearings and proceedings to suspend or revoke

18 licenses of outfitters and professional guides for due

19 cause.

20 37-47-201. (Effective July 1, 1991) Powers and duties

21 of department relating to outfitters and guides. The

22 department shall:

23 (1) prepare and publish an information pamphlet which

24 contains the names and addresses of all licensed outfitters.

25 This pamphlet shall be available for free distribution as

1 early as possible during each calendar year but not later

2 than the second Friday in March. The pamphlet shall contain

3 the names and addresses of only those outfitters who have a

4 valid license for the current license year. The costs of

5 publication of the pamphlet shall be paid from the state

6 special revenue fund, fish and game account.

7 (2) cooperate with the federal government through its

8 appropriate agencies or instrumentalities in matters of

9 mutual concern regarding the business of outfitting and

10 guiding in Montana;

11 (3) establish a minimum of two meetings annually with

12 the outfitters' council;

13 (4) consult with the outfitters' council to develop

14 policy concerning the administration of outfitting,

15 including a policy for determining areas where outfitter use

16 should or should not be approved when a state or federal

17 agency limits or proposes to limit use of an area or river;

18 (5) designate a warden with no conflict of interest

19 whose primary duties are to administer outfitting and

20 guiding laws and regulations;

21 (6) when the commission determines it necessary to

22 protect the fishing resource, public health, public safety,

23 or public welfare, establish and regulate a moratorium on

24 either or both the Madison River or Big Hole River, the

25 issuance of outfitter licenses for the purpose of float

1 fishing ~~as defined in 37-47-101(3)(c)~~ except that those
 2 fishing outfitters licensed in 1980 may receive renewal
 3 licenses, if qualified. The total number of professional
 4 guide licenses endorsed by fishing outfitters under a
 5 moratorium may not be less than the total number issued in
 6 1980."

7 **Section 4.** Section 37-47-301, MCA, is amended to read:

8 "37-47-301. License required -- services performed --
 9 standards. (1) No person may act as an outfitter or
 10 professional guide or advertise as an outfitter without
 11 first securing a license in accordance with the provisions
 12 of this part.

13 (2) Whenever an outfitter is engaged by any person, the
 14 outfitter shall keep and submit records as required by the
 15 department board.

16 (3) Outfitters, ~~professional guides,~~ and their
 17 employees may not shoot, kill, or take big game animals for
 18 ~~or in competition with those employing them~~ while acting
 19 ~~under employment as outfitters or professional guides~~
 20 providing guiding services for clients.

21 (4) Outfitters utilizing lands under the control of the
 22 United States government shall obtain the proper permits
 23 required by the government office responsible for the area
 24 in which the outfitter intends to operate and shall comply
 25 with environmental protection standards established for

1 these lands.

2 (5) An outfitter may not willfully and substantially
 3 misrepresent his facilities, prices, equipment, services, or
 4 hunting or fishing opportunities.

5 (6) Outfitters and their employees, agents, and
 6 representatives shall take every reasonable measure to
 7 provide their advertised services to their clients.

8 (7) A master guide or professional guide may not
 9 advertise or in any way offer services to clients except on
 10 behalf of the outfitter who employs or otherwise retains
 11 him."

12 **Section 5.** Section 37-47-302, MCA, is amended to read:

13 "37-47-302. Outfitter's qualifications. Each applicant
 14 for and holder of an outfitter's license or any renewal
 15 thereof shall meet the following qualifications:

16 (1) be a person of at least 18 years of age who is
 17 physically capable and mentally competent to perform his
 18 duties as an outfitter;

19 (2) own or hold under written lease or represent a
 20 company, corporation, or partnership who owns or holds under
 21 written lease the equipment and facilities as are necessary
 22 to provide the services advertised, contracted for, or
 23 agreed upon between the outfitter and his clients (all
 24 equipment and facilities shall be subject to inspection at
 25 all reasonable times and places by the board or its

1 designated agent);

2 (3) be a person who has demonstrated a respect for and
3 compliance with the laws of any state or of the United
4 States and all rules promulgated thereunder as to matters of
5 fish and game, conservation of natural resources, and
6 preservation of the natural ecosystem without pollution
7 thereof;

