

**MINUTES**

**MONTANA SENATE  
56th LEGISLATURE - REGULAR SESSION**

**CONFERENCE COMMITTEE ON SB 59**

**Call to Order:** By **CHAIRMAN JACK WELLS**, on April 14, 1999 at 11:00 A.M., in Room 410 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Jack Wells, Chairman (R)  
Sen. Mike Taylor, (R)  
Sen. Eve Franklin (D)  
Rep. Allan Walters, Chairman (R)  
Rep. Douglas Wagner, (R)  
Rep. Gail Gutsche, (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jodi Pauley, Committee Secretary  
Leanne Kurtz, Legislative Branch

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 59, 4/13/1999  
Executive Action: SB 59

**EXECUTIVE ACTION ON SB 59**

**SEN. JACK WELLS** discussed the original intention of **SB 59**. He said there has been a request from sportsmen that some sort of preference system should be established. He said they wanted a preference for people who apply year after year for permits and don't receive them. He said when someone applies they are given a point if they don't receive a permit for that year so they might have a better chance the next year they put in for a permit. He said this bill also included non-residents. He said currently non-residents who apply for these kind of permits compete with resident hunters in the first lower numbers of these permits. But

as soon as non-residents achieve ten percent of those permits they are no longer in the pool. Residents then get the rest of the permits. He said in many cases non-residents never reach the ten percent because there are so many residents in this pool. He said the bonus point preference system would not mathematically alter that. He said a person that has put in for 10 years whether he is a resident or non-resident has a better chance than the person who has just put in for one year. He said the amendments from the House said they didn't want non-residents involved at all in the bonus preference system. He said what that would do is that every year a resident puts in and gets a bonus point and the non-resident does not get a bonus point, that over time the resident numbers are growing and growing, but non-residents won't grow mathematically at the same rate. He said if they want to eliminate non-residents it will create some problems. He said the system is not designed to eliminate non-residents, they are charged a lot more and there is legal problems with this. He said the cost to residents would go way up as non-residents fund about 2/3 of the services provided by the Department of Fish and Game. He said the fees that they charged would pay for the system. He said under the original bill it was \$3 dollars per species and they wanted to have non-residents pay a higher fee. He said they also established that they would buy a bonus point for \$25. He said the House, however, wanted to amend this down to \$1 for both residents and non-residents. Still, this doesn't separate non-residents and residents and it wouldn't be enough money to pay for the system. He discussed some options for the bill.

**EXHIBIT (ccs81sb0059a01)** He also passed out application sheets for moose, sheep and goat, and for deer, elk and antelope.

**EXHIBIT (ccs81sb0059a02)** He said he would like to use option one or two of **(EXHIBIT 1)** for this bill. This bill does not eliminate new applicants and does not guarantee someone a new license. But this gives a person who puts on for 30 years, etc. a better chance at getting a permit.

**{Tape : 1; Side : A; Approx. Time Counter : 11:23 a.m.}**

**REP. DOUG WAGNER** read from the current statutes on restrictions on hunting licenses. **EXHIBIT (ccs81sb0059a03)** He asked if the number of residents that apply don't exceed the number of licenses, would the non-residents be able to get more than 10 percent. **Pat Graham, MT Fish, Wildlife and Parks**, said if everyone was getting their license, preference wouldn't be an issue. He said they can give more than 10 percent to non-residents if allowable.

**REP. WAGNER** asked how is the drawing done now. **Pat Graham** said there isn't a guaranteed 10 percent for non-residents. He said perhaps non-residents make up four percent of the number of

people that put in. They would get about four percent of the drawing. He said on those species that have fewer than 10 then non-residents are precluded from those.

**REP. WAGNER** said how is the drawing done. **Pat Graham** said it is done by computer.

**REP. WAGNER** said if they were unsuccessful at the drawing would non-residents stay at ten percent and it would not affect the residents or the chances at getting big game. **Pat Graham** said non-residents are capped, unless there is not enough residents to fill the quota then they can be issued to non-residents.

**SEN. WELLS** said they put in a provision that if a resident or non-resident does not make an application for two consecutive years then all points are lost. And if they draw a tag they also start over again in points.

**SEN. MIKE TAYLOR** asked if the current status of the bill will allow for the preference system to non-residents. **SEN. WELLS** said it was attempted to be amended out to eliminate non-residents totally.

**REP. WAGNER** said in the House, the Fish and Game Committee amended down the resident fee of \$3 to \$1. He said on the floor of the House, they proposed an amendment to take non-residents clear out of the bill.

