

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on January 8, 1993,
at 8:00 A.M.

ROLL CALL

Members Present:

Rep. Steve Benedict, Chair (R)
Rep. Sonny Hanson, Vice Chair (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (X)D
Rep. Doug Wagner (R)

Members Excused: All Present

Members Absent: None

Staff Present: Paul Verdon, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 70 AND HB 82
Executive Action: HB 70, 82 AND 59

HEARING ON HB 70

Opening Statement by Sponsor:

REP. SHEILA RICE, House District 36, Gt. Falls, said HB 70 will
authorize the Department of Commerce to establish weighing device

fees by rule, and require the fees to be deposited into a special revenue account to be used for enforcement and administration of licensing weighing devices. **REP. RICE** said this bill saves the state general fund \$125,000 this biennium from current level funding and releases the Legislature from the duties of micro managing agencies. HB 70 deals with the Bureau of Weights and Measures. Within this bureau it is their responsibility for testing weighing scales, accuracy of petroleum and measuring devices. This bill is related to HB 17 which was heard in the House Highways and Transportation Committee on January 6, 1993. The combination of the two bills will save the state of Montana about \$400,000 in the biennium. The fees are charged based on the size of the scales, i.e. weighing beef, trucks, eggs, etc. To date, the fees now charged are set into law. Every two years it is brought before the legislature to make a million dollar decision. HB 70 will strike the fees set into law and let the department adopt rules to establish the license fees. It would be an administrative rule process and the department would not have the ability to be charging high fees. The department has spending authority that is set by the legislature, but would get the department out of a situation where each one of those fees that are set into law and would be put into administrative rule. The savings would come from raising fees to a point where it would be entirely funded by the user fees. The Public Safety Division has four bureaus, three of which are self-supporting; the Bureau of Weights and Measures is the only division that is not self-supporting.

Proponents' Testimony:

Jim Kembel, Administrator, Public Safety Division, said this legislation was at their request to be brought before the committee. **Mr. Kembel** said HB 70 does three things: 1) it authorizes the department to establish weighing device fees by rule instead of by statute; 2) it requires that the fees be deposited in a state special revenue fund for use in administering the weights and measures regulations; and 3) it stipulates that the fees apply to licenses after December 31, 1993. He said the program is currently general funded, however, fees charged for petroleum licenses currently generate approximately \$104,000 per year; weighing device licenses \$125,000 per year; and for miscellaneous inspection fees approximately \$8,000. The budget for the program is currently \$432,722. By making the program self-supporting it would save the general fund approximately \$200,000. The equipment needed would be purchased under funds already appropriated. **Mr. Kembel** presented written testimony. **SEE EXHIBIT 1**

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. BACHINI asked Jim Kembel how much would the fees be reduced from the increase that was given weights and measures, device and equipment last legislature. Mr. Kembel said they had asked for a 50% increase in fees which was reduced to 25%. He said the fees are fixed and stay the same, the reduction comes from \$25,000 out of the budget. He said the difference between this bill and the special Legislature was made in an attempt to generate more revenue to cover the cost of the equipment to the general fund. This proposal would make the program totally self-supporting.

REP. BARNETT asked REP. SHEILA RICE about the reference she had made to the milk control board and wanted to know why she compared it to this bill. REP. RICE asked Mr. Kembel if he would answer the question. Mr. Kembel stated that the milk control board is self-supporting and is separate from weights and measures. The milk control board charges an assessment fee to the producers and processors to support its operation.

Paul Verdon, Legislative Council wanted to know what HB 17 does. Mr. Kembel replied that it raises the measuring devices of petroleum fees that were set from 1982. Mr. Kembel said HB 17 and HB 70 had been submitted together and didn't know why it had been split.

REP. LARSON informed the committee that HB 17 had been passed out of the Highways and Transportation Committee to the floor of the House.

REP. SIMON asked Mr. Kembel if the proposed fees in this bill would allow them to collect more money than they could spend. Mr. Kembel said that all of the money collected goes into the general fund. REP. SIMON asked if the fees in the bill would allow for them to purchase capital equipment. Mr. Kembel said no, the bill before the committee now reflects the current budget level.

Closing by Sponsor:

REP. SHEILA RICE closed asking the committee if they could wait for the amendments to be placed on the bill, also a fiscal note was being drafted that needed to go with HB 70. She said there are 6,500 different weighing devices that are used in the state and it is important that this bill be passed through the committee to join HB 17.