8 (4) have not been convicted or forfeited bond of \$100
9 or more on more than one violation of the fish and game laws
10 or applicable regulations of any state or the United States
11 within the past 5 years;

12 (5) have not, at any time, practiced fraud, deception,
13 or ~~material~~ misrepresentation in procuring any previous
14 outfitter's, master guide's, or professional guide's ~~7-er~~
15 ~~conservation~~ license from the state of Montana;

16 (6) have not, at any time, promulgated any false or
17 misleading advertising relating to the business of
18 outfitting;

19 (7) have not been finally adjudged by a court of law
20 guilty of any substantial breach of written or oral contract
21 with any person utilizing the applicant's services as an
22 outfitter, master guide, or professional guide during the
23 ~~license--year--immediately~~ 2 years preceding that for which
24 the application is made;

25 (8) have not committed any negligent act or misconduct

1 while acting as an outfitter, master guide, or professional
2 guide that caused a danger or unreasonable risk of danger to
3 person or property of any client of ~~such the~~ outfitter,
4 master guide, or professional guide during the license year
5 immediately preceding that for which the application is
6 made;

7 (9) have not, at any time, pleaded guilty to or been
8 adjudged by a court guilty of a felony, unless civil rights
9 have been restored pursuant to law. No person may apply for
10 or hold an outfitter's license during any period of time in
11 which a sentence has been deferred or suspended for a
12 felony.

13 (10) have substantially complied with all board
14 regulations and state and federal laws concerning
15 outfitters, master guides, and professional guides, ~~--if--the~~
16 ~~applicant--has--previously-held-a-license-as-an-outfitter-or~~
17 ~~professional-guide."~~

18 **Section 6.** Section 37-47-303, MCA, is amended to read:

19 **"37-47-303. Professional guide's and master guide's**
20 **qualifications.** (1) An applicant for a professional guide's
21 or master guide's license shall meet the following
22 requirements:

23 (a) be a person of at least 18 years of age who is
24 physically capable and mentally competent to perform his
25 duties as a professional guide or master guide;

1 (b) be endorsed and recommended by an outfitter with a
2 valid license;

3 (c) have not been convicted or forfeited bond of \$100
4 or more on more than one violation of the fish and game laws
5 or applicable regulations of the state of Montana or the
6 United States within the past 5 years;

7 (d) have not committed any gross negligent act or
8 misconduct while acting as a guide that caused an accident
9 or injury to person or property of any client of an
10 outfitter during the license year immediately preceding that
11 for which the application is made;

12 (e) have not, at any time, pleaded guilty to or been
13 adjudged by a court guilty of a felony, unless civil rights
14 have been restored pursuant to law. No person may apply for
15 or hold a professional guide's license during any period of
16 time in which a sentence has been deferred or suspended for
17 a felony.

18 (2) ~~A professional guide shall have been issued a valid~~
19 ~~wildlife conservation license.~~ In addition to the
20 qualifications set out in subsection (1), a master guide
21 must also have successfully passed a standard examination
22 administered by the board."

23 **Section 7.** Section 37-47-304, MCA, is amended to read:

24 "37-47-304. **Application.** (1) ~~Each applicant~~ Application
25 for an outfitter's or professional guide's license shall

1 ~~make application for license upon~~ must be on a form to be
2 ~~prescribed and furnished~~ provided by the board ~~which shall~~
3 ~~and must be accompanied by the required fee.~~ The completed
4 form must include:

5 (a) the applicant's full name, residence, address,
6 conservation license number, driver's license number, birth
7 date, physical description, and telephone number;

8 (b) the address of his principal place of business in
9 the state of Montana;

10 (c) the amount and kind of property and equipment owned
11 and used in the outfitting business of the applicant;

12 (d) the experience of the applicant, including years of
13 experience as an outfitter or professional guide, knowledge
14 of areas in which he has operated and intends to operate,
15 and ability to cope with weather conditions and terrain;

16 ~~{e} a signed statement of the licensed outfitter by~~
17 ~~whom the professional guide is to be employed or retained as~~
18 ~~an independent contractor that the professional guide is in~~
19 ~~fact to be employed or retained as an independent contractor~~
20 ~~by such outfitter and stating that the outfitter recommends~~
21 ~~the applicant for his qualifications;~~

