

HOUSE BILL 808

Introduced by Elliott

2/13	Introduced
2/13	Referred to Fish & Game
2/13	First Reading
2/18	Fiscal Note Received
2/19	Hearing
2/19	Tabled in Committee

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HOUSE BILL NO. 808
[Signature]

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM FIVE TO SEVEN THE NUMBER OF MEMBERS ON THE FISH AND GAME COMMISSION; REVISING THE AREAS USED TO DETERMINE APPOINTMENT OF COMMISSION MEMBERS FROM FIVE COMMISSION DISTRICTS TO THE SEVEN FISH AND GAME ADMINISTRATIVE REGIONS; AND AMENDING SECTIONS 2-15-1883 AND 2-15-3402, MCA."

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

Section 1. Section 2-15-3402, MCA, is amended to read:

"2-15-3402. Fish and game commission -- composition -- qualifications -- quasi-judicial. (1) There is a fish and game commission.

(2) The commission consists of five seven members. At least one member shall be experienced in the breeding and management of domestic livestock. The governor shall appoint one member from each of the following districts:

(a) District No. 1, consisting of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark Counties;

(b) District No. 2, consisting of Bear, Bodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park, and Sweet Grass Counties;

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(c) District No. 3, consisting of Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland Counties;

(d) District No. 4, consisting of Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, and Wibaux Counties;

(e) District No. 5, consisting of Golden, Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder, River, Carter, Fallon, and Prairie Counties; seven fish and game administrative regions established by the department of fish, wildlife, and parks.

(3) Appointments shall be made without regard to political affiliation and shall be made solely for the wise management of the fish, wildlife, and state parks, and other outdoor recreational resources of this state. A person may not be appointed to the commission unless he is informed or interested and experienced in the subject of wildlife, fish, and outdoor recreation and the requirements for the conservation and protection of fish, game, game birds, animals, and outdoor recreational resources.

(4) A vacancy occurring on the commission shall be filled by the governor in the same manner and from the district administrative region in which the vacancy occurs.

(5) The fish and game commission is designated as a quasi-judicial board for purposes of 2-15-124.



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1 Notwithstanding the provisions of 2-15-124(1), the governor
2 is not required to appoint an attorney to serve as a member
3 of the commission."

4 **Section 2.** Section 2-15-1883, MCA, is amended to read:

5 "2-15-1883. (Temporary) Board of outfitters. (1) There
6 is a board of outfitters.

7 (2) (a) The board consists of seven members to be
8 appointed by the governor.

9 (b) Five members must be licensed outfitters who are
10 actively involved in the outfitting business. At least one
11 of the outfitter members must be a person primarily engaged
12 in the fishing outfitting business. Each outfitter member
13 shall represent one of the five districts designated in
14 ~~2-15-3402(2)~~ subsection (2)(c). Two qualified persons in
15 each district must be nominated for appointment by the
16 licensed outfitters residing in that district by submitting
17 by mail a notarized ballot, in a form and manner prescribed
18 by the board. The board shall also prescribe a procedure for
19 selecting persons to be nominated by mail-in ballot. The two
20 outfitters receiving the most votes must be nominated for
21 appointment. The department of commerce is responsible for
22 all notifications, reporting, and counting of ballots. Names
23 of nominees must be submitted to the governor, who will
24 select one outfitter from each district to be a board
25 member.

1 (c) Nominees must be selected from the following
2 districts:

3 (i) District No. 1, consisting of Lincoln, Flathead,
4 Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite,
5 and Lewis and Clark Counties;

6 (ii) District No. 2, consisting of Deer Lodge, Silver
7 Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin,
8 Park, and Sweet Grass Counties;

9 (iii) District No. 3, consisting of Glacier, Toole,
10 Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith
11 Basin, Fergus, Blaine, Meagher, and Wheatland Counties;

12 (iv) District No. 4, consisting of Phillips, Valley,
13 Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone,
14 Richland, Dawson, and Wibaux Counties; and

15 (v) District No. 5, consisting of Golden Valley,
16 Musselshell, Stillwater, Carbon, Yellowstone, Big Horn,
17 Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and
18 Prairie Counties.

19 ~~(c)~~(d) The governor shall also appoint one member who
20 is an employee of the department of fish, wildlife, and
21 parks and one member from the general public.

22 (3) A vacancy on the board must be filled in the same
23 manner as the original appointment.

24 (4) The members shall serve staggered 3-year terms and
25 take office on the day they are elected.

1 (5) The board is allocated to the department of
2 commerce for administrative purposes only as prescribed in
3 2-15-121.

4 (6) Each member of the board is entitled to receive
5 compensation and travel expenses as provided for in
6 37-1-133.

7 2-15-1883. (Effective July 1, 1991) Montana outfitters'
8 council. (1) There is a Montana outfitters' council.

9 (2) The council consists of seven members. Each member
10 shall be a licensed outfitter and shall represent one of the
11 seven fish and game administrative districts. At least one
12 of the members must be a person primarily engaged in the
13 fishing outfitting business. A member shall be selected by
14 the licensed outfitters residing in that district by
15 submitting by mail a notarized ballot, in a form and manner
16 prescribed by the council. The council shall also prescribe
17 a procedure for nominating persons to be elected by mail-in
18 ballot. The outfitter receiving the highest number of votes
19 cast by written ballot shall be the member from the
20 district. The outfitter receiving the second highest number
21 of votes shall be the alternate member to serve if the
22 member is unable to act.

23 (3) If the member and the alternate resign or a vacancy
24 exists for any reason on the council, the council at its
25 next official meeting after the vacancy occurs shall

1 recommend to the director of the department of fish,
2 wildlife, and parks the names of two licensed outfitters
3 residing in the administrative region where the vacancy
4 occurred to fill the vacancy for the remainder of the
5 unexpired term. If a vacancy cannot be filled from that
6 administrative region, the appointment must be made from an
7 adjoining region. If a vacancy cannot be filled from an
8 adjoining region, the appointment must be made from any
9 remaining region. The director shall fill the vacancy from
10 the names submitted.

11 (4) The members shall serve staggered 3-year terms and
12 take office on the day they are elected.

13 (5) The council is allocated to the department.

14 (6) The council is not subject to the provisions of
15 2-15-122.

16 (7) Members of the council are entitled to be
17 reimbursed and compensated as are members of advisory
18 councils in 2-15-122(5)."

-End-