

HOUSE BILL NO. 731

INTRODUCED BY DAILY

IN THE HOUSE

February 12, 1981	Introduced and referred to Committee on Fish and Game.
February 21, 1981	Committee recommend bill do pass as amended. Report adopted.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass.
February 25, 1981	On motion rules suspended and bill placed on third reading this day.
	Third reading, passed. Ayes, 72; Noes, 26. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Fish and Game.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Motion pass consideration.
March 30, 1981	Motion pass consideration.
March 31, 1981	Second reading, concurred in as amended.

March 31, 1981

On motion rules suspended.  
Bill placed on calendar  
for third reading this day  
and allowed to be transmitted  
on 71st legislative day.  
Motion adopted.

Third reading, concurred in  
as amended. Ayes, 41; Noes, 8.

IN THE HOUSE

April 1, 1981

Returned from Senate with  
amendments.

April 9, 1981

Second reading, amendments  
concurred in.

On motion rules suspended  
and bill placed on third  
reading this day.

Third reading, amendments  
concurred in. Ayes, 85;  
Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 731  
2 INTRODUCED BY Paul

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
5 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO LIMIT THE NUMBER  
6 OF OUTFITTER AND GUIDE LICENSES ISSUED OR RENEWED FOR  
7 FISHING AND FLOATING OUTFITTERS WHEN THE FISH AND GAME  
8 COMMISSION FINDS DETRIMENT TO THE FISHING RESOURCE OR TO THE  
9 PUBLIC HEALTH, SAFETY, OR WELFARE; AMENDING SECTIONS  
10 87-4-101 AND 87-4-104, MCA; AND PROVIDING AN IMMEDIATE  
11 EFFECTIVE DATE."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 87-4-101, MCA, is amended to read:  
15 "87-4-101. Definitions. As used in this part, unless  
16 the context requires otherwise, the following definitions  
17 apply:

- 18 (1) "Advisory council" means the Montana outfitters'
- 19 council provided for in 2-15-3403.
- 20 (2) "License year" means that period commencing May 1
- 21 and ending April 30 of the next year.
- 22 (3) "Nonresident" means a person other than a
- 23 resident.
- 24 (4) "Outfitter" means any person, persons, company, or
- 25 corporation who:

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

3 (b) for consideration provides any saddle or pack  
4 animal or personal service for hunting or fishing parties or  
5 camping equipment, vehicles, or other conveyance, except  
6 boats, for any person to hunt, trap, capture, take, or kill  
7 any game;

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

11 (d) aids or assists any person in locating or pursuing  
12 any game animal.

13 (5) "Professional guide" means a person who is an  
14 employee of an outfitter and who furnishes only personal  
15 guiding services in assisting a person to hunt or take game  
16 animals or fish and who does not furnish any facilities,  
17 transportation, or equipment.

18 (6) "Resident" means a person who qualifies for a  
19 resident Montana hunting or fishing license under 87-2-102.

20 (7) "Resident guide" means a resident who guides  
21 resident or nonresident friends for the purpose of hunting  
22 game animals without compensation."

23 Section 2. Section 87-4-104, MCA, is amended to read:

24 "87-4-104. Powers and duties of department relating to  
25 outfitters and guides. The department shall:

-2- INTRODUCED BILL  
HB 731

1 (1) prepare and publish an information pamphlet which  
 2 contains the names and addresses of all licensed outfitters.  
 3 This pamphlet shall be available for free distribution as  
 4 early as possible during each calendar year but not later  
 5 than the second Friday in March. The pamphlet shall contain  
 6 the names and addresses of only those outfitters who have a  
 7 valid license for the current year. The costs of publication  
 8 of the pamphlet shall be paid from the earmarked revenue  
 9 fund, fish and game account.

10 (2) cooperate with the federal government through its  
 11 appropriate agencies or instrumentalities in matters of  
 12 mutual concern regarding the business of outfitting and  
 13 guiding in Montana;

14 (3) establish a minimum of two meetings annually with  
 15 the advisory council;

16 (4) consult with the advisory council to develop  
 17 policy concerning the administration of outfitting;

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

21 ~~(6) limit the number of outfitter and guide licenses~~  
 22 ~~issued or renewed to persons outfitting as defined in~~  
 23 ~~87-4-101(4)(c) in any administrative region, watershed area,~~  
 24 ~~or other designated area when the commission determines that~~  
 25 ~~the issuance or renewal of those licenses may be detrimental~~

1 ~~to the fishing resource or detrimental to the public health,~~  
 2 ~~public safety, or public welfare."~~

3 Section 3. Severability. If a part of this act is  
 4 invalid, all valid parts that are severable from the invalid  
 5 part remain in effect. If a part of this act is invalid in  
 6 one or more of its applications, the part remains in effect  
 7 in all valid applications that are severable from the  
 8 invalid applications.

