

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF OUTFITTERS
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.101.403 fees, 24.101.413) PROPOSED AMENDMENT
renewal dates and requirements, and)
24.171.401 fees)

TO: All Concerned Persons

1. On August 9, 2010, at 10:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Outfitters (board) no later than 5:00 p.m., on August 6, 2010, to advise us of the nature of the accommodation that you need. Please contact Debbie Tomaskie, Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2373; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsout@mt.gov.

3. The department is proposing to amend the following rules. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.101.403 FEES (1) through (2)(a) remain the same.

(3) There is no late fee for licensed guides under the jurisdiction of the Board of Outfitters.

(3) through (5) remain the same, but are renumbered (4) through (6).

AUTH: 37-1-101, MCA

IMP: 27-1-717, 37-1-130, 37-1-134, 37-1-138, MCA

REASON: Until recently, the board has kept guide licenses nonrenewable because the nature of guiding includes the uncertainty of whether a license will be used from year to year, and the license is only useful for very limited times of the year. The decision on whether to get a guide license is often not made until the applicable hunting or fishing season approaches. The department determined this rule amendment is now reasonably necessary to facilitate and align with the board's decision to implement renewal of guide licenses, with consideration for the unique nature of the occupation. Because guides do not currently renew, there is no current revenue from guides paying late fees to renew late. Therefore, the department estimates no fiscal impact associated with this proposed amendment.

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(w) remain the same.

BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(x) Outfitters	Outfitter <u>Professional Guide</u> <u>Guide (including provisional guide)</u>	Annually <u>Annually</u> <u>Annually</u>	December 31 <u>December 31</u> <u>December 31</u>

(y) through (6)(f) remain the same.

(g) all licenses issued by the Board of Athletics end on June 30 of each year and the licensee must reapply; and

~~(h) guide and professional guide licenses issued by the Board of Outfitters end on December 31 of each year and the licensee must reapply; and~~

(i) remains the same but is renumbered (h).

(7) remains the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

REASON: The department is amending this rule to facilitate the board's recent decision to renew guide and professional guide licenses. It is reasonably necessary to amend this rule and set renewal dates for guides and professional guides to align with the board's proposed amendments to ARM 24.171.401 in this notice.

4. The board is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.171.401 FEES (1) through (1)(h) remain the same.

~~(i) Guide or professional guide license effective until December 31, 2008~~

~~(i) original guide license 100~~

~~(ii) temporary guide license 100~~

~~(j) (i) Guide or professional guide license effective January 1, 2009~~

(i) guide initial and renewal guide license 150

(ii) remains the same.

(j) Professional guide license

(i) initial license (inclusive of application processing) 250

(ii) renewal of license 150

(k) through (2) remain the same.

AUTH: 37-1-131, 37-1-134, 37-47-201, 37-47-306, MCA

IMP: 37-1-134, 37-1-141, 37-47-304, 37-47-306, 37-47-307, 37-47-308, 37-47-310, 37-47-316, 37-47-317, 37-47-318, MCA

REASON: In conjunction with the board's recent decision to renew guide and professional guide licenses, it is reasonably necessary to amend this rule and set forth the particular guide renewal fees. Because the renewal fee is the same as the current initial licensure fee, there is no fiscal impact for this proposed change.

The board is also amending this rule to establish separate licensure fees for guides and professional guides. Until recently, the board had never received a professional guide application. Now that applications are beginning to come to the board, it is necessary to set a fee commensurate with costs to process the initial professional guide applications. Initial processing of a professional guide license is substantially more involved in comparison to the guide application, because staff has to confirm compliance with additional qualifications. The board estimates that there will be approximately 20 professional guides initially licensed per year, with a resultant increase to annual revenue of \$2,000. The board is deleting (1)(i) as the provisions are outdated and unnecessary.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsout@mt.gov, and must be received no later than 5:00 p.m., August 17, 2010.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.outfitter.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2309; e-mailed to dlibsout@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Tyler Moss, attorney, has been designated to preside over and conduct this hearing.

BOARD OF OUTFITTERS
LEE KINSEY, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 6, 2010