22 ~~{f}~~(e) an affidavit by the outfitter applicant to the
23 board that the equipment listed on the application is in
24 fact owned or leased by the applicant, is in good operating
25 condition, and is sufficient and satisfactory for the

1 services advertised or contemplated to be performed by such
2 applicant;

3 ~~(g)~~(f) a statement of the maximum number of guests to
4 be taken at any one time;

5 ~~(h)~~(g) the written approval of the appropriate agency
6 or landowner on whose lands he will establish hunting camps.

7 (2) The application must be in two parts, including:

8 (a) a license form that requires information the board
9 needs in order to determine the basic abilities and
10 qualifications of the applicant; and

11 (b) a form for an operations plan that requires
12 information the board needs in order to determine the
13 functions an applicant can perform, including:

14 (i) equipment available for use by clients;

15 (ii) number of clients that can be served with equipment
16 listed;

17 (iii) compatibility with the area used; and

18 (iv) verification of permission to use public or private
19 lands.

20 ~~(2)~~(3) Applications An application for an outfitter's
21 license shall must be in the name of an individual person
22 only. Applications involving corporations, proprietorships,
23 or partnerships shall must be made by one individual person
24 who qualifies under the provisions of this part; any license
25 issued pursuant ~~thereto--shall~~ to this part must be in the

1 name of that person; and the license shall specifically
2 state that the same is issued for the use and benefit of the
3 named corporation, proprietorship, or partnership involved.
4 Any revocation or suspension of such a license is binding
5 upon the individual person and the partnership or
6 corporation for the use and benefit of which the license was
7 originally issued.

8 ~~(3)~~(4) Application shall must be made to and filed with
9 the board.

10 ~~(4)~~(5) Only one application for an outfitter's, master
11 guide's, or professional guide's license may be made in any
12 one license year. If any application is denied, subsequent
13 applications by the same applicant for the license year
14 involved are void, except as provided in 37-47-308.

15 (6) Application for a professional guide's license must
16 be made on a form prescribed and furnished by the board and
17 must be accompanied by the required fee. The completed form
18 must contain statements signed by:

19 (a) the applicant stating that he meets all the
20 requirements of 37-47-303; and

21 (b) a licensed outfitter verifying that the guide is to
22 be retained by that outfitter and that the guide has the
23 proper experience, knowledge, and expertise to provide the
24 services for which he is being retained.

25 (7) Application for a master guide's license must be on

1 a form prescribed and furnished by the board and must be
2 accompanied by the required fee. The completed form must
3 contain:

4 (a) a statement signed by the applicant stating that he
5 meets all the requirements of 37-47-303;

6 (b) a statement of whether the master guide intends to
7 guide hunters, fishermen, or both;

8 (c) a list of equipment that the master guide intends
9 to use in his guiding operations; and

10 (d) a statement signed by a licensed outfitter
11 verifying that the master guide is to be retained by that
12 outfitter and that the master guide has the proper
13 experience, knowledge, and expertise to provide the services
14 for which he is being retained."

15 **Section 8.** Section 37-47-305, MCA, is amended to read:

16 **"37-47-305. Outfitter's and master guide's examination.**

17 (1) Each applicant for an outfitter's or master guide's
18 license shall pass a standard examination administered by
19 the board or its agent, which examination shall require
20 general and sufficient knowledge displaying and indicating
21 ability to perform the services contemplated with efficiency
22 and with safety to the health and welfare of persons
23 employing such services. The examination shall test the
24 applicant's knowledge of subjects which shall apply to the
25 type of license applied for, ~~in the following subjects:~~

1 ~~(1) federal and state fish and game laws and~~
2 ~~regulations;~~

3 ~~(2) practical woodsmanship;~~

4 ~~(3) general knowledge of big game;~~

5 ~~(4) field preparation of trophies;~~

6 ~~(5) care of game meat;~~

7 ~~(6) use of outfitter's gear as listed on the~~
8 ~~application;~~

9 ~~(7) knowledge of area and terrain;~~

10 ~~(8) knowledge of firearms;~~

11 ~~(9) federal and state regulations as applicable to~~
12 ~~outfitting;~~

13 ~~(10) first aid;~~

14 ~~(11) boat safety;~~

15 ~~(12) water safety;~~

16 ~~(13) care and safety of livestock;~~

17 (2) A person may not hold more than one Montana
18 outfitter's license, nor may a person hold an outfitter's
19 license for more than one corporation, proprietorship, or
20 partnership."