9 Section 4. Effective date. This act is effective on  
 10 passage and approval.

-End-

Approved by Comm.  
on Fish and Game

1 HOUSE BILL NO. 731

2 INTRODUCED BY DAILY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
5 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO LIMIT THE NUMBER  
6 OF NEW OUTFITTER AND GUIDE LICENSES ISSUED ~~OR--RENEWED~~ FOR  
7 FISHING ~~AND--FLOATING--OUTFITTERS--WHEN--THE--FISH--AND--GAME~~  
8 ~~COMMISSION--FINDS--BETRIEMENT--TO--THE--FISHING--RESOURCE--OR--TO--THE~~  
9 PURPOSES BY ESTABLISHING AND REGULATING A 2-YEAR MORATORIUM  
10 BEGINNING ON APRIL 1, 1981 ~~PUBLIC--HEALTH--SAFETY--OR~~  
11 ~~WELFARE; AMENDING SECTIONS 87-4-101 AND 87-4-104, MCA; AND~~  
12 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 87-4-101, MCA, is amended to read:

16 "87-4-101. Definitions. As used in this part, unless  
17 the context requires otherwise, the following definitions  
18 apply:

19 (1) "Advisory council" means the Montana outfitters'  
20 council provided for in 2-15-3403.

21 (2) "License year" means that period commencing May 1  
22 and ending April 30 of the next year.

23 (3) "Nonresident" means a person other than a  
24 resident.

25 (4) "Outfitter" means any person, persons, company, or

corporation 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;

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

(d) aids or assists any person in locating or pursuing  
any game animal.

(5) "Professional guide" means a person who is an  
employee of an outfitter and who furnishes only personal  
guiding services in assisting a person to hunt or take game  
animals or fish and who does not furnish any facilities,  
transportation, or equipment.

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

(7) "Resident guide" means a resident who guides  
resident or nonresident friends for the purpose of hunting  
game animals without compensation."

Section 2. Section 87-4-104, MCA, is amended to read:

"87-4-104. Powers and duties of department relating to

1 outfitters and guides. The department shall:

2 (1) prepare and publish an information pamphlet which  
 3 contains the names and addresses of all licensed outfitters.  
 4 This pamphlet shall be available for free distribution as  
 5 early as possible during each calendar year but not later  
 6 than the second Friday in March. The pamphlet shall contain  
 7 the names and addresses of only those outfitters who have a  
 8 valid license for the current year. The costs of publication  
 9 of the pamphlet shall be paid from the earmarked revenue  
 10 fund, fish and game account.

11 (2) cooperate with the federal government through its  
 12 appropriate agencies or instrumentalities in matters of  
 13 mutual concern regarding the business of outfitting and  
 14 guiding in Montana;

15 (3) establish a minimum of two meetings annually with  
 16 the advisory council;

17 (4) consult with the advisory council to develop  
 18 policy concerning the administration of outfitting;

19 (5) designate a warden or ex officio warden with no  
 20 conflict of interest whose primary duties are to administer  
 21 outfitting and guiding laws and regulations;

22 ~~(6) limit the number of outfitter and guide licenses~~  
 23 ~~issued or renewed to persons outfitting as defined in~~  
 24 ~~87-4-101(4)(c) in any administrative region, watershed area~~  
 25 ~~or other designated area when the commission determines that~~

1 ~~the issuance or renewal of those licenses may be detrimental~~  
 2 ~~to the fishing resource or detrimental to the public health~~  
 3 ~~public safety or public welfare (6) ESTABLISH AND~~  
 4 ~~REGULATE A 2-YEAR MORATORIUM IN DEPARTMENT OF FISH,~~  
 5 ~~WILDLIFE, AND PARKS ADMINISTRATIVE REGION 3 ON THE ISSUANCE~~  
 6 ~~OF NEW OUTFITTER AND GUIDE LICENSES FOR THE PURPOSE OF~~  
 7 ~~FISHING AS DEFINED IN SECTION 87-4-101(4)(C). THIS~~  
 8 ~~MORATORIUM IS TO COMMENCE ON APRIL 1, 1981, AND TERMINATE ON~~  
 9 ~~MARCH 31, 1983, AND SHALL INCLUDE THE MADISON RIVER AND BIG~~  
 10 ~~HOLE RIVER."~~