HEARING ON HB 82**Opening Statement by Sponsor:**

REP. WILLIAM WISEMAN, House District 33, Cascade said this bill creates a position for the board of outfitters to hire an

executive director, to establish qualifications and the duties required. He said prior to 1987 the outfitters and guides were under the control of the Department of Fish, Wildlife and Parks (DFWP). It was split due to legislative action and became a separate operating board. When this happened, the outfitters board only received 7/8ths of one FTE for personnel instead of being able to rely on 50 to 60 enforcement people in the DFWP. **REP. WISEMAN** stated that the outfitters are one of a few organizations that have problems with unlicensed or unauthorized people trying to get into the industry. He said it is a constant load on the outfitters and guides to make sure that the services offered are with licensed outfitters and guides. He said he has been informed that it is expected they will receive over 100 complaints from people coming in from out of state. The board has its own funds and there would not be a cost to the state with this bill.

Proponents' Testimony:

Max Chase, Chairman of the board of Outfitters said the board consists of seven members; five outfitters, one Fish, Wildlife and Parks member and one public member. The board is funded by renewals and has on hand approximately \$180,000.00 surplus, but plan to draw this down to \$60,000 before increasing the outfitter and guide license fees. He said the fee increase for outfitters would go from \$100 to \$150 and the guides will go from \$25 to \$40. The fee increase will be determined by gross renewable figures. **Mr. Chase** presented written testimony. **EXHIBIT 2**

Bob Fry, Investigator with the Board of Outfitters, said he has been with the board for five years and coordinator for two years. **Mr. Fry** said he is a contract employee and if this bill becomes law, this position will go through EEO (job service). About 50% of his time is coordinating, writing grants, overseeing the board's budget, working with legal counsel for disciplinary cases, etc.. **Mr. Fry** said there are three investigators in the state, but only he and one other person are actively involved. **Mr. Fry's** duties are listed on page 3 of Exhibit 2. **Mr. Fry** distributed information on the types of complaints that he works with. He said there was an oversight in the bill under new Section 1, 8 (d) which should also include local authorities. **SEE EXHIBIT 3**

Bill Fleiner, Board member of the Montana Sheriffs and Police Association, said he supports this bill, but it must include local authorities in the language. He added that under new section 1 (b), the language must include local agencies.

Jean Johnson, Executive Director of Montana Outfitters and Guides Association, explained the difference between outfitters and guides. Outfitters are packing/hunting type, and guides are more fishing/floating type. She informed the committee that the Fishing Association is also being represented in this hearing. When outfitters and guides go out with a pack string or truck,

they are representing the whole industry. This bill will keep outfitters that are not licensed out of the business. **Ms. Johnson** said the association fully supports HB 82, and hoped the committee would consider it favorably.

Robin Cunningham, Executive Director of the Fishing Outfitters Association, said the association is in full support of this legislation.

Steve Meloy, Bureau Chief of Occupational Licensing, Department of Commerce, said this bill will greatly reduce the liability of the bureau. All of the coordinating activities are being handled by a part time investigator. When there are serious problems in the field, he or Mr. Kembel would have to become involved and are not able to give their full attention to the problem at hand. He urged the committee to support this legislation.

Kelly Flynn, Chairman of the legislative committee for the Montana Outfitters and Guides Association, said they support the continued effort to ensure continued quality services for the clients that use this service. Enforcement and better coordination will help facilitate the quality of the services. He said they are in support of the future fee increases to support this effort. He said the association supports HB 82 as amended.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. BRANDEWIE asked **Mr. Kembel** if this law is passed for the fee increase for an FTE, grade 14, what guarantee can they give when they do not have the money for it yet. **Mr. Kembel** replied they will do the same thing with the Board of Outfitters as they are already doing with other boards, they will draw down cash balances, the \$180,000 referred to in Exhibit 2, will be drawn down to a level of \$60,000 then fees will be set to cover the position. He said if the fees are not raised the program will be shut down. There is about a year left to borrow from the general fund, after which, if this bill does not pass, will have to be shut down.

