

# CONSTITUTION OF THE BACK COUNTRY HORSEMEN OF MONTANA

(Draft Revisions as of September 11, 2017)

## PREAMBLE

Back Country Horsemen was formed in January of 1973 with a three-fold PURPOSE: service to the back country, education of horsemen, and representation in land use planning and management. These basic precepts have been the reason for our growth, strength, and effectiveness, and this growth has forced the formation of a State Organization. The State Organization is charged with the responsibility of furthering these same basic precepts on a statewide scale for the benefit of all affiliated chapters, horsemen, and the back country we love so well.

## ARTICLE I

### Names

The name of this organization shall be Back Country Horsemen of Montana, a 501(c)(3) organization, hereinafter referred to as BCHMT, and shall be incorporated under the laws of the State of Montana as a nonprofit educational corporation. The executive body of BCHMT shall be named the State Board of Directors, hereinafter referred to as SBD. The address of the BCHMT shall be PO Box 4051, Helena, Montana 596042130 9th Street West #109, Columbia Falls, Montana 59912, or an address deemed more appropriate by the SBD.

## ARTICLE II

### Objectives and Purposes

~~Section 1.~~—To perpetuate the common sense use and enjoyment of horses in America's ~~roadless~~ backcountry, and wilderness areas. To work to ensure that public lands remain open to recreational stock use.

~~Section 2.~~—To assist the various government, state, and private agencies in their maintenance and management of said resource.

~~Section 3.~~—To educate, encourage and solicit active participation in the ~~people~~ to wisely and sustaining use horses in of the back country resource by horsemen

~~and the general public so as to sustain the use of animals and the resource in a manner commensurate with our heritage, and to encourage and solicit active participation by members and the general public in such activity.~~

~~Section 4.—To foster and encourage the formation of additional BCHM chapters~~new state back country horsemen organizations.

~~Section 5.—To seek out opportunities to enhance existing areas of recreation for stock users.~~

### ARTICLE III

#### Membership in BCHMT

Section 1. Hereinafter, any chapter seeking affiliation with BCHMT must recognize the commitment and adopt the purposes as stated in Article II.

Section 2. All chapters must include "Back Country Horsemen" as part of their name.

Section 3. All chapters must be approved by the voting delegates at an annual meeting, or by the SBD.

Section 4. The directors of BCHMT, by a two-thirds (2/3) majority vote of those in attendance at a regular or special meeting, may revoke an affiliated chapter's membership in BCHMT if a violation of BCHMT constitution or bylaws by that chapter is confirmed, after due notice and hearing.

Section 5. Membership in more than one chapter:

A. Membership in more than one chapter is allowed.

B. Each individual member of any chapter is required to pay the chapter dues.

C. Each member of any chapter is required to pay state dues to BCHMT once, and national dues to Back Country Horsemen of America (BCHA) once, via the chapter they designate as responsible for that transfer of funds and maintenance of their membership records.

D. Representation as a convention delegate is limited to only one of the chapters in which the delegate is a member.

E. Representation as a State Director is limited to only one of the chapters in which they are a member.

F. No further restriction shall be applied on a member of more than one chapter as to the ways in which that member can volunteer in each of the chapters where they maintain membership.

Section 56. To remain in good standing, chapters must pay annual BCHMT membership dues by January 1. Chapters will make payment based on the number of chapter memberships for whom state dues were collected as of October 1.

## ARTICLE IV

### Powers

Section 1. The supreme authority of BCHMT shall be in its assembled delegates. The SBD shall execute this authority when the voting delegates are not assembled, but shall follow the direction given them by the delegates and shall be responsible to them.

Section 2. The assembled voting delegates shall have exclusive power to enact, repeal, or amend the constitution or the bylaws of BCHMT. They may, by resolution, take any action not inconsistent with law or the BCHMT constitution and bylaws.

Section 3. The ~~State Board of Directors~~ SBD shall have the power to take any action not inconsistent with law, the Cconstitution and Bbylaws of BCHMT, or any duly enacted resolution of an annual convention, or a special assembly of the voting delegates.

