

HOUSE BILL NO. 307

INTRODUCED BY HOFFMAN, GRADY, SWYSGOOD,  
COCCHIARELLA, D. BROWN

IN THE HOUSE

JANUARY 19, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 20, 1989	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1989	PRINTING REPORT.
FEBRUARY 3, 1989	SECOND READING, DO PASS.
FEBRUARY 4, 1989	ENGROSSING REPORT.
FEBRUARY 6, 1989	THIRD READING, PASSED. AYES, 87; NOES, 11.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 7, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 16, 1989	SECOND READING, PASS CONSIDERATION.
MARCH 17, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 20, 1989	THIRD READING, CONCURRED IN. AYES, 43; NOES, 5.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

MARCH 31, 1989

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 307  
 2 INTRODUCED BY Hoffman  
 3 Swygard Cushman OneBran  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT  
 5 NOMINATION OR ELECTION OF OUTFITTERS TO THE BOARD OF  
 6 OUTFITTERS AND MONTANA OUTFITTERS' COUNCIL BE BY NOTARIZED  
 7 MAIL-IN BALLOT RATHER THAN BY ATTENDANCE AT A MEETING;  
 8 ELIMINATING THE ANNUAL MEETING FOR NOMINATION OR ELECTION;  
 9 REQUIRING THAT THE TWO OUTFITTERS RECEIVING THE MOST VOTES  
 10 BE NOMINATED FOR APPOINTMENT; AND AMENDING SECTION  
 11 2-15-1883, MCA."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 2-15-1883, MCA, is amended to read:

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

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

19 (b) Five members must be licensed outfitters who are  
 20 actively involved in the outfitting business. Each outfitter  
 21 member shall represent one of the five districts designated  
 22 in 2-15-3402(2). Two qualified persons in each district must  
 23 be nominated for appointment by the licensed outfitters  
 24 residing in that district ~~at--an--annual--meeting--of--the~~  
 25 ~~outfitters--in--that--district--to--be--held--on--a--Saturday--during~~

1 ~~March--or--April--A--licensed--outfitter--who--does--not--attend--the~~  
 2 ~~annual--meeting--may--assign--his--vote--to--an--attending--outfitter~~  
 3 ~~by--a--written--and--signed--proxy--Only--one--such--proxy--vote--may~~  
 4 ~~be--cast--by--an--attending--outfitter by submitting by mail a~~  
 5 ~~notarized ballot, in a form and manner prescribed by the~~  
 6 ~~board. The two outfitters receiving the most votes must be~~  
 7 ~~nominated for appointment. The department of commerce is~~  
 8 ~~responsible for all notifications, reporting, and counting~~  
 9 ~~of ballots. An election is valid only if a majority of~~  
 10 ~~eligible outfitters of a district participate in the voting.~~  
 11 ~~If an election is found to be invalid, a new election must~~  
 12 ~~be held. Names of nominees must be submitted to the~~  
 13 ~~governor, who will select one outfitter from each district~~  
 14 ~~to be a board member.~~

15 (c) The governor shall also appoint one member who is  
 16 an employee of the department of fish, wildlife, and parks  
 17 and one member from the general public.

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

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

22 (5) The board is allocated to the department of  
 23 commerce for administrative purposes only as prescribed in  
 24 2-15-121.

25 (6) Each member of the board is entitled to receive

1 compensation and travel expenses as provided for in  
2 37-1-133.

3 2-15-1883. (Effective July 1, 1991) Montana  
4 outfitters' council. (1) There is a Montana outfitters'  
5 council.

6 (2) The council consists of seven members. Each member  
7 shall be a licensed outfitter and shall represent one of the  
8 seven fish and game administrative districts. A member shall  
9 be selected by the licensed outfitters residing in that  
10 district by ~~election-at-an-annual-meeting-of-the-outfitters~~  
11 ~~to-be-held-in-the-city-where-the--regional--headquarters--is~~  
12 ~~located--during--the--month--of--March~~ submitting by mail a  
13 notarized ballot, in a form and manner prescribed by the  
14 council. A-majority-vote The outfitter receiving the highest  
15 number of votes cast by written ballot ~~of-all-the-outfitters~~  
16 ~~in--attendance--at-the-meeting~~ shall determine be the member  
17 from the district. ~~At-the-election-an-alternate-member~~ The  
18 outfitter receiving the second highest number of votes shall  
19 ~~also be elected--by-written-ballot~~ the alternate member to  
20 serve if the member is unable to act.

21 (3) If a member or alternate resigns or a vacancy  
22 exists for any reason on the council, the council at its  
23 next official meeting after the vacancy occurs shall  
24 recommend to the director of the department of fish,  
25 wildlife, and parks the names of two licensed outfitters

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

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

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

12 (6) The council is not subject to the provisions of  
13 2-15-122.

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

17 NEW SECTION. Section 2. Extension of authority. Any  
18 existing authority to make rules on the subject of the  
19 provisions of [this act] is extended to the provisions of  
20 [this act].