11 Section 3. Severability. If a part of this act is  
 12 invalid, all valid parts that are severable from the invalid  
 13 part remain in effect. If a part of this act is invalid in  
 14 one or more of its applications, the part remains in effect  
 15 in all valid applications that are severable from the  
 16 invalid applications.

17 Section 4. Effective date. This act is effective on  
 18 passage and approval.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO LIMIT THE NUMBER OF NEW OUTFITTER AND GUIDE LICENSES ISSUED ~~OR--RENEWED~~ FOR FISHING ~~AND--FLOATING--OUTFITTERS--WHEN--THE--FISH--AND--GAME~~ ~~COMMISSION--FINDS--DETIMENT--TO--THE--FISHING--RESOURCE--OR--TO--THE~~ PURPOSES BY ESTABLISHING AND REGULATING A 2-YEAR MORATORIUM BEGINNING ON APRIL 1, 1981 ~~PUBLIC--HEALTH--SAFETY--OR~~ WELFARE; AMENDING SECTIONS 87-4-101 AND 87-4-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-4-101, MCA, is amended to read:

"87-4-101. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

- (1) "Advisory council" means the Montana outfitters' council provided for in 2-15-3403.
- (2) "License year" means that period commencing May 1 and ending April 30 of the next year.
- (3) "Nonresident" means a person other than a resident.
- (4) "Outfitter" means any person, persons, company, or

corporation 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;
  - (c) for consideration furnishes a boat or other floating craft and accompanies any person for the purpose of catching fish or floating; or
  - (d) aids or assists any person in locating or pursuing any game animal.
  - (5) "Professional guide" means a person who is an employee of an outfitter and who furnishes only personal guiding services in assisting a person to hunt or take game animals or fish and who does not furnish any facilities, transportation, or equipment.
  - (6) "Resident" means a person who qualifies for a resident Montana hunting or fishing license under 87-2-102.
  - (7) "Resident guide" means a resident who guides resident or nonresident friends for the purpose of hunting game animals without compensation."
- Section 2. Section 87-4-104, MCA, is amended to read: "87-4-104. Powers and duties of department relating to

1 outfitters and guides. The department shall:

2 (1) prepare and publish an information pamphlet which  
 3 contains the names and addresses of all licensed outfitters.  
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 9 of the pamphlet shall be paid from the earmarked revenue  
 10 fund, fish and game account.

11 (2) cooperate with the federal government through its  
 12 appropriate agencies or instrumentalities in matters of  
 13 mutual concern regarding the business of outfitting and  
 14 guiding in Montana;

15 (3) establish a minimum of two meetings annually with  
 16 the advisory council;

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 18 policy concerning the administration of outfitting;

19 (5) designate a warden or ex officio warden with no  
 20 conflict of interest whose primary duties are to administer  
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22 ~~(6) limit the number of outfitter and guide licenses~~  
 23 ~~issued or renewed to persons outfitting as defined in~~  
 24 ~~87-4-101(4)(c) in any administrative region, watershed area,~~  
 25 ~~or other designated area when the commission determines that~~

1 ~~the issuance or renewal of those licenses may be detrimental~~  
 2 ~~to the fishing resource or detrimental to the public health,~~  
 3 ~~public safety or public welfare. (6) ESTABLISH AND~~  
 4 ~~REGULATE A 2-YEAR MORATORIUM IN DEPARTMENT OF FISH,~~  
 5 ~~WILDLIFE, AND PARKS ADMINISTRATIVE REGION 3 ON THE ISSUANCE~~  
 6 ~~OF NEW OUTFITTER AND GUIDE LICENSES FOR THE PURPOSE OF~~  
 7 ~~FISHING AS DEFINED IN SECTION 87-4-101(4)(C). THIS~~  
 8 ~~MORATORIUM IS TO COMMENCE ON APRIL 1, 1981, AND TERMINATE ON~~  
 9 ~~MARCH 31, 1983, AND SHALL INCLUDE THE MADISON RIVER AND BIG~~  
 10 ~~HOLE RIVER."~~

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9 PURPOSES BY ESTABLISHING--AND--REGULATING PROVIDING FOR  
10 ESTABLISHMENT OF A 2-YEAR MORATORIUM BEGINNING ON APRIL 1,  
11 1981 PUBLIC HEALTH, SAFETY, OR WELFARE; AMENDING SECTIONS  
12 87-4-101--AND SECTION 87-4-104, MCA; AND PROVIDING AN  
13 IMMEDIATE EFFECTIVE DATE."