REP. LARSON asked **Bill Fleiner** about subsection 1, 3 (b) what he wanted amended. **Mr. Fleiner** said the coordination part of this issue is too broad and would open the door to preventing any coordination with the local jurisdiction, e.g. sheriff's office. **REP. LARSON** redirected the same question to **Bob Fry**. **Mr. Fry** thought that Mr. Fleiner was referring to subsection 1, section 3 (d) line 8 coordinating investigations and enforcement activities with other state and federal agencies, should include local agencies. He felt this was just an oversight.

REP. DOWELL asked **Max Chase** if he would explain to the committee the fees that are being charged currently and what kind of fee increases is the committee looking at to pay for the new FTE.

Mr. Chase said the \$100 fee for outfitters will be raised from \$100 to \$150 and the guides' fee will be raised from \$25 to \$40.

REP. SONNY HANSON asked **Bill Fleiner** why he felt the duties of the investigator were not covered under subsection 1, 8 (d) and why would they have to include the same thing in subsection 1, 3 (b), and how is it done now. **Mr. Fleiner** felt that it would be leaving the door open for excluding local officials.

REP. SIMON asked **Bob Fry** if the qualifications for this FTE meant they were looking for a police officer. **Mr. Fry** said the FTE will need enforcement background when working with the investigation end of the job, and getting the most for the dollars that will be used for the position. **REP. SIMON** said that Idaho has peace officers and asked if that was what Montana was headed for. **Mr. Fry** said they had discussed peace officer status prior to this legislation, but there were problems with it. He felt that a private investigator was in the best interest of the state at this time.

REP. DAILY asked how many other boards have executive directors. **Steve Meloy** named several boards that have this; Board of Medical Examiners, Board of Pharmacy and Board of Nursing etc. **Mr. Meloy** said that the DFWP has cooperated fully in allowing them to use their armed officers that would call for that type of activity. **Mr. Meloy** informed the committee there are 31 agencies.

REP. DAILY asked why are there more outfitters and guides now then when they were split from the DFWP there was suppose to be less. **Max Chase** said they do not have that authority within the statutes. He said there may be a request before this session is over for a moratorium on outfitters. **REP. DAILY** asked if the outfitters and guides would be requesting this? **Mr. Chase** said he thought so, it is in the plan at this time.

REP. TUSS asked **Max Chase** about the \$180,000 in reserve and the plan to spend down to \$60,000 before the fees are raised for the outfitters and guides, how long will it take for the spend down. **Mr. Chase** said the fees would be raised in 1995.

REP. BARNETT asked **Max Chase** if the FTE would result in a greater increase of violations for the courts and if the answer is yes, what kind of fiscal impact will it have on the local courts and county attorneys. **Mr. Chase** said it would probably speed up the process more. **REP. BARNETT** asked if the board would be able to take the necessary action without an county attorney, etc. would there be any fiscal impact upon the court system. **Mr. Chase** said no. **REP. BARNETT** redirected the question to Lance Melton, Attorney for Board of Outfitters. **Mr. Melton** said there would be specific impact on the courts and county attorneys as a result of increased recording of illegal outfitters and guides. He felt

there would be some impact because of a more efficient method of obtaining those kinds of investigations, but didn't know how.

REP. BACHINI asked Max Chase about the total number of outfitters and guides and if they support the fee increase. Mr. Chase said there are 674 outfitters and 1,668 guides. A poll was taken and everyone wanted it.

Closing by Sponsor:

REP. WISEMAN closed stating that tourism from out-of-state is the number two industry in the Montana. They want these people to have an enjoyable stay, and this bill will ensure that the outfitters and guides are providing this in a competent manner.

EXECUTIVE ACTION ON HB 70

Motion: REP. COCCHIARELLA MOVED HB 70 DO PASS.

Discussion: None

Motion/Vote: REP. COCCHIARELLA moved the amendments. REP. PAVLOVICH called the question. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. SIMON MOVED HB 70 DO PASS AS AMENDED. REP. BRANDEWIE called the question. Voice vote was taken. Motion carried 17 - 1 with REP. BACHINI voting no.

Vote: HB 70 DO PASS AS AMENDED. Motion carried 17 - 1.

EXECUTIVE ACTION ON HB 82

Motion: REP. BACHINI MOVED HB 82 DO PASS.

Discussion: REP. LARSON proposed amendment #1. REP. LARSON moved to delete the language of a licensed private investigator on page 1, section d, line 21 through 24, because he felt the language in the bill was tailored for Bob Fry.