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB307, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB307 would provide for the nomination or election of outfitters to the Board of Outfitters and Montana Outfitters' Council to be by notarized mail-in ballot rather than by attendance at a meeting and eliminate the annual meeting for nomination and election.

ASSUMPTIONS:

1. There will be an annual mailing of 300 ballots.
2. Administrative rules will be required each fiscal year.
3. A small amount of clerical time will be spent in mailing and tracking ballots.

FISCAL IMPACT:


Dept. of Commerce, Board of Outfitters


Expenditures:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
Personal Services	\$ 7,200	\$ 7,200	\$-0-	\$ 7,200	\$ 7,200	\$-0-
Operating Expenses	95,078	95,495	417	95,207	95,624	417
Total	\$102,278	\$102,695	\$417	\$102,407	\$102,824	\$417

Funding:

State Special Revenue						
License Fees	\$102,278	\$102,695	\$417	\$102,407	\$102,824	\$417

 1/27/89  
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
 OFFICE OF BUDGET AND PROGRAM PLANNING

 1/28/89  
 ROBERT E. HOFFMAN, PRIMARY SPONSOR DATE

Fiscal Note for HB307, as introduced

HB 307

APPROVED BY COMM.  
ON FISH AND GAME

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COCCHIARELLA, D. BROWN

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MAIL-IN BALLOT RATHER THAN BY ATTENDANCE AT A MEETING;  
ELIMINATING THE ANNUAL MEETING FOR NOMINATION OR ELECTION;  
REQUIRING THAT THE TWO OUTFITTERS RECEIVING THE MOST VOTES  
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2-15-1883, MCA."

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

**Section 1.** Section 2-15-1883, MCA, is amended to read:

"2-15-1883. (Temporary) Board of outfitters. (1) There  
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appointed by the governor.

(b) Five members must be licensed outfitters who are  
actively involved in the outfitting business. Each outfitter  
member shall represent one of the five districts designated  
in 2-15-3402(2). Two qualified persons in each district must  
be nominated for appointment by the licensed outfitters  
residing in that district ~~at an annual meeting of the~~

~~outfitters in that district to be held on a Saturday during~~  
~~March or April. A licensed outfitter who does not attend the~~  
~~annual meeting may assign his vote to an attending outfitter~~  
~~by a written and signed proxy. Only one such proxy vote may~~  
~~be cast by an attending outfitter by submitting by mail a~~  
~~notarized ballot, in a form and manner prescribed by the~~  
~~board. The two outfitters receiving the most votes must be~~  
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~~responsible for all notifications, reporting, and counting~~  
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~~eligible outfitters of a district participate in the voting.~~  
~~If an election is found to be invalid, a new election must~~  
~~be held.~~ Names of nominees must be submitted to the  
governor, who will select one outfitter from each district  
to be a board member.

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

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

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

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

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

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

(2) The council consists of seven members. Each member shall be a licensed outfitter and shall represent one of the seven fish and game administrative districts. A member shall be selected by the licensed outfitters residing in that district by ~~election at an annual meeting of the outfitters to be held in the city where the regional headquarters is located during the month of March~~ submitting by mail a notarized ballot, in a form and manner prescribed by the council. ~~A majority vote~~ The outfitter receiving the highest number of votes cast by written ballot ~~of all the outfitters in attendance at the meeting shall determine~~ be the member from the district. ~~At the election an alternate member~~ The outfitter receiving the second highest number of votes shall also be elected by written ballot the alternate member to serve if the member is unable to act.

(3) If a THE member or AND THE alternate ~~resigns~~ RESIGN or a vacancy exists for any reason on the council, the council at its next official meeting after the vacancy occurs shall recommend to the director of the department of

fish, wildlife, and parks the names of two licensed outfitters residing in the administrative region where the vacancy occurred to fill the vacancy for the remainder of the unexpired term. If a vacancy cannot be filled from that administrative region, the appointment must be made from an adjoining region. If a vacancy cannot be filled from an adjoining region, the appointment must be made from any remaining region. The director shall fill the vacancy from the names submitted.

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

(5) The council is allocated to the department.

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

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

NEW SECTION. **Section 2.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

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13 ~~located--during--the--month--of--March~~ submitting by mail a  
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19 existing authority to make rules on the subject of the  
20 provisions of [this act] is extended to the provisions of  
21 [this act].

-End-

SENATE STANDING COMMITTEE REPORT

March 15, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration HB 307 (third reading copy -- blue), respectfully report that HB 307 be amended and as so amended be concurred in:

Sponsor: Hoffman, R. (Jacobson)

1. Title, line 6.

Strike: "NOMINATION OR"

2. Title, lines 6 and 7.

Following: "THE" on line 6

Strike: remainder of line 6 through "AND" on line 7

3. Title, line 9.

Strike: "ANNUAL MEETING"

Following: "NOMINATION"

Strike: "OR ELECTION"

Insert: "PROCESS FOR APPOINTMENT TO THE BOARD OF OUTFITTERS"

4. Title, lines 10 and 11.

Following: "THAT" on line 10

Strike: remainder of line 10 through "APPOINTMENT" on line 11

Insert: "ONE MEMBER OF THE BOARD OR COUNCIL BE ENGAGED IN THE  
FISHING OUTFITTING BUSINESS"

5. Page 1, line 21.

Following: "business."