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

16 Section ~~1~~--Section 87-4-101, MCA, is amended to read:  
17 "87-4-101--Definitions--As used in this part, unless  
18 the context requires otherwise, the following definitions  
19 apply:

- 20 (1)--"Advisory council"--means the Montana outfitters'  
21 council provided for in 2-15-3483.
- 22 (2)--"License year"--means that period commencing May 1  
23 and ending April 30 of the next year.
- 24 (3)--"Nonresident"--means a person other than a  
25 resident.

1 (4)--"Outfitter"--means any person, persons, company, or  
2 corporation who:

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

5 (b)--for consideration provides any saddle or pack  
6 animal or personal service for hunting or fishing parties or  
7 camping equipment, vehicles, or other conveyance, except  
8 boats, for any person to hunt, trap, capture, take, or kill  
9 any game;

10 (c)--for consideration furnishes a boat or other  
11 floating craft and accompanies any person for the purpose of  
12 catching fish or floating ~~OR--FLOATING~~ or

13 (d)--aids or assists any person in locating or pursuing  
14 any game animal;

15 (5)--"Professional guide"--means a person who is an  
16 employee of an outfitter and who furnishes only personal  
17 guiding services in assisting a person to hunt or take game  
18 animals or fish and who does not furnish any facilities,  
19 transportation, or equipment.

20 (6)--"Resident"--means a person who qualifies for a  
21 resident Montana hunting or fishing license under 87-2-102.

22 (7)--"Resident guide"--means a resident who guides  
23 resident or nonresident friends for the purpose of hunting  
24 game animals without compensation."

25 Section 1. Section 87-4-104, MCA, is amended to read:

1       "87-4-104. Powers and duties of department relating to  
2 outfitters and guides. The department shall:

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9 valid license for the current year. The costs of publication  
10 of the pamphlet shall be paid from the earmarked revenue  
11 fund, fish and game account.

12       (2) cooperate with the federal government through its  
13 appropriate agencies or instrumentalities in matters of  
14 mutual concern regarding the business of outfitting and  
15 guiding in Montana;

16       (3) establish a minimum of two meetings annually with  
17 the advisory council;

18       (4) consult with the advisory council to develop  
19 policy concerning the administration of outfitting;

20       (5) designate a warden or ex officio warden with no  
21 conflict of interest whose primary duties are to administer  
22 outfitting and guiding laws and regulations;

23       ~~(6) limit the number of outfitter and guide licenses  
24 issued or renewed to persons outfitting as defined in  
25 87-4-101(4)(c) in any administrative region watershed area~~

1       ~~or other designated area when the commission determines that  
2 the issuance or renewal of those licenses may be detrimental  
3 to the fishing resource or detrimental to the public health  
4 public safety or public welfare (6) ESTABLISH AND  
5 REGULATE A 2 YEAR MORATORIUM IN DEPARTMENT OF FISH  
6 WILDLIFE AND PARKS ADMINISTRATIVE REGION 3 ON THE ISSUANCE  
7 OF NEW OUTFITTER AND GUIDE LICENSES FOR THE PURPOSE OF  
8 FISHING AS DEFINED IN SECTION 87-4-101(4)(c). THIS  
9 MORATORIUM IS TO COMMENCE ON APRIL 1, 1981, AND TERMINATE ON  
10 MARCH 31, 1983, AND SHALL INCLUDE THE MADISON RIVER AND BIG  
11 HOLE RIVER (6) WHEN THE COMMISSION DETERMINES IT NECESSARY  
12 TO PROTECT THE FISHING RESOURCE, PUBLIC HEALTH, PUBLIC  
13 SAFETY, OR PUBLIC WELFARE, ESTABLISH AND REGULATE A  
14 MORATORIUM ON EITHER OR BOTH THE MADISON RIVER OR BIG HOLE  
15 RIVER ON THE ISSUANCE OF OUTFITTER LICENSES FOR THE PURPOSE  
16 OF FLEAT FISHING AS DEFINED IN 87-4-101(4)(c) EXCEPT THAT  
17 THOSE FISHING OUTFITTERS LICENSED IN 1980 MAY RECEIVE  
18 RENEWAL LICENSES IF QUALIFIED. THE TOTAL NUMBER OF  
19 PROFESSIONAL GUIDE LICENSES ENDORSED BY FISHING OUTFITTERS  
20 UNDER A MORATORIUM SHALL NOT BE LESS THAN THE TOTAL NUMBER  
21 ISSUED IN 1980. A MORATORIUM MAY COMMENCE APRIL 1, 1981  
22 AND MAY TERMINATE BEFORE APRIL 1, 1983 (6) WHEN THE  
23 COMMISSION DETERMINES IT NECESSARY TO PROTECT THE FISHING  
24 RESOURCE, PUBLIC HEALTH, PUBLIC SAFETY, OR PUBLIC WELFARE,  
25 ESTABLISH AND REGULATE A MORATORIUM ON EITHER OR BOTH THE~~