21 **Section 9.** Section 37-47-307, MCA, is amended to read:

22 **"37-47-307. (Temporary) Investigation of applicant --**
23 **issuance or denial of license. (1) The board shall**
24 **investigate each applicant for an outfitter's, master**
25 **guide's, or professional guide's license and determine his**

1 qualifications.

2 (2) The board may deny or refuse to issue any new
3 license or to renew any previous license if the applicant
4 does not meet the qualifications herein stated. In the event
5 that any application for license is denied or refused, the
6 board shall immediately notify the applicant, setting forth
7 in the notice the grounds upon which the denial or refusal
8 is based.

9 (3) Final decision as to issuance of renewal licenses
10 shall be made not later than 30 days from the date of
11 receipt of the completed application for renewal and not
12 later than 90 days from the date of receipt of a completed
13 application for a new license.

14 (4) A licensee in good standing is entitled to a new
15 license for the ensuing license year upon complying with the
16 provisions of this chapter, completing an application for
17 license renewal on a form provided by the board, and payment
18 of the renewal fee, but is exempt from having to retake the
19 written examination.

20 (5) An outfitter licensee must make an application for
21 license renewal by January 1 of the license year. A penalty
22 fee of \$50 will be charged in addition to the regular
23 resident or nonresident outfitter's license fee if the
24 application for such license is not completed and made by
25 January 1 of the license year. This subsection does not

1 apply to a new applicant for an outfitter's license.

2 37-47-307. (Effective July 1, 1991) Investigation of
3 applicant -- issuance or denial of license. (1) The director
4 in his discretion may cause to be made such additional
5 investigation and inquiry relative to the applicant for
6 outfitter's, master guide's, or professional guide's license
7 and an applicant's qualifications as he considers advisable.

8 (2) The director may deny or refuse to issue any new
9 license or to renew any previous license if, in his opinion,
10 the applicant does not meet the qualifications herein
11 stated. In the event that any application for license is
12 denied or refused, the director shall immediately notify the
13 applicant, setting forth in the notice the grounds upon
14 which the denial or refusal is based.

15 (3) Final decision as to issuance of renewal licenses
16 shall be made not later than 30 days from the date of
17 receipt of the completed application for renewal and not
18 later than 90 days from the date of receipt of a completed
19 application for a new license.

20 (4) A licensee in good standing is entitled to a new
21 license for the ensuing license year upon complying with the
22 provisions of this part and completing an application for
23 license renewal on a form provided by the department but is
24 exempt from having to retake the written examination.

25 (5) An outfitter licensee must make an application for

1 license renewal by January 1 of the license year. A penalty
 2 fee of \$50 will be charged in addition to the regular
 3 resident or nonresident outfitter's license fee if the
 4 application for such license is not completed and made by
 5 January 1 of the license year. This subsection does not
 6 apply to a new applicant for an outfitter's license."

7 **Section 10.** Section 37-47-308, MCA, is amended to read:

8 "~~37-47-308. Kinds of licenses. (1) After receipt of the~~
 9 ~~application---and---when~~ When all the conditions and
 10 ~~requirements of this part licensure~~ have been satisfied, the
 11 board shall issue ~~either--of--the---following---licenses,~~
 12 ~~depending--upon-its-determination-of-the-applicant's-ability~~
 13 ~~and-the-service-that-the--applicant--can--perform--with--the~~
 14 ~~equipment-listed-on-his-application:~~

15 ~~(a)--a--general--license--authorizing-him-to-perform-all~~
 16 ~~the-functions-of-an-outfitter-as-that--term--is--defined--in~~
 17 ~~37-47-101; or~~

18 ~~(b)--a--special--license-authorizing-him-to-perform-only~~
 19 ~~the-function-of-outfitting-listed-on-the-license~~ a license
 20 stating the outfitter functions that the applicant is
 21 qualified and approved to perform.