Insert: "At least one of the outfitter members must be a person  
primarily engaged in the fishing outfitting business."

6. Page 1, lines 23 through 25.

Following: "2-15-3402(2)."

Strike: "Two" on line 23 through "district" on line 25

7. Page 2, lines 5 through 10.

Following: "~~outfitter~~"

Strike: "by" on line 5 through "ballots." on line 10

8. Page 3, line 9.

Following: "districts."

Insert: "At least one of the members must be a person primarily  
engaged in the fishing outfitting business."

AND AS AMENDED BE CONCURRED IN

Signed

  
Elmer D. Severson, Chairman

SENATE

HB307

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 17, 1989 2:58 pm

Mr. Chairman: I move to amend HB 307 (third reading copy -- blue) as follows:

1. Strip: The Senate Committee on Fish and Game amendments to HB 307, dated March 15, 1989, Nos. 1, 2, 3, 6, and 7 in their entirety

2. Page 2, line 7.

Following: "board."

Insert: "The board shall also prescribe a procedure for selecting persons to be nominated by mail-in ballot."

3. Page 3, line 15.

Following: "council."

Insert: "The council shall also prescribe a procedure for nominating persons to be elected by mail-in ballot."

ADOPT

REJECT

Signed: Senator Jenkins  
Senator Jenkins

SENATE

HB 307

## HOUSE BILL NO. 307

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COCCHIARELLA, D. BROWN

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BOARD-OF-OUTFITTERS-AND BOARD OF OUTFITTERS AND MONTANA  
OUTFITTERS' COUNCIL BE BY NOTARIZED MAIL-IN BALLOT RATHER  
THAN BY ATTENDANCE AT A MEETING; ELIMINATING THE ANNUAL  
MEETING ANNUAL MEETING FOR NOMINATION OR--ELECTION OR  
ELECTION PROCESS-FOR-APPOINTMENT-TO-THE-BOARD-OF-OUTFITTERS;  
REQUIRING THAT THE-TWO-OUTFITTERS-RECEIVING-THE--MOST--VOTES  
BE--NOMINATED--FOR--APPOINTMENT ONE MEMBER OF THE BOARD OR  
COUNCIL BE ENGAGED IN THE FISHING OUTFITTING BUSINESS; AND  
AMENDING SECTION 2-15-1883, MCA."

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prescribed-by-the-board. The-two--outfitters--receiving--the  
most-votes-must-be-nominated-for-appointment. The-department  
of-commerce-is-responsible-for-all-notifications--reporting  
and--counting--of-ballots. BY SUBMITTING BY MAIL A NOTARIZED  
BALLOT, IN A FORM AND MANNER PRESCRIBED BY THE BOARD. THE  
BOARD SHALL ALSO PRESCRIBE A PROCEDURE FOR SELECTING PERSONS  
TO BE NOMINATED BY MAIL-IN BALLOT. THE TWO OUTFITTERS  
RECEIVING THE MOST VOTES MUST BE NOMINATED FOR APPOINTMENT.  
THE DEPARTMENT OF COMMERCE IS RESPONSIBLE FOR ALL  
NOTIFICATIONS, REPORTING, AND COUNTING OF BALLOTS. An  
election--is-valid-only-if-a-majority-of-eligible-outfitters  
of-a-district-participate-in-the-voting--if-an-election--is

~~found--to--be--invalid--a--new--election--must--be--held--~~ Names of nominees must be submitted to the governor, who will select one outfitter from each district to be a board member.

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

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

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

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~~election--at--an--annual--meeting--of--the--outfitters--to--be--held~~  
~~in--the--city--where--the--regional--headquarters--is--located~~  
~~during--the--month--of--March~~ submitting by mail a notarized ballot, in a form and manner prescribed by the council. THE COUNCIL SHALL ALSO PRESCRIBE A PROCEDURE FOR NOMINATING PERSONS TO BE ELECTED BY MAIL-IN BALLOT. ~~A--majority--vote~~ The outfitter receiving the highest number of votes cast by written ballot ~~of--all--the--outfitters--in--attendance--at--the~~ meeting shall determine be the member from the district. ~~At the--election--an--alternate--member~~ The outfitter receiving the second highest number of votes shall also be elected ~~by written--ballot~~ the alternate member to serve if the member is unable to act.

(3) If ~~a~~ THE member or AND THE alternate resigns RESIGN or a vacancy exists for any reason on the council, the council at its next official meeting after the vacancy occurs shall recommend to the director of the department of fish, wildlife, and parks the names of two licensed outfitters residing in the administrative region where the vacancy occurred to fill the vacancy for the remainder of the unexpired term. If a vacancy cannot be filled from that administrative region, the appointment must be made from an adjoining region. If a vacancy cannot be filled from an adjoining region, the appointment must be made from any remaining region. The director shall fill the vacancy from

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