Section 4. The SBD shall be charged with the duty to distribute pertinent information; to serve as a clearing house for actions and ideas emanating from local, state, or national sources; and to represent the affiliated chapters from the state level. It shall provide member chapters assistance, coordination, guidance, and direction in their organization and general efforts.

Section 5. There shall be an equal number of voting delegates from each chapter, and they shall decide BCHMT policy and give direction to the SBD at each annual or special meeting. They shall also have the powers and duties described elsewhere in this constitution.

## ARTICLE V

### Annual Convention

Section 1. The annual convention, or meeting, of BCHMT shall be held at such a time and place as is determined by the assembled voting delegates at an annual meeting two (2) years prior to said convention or meeting.

A. When choosing annual convention sites, preference will be given to the chapter requesting consideration, which has not held a convention or has waited the longest time since last hosting a convention.

B. The Chairman of SBD shall call a special meeting of the voting delegates upon receipt of written requests for same from a majority of the chapters.

C. The SBD and its officers shall have the authority to establish guidelines ~~for all aspects of the annual convention or any special meeting of the delegates that may be convened.~~ relating to the convention.

Section 2. Any member in good standing of any BCHMT chapter may attend any annual convention and have floor privileges, but only official delegates will be recognized to vote.

Section 3. The host chapter may assess and collect convention registration fees from attending members based on a reasonable projection of convention expenses.

Section 4. The annual meeting will be conducted according to *Robert's Rules of Order*, and the procedure for the orderly transaction of business, which follows:

A. A two-part agenda will be developed for each meeting, comprised of a general agenda and a special agenda.

- B. All items of business on the general or special agenda must be sponsored by a chapter or the SBD.
- C. At the December meeting of the SBD, prior to the annual convention, the State Chairman shall appoint a Resolutions Committee of at least three (3) members from at least three (3) different chapters. The intent of said Committee is to refine, correct, prevent duplication and repetition in resolutions, and should not be interpreted as having authority to impose the beliefs of the Committee members nor to change the intent of the original resolution. The duties of the Committee shall be:
  - 1. To screen all resolutions submitted by chapters for accepted form and grammar, and for content appropriate to the stated Purposes of BCHMT.
  - 2. To combine and condense similar resolutions.
  - 3. To research previous actions of BCHMT, and make note when action is being duplicated or policy being contradicted.
- D. All general-resolution agenda items shall be received by the Resolutions Committee at least eight (8) weeks prior to the annual convention. The Resolutions Committee shall meet and act on the agenda-resolution items, and submit both the original and edited items, along with their recommendations, to the member chapters at least six (6) weeks prior to the convention.
- E. During the floor discussion of a resolution at an annual or special BCHMT meeting, a delegate from a chapter that submitted an original resolution, or a state director (in case of a SBD originated resolution), may make a privileged motion. Such a motion, which is not debatable, provides that the "original" resolution from the chapter or SBD be considered instead of the "edited" resolution. Should the motion pass, the "edited" resolution is automatically withdrawn, and discussion and action takes place on the "original" resolution or resolutions, if more than one (1) are combined. Should the motion fail, discussion and action will continue on the "edited" resolution.

- F. All items of business sponsored for the special agenda part of the annual meeting must be placed with the meeting chairman by the pre-convention meeting of the SBD.
- G. All items of business sponsored for the special agenda must be bona fide "special," in that there was no opportunity to have presented it for the regular agenda. This would primarily happen because of breaking information, news or events. The SBD shall determine what constitutes bona fide "special" prior to the special agenda part of an annual meeting.

Section 5. Each voting delegate must be a member in good standing of a BCHMI chapter, and show evidence that he or she is authorized as a voting delegate by said organization.

Section 6. A voting delegate may represent only one (1) chapter.

Section 7. When their annual BCHMI chapter dues have been duly submitted, each chapter is authorized to seat eight (8) voting delegates at an annual BCHMI convention, who are entitled to vote on all matters duly brought before the convention. A list of these delegates shall be provided to the chair prior to the commencement of any official business. When it is not apparent to the chairman that an issue has received at least a seventy-five percent (75%) consensus approval, the issue shall be resolved by a roll-call vote of the chapters.

Section 8. Fifty percent (50%) of all duly authorized delegates shall constitute a quorum for the purpose of conducting business. A simple majority of delegates in attendance can effect action.