22 (2) The license shall be in the form prescribed and
 23 shall be valid for the licensing year in which issued.

24 (3) If the application is denied, the board shall
 25 notify the applicant in writing of the reasons for the

1 denial, and if the reasons are corrected, a license shall be
 2 issued upon reapplication thereof."

3 **Section 11.** Section 37-47-309, MCA, is amended to read:

4 "~~37-47-309. Professional and master guide's license.~~

5 (1) For the purposes of this part, a person may serve as a
 6 professional guide or master guide under an outfitter's
 7 license, after submitting his application with the proper
 8 license fee, until the license is issued or denied.

9 (2) To be valid, a professional guide's or master
 10 guide's license must bear the signature and outfitter's
 11 license number of the endorsing outfitter and is valid only
 12 while the holder of such license is employed or retained as
 13 an independent contractor by the endorsing outfitter."

14 **Section 12.** Section 37-47-310, MCA, is amended to read:

15 "~~37-47-310. Transfer or amendment of outfitter's~~
 16 ~~license. (1) No outfitter's license may be transferred~~
 17 ~~during any license year.~~

18 (2) An individual person may, upon proper showing, have
 19 his outfitter's license amended to indicate that he is
 20 holding the license for the use and benefit of a named
 21 partnership, proprietorship, or corporation.

22 (3) Subject to approval by the board, the immediate
 23 members of the family of a deceased licensed outfitter may
 24 continue to outfit for the deceased outfitter's unexpired
 25 license year or until the heirs or personal representative

1 of the estate sells the outfitting business or obtains
2 relicensure therefor of the business."

3 **NEW SECTION. Section 13. Administrative penalty.** After
4 following the procedures prescribed in 37-47-342 and
5 37-47-343, the board may assess an administrative penalty
6 not to exceed \$500 for each violation of this chapter or a
7 rule adopted under this chapter.

8 **Section 14.** Section 37-47-341, MCA, is amended to read:

9 "37-47-341. Grounds for suspension or revocation of
10 license. Every license or right to apply for and hold such
11 the license may be suspended or revoked upon any of the
12 following grounds:

- 13 (1) having ceased to meet all of the qualifications for
14 holding a license;
- 15 (2) fraud or deception in procuring a license;
- 16 (3) fraudulent, untruthful, or misleading advertising;
- 17 (4) having pleaded guilty to or been adjudged by a
18 court guilty of a felony, including a case in which the
19 sentence is suspended or imposition of the sentence is
20 deferred, unless civil rights have been restored pursuant to
21 law;
- 22 (5) two convictions or bond forfeitures of \$100 or more
23 as to violations of the fish and game or outfitting laws or
24 regulations of the state of Montana, any other state, or of
25 the United States within the past 5 years;

1 (6) a substantial breach of any contract with any
2 person utilizing the services of the license holder provided
3 that such the breach is established as a matter of final
4 judgment in a court of law;

5 (7) the willful employment of or contracting with an
6 unlicensed professional guide by an outfitter;

7 (8) negligence ~~or~~ ~~misconduct~~ while acting as an
8 outfitter; ~~or professional guide that causes an accident or~~
9 ~~injury to person or property of any client of such outfitter~~
10 ~~or professional guide~~

11 (9) a violation of this chapter or rules adopted under
12 this chapter."

13 **Section 15.** Section 37-47-343, MCA, is amended to read:

14 "37-47-343. Appeal procedure. Any person who feels
15 aggrieved by the denial of issuance of a license or
16 suspension or revocation of a license as an outfitter,
17 master guide, or professional guide may appeal to the
18 district court of the county of his residence within 30 days
19 after the date of such the action by filing with the clerk
20 of said the court a notice of appeal briefly setting forth
21 the action complained of and appealed from. Summons and copy
22 of the notice of appeal ~~shall~~ must be served on the board,
23 and all proceedings ~~shall~~ must conform to the code of civil
24 procedure of the state of Montana. Upon such appeal, the
25 action ~~shall~~ must be by trial de novo, and upon demand in

1 writing, either party shall be is entitled to trial by jury.
 2 The court may sustain or reverse the action of the board or
 3 take such other action as the court may ~~deem~~ considers just
 4 and proper. If the board or the court has ordered a stay of
 5 any revocation or suspension and the board's revocation or
 6 suspension is thereafter sustained by the court, the period
 7 of suspension or revocation shall ~~begin~~ begins with the
 8 first day after the court's action sustaining the decision
 9 of the board."

