



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: February 4, 2022

Agenda Item: Comprehensive Update of Licensing Administrative Rules

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 minutes

Background: All state agencies are required by §2-4-314, MCA, to biennially review administrative rules “to determine if any new rule should be adopted or any existing rule should be modified or repealed.” In addition, Governor Gianforte issued Executive Order No. 1-2021 creating the Red Tape Relief Advisory Council to Implement Regulatory Reform directing each agency to identify excessive, outdated, and unnecessary regulations.

On October 22, 2021 the commission approved proposing licensing rule changes under their authority. The department and commission proposed compressive rule changes on November 19, 2021. The rule proposal notice included a compiled and complete package of rules that consolidated licensing rules established under the department and commission rulemaking authorities. Most of the recommended language included in this proposal to be adopted, amended, or repealed is for the purpose of removing outdated and unnecessary language, removing rule language that repeats language already contained in statute, and updating the rules with current, long-standing practices. The intent was not to change the current practice, but to make the rules reflect what is already being done with regard to licensing.

Public Involvement Process & Results: The public comment period began on November 19 and ended December 17, 2021 which included a public hearing December 13, 2021. The Commission received four comments. Three comments expressed concerns regarding the addition of outfitter preference points. This rule change is necessary to address how the statutory changes made in HB 637 (2021) would be implemented. The remaining comment expressed concerns regarding potential changes to the limit of available landowner preference licenses. This language was removed from ARM 12.3.113 as the 15% limitation of landowner preference for elk permits is established 87-2-705, MCA and was unnecessarily repeated in administrative rule.

Alternatives & Analysis: If the commission does not adopt the changes, outdated and unnecessary rule language will remain in effect which may be contrary to current practice and/or in conflict with existing law. Updating the rule language will assist the department and commission with any necessary changes to rule language due to statutory, operational, and technological changes.

Agency Recommendation & Rationale: The department recommends adopting the licensing rule changes as a complete package. The Director has approved the rule language under the department’s authority to be adopted.

Motion: I move the commission adopt NEW RULE I and the amendments and repeal of the administrative rules that are within the commission’s authority as proposed on November 19, 2021 in the Montana Administrative Register No. 22.