Motion/Vote: REP. LARSON moved to adopt amendment #1. REP. BACHINI called the question. Voice vote was taken. Motion carried 15 - 3 with REPS. COCCHIARELLA, DAILY AND STELLA JEAN HANSEN voting no.

Motion/Vote: REP. LARSON moved to adopt amendment #2. On page 2, section b, line 3 to include in coordination with local law enforcement agencies when appropriate after the word investigation.

Discussion: REP. SONNY HANSON was in disagreement. He said line 3, section b, is talking about the duties of the board not the individual and how this person would report what is going on. The administrative aspect of conducting investigations has to be coordinated with local people. This is an administrative explanation not an investigative explanation.

REP. COCCHIARELLA disagreed stating the duties of the executive director include conducting investigation with local authority.

Vote: REP. PAVLOVICH called the question for amendment #2. Roll call vote was taken. Motion failed 8 - 10. EXHIBIT 4

Motion/Vote: REP. LARSON moved to adopt amendment #3 on page 2, section d, line 9 to insert local after the word "other". Question was called. Voice vote was taken. Motion carried unanimously.

Vote: REP. LARSON MOVED HB 82 DO PASS AS AMENDED. Roll call vote was taken. Motion failed 8 - 10. EXHIBIT 5

Motion/Vote: REP. PAVLOVICH MADE A SUBSTITUTE MOTION THAT HB 82 BE TABLED. Roll call vote was taken. Motion carried 13 - 5. EXHIBIT 6

Vote: HB 82 BE TABLED AS AMENDED. Motion carried 13 - 5.

EXECUTIVE ACTION ON HB 59

Motion: REP. PAVLOVICH MOVED HB 59 DO PASS.

Discussion: None

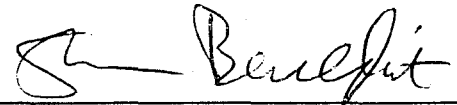
Motion/Vote: REP. PAVLOVICH moved to adopt the amendments. Voice vote was taken. Motion carried unanimously. EXHIBIT 7.

Motion/Vote: REP. PAVLOVICH MOVED HB 59 DO PASS AS AMENDED. Question was called. Voice vote was taken. Motion carried unanimously.

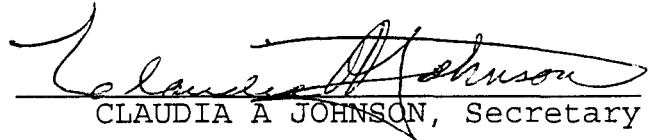
Vote: HB 59 DO PASS AS AMENDED. Motion carried 18 - 0.

ADJOURNMENT

Adjournment: 10:15



STEVE BENEDICT, Chair



CLAUDIA A JOHNSON, Secretary

SB/cj

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE 1-8-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		


HOUSE STANDING COMMITTEE REPORT

January 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 70 (first reading copy -- white) do pass as amended .

Signed: _____


Steve Benedict, Chair

And, that such amendments read:

1. Page 3, line 7.

Insert: "NEW SECTION. Section 2. Coordination instruction. If House Bill No. 17, including provisions authorizing the department of commerce to establish petroleum dealer and liquefied petroleum dealer license fees by rule, is not passed and approved, then [this act] is void."

Renumber: subsequent section


HOUSE STANDING COMMITTEE REPORT

January 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 59 (first reading copy -- white) do pass as amended .

Signed: _____


Steve Benedict, Chair

And, that such amendments read:

1. Page 2, line 4.

Following: "(3)"

Insert: "(a)"

Strike: "Prizes"

Insert: "Except as provided in subsection (3)(b), prizes"

2. Page 2, lines 8 and 9.

Following: "~~\$20,000~~" on line 8

Strike: remainder of line 8 through "commission" on line 9

Insert: "of not more than 20 years and in yearly installments payments of not less than \$20,000.