10 **Section 16.** Section 37-47-344, MCA, is amended to read:

11 ~~"37-47-344. Penalties -- disposition of fines --~~
 12 ~~reimbursement. (1) A person who violates any provision of~~
 13 ~~this chapter or rule adopted under this chapter is guilty of~~
 14 ~~a misdemeanor and is punishable by a fine not exceeding~~
 15 ~~\$500.~~

16 {2} A person who represents himself as an outfitter or
 17 purposely engages in outfitting without a license as
 18 required by this chapter is ~~guilty of a misdemeanor and is~~
 19 ~~punishable by a fine of not less than \$200 and not more than~~
 20 ~~\$500 or up to 6 weeks in the county jail, or both.~~ In
 21 addition, the person must be assessed and pay to the board
 22 the amount of all costs incurred by the board or other
 23 investigating agency in investigating and preparing the case
 24 for trial.

25 {3}{2} ~~Fifty percent of all~~ All fines paid under this

1 section must be deposited in the general fund of the county
 2 in which the conviction is obtained, ~~and 50% must be~~
 3 ~~deposited in the state special revenue fund for the use of~~
 4 ~~the board in enforcing this chapter.~~

5 (3) Upon conviction, a violator shall reimburse to the
 6 person to whom he illegally provided outfitter services the
 7 fair market value of the services illegally provided based
 8 on the fees charged for similar services by a licensed
 9 outfitter."

10 **Section 17.** Section 37-47-402, MCA, is amended to read:

11 "37-47-402. Duties of outfitters and guides. An
 12 outfitter or guide offering professional services in this
 13 state shall:

14 (1) act as would a reasonably prudent member of his
 15 respective profession while engaging in providing the
 16 services authorized to be performed by a licensed member of
 17 his profession;

18 (2) comply with all standards adopted by rule by the
 19 ~~department of fish, wildlife, and parks~~ board."

20 **Section 18.** Section 37-47-403, MCA, is amended to read:

21 "37-47-403. Duties of participants. (1) A participant
 22 shall:

23 (a) act as would a reasonably prudent person when
 24 engaging in the activities offered by a licensed outfitter
 25 or guide in this state;

1 (b) receive permission from the outfitter or guide
 2 prior to embarking on any self-initiated activity and inform
 3 the outfitter or guide of his plans and intentions upon
 4 receiving permission to engage in such self-initiated
 5 activity; and

6 (c) accept personal responsibility for risks that occur
 7 in activities that have inherent risks, including hunting,
 8 fishing, use of livestock, boating, vehicular
 9 transportation, and associated activities.

10 (2) A participant may not:

11 (a) interfere with the running or operation of an
 12 outfitter's or guide's activities when such activities
 13 conform to the standards of care set forth in 37-47-402;

14 (b) use the outfitter's or guide's equipment,
 15 facilities, or services unless the participant has requested
 16 and received permission from the outfitter or guide;

17 (c) knowingly, purposely, or negligently engage in any
 18 type of conduct that contributes to or causes injury to
 19 himself or any other person."

20 **Section 19.** Section 37-47-404, MCA, is amended to read:

21 **"37-47-404. Responsibility for violations of law.** (1)
 22 Any person accompanying a hunting or fishing party as an
 23 outfitter or agent or employee of such the outfitter ~~shall~~
 24 be is equally responsible with any person or party employing
 25 him as an outfitter for any violation of fish and game

1 laws; ~~any--such~~ An outfitter or employee of such the
 2 outfitter who ~~shall~~ willfully ~~fail~~ fails to or refuse
 3 refuses to report any violation of fish and game laws ~~shall~~
 4 be is liable to the penalties as herein provided. If any
 5 master guide or professional guide commits any violation of
 6 the laws or applicable regulations relating to fish and
 7 game, outfitting, or guiding with actual or implied
 8 knowledge of an outfitter then employing such the guide, the
 9 outfitter is legally responsible for such the violation for
 10 all purposes under the laws or regulations if the outfitter
 11 fails to report any such violation to proper authority.