Section 9. Special measures, namely a vote to enact, repeal, or amend the constitution or bylaws must be passed by a two-thirds (2/3) majority vote of all delegates in attendance.

Section 10. The Chairman of the SBD of BCHMI shall preside over all business affairs of the assembled voting delegates.

Section 11. The chapters shall be assessed BCHMI membership dues for the following year as determined and approved by a simple majority vote of the voting delegates in attendance at an annual meeting or a special assembly of the voting delegates.

Section 12. Deadline for chapter dues will be January 1, and national dues are due February 1.

## ARTICLE VI

### State Board of Directors

- Section 1. The SBD of BCHMT shall be comprised of two (2) State Directors from each chapter, to be duly elected ~~prior to the annual convention by each chapter. State Directors shall assume office January 1 prior to the annual convention.~~ Each member chapter shall elect one (1) alternate director to serve in the absence of a regular director.
- Section 2. Should a regular director be unable to complete his or her term of service, the alternate director shall serve the remainder of the term, and the chapter shall elect another alternate.
- Section 3. State Directors shall be elected to serve staggered two-year terms, the alternate to serve one (1) year. No State Director shall be elected to serve more than three (3) consecutive terms, except when that director is serving as Chairman or Vice-Chairman, in which case he or she may continue to serve beyond the three (3) consecutive terms while serving in either of these offices. ~~A duly elected member of the SBD shall assume office at the first SBD meeting following the first annual convention after his or her election, and shall serve until replaced.~~
- Section 4. At the last SBD meeting of each calendar year, a nominating committee, comprised of the most senior State Director (in terms of consecutive years of service) from each chapter present, will be directed by the SBD chairman to provide a slate of candidates for the offices of the SBD and BCHA National Directors and Alternates. The committee will choose its chairman, and thence announce the list of candidates at the last meeting of the SBD prior to the annual convention.
- Section 5. Duly elected Montana National Directors shall be ex-officio non-voting members of the SBD, provided they are not already members. SBD membership is not a prerequisite for election to the NBD National Board of Directors.

## ARTICLE VII

### Officers and Operation of the SBD

Section 1. The officers of the SBD shall consist of Chairman, Vice-Chairman, Secretary, Treasurer, and any other offices as the assembled SBD shall create from time to time. The officers shall be elected by and from the SBD, and serve for a term of one (1) year. If no member of the SBD is willing to serve as Secretary, the position of Secretary may be filled from the general membership by appointment of the Chairman and approval of the SBD. An appointed Secretary must be a member in good standing of an affiliated BCHMT chapter, but does not represent that chapter with voice or vote. To allow for more equitable representation, the chapter from which both the Chairman and the Secretary (if elected from the SBD membership) belong shall advance their alternate director to regular director, and elect another alternate director. Officers shall be elected and assume office at the first ~~(1<sup>st</sup>)~~ SBD meeting subsequent to the annual convention, and shall serve until replaced.

Section 2. The Chairman of the SBD, when in attendance, shall chair all meetings of the SBD and all business sessions of the assembled voting delegates, and shall assist the affiliated Host chapter's president when asked. He or she shall perform his or her prescribed duties for the benefit of all member chapters.

The Vice-Chairman shall assist the Chairman, assume the Chairman's duties when the Chairman is absent, and ascend to the Chair should the Chairman vacate prior to the end of his or her term. Should this occur, the chapter represented by the Vice-Chairman will advance its alternate director to regular director, and elect another alternate. The SBD will elect another Vice-Chairman to complete the term.

The Secretary shall perform duties for the benefit of all chapters, including recording, filing, and distributing to the chapters, the minutes of all meetings of the SBD and the voting delegates, and such other duties normal for the office of Secretary.

The Treasurer shall be responsible to collect, disburse, and safeguard all BCHMT monies as directed by official action(s) of the voting delegates; and shall perform other duties normal to the office of Treasurer.

The State Directors shall be responsible to their respective chapters by forwarding concerns and providing input from their chapters to the SBD, and informing their chapters of SBD actions and requests.