**SEN. TAYLOR** said he is for the preference system, and they should not be limiting out-of-state hunters. He said they can't be an island and he wants to be able to go to other states and be able to hunt, etc. The 10 percent is fair and there could be some legal problems if they try and limit out-of-state hunters.

**SEN. WELLS** said they need to pick an option from **(EXHIBIT 1)**.

**SEN. TAYLOR** asked when will the computer system will be able to handle the preference system. **Pat Graham** said in the year 2001 and this is when this bill will take effect. He said if they tried to do it manually it would cost too much and would be very difficult to keep records.

**SEN. TAYLOR** discussed options 1 and 2 of **(EXHIBIT 1)**.

**REP. WAGNER** said if people applied for several permits it would be cheaper to do one application. He said out-of-state fees need to be high enough to defer the cost.

**SEN. WELLS** asked why did they switch the figures to \$2, etc. **Pat Graham** said the \$25 fee was a surcharge that was going to be charged to people that were unsuccessful in the combination drawing, but still wanted to be able to maintain their preference points. However, this has been struck from the bill. He said non-residents could pay \$25 and keep the preference point.

**SEN. TAYLOR** said option one appears to be cheaper. **(EXHIBIT 1)**.

**REP. WAGNER** said he would prefer to see option one with the \$3 fee reduced to \$2.

**Motion/Vote:** **REP. WAGNER MOVED TO STRIKE \$3 AND INSERT \$2 AND CHARGE \$16 FOR NON-RESIDENTS. Motion carried unanimously 6-0.**

**Motion:** **SEN. TAYLOR MOVED TO ADOPT OPTION 1. (EXHIBIT 1)**

**Discussion:**

**REP. WAGNER** said if they do the \$2 and the \$16 it would not be revenue neutral.

*{Tape : 1; Side : A; Approx. Time Counter : 11:45}*

**SEN. TAYLOR** withdrew his motion.

**Motion/Vote:** **REP. WAGNER MOVED TO PLACE RESIDENTS AT \$2 PER APPLICATION AND NON-RESIDENTS TO \$20. Motion carried unanimously 6-0.**

**Motion:** **SEN TAYLOR MOVED TO ADOPT OPTION 1. (EXHIBIT 1)**

**Discussion:**

**SEN. WELLS** asked if they adopt this option will they still have the two year loss, etc. **Leanne Kurtz** said those are not in the bill.

**Pat Graham** said there was the \$3 drawing fee and it was not discriminatory amongst residents and non-residents. He said the confusion was that the \$25 was for non-residents and the \$3 was for residents. But in the initial bill they were going to charge residents and non-residents \$3 each. The \$25 was in there to give non-residents, at some price, the chance to be in the drawing.

**SEN. WELLS** said in the combination drawing do they have their own preference system. **Pat Graham** said currently it is an absolute

preference. Under this bill it would be converted into the bonus system.

**SEN. TAYLOR** asked, if on out-of-state combination licenses, was there no preference. **Pat Graham** said for the big-game licenses that outfitters use, there is no preference system.

**REP. WAGNER** asked if people apply every year it doesn't necessarily mean they can be in the preference drawing. **Pat Graham** said if they were to apply every year the percentages would be good on big game elk. He said with deer there is no preference.

**REP. WAGNER** said where does the \$25 come from. **Pat Graham** said people know they have two years that they don't have to apply in. He said a resident can choose not to apply for a year and still get back in.

**REP. WAGNER** asked why would they get dropped out. **SEN. WELLS** said they would have to apply for a license first before getting the permit. **Pat Graham** said they have to have their license in order to apply for the permit. He said the preference for the big game would stay in place, but they wouldn't be able to apply for special areas, etc.

**REP. WAGNER** said the \$25 is so that they can buy a point in case they don't come and hunt that year.

**Motion/Vote: SEN. TAYLOR MOVED THAT THE \$25 FEE BE AMENDED BACK INTO THE BILL. Motion carried 5-1 with Wagner voting no.**

**Motion/Vote: SEN. TAYLOR MOVED SB 59 DO PASS AS AMENDED. Motion carried unanimously 6-0. EXHIBIT(ccs81sb0059a04)**

**ADJOURNMENT**

Adjournment: 11:58 A.M.

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SEN. JACK WELLS, Chairman

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JODI PAULEY, Secretary

BC/

**EXHIBIT (ccs81sb0059aad)**