12 (2) An outfitter, master guide, or professional guide
 13 shall report any violation or suspected violation of fish
 14 and game laws of which he has or reasonably should have
 15 knowledge that has been committed by his employees, agents,
 16 representatives, clients, or participants in the outfitting
 17 activity. The violation or suspected violation must be
 18 reported at the earliest possible opportunity.

19 ~~(2)(3)~~ (3) No person may hire or retain any outfitter,
 20 master guide, or professional guide unless the outfitter,
 21 master guide, or professional guide is currently licensed in
 22 accordance with the laws of the state of Montana."

23 **NEW SECTION. Section 20.** Executive director --
 24 **qualifications -- duties.** (1) The department shall hire an
 25 executive director to assist the board in the discharge of

1 its duties under this chapter.

2 (2) The executive director must:

3 (a) be a citizen of the United States and a resident of
4 Montana;

5 (b) have knowledge of outfitting and guiding; and

6 (c) have not less than 2 years of experience in
7 administrative work.

8 (3) The duties of the executive director include:

9 (a) processing applications for licensure under this
10 chapter;

11 (b) processing operation plans and changes in operation
12 plans required under this chapter;

13 (c) compiling information and investigative reports for
14 submission to the board regarding complaints filed pursuant
15 to this chapter;

16 (d) coordinating investigation and enforcement
17 activities; and

18 (e) assisting the board in implementing statutes
19 applicable to outfitters and guides and any rules adopted by
20 the board.

21 NEW SECTION. **Section 21. Coordination.** If House Bill
22 No. 149, making permanent the administrative authority of
23 the board of outfitters, is not passed and approved:

24 (1) wherever the word "board" appears in [sections 4
25 through 8 and 10 through 19 of this act], the word is

1 changed to "department"; and

2 (2) [section 20 of this act] is void.

3 NEW SECTION. **Section 22. Codification instruction.**

4 [Sections 13 and 20] are intended to be codified as an
5 integral part of Title 37, chapter 47, part 3, and the
6 provisions of Title 37, chapter 47, part 3, apply to
7 [sections 13 and 20].

8 NEW SECTION. **Section 23. Effective date.** [This act] is
9 effective on passage and approval.

-End-

1 HOUSE BILL NO. 1002

2 INTRODUCED BY ELLISON, HARPER, SPRING,

3 R. DEBRUYCKER, STRIZICH, J. JOHNSON

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO OUTFITTERS AND GUIDES; ESTABLISHING MASTER
7 GUIDE AS A LICENSED PROFESSION; ESTABLISHING QUALIFICATIONS
8 AND LICENSING CRITERIA FOR A MASTER GUIDE; PROVIDING FOR
9 HIRING OF AN EXECUTIVE DIRECTOR FOR THE BOARD OF OUTFITTERS;
10 PROVIDING AN ADMINISTRATIVE PENALTY FOR A VIOLATION OF
11 OUTFITTER LAWS AND REVISING OTHER PENALTIES; AMENDING
12 SECTIONS 37-47-101, 37-47-102, 37-47-201, 37-47-301,
13 37-47-302, 37-47-303, 37-47-304, 37-47-305, 37-47-307,
14 37-47-308, 37-47-309, 37-47-310, 37-47-341, 37-47-343,
15 37-47-344, 37-47-402, 37-47-403, AND 37-47-404, MCA; AND
16 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

20 "37-47-101. (Temporary) Definitions. As used in this
21 chapter, unless the context requires otherwise, the
22 following definitions apply:

23 (1) "Board" means the board of outfitters provided for
24 in 2-15-1883.

25 (2) "Department" means the department of commerce

There are no changes in this bill,
and will not be reprinted. Please
refer to yellow copy for complete
text.