



Senate Energy and Natural Resources Committee
Testimony on SB 2297

North Dakota Game and Fish Department
Greg Link, Conservation and Communications Division Chief
February 3, 2023

Chairman Patten and members of the Senate Energy and Natural Resources Committee, my name is Greg Link. I serve as the Chief of the Conservation and Communications Division for the North Dakota Game and Fish Department (Department). I am providing testimony in support of the overall intent of SB 2297, but also proposing amended language for your consideration.

The successful delivery of the Department's education programs relies heavily on the service contribution of its corps of over 800 active volunteer instructors. We greatly appreciate and give high regard to their generosity and dedication. As a means of acknowledging and showing our gratitude and support for their contribution, the Department provides service awards to instructors who have reached a certain benchmark of volunteer years and hours of instruction, as follows:

- 2 years (50 hrs) = Vest
- 5 years (125 hrs) = Jacket
- 10 years (250 hrs) = Plaque
- 15 years (375 hrs) = Knife
- 20 years (500 hrs) = Binoculars
- 25 years (625 hrs) = Gun
- 30 years (750 hrs) = Lifetime Hunting and Fishing License [*as per NDCC Sec.20.1-02-05 (25)*]

As you can see, our 30-year service award is tied directly to the subsection of statute we are discussing today, first established in 2001. Unfortunately, nobody could foresee, at that time, the implications of limiting this service award to only resident instructors.

The dilemma created by this limitation first came to our attention about 5 years ago when a long-serving volunteer instructor for our program and his local communities in North Dakota had achieved the 30-year service benchmark. Because he resided just across our border and claimed residency in a neighboring state, he could not qualify nor receive this award, as a non-resident. Since that time, we've had other nonresident volunteers, serving our Department and our state,

achieve the 30-year service benchmark and face this same predicament. Based on our records, seven volunteers have run into this dilemma; two of which have continued to purchase nonresident licenses in order to hunt and fish in our state. Recognize, this situation will continue to manifest as more volunteer instructors, currently residing out-of-state or eventually moving out-of-state, achieve 30 years of service. Therefore, we fully agree it is time to address this unintended consequence of the original statute language.

That being said, there are several other pieces of original language that have the potential to cause similar unintended consequences. Therefore, we would like to propose and discuss the following amendments to address those issues in one fell swoop.

1. In Lines 6, 8, and 10 of this bill, the references to “firearms hunter safety” and “hunter education” narrow this service award provision to only one of many Department education programs which are taught or facilitated by our volunteer instructors. Our certified game and fish department volunteer instructors may teach one or more of a wide spectrum of Department education courses, not just Hunter Education. In addition to Hunter Education, these outdoor education programs include Hooked On Fishing, Fur Harvester Education, Archery Education, and Boat and Water Safety Education. Regardless of the education program(s) taught, all volunteer instructors should be entitled to the volunteer recognition awards, including the 30-year award.
2. In Lines 7 and 11, references to “lifetime resident certificates and combination licenses” and “lifetime combination license” are incorrect and inappropriate. In our state, we do not offer a “lifetime certificate” nor a “lifetime combination license”. We have met and upheld the intent of this original language through the years by providing qualifying instructors with complimentary certificates and combination licenses at no cost for their lifetime. When they are obtaining their licenses, our computer licensing system recognizes and acknowledges this qualification and provides the individual with those respective licenses free-of-charge. We would like to see this clarification addressed in any amendments, as a clean-up.

Also, state law, as per NDCC Sec.20.1-02-05 (25), does not provide a “combination license” for nonresidents; only residents. The combination license for residents includes fishing, general game and habitat, small game and furbearer licenses. To provide a non-resident with the equivalent licenses and comparable hunting, fishing, and trapping opportunities to those contained in the combination license for residents, we would need to provide them and explicitly spell out in statute the appropriate composite of complementary nonresident licenses they would receive (i.e. fishing license, general game and habitat license, small game license, statewide waterfowl license, spring white goose license, furbearer and nongame, and reciprocal trapping license).

Also, recognize that as nonresidents, qualifying instructors cannot receive “resident certificates and combination licenses” as directed in Line 7. Most states do not allow for individuals to possess a resident license in their state if the individual possess a resident license in another. This necessitates providing qualifying nonresident instructors with complimentary nonresident licenses comparable to those of a qualifying resident instructor, as specified above.

Recognize, when doing so, the cost value of the complimentary nonresident licenses will far exceed the cost or complimentary value of a resident certificate. The complimentary value of a resident certificate (\$1) and combination license (\$52) totals \$53; whereas, the cost or complimentary value of a nonresident certificate (\$2), fishing (\$48), general game and habitat (\$20), small game (\$100), statewide waterfowl (\$153), spring white goose (\$50), furbearer/nongame licenses (\$40), and reciprocal trapping (\$350) totals \$763.

It is also important to note that as we’re proposing to provide non-resident instructors with these complimentary licenses, it is our understanding we would still be subjecting them to the nonresident season restrictions, such as the 14-consecutive-day or two 7-consecutive-day license periods for hunting small game and waterfowl, etc.

3. Lastly, in Line, using qualifying metrics such as “must have served as a lead or assistant” and “for a minimum of one course” are no longer appropriate. Several of our education programs, such as Hooked On Fishing do not consist of courses, but rather, events. Therefore, changing the language referring to “an eligible individual as a lead or assistant” serving “in this state for a minimum of one course in each of thirty years.” should be modified to “served and maintained their active status as a certified instructor in this state for thirty years.”

In closing, in an effort to support and meet the intent of SB 2297, yet provide clarity, accuracy, and address all potential unintended consequences of the current bill language, as outlined above, we respectfully propose the following draft language:

A BILL for an Act amend and reenact subsection 25 of section 20.1-02-05 of the North Dakota Century Code, relating to a lifetime combination license.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 25 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

25) Issue, as a means of rewarding the dedication of certified game and fish department volunteer instructors:

- a) a complimentary resident certificate and combination license provided under section 20.1-03-11.1 to resident instructors, or
- b) a complimentary composite of nonresident licenses to include: certificate, fishing license, general game and habitat license, small game license, statewide waterfowl license, spring white goose license, furbearer and nongame, and reciprocal trapping license to nonresident instructors,
for the lifetime of the instructor. An eligible individual must have served and maintained their active status as a certified volunteer instructor in this state for thirty years. The license must be revoked by the director if the license-holder is convicted of a felony or found to have violated any provision of this title.

Thank you, Chairman Patten and Committee Member, for your time and consideration of this testimony and suggested amendments.