

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

In the matter of the amendment of)	NOTICE OF AMENDMENT,
ARM 24.101.413 renewal dates and)	ADOPTION, AND REPEAL
requirements, 24.171.401 fees,)	
24.171.408 outfitter records,)	
24.171.701 NCHU categories,)	
transfers, and records, 24.171.2101)	
renewals, the adoption of NEW RULE)	
I incomplete outfitter and guide)	
license applications, and the repeal of)	
24.171.409 guide to hunter ratio and)	
24.171.605 provisional guide license)	

TO: All Concerned Persons

1. On October 25, 2012, the Department of Labor and Industry (department) and the Board of Outfitters (board) published MAR notice no. 24-171-32 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 2107 of the 2012 Montana Administrative Register, issue no. 20. A public hearing was scheduled in the notice to be held on November 19, 2012, in Helena.

2. It was subsequently discovered that an error had occurred and the proposal notice had not been sent to all interested persons as required by the Montana Administrative Procedure Act. Therefore, the department and the board published an amended notice of public hearing on the proposed amendment, adoption, and repeal on November 23, 2012, at page 2304 of the 2012 Montana Administrative Register, issue no. 22.

3. On December 18, 2012, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Several comments were received by the December 26, 2012, deadline.

4. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: Two commenters opposed the amendments to ARM 24.171.2101 on tally sheets, stating that the amendments were offered with the assumption that they would be replaced by the statistical analysis of data submitted via online logs. Without online logs, the tally sheets are still needed to provide important data in a usable form.

COMMENT 2: One commenter asserted that the justification for removing the tally sheets, as provided in the reasonable necessity statement, did not accurately reflect

the board's intent, as expressed in the board motion when the proposed amendments were first approved by the board.

RESPONSES 1 AND 2: The board agrees that these proposed changes are premature and is therefore not amending ARM 24.171.2101 at this time.

COMMENT 3: One commenter supported the proposed rule changes in their entirety, and specifically commented that the amendments would help reduce costs by eliminating unnecessary administrative requirements.

RESPONSE 3: The board appreciates all comments received in the rulemaking process.

5. The department has amended ARM 24.101.413 exactly as proposed.
6. The board has amended ARM 24.171.401, 24.171.408, and 24.171.701 exactly as proposed.
7. The board has adopted NEW RULE I (24.171.508) exactly as proposed.
8. The board has repealed ARM 24.171.409 and 24.171.605 exactly as proposed.
9. The board did not amend ARM 24.171.2101 as proposed.

BOARD OF OUTFITTERS
ROBIN CUNNINGHAM, CHAIRPERSON

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 15, 2013