(b) If the commission enters into an agreement under the provisions of 23-7-202(3) to participate in a game for prizes of over \$100,000 that requires payment periods of more than 20 years or yearly installment payments of less than \$20,000 as a condition of participation, the commission may adopt the installment payment amounts and time periods necessary to comply with the conditions of the game"

EXHIBIT 1
DATE 1-8-93
HB 70

TESTIMONY FOR HOUSE BILL 70

WEIGHTS & MEASURES BUREAU
PUBLIC SAFETY DIVISION
DEPARTMENT OF COMMERCE

PREPARED BY W. JAMES KEMBEL, ADMINISTRATOR, PUBLIC SAFETY DIVISION

The proposed legislation does three things by amending Section 30-12-203, MCA:

1. It authorizes the Department to establish weighing device fees by rule, instead of by statute;
2. It requires that the fees be deposited in a state special revenue fund for use in administering the weights and measures regulations;
3. It stipulates that the fees apply to licenses after December 31, 1993.

In carrying out the intent of the legislation the Department would be required to adopt rules establishing fees. The fees must be commensurate with the costs of the enforcement and administration of licensing the devices.

The program is currently general funded, however fees charged for petroleum licenses currently generate approximately \$104,000 per year, for weighing device licenses \$125,000 per year and for miscellaneous inspection fees approximately \$8,000. The budget for the program is currently \$432,722. By making the program self supporting the general fund would save approximately \$200,000.

A comparison of the existing and proposed fees is as follows:

PROPOSED FEES VS. EXISTING FEES		
TYPE FEE	CURRENT FEES	PROPOSED FEES*
Weighing Devices		
Capacity 0-499	5	10
500-1,999	8	15
2,000-7,999	15	25
8,000-60,000	40	75
60,001+	70	130

To give an idea of the impact of the fee increase on business, the following example is offered. Assume that a supermarket sells 23,000 pounds of meat per year (63 pounds per day), the additional \$5 fee will cost .02 of a cent per pound. If a store sold 2,300 pounds of meat per year (6.3 pounds per day) the cost would be .2 of a cent per pound.

The proposed legislative change allows the program to be more responsive to both the needs of the program and the licensees. After raising the fees during the last legislative session to cover

the costs of the proposed equipment budget, the equipment budget was reduced during the special legislative sessions. It is hoped that by making the program self supporting the legislature would be more willing to fund the equipment necessary to keep the program in operation.

One of the vehicles cut during the special session has 170,000 miles on it, travels 30,000 miles per year statewide and tows 3,000 pounds of test equipment. The vehicle experienced metal fatigue in the bumper hitch and nearly lost the trailer. Had the operator not detected the problem and stopped in time he or some other party could have been seriously injured.

From time to time the Federal regulations change requiring the program to make equipment changes to meet the updated regulations. These changes put additional demands on the general fund.

The weights and measures program virtually impacts the lives of all Montana's residents on a daily basis. It has a great deal of impact on both sellers and buyers and thus guarantees both a fair business transaction when weighing, measuring or packaging is involved in their dealings.

This legislation allows the Department to set the fees for weighing devices. It is accompanied by House Bill 17, which would allow the Department to set the fees for measuring devices. It is important to note that in order for the proposed conversion to a self supporting program to work both bills must pass. The passage of both bills will save the general fund a minimum of \$200,000 and will assure you that when you buy products across a scale that you are not paying for more than you should be.

EXHIBIT 2
DATE 1-8-93
HB 82

TESTIMONY FOR COMMITTEE HEARING - January 8, 1993

Representative Bill Wiseman: H.B. 82 Room 104

Business and Economic Development Committee. A bill to create an Executive Director for the Board of Outfitters.

Address the Chair and Committee:

INTRODUCTION:

My name is Max Chase. I am Chairman of the Board of Outfitters. I have served on the Board since it was first formed October 1 1987. My position the first four years was Co-Chairman and since that time I have served as Chairman.

The Board consists of 7 members: 5 Outfitters, 1 Fish, Wildlife and Parks member, and 1 Public Member. We are staffed by 7/8 of 1 office girl and share legal council with other boards.

We have on contract, private investigators working part time on a case by case basis in coordinating, prioritizing, and assigning the case work and complaints.

The Board of Outfitters is unlike any other board because of the particular problems not prevalent with any other boards. Our investigators work closely with Fish, Wildlife and Parks covert people, wardens of the Department, Forest Service Enforcement people and U.S. Fish, Wildlife Service.

When the board was formed in October 1987, we were licensing 513 Outfitters and approximately 1600 Guides and we are now licensing 674 Outfitters and 1668 Guides. We process over 100 complaints a year. We have approximately 50 cases undergoing full scale investigations at all times.