1 MADISON RIVER OR BIG HOLE RIVER, THE ISSUANCE OF OUTFITTER  
2 LICENSES FOR THE PURPOSE OF FLOAT FISHING AS DEFINED IN  
3 87-4-101(4)(C) EXCEPT THAT THOSE FISHING OUTFITTERS LICENSED  
4 IN 1980 MAY RECEIVE RENEWAL LICENSES, IF QUALIFIED. THE  
5 TOTAL NUMBER OF PROFESSIONAL GUIDE LICENSES ENDORSED BY  
6 FISHING OUTFITTERS UNDER A MORATORIUM MAY NOT BE LESS THAN  
7 THE TOTAL NUMBER ISSUED IN 1980."

8 Section 2. Severability. If a part of this act is  
9 invalid, all valid parts that are severable from the invalid  
10 part remain in effect. If a part of this act is invalid in  
11 one or more of its applications, the part remains in effect  
12 in all valid applications that are severable from the  
13 invalid applications.

14 Section 3. Effective date. This act is effective on  
15 passage and approval.

-End-

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Fish and Game)

That House Bill No. 731 be amended as follows:

1. Page 2, line 11.  
Strike: "or floating"
2. Page 4, lines 3 through 10.  
Strike: subsection (6) in its entirety  
Insert: "(6) when the commission determines it necessary to protect the fishing resource, public health, public safety, or public welfare, establish and regulate a moratorium on either or both the Madison River or Big Hole River, on the issuance of outfitter licenses for the purpose of float fishing as defined in 87-4-101(4)(c) except that those fishing outfitters licensed in 1980 may receive renewal licenses, if qualified. The total number of professional guide licenses endorsed by fishing outfitters under a moratorium shall not be less than the total number issued in 1980. A moratorium may commence April 1, 1981, and may terminate before April 1, 1983."

March 31, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 731, third reading copy, as follows:

That the following amendment of the Senate Standing Committee on Fish and Game of March 25, 1981, be stricken:

1. Page 2, line 11.  
Strike: "or floating"

That the following amendment of the Senate Standing Committee on Fish and Game of March 25, 1981, be amended to read as follows:

2. Page 4, lines 3 through 10.  
Strike: subsection (6) in its entirety  
Insert: "(6) when the commission determines it necessary to protect the fishing resource, public health, public safety, or public welfare, establish and regulate a moratorium on either or both the Madison River or Big Hole River, on the issuance of outfitter licenses for the purpose of float fishing as defined in 87-4-101(4)(c) except that those fishing outfitters licensed in 1980 may receive renewal licenses, if qualified. The total number of professional guide licenses endorsed by fishing outfitters under a moratorium may not be less than the total number issued in 1980"

And, further, that the following amendments be made to the bill:

1. Title, line 9.  
Following: "BY"  
Strike: "ESTABLISHING AND REGULATING"  
Insert: "PROVIDING FOR ESTABLISHMENT OF"

2. Title, line 11.  
Following: "AMENDING"  
Strike: "SECTIONS 87-4-101 AND"  
Insert: "SECTION"

3. Page 1, line 15 through page 2, line 23.  
Strike: section 1 in its entirety.  
Renumber: subsequent sections.