Section 3. Fifty percent (50%) attendance of all duly accredited State Directors shall constitute a quorum for conducting SBD business. A simple majority vote of Directors present is necessary to effect SBD action, except when the removal of an officer, or a member chapter, is at issue. See Article III, Section 4, and Article IX, Section 1.

A. Each chapter of ~~the Back Country Horsemen of Montana~~BCHMT is expected to have representation at the State Board Meetings. If a chapter is absent from a meeting, the State Chairman shall contact the chapter by phone with the board concerns and send the chapter the minutes of the meeting as soon as possible.

B. If a chapter is not represented by at least one (1) member in attendance at a majority of the meetings in a ~~calendar year~~12-month period, the chapter will be placed on probation for one (1) year. If a chapter fails to be represented at a majority of the State Board Meetings while on probation, the State Board will hold a hearing with the chapter in question at the first regular State Board meeting of the following year. With a two-thirds (2/3) majority vote, the State Board may revoke the chapter's membership as allowed in Article III, Section 4.

Section 4. Each Director of the SBD shall have one (1) vote, with the exception of the Chairman and Secretary. The Secretary shall have no vote, and the Chairman shall vote only in case of a tie.

Section 5. A. An Alternate Director shall have voice, but no vote, unless replacing a regular director at a SBD meeting.

B. In the event that less than two (2) of the three (3) people elected (two (2) Directors and one (1) Alternate) are able to attend a Board meeting, any chapter member(s) in good standing may represent the absent Director(s) with full voice and vote provided they present to the Chairman prior to the meeting a letter of certification signed either by the ~~Club~~Chapter President or the Director(s) being represented.

Section 6. The SBD may take action by mail, email, electronic communication, or phone, provided that each director receives notice of the proposal to be acted upon at his or her last known address or phone number.

Section 7. The SBD shall meet at least twice a year, but may meet as often as necessary to properly conduct the business of BCHMT. Except in cases of emergency, written notice containing the known business agenda will be sent to the State Directors twenty (20) days prior to the meeting so that they may confer with their chapters.

Section 8. The time and place of SBD meetings shall be held at the convenience of the State Directors.

Section 9. All SBD meetings are open to attendance by any member in good standing of any BCHMT chapter; however, the privilege of voice shall be at the invitation of the State Chairman.

Section 10. No SBD officer shall be elected to more than two (2) consecutive terms in the same position.

Section 11. The immediate past Chairman of the SBD shall serve as an advisory member of the SBD for a period of one (1) year with mileage expenses paid by the treasury of the BCHMT at rates established by the SBD.

## ARTICLE VIII

### Finances

Section 1. State Directors' expenses shall be borne by their respective chapters at rates set by the chapter.

Section 2. BCHMT-related office, travel and necessary lodging expenses of the Chairman and Secretary, if appointed, shall be borne by the BCHMT treasury ~~of the BCHM~~.

Section 3. BCHMT-related office expenses of other officers of the SBD, and State Directors working on BCHMT projects, shall be borne by the BCHMT treasury.

Section 4. Mileage expenses incurred by National Directors attending SBD meetings shall be paid by BCHMT funds upon receipt of a duly

submitted voucher at rates set by the SBD, unless they are concurrently serving as a State Director from their local chapter.

Section 5. All BCHMI receipts and expenditures shall be reviewed by the SBD, and an annual procedural audit will be performed by a committee of three (3) State Directors (excluding the Treasurer), appointed by the Chairman. The audit will occur after the SBD meeting immediately prior to the Annual Meeting and before the SBD meeting immediately following the Annual Meeting, ~~with the audit report being made at the SBD meeting immediately following the Annual Meeting.~~

Section 6. The treasury of BCHMI shall be borne by all chapters in a manner established by the voting delegates at the annual convention.

Section 7. All newly formed BCHMI chapters shall have their dues waived for the first ~~(1<sup>st</sup>)~~ calendar year following their affiliation acceptance.

## ARTICLE IX

### Removal of Officers or Directors

Section 1. An officer of the SBD may be removed by a two-thirds (2/3) majority vote of the SBD or assembly of voting delegates when a quorum is present at a regular or special meeting, and when notice of proposed action has been sent to all chapters prior to such a meeting.