When the board was administered by Fish, Wildlife and Parks, the administrative process was absorbed by a large staff and there were approximately 60 wardens to enforce the Outfitter and Guide laws.

The Board is funded by renewals and has on hand approximately \$180,000.00 surplus. We plan to draw this surplus down to approximately \$60,000.00 before increasing the Outfitter and Guide license fees. We expect the fee increase for Outfitters to go from \$100.00 to \$150.00 and the guides to go from \$25.00 to \$40.00. The fee increase will be determined by gross renewable figures.

COMPARISON:

Idaho Regulatory Agency vs. Montana's

Idaho has 362 Outfitters.
Montana has 674 Outfitters.

Idaho has 1,642 guides.
Montana has 1668 guides.

Idaho Board:

1 file clerk
1 Office Secretary
1 Executive Director
1 Enforcement Coordinator
10 Enforcement Officers with Peace Officer Status
Share legal council

Montana Board:

7/8 of 1 Office Secretary
Share legal council
3 private Investigators

Thank you for considering this bill.

Sincerely,

Irving "Max" Chase
Chairman
Board of Outfitters

January 8, 1993

EXHIBIT 2
DATE 1/8/93
HB 82

**PREPARED IN SUPPORT OF
EXECUTIVE DIRECTOR BILL**

The following is a description of the duties currently discharged by Bob Fry, Contract Investigator/Coordinator for the Montana Board of Outfitters:

DUTIES: Maintains and oversees the Board budget. Writes grants to obtain additional funding for Board-related activities. Oversees the processing and the investigations of applications for licensure. Oversees the compiling and maintaining of outfitter records for statistical information, proper licensure, and enforcement. Compiles procedures and oversees them for day-to-day operations in the office in maintaining files, records and information to maintain proper confidentiality and freedom of information laws. Compiles an operational plan in order to maintain the proper information and most efficient enforcement. Compiles operational procedures and oversees coordination of inspections, investigations, enforcement, and training of investigators and oversees investigations, reports, and enforcement activities that are conducted. Oversees and coordinates activities with other state and federal agencies involving the licensure, permitting, managing, investigations, and enforcement of outfitters and unlicensed or unpermitted activity. Issues news releases with statistical information based on record keeping and enforcement activities. Oversees surveys done for statistical information and paid for with Board funds. Works in concert with legal counsel to ensure investigatory compliance with relevant law and to keep legal counsel informed as to developments in disciplinary cases. Appears as witness in disciplinary proceedings and in criminal prosecutions of suspects violating outfitting and guiding laws.

AGENCIES IN CONTACT WITH:

LOCAL: Judges, county attorneys and sheriffs.
STATE: Fish, Wildlife & Parks; State Lands, Revenue; Workers Compensation; Livestock.
FEDERAL: Forest Service; Bureau of Land Management; Fish & Wildlife Service; National Park Service; Bureau of Indian Affairs; Corps of Engineers; IRS.

In addition, this position has contact with other state outfitter boards and game agencies, plus outfitter, landowner and sportsman associations. Contact is also made with wildlife and environmental groups.

EXHIBIT 3
 DATE 1-8-93
 HB 82

BOARD OF OUTFITTERS

REVISED DECEMBER 1992

TYPES OF COMPLAINTS

(Based on Fiscal Year starting in June and are subject to change)

	1991	1992	1993
Unlicensed Rogue Outfitting - TOTAL	19	27	41
Unlicensed Rogue Outfitting - Hunting	?	17	34
Unlicensed Rogue Outfitting - Fishing	?	10	7
Unprofessional Conduct/Standards	16	13	4
Outfitting without the proper permit	11	8	4
Refund policy dispute	10	8	6
Misrepresentation-Breach of Contract	8	11	3
Record keeping violations	7	2	2
Certification set-aside abuse	7	1	3
Unlicensed guides	3	4	5
Licensed guide operating as outfitter	0	3	6
Livestock abuse	2	1	0
Violating operations plan - Responsibility for Violation	0	2	0
Outfitter/guide hunting in competition	0	3	0
Trespassing	1	2	3
FW&P Violations	4	5	7
USFS Violations	2	8	4
USF&W Violations	1	0	1
BLM Violations	1	0	0
Total Cases	80	80	73
Hunting Cases	?	64	60
Fishing Cases	?	16	13
Cases Closed	69	46	6
Continuing Investigations	6	15	64
Charges Pending	5	8	6
Licenses Revoked	1	1	0
Probation	4	1	1
Warning Letters	3	9	2
Guilty Verdicts	9	12	5

