

MINUTES OF MEETING
STATE OF IDAHO
OUTFITTER AND GUIDE LICENSE BOARD
Tuesday, May 23, 1961
Capitol Building
Boise, Idaho

PRESENT: All Board Members

The meeting was opened by Taylor reading a draft of the minutes of the previous meeting, which were approved. It was agreed that the minutes would be maintained on plain bond paper, permanently secured in bound pages of a Minute Book. All minutes would be signed by the entire Board, and the Seal affixed to same.

Policies would be adopted by the Board relative to the business of the Board were discussed from various angles. The final policy adopted at this time was as follows:

1. No relative of Board members may receive pay for assisting in bookkeeping, typing or any phase of the Boards operation.
2. All license fees must be submitted by Money Order, Cashier's Check, or Certified Check.
3. No license would be issued where the Application for same is signed by a Forest Ranger and/or Conservation Officer from areas other than the area where the applicant intends to operate.

The balance of the meeting was taken in discussion of expenses incurred by the Board. The following was agreed on and set forth as the policy:

1. All travel will be by automobile, and will be paid for at the rate of \$.10 per mile, unless otherwise authorized.
2. Where a Board member was to spend in excess of 16 hours away from home, he would be paid on the basis of \$12.00 per day. For less than 16 hours, eliminating lodging, he would be paid at the rate of \$6.00.
3. Unless otherwise specified, the meeting place would be the Capitol Building, Boise. In this respect, however, it is felt that the meetings should be at various portions of the State, wherever economically practical, to allow as many applicants and license holders to come before the Board as could.

A discussion of the Examiner of the Attorney General's office's opinion, which was published in the newspaper, was held. Each Board member had different opinions, so, State Senator Wetherall of Elmore County was contacted for advice. Following the discussion with the Senator, Taylor was delegated to make a release to the Associated Press, which had requested a "follow-up" on the initial opinion, the release to be in accordance with Senator Wetherall's instruction

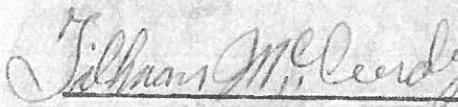
to wit: The Board will proceed, following the Law as written, which is the intent of the Legislature.

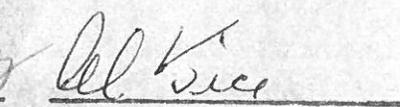
The time and place of the next meeting was the final point of discussion. With the Idaho Outfitter and Guide Association holding their spring meeting in Orofino on June 2 and 3, it was decided to hold the next Board meeting in Orofino on June 3 in conjunction with the Association's meeting. This would enable as many Outfitters and Guides that desired to come before the Board with any questions they may have.

No special transportation type was authorized.

The meeting was adjourned. The hours of this meeting were from 1 to 7:00 pm.


Jay Taylor, Chairman


Tillman McCurdy, Member


Al Tice, Member

Outfitters, Guides Discuss Unit Financing Problem

The Idaho Outfitters and Guides Board met in Boise Tuesday and one of the items on their agenda was discussion of an attorney general's ruling that a portion of the law bringing the Board into existence was unconstitutional. Jay Taylor of Mountain Home, Board chairman, said

the Board planned to comply with the law and the intent of the Legislature.

The Board was set up by the 1961 Legislature as a regulatory agency in a law providing for licensing of persons working as outfitters and guides in Idaho wilderness areas and setting up certain requirements.

An outfitter's license costs \$25 per year and a guide's \$10.

Sen. R. M. Wetherell, D-Elmore, was principal sponsor of the bill and he noted that a unique feature of it was that 10 per cent of the fees collected would be retained by the state as compensation for administering the law.

But Assistant Attorney General E. G. Elliott said that the law, as passed, attempts to appropriate 90 per cent of the revenue collected into a special fund without it going through the Treasury, "then attempts to directly appropriate these monies from such fund."

This simply means Elliott said, "that there is no appropriation of this money."

He said he thinks the attempt to bypass the state treasurer violates Idaho's Constitution.

The office of State Auditor Joe Williams first raised the question of procedure when two members of the new Outfitters' and Guides Board, Al Tice of Boise and Tillman McCurdy of Coidesac, discussed the matter with one of Williams' aides.

McCurdy then wrote Attorney General Frank L. Benson for a legal opinion and Elliott's ruling resulted.

Gov. Robert E. Smylie discussed the matter briefly with Williams during a Board of Examiners meeting Tuesday. He asked Williams whether some way could be worked out in which the funds collected in fees would be available for expenditure by the Outfitters' Board. Williams said he would study the matter.

Guides Board Denied Money, Elliott Rules

There can be no appropriation of state money to the recently created Idaho Outfitters and Guides Board, the attorney general ruled Monday.

An opinion, written by Assistant Attorney General E. G. Elliott, said the bill, setting up the Board, attempts to authorize the deposit of 90 per cent of the monies collected under its provisions in the Idaho outfitters and guides license fund without their ever reaching the state treasury. Then it attempts to directly appropriate these monies from such fund.

Elliott said since the Constitution requires all collections for state purposes be paid into the state treasury and since the Constitution also provides no money will be drawn from the treasury without appropriation, this "simply means that there is no appropriation of this money."