Section 2. A State Director may be removed by his or her respective chapter at any time. Upon taking such action, the chapter shall advance their alternate director to a regular director position, elect another alternate director, and immediately advise the SBD Secretary of the changes.

## ARTICLE X

### National Board Membership

Section 1. The nominating committee's recommendations (referred to in Article VI, Section 4) for BCHA National Directors and Alternates shall be read before the voting delegates during the first general business session of the first day of the annual convention. During the first general business session of the second day of the annual

convention, floor nominations may be accepted for these positions, and a vote by the duly elected delegates will select the BCHA National Director(s) and Alternate for the next term. All candidates must meet the qualifications as stated in Article VI, Section 3.

Section 2. All candidates for National Director or Alternate to BCHA must be members in good standing of a BCHMI chapter, and have served a minimum of one (1) full term as either a State Director or chapter President.

Section 3. Two (2) National Directors to BCHA shall be elected to represent BCHMI. They shall serve staggered two-year terms, and once rotation order has been established, one (1) director and one (1) alternate shall be elected each year. The term of the alternate shall be one (1) year. No National Director shall be elected to serve more than three (3) consecutive terms. In the event that a National Director is elected Chairman or Vice Chairman of the BCHA, the time in that office will not be considered part of his or her three (3) consecutive terms.

Section 4. In the event that either director can no longer serve, the alternate shall serve as the director for the remainder of the director's term, and the SBD shall appoint a new alternate.

## ARTICLE XI

### Constitutional Changes

Section 1. The assembled voting delegates shall have the power to change any section of this Constitution, or amend it, by a two-thirds (2/3) majority vote at an annual ~~or special~~ meeting or convention, providing that Article V, Section 4, has been followed.

Section 2. The SBD Secretary shall have the responsibility of keeping the Constitution current, and shall furnish a copy showing any changes to all members of the SBD and each BCHMI affiliated chapter.

## ARTICLE XII

### Conduct of Business

Section 1. All meetings shall be conducted in accordance with *Robert's Rules of Order* unless in conflict with this Constitution.

Section 2. No part of the net earnings of this organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in any political campaign on behalf of any candidate for public office (including the publishing or distribution of statements). Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by any organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Section 3. Dissolution: Upon the dissolution of BCHMT, the then-serving officers shall form and constitute a Board of Directors to oversee final payment of debts and distribution of assets of BCHMT, unless by majority vote of the membership, other members are elected to serve as directors for such purpose. Any remaining assets of BCHMT shall be distributed exclusively for one or more exempt purposes within the meaning of Section 591(c)(3) of the Internal Revenue Code, or corresponding section of any future tax code, or they shall be distributed to the federal government, or to a state or local government for public purpose.

Section 4. No member shall be considered a "spokesperson" on any matters with cooperating agencies or the media without the explicit appointment by the Chairman for a specific occasion.

## **ARTICLE XIII**

### **Ratification**

Section 1. This Constitution, with revisions, was approved by the assembled voting delegates at the ~~2005~~-2018 annual Convention of the BCHMT.

**State Chapters**

**Beartooth BCH**

PO Box 614  
Absarokee, MT 59001-0614

**Mile High BCH**

PO Box 4434  
Butte, MT 59702-4434

**Bitter Root BCH**

PO Box 1083  
Hamilton, MT 59840-1083

**Mission Valley BCH**

PO Box 604  
Ronan, MT 59864-0604

**Cabinet BCH**

PO Box 949  
Libby, MT 59923-0949

**Missoula BCH**

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**Charlie Russell BCH**

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**NorthWest Montana BCH**

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**East Slope BCH**

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**Selway-Pintler Wilderness BCH**

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**Flathead BCH**

PO Box 1192  
Columbia Falls, MT 59912-1192

**Three Rivers BCH**

PO Box 251  
Dillon, MT 59725-0251

**Gallatin Valley BCH**

PO Box 3232  
Bozeman, MT 59772-3232

**Upper Clark Fork BCH**

PO Box 725  
Deer Lodge, MT 59722-0725

**Judith Basin BCH**

PO Box 93  
Lewistown, MT 59457-0093

**Wild Horse Plains BCH**

PO Box 640  
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**Last Chance BCH**

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