Total # of Cases varies from # of types
 due to multiple accusations in some complaints

EXHIBIT 4
 DATE 1-8-93
 HB 82

HOUSE OF REPRESENTATIVES
 53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
 ROLL CALL VOTE

DATE 1-8-93 BILL NO. HB82 NUMBER _____

MOTION: Rep Larson Amendment #1
Pg 2 li 3 sub B
Motion Failed 8-10

NAME	AYE	NO
REP. ALVIN ELLIS		✓
REP. DICK KNOX		✓
REP. NORM MILLS		✓
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON		✓
REP. TIM DOWELL		✓
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN	✓	
REP. BOB PAVLOVICH	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRITZ DAILY	✓	
REP. BOB BACHINI	✓	
REP. DON LARSON	✓	
REP. BRUCE SIMON		✓
REP. DOUG WAGNER		✓
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN		✓
		10

EXHIBIT 5
DATE 1-8-93
HB 82

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 1-8-93 BILL NO. HB 82 NUMBER _____

MOTION: HB 82 DPAA

Motion Failed 8-10

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS		✓
REP. JOE BARNETT		✓
REP. RAY BRANDEWIE		✓
REP. JACK HERRON	✓	
REP. TIM DOWELL		✓
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN	✓	
REP. BOB PAVLOVICH		✓
REP. VICKI COCCHIARELLA		✓
REP. FRITZ DAILY		✓
REP. BOB BACHINI		✓
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER	✓	
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN	✓	

EXHIBIT 4
 DATE 1-8-93
 HB 82

HOUSE OF REPRESENTATIVES
 53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
 ROLL CALL VOTE

DATE 1-8-93 BILL NO. HB 82 NUMBER _____

MOTION: Motion to table as amended.

Motion Carried 13-5

NAME	AYE	NO
REP. ALVIN ELLIS		
REP. DICK KNOX		✓
REP. NORM MILLS		
REP. JOE BARNETT		
REP. RAY BRANDEWIE		
REP. JACK HERRON		
REP. TIM DOWELL		
REP. CARLEY TUSS		
REP. STELLA JEAN HANSEN		✓
REP. BOB PAVLOVICH		
REP. VICKI COCCHIARELLA		
REP. FRITZ DAILY		
REP. BOB BACHINI		
REP. DON LARSON		✓
REP. BRUCE SIMON		✓
REP. DOUG WAGNER		
REP. SONNY HANSON, VICE CHAIRMAN		
REP. STEVE BENEDICT, CHAIRMAN		✓
	13	5

EXHIBIT 7
DATE 1-8-93
HB 82

PROPOSED AMENDMENTS

HOUSE BILL 59 - INTRODUCED BILL

Page 1; Line 8;

Following "\$100,000"

Insert "for multi-state lottery games"

Page 2; Line 8;

Following "\$20,000"

Insert "of not more than 20 years, except that each installment payment must be at least \$20,000. If multi-state lottery games in which the lottery participates require different installment amounts and time periods for prizes over \$100,000 as a condition of participation, the commission may adopt the installment amounts and time periods necessary to comply with the conditions of that multi-state game"

Strike "and in an amount to be determined by the commission"

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business COMMITTEE BILL NO. HB 802
DATE 1-8-93 SPONSOR(S) Wiseman

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Mat Chase	Board of outfitters	X	
BOB FRY	BOARD OF OUTFITTERS	X	
ROBIN CUNNINGHAM	FISHING OUTFITTERS ASSN.	X	
James Kambel	Public Safety Div DOC	X	
STEVE MELOY	Commerce	X	
Kelly Flynn	Montana Outfitters & Guides	X	
DAN O. JOHNSON	Mont. Outfitters & Guides Assn	X	
William Murphy	MT Outfitters	X	
LANCE MELTON			

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business COMMITTEE BILL NO. HB 70
DATE 1-8-93 SPONSOR(S) S. Rice

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
W. James Kembel	Public Safety Div. DOC	✓	
Renna Alexander	Mt. Petroleum Marketers		✓
Kelly Flynn	Montana Outfitters & Guides		
Cande Toyer	MSGA/MWCA		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.