

ROLL CALL VOTE ----- HOUSE FISH AND GAME 3-3 COMMITTEE

	Date: No: SB 132 JENSEN AMENDMENT	Date: No:	Date: No:	Date: No:	Date: No:	Date: No:
DAILY	XXX					
DEVLIN	NO					
ELLISON	NO					
HANSON	NO					
HART	YES					
JENSEN	YES					
MANUEL	XXX					
MUELLER	NO					
NISBET	YES					
PHILLIPS	NO					
REAM	XXX					
RYAN	NO					
SAUNDERS	YES					
SWIFT	NO					
VELEBER	YES					
SPAETH	XXX					
NILSON	YES					

6-7 failed

HOUSE FISH AND GAME COMMITTEE

March 3, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 1:00 p.m., with all members present, except Representatives Manuel, Ream, and Daily, who were excused.

Chairman Nilson opened the meeting to an Executive Session on Senate Bill: 132

SENATE BILL 132

Rep. Swift moved Senate Bill 132, DO PASS.

Rep. Ellison moved the amendments to Senate Bill 132, DO PASS.

1. Title, lines 11 and 12.

Strike: "REQUIRE THAT OUTFITTERS USE WRITTEN CONTRACTS; ESTABLISHING"

Insert: "ESTABLISH"

2. Title, line 13.

Strike: "87-4-106,"

3. Pages 8 and 9.

Strike: Section 4 in its entirety

Renumber: subsequent sections

Rep. Ellison said the only people who are hot on this amendment are the legislative audit committee. You are going to cause more problems than you will solve. A great number of those complaints aren't going to be affected one way or another by a contract. They would not concern anything that would be in the contract.

Rep. Mueller said I don't think it is effective to try to legislate morals. If you have a guide who doesn't want to live up to a contract, he is not going to live up to it now. The evidence shows that this is not that serious a problem.

SCOTT SEACAT, Office of the Legislative Auditor, said we went through the complaints, and they were frivolous. If there would have been something in writing, so the clients would have known what they were getting, the majority would not have been there.

Rep. Swift asked Mr. Seacat if the State Fish, Wildlife, and Parks licenses outfitters that utilize state land. The response was if the outfitter owned a lease on the state lands. It would have to be an outfitter landowner, who had the state lease.

Rep. Spaeth said we are really not doing anything in the contract. We are just putting a form on file with the department. We would not be regulating, except to make them send in a piece of paper.

HOUSE FISH AND GAME COMMITTEE MINUTES

March 3, 1983, page 2

The motion on the amendments passed unanimously.

Rep. Jensen proposed a second amendment to Senate Bill 132, to allow an absentee ballot for those members who could not be present to vote.

Rep. Ellison said I would have to oppose the amendment because these meetings are held by district. I have been told that at the meeting to elect the director, there was only 14 members present to do the job and get their input into the council. They are afraid that if you allow the absentee ballot, there will be even less present.

Mr. Seacat said there has been a bit of a conflict between floating and hunting outfitters. I think this would allow the float people a purpose on the council.

Chairman Nilson said there will be an election in March of the outfitters in a given district to elect the members to the council. There are seven fish and game boundary districts.

Rep. Ellison asked Mr. Seacat if he knew how this membership is split up. The response was people are licensed in all categories. There are more and more floating outfitters in the state.

Rep. Jensen said the float fishing outfitters are not represented on the council, and I think they have a legitimate interest in being represented.

Rep. Swift said if it means that much to them, they could elect somebody from their own group to be there. I don't think one segment should override the total membership of the organization as it is presently set up.

Rep. Jensen said I can't see how, without permitting an absentee ballot, they can get any representation.

Mr. Seacat said Montana Outfitters and Guides represent 35% of the licensed outfitters in the state. There are 500 licensed outfitters. The Federation of Floating and Fishing Outfitters Association has 50 members. The Professional Outfitters have 10 to 12 members.

Rep. Jensen's motion failed 6 to 7, with Representatives Devlin, Ellison, Hanson, Mueller, Phillips, Ryan, and Swift voting no.

Rep. Ellison asked if there is any reason why the March election date could not be changed. Mr. Seacat replied at this time, very little guiding is going on.

Rep. Mueller moved to attach the statement of intent to Senate Bill 132, the motion carried unanimously. (see exhibit 2)

HOUSE FISH AND GAME COMMITTEE MINUTES
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Rep. Mueller moved to attach the statement of intent to Senate Bill 132, the motion carried unanimously. (see exhibit 2)

Rep. Ellison moved Senate Bill 132, DO PASS as amended, the motion carried unanimously.

Chairman Nilson adjourned the meeting at 1:30 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

Statement of Intent

SB # 132

Exhibit 1

Senate Bill No. 132 requires a statement of intent because section 5 requires the department of Fish, Wildlife, and Parks to establish fees for outfitters and guides. Presently fees charged are set by law, and are not based on actual costs incurred.

It is the intent of the legislature that fees be set by rule by the department which will adequately cover the costs of administering the licensing and regulatory programs relating to outfitters and the ongoing operations of the Montana Outfitters Council.

STANDING COMMITTEE REPORT

1 of 2

March 3, 1983

SPEAKER:

MR.

FISH AND GAME

We, your committee on

having had under consideration SENATE Bill No. 132

third reading now (blue)
(color)

A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE MONTANA
OUTFITTERS' COUNCIL UNDER EXISTING STATUTORY AUTHORITY AND RULES;
PROVIDING FOR COUNCIL MEMBERS' COMPENSATION AND EXPENSES; AUTHORIZING
THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO PRESCRIBE-WRITTEN
CONTRACT-FORMS REQUIRE THAT OUTFITTERS USE WRITTEN CONTRACTS; ESTAB-
LISHING FEES COMMENSURATE WITH COSTS; AMENDING SECTIONS 2-8-103,
2-15-3403, 87-4-106, AND 87-4-127, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 132
be amended as follows:

1. Title, lines 11 and 12.

Strike: "REQUIRE THAT OUTFITTERS USE WRITTEN CONTRACTS; ESTABLISHING"
Insert: "ESTABLISH"

2. Title, line 13.

Strike: "87-4-106,"

3. Pages 8 and 9.

Strike: Section 4 in its entirety
Renumber: subsequent sections

AND AS AMENDED
BE CONCURRED IN

STATEMENT OF INTENT ATTACHED
DOXPASX

SENATE BILL 132

March 3, 83

MR. SPEAKER

19.....

WE YOUR COMMITTEE ON FISH AND GAME, HAVING
HAD UNDER CONSIDERATION SENATE BILL NO. 132, THIRD
READING COPY BLUE, ATTACH THE FOLLOWING STATEMENT
OF INTENT:

"STATEMENT OF INTENT
SENATE BILL NO. 132"

Senate Bill No. 132 requires a statement of intent because section 5 requires the Department of Fish, Wildlife, and Parks, to establish fees for outfitters and guides. Presently fees charged are set by law, and are not based on actual costs incurred.

It is the intent of the legislature that fees be set by rule by the department which will adequately cover the costs of administering the licensing and regulatory programs relating to outfitters and the ongoing operations of the Montana Outfitters Council.