

1999 HOUSE NATURAL RESOURCES

HB 1214

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1214

House Natural Resources Committee

Conference Committee

Hearing Date 1/21/99

Tape Number	Side A	Side B	Meter #
1	x		4.8-21.3
1		x	21.3-60.0
Committee Clerk Signature <i>Kevin Kaul</i>			

Minutes:

SUMMARY OF THE BILL: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to use of hunting license fees; and to amend and reenact sections 20.1-02-16.1, 20.1-03-17, 20.1-06-16 of the North Dakota Century Code, relating to deposit of hunting license fees in the game and fish fund.

Vice Chairman Henegar opened the hearing on HB 1214 in the Pioneer Room. Chairman Grosz was absent. All other committee members were present: Vice-Chairman Henegar, Rep. Drovdal, Rep. Galvin, Rep. DeKrey, Rep. Nottestad, Rep. Nelson, Rep. Clark, Rep. Porter, Rep. Martinson, Rep. Hanson, Rep. Kelsh, Rep. Lundgren, Rep. Sandvig, Rep. Solberg.

(20.2) Rep. Kerzman of District 35 appeared in favor of HB 1214 and gave a brief summarization of the bill and it's reasons for being introduced.

(32.2) Rep. Weisz appeared in favor of HB 1214.

(34.5) Rep. Brian Hoime appeared in favor of HB 1214.(see attached testimony) He also proposed an amendment to the bill.

(40.2) Paul Schadewald of the ND Game and Fish Department appeared in opposition of HB 1214.

(48.0) Vice-Chairman Henegar asked Mr. Schadewald to explain the problems that South Dakota was having, with a law similar to what HB 1214 would enact.

(48.4) Mr. Schadewald explained that in South Dakota, 10% of the hunting license money would go into the county treasury. The services that were being provided were not backed up with the money they had, so they were winding up with losses in the Game and Fish Department.

(40.9) Rep. Drovdal asked if there was some way to write the law, so that the sate would not lose \$5 million in federal funding.

(50.5) Mr. Schadewald answered that there was not a way to do so, since that money was to only be used for Game and Fish related things and not general.

(0.0 side b) Paul Krerry of the Cass County Wildlife Club appeared in opposition to HB 1214.

(2.0) Bill Pfeiffer of the North Dakota Wildlife Society appeared in opposition to HB 1214.

(5.9) Mike Donahue of the North Dakota Wildlife Division appeared in opposition to HB 1214.

(6.8) Jim Nagle of the North Dakota Guide and Outfitters and the North Dakota Sport fishing Congress. The Guide and Outfitters were neutral to HB 1214, while the Sports fishing Congress was in opposition to HB 1214.

(8.1) Dennis Johnson of the North Dakota Farmer's Union appeared in favor of HB 1214 and supported the amendments.

(10.3) Brian Kramer of the North Dakota Farm Bureau appeared in favor of HB 1214.

(11.5) Larry Knobich of the United Sportsmen of North Dakota appeared in opposition of HB 1214.

The hearing on HB 1214 was closed without the committee taking action.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1214 Amendment to: _____

Requested by Legislative Council Date of Request: 1-8-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

House Bill 1214 takes 20% of Game and Fish lottery hunting license revenue and allocates it to county treasuries. This would amount to about \$1,000,000 per year. In addition to this shifting of \$1,000,000 per year to the counties, North Dakota Game and Fish would lose about \$2,500,000 per year in Federal Aid for Wildlife Restoration funds. These funds come from an excise tax on hunting equipment such as firearms and archery equipment. This funding would be lost because of a federal requirement that hunting license fees not be used for anything other than the administration of the state's fish and game department. If this bill passed and funds were transferred to the counties, North Dakota would no longer receive this federal funding. These funds pay for management of the Department wildlife management areas, small game and big game management and the ND hunter education program. North Dakota would remain ineligible for this funding until the license fee dollars were returned to the Game and Fish Department.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	(\$7,000,000)	0	(\$7,000,000)
Expenditures:	0	0	0	0	0	0

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: N/A
- b. For the 1999-2001 biennium: N/A
- c. For the 2001-03 biennium: N/A

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	\$2,000,000	0	0	\$2,000,000	0	0

If additional space is needed, attach a supplemental sheet.

Signed *Paul T. SchadewaId*

Typed Name Paul T. SchadewaId

Department Game and Fish Department

Phone Number 328-6328

Date Prepared: 1/21/99

FISCAL NOTE

JAN 13 1999

(Return original and 10 copies)

Bill/Resolution No.: HB 1214 Amendment to: _____

Requested by Legislative Council Date of Request: 1-8-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

House Bill 1214 takes 20% of Game and Fish lottery hunting license revenue and allocates it to county treasuries. This would amount to about \$400,000 per year. In addition to this shifting of \$400,000 per year to the counties, North Dakota Game and Fish would lose about \$2,500,000 per year in Federal Aid for Wildlife Restoration funds. These funds come from an excise tax on hunting equipment such as firearms and archery equipment. This funding would be lost because of a federal requirement that hunting license fees not be used for anything other than the administration of the state's fish and game department. If this bill passed and funds were transferred to the counties, North Dakota would no longer receive this federal funding. These funds pay for management of the Department wildlife management areas, small game and big game management and the ND hunter education program. North Dakota would remain ineligible for this funding until the license fee dollars were returned to the Game and Fish Department.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	(\$5,800,000)	0	(\$5,800,000)
Expenditures:	0	0	0	0	0	0

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: N/A
- b. For the 1999-2001 biennium: N/A
- c. For the 2001-03 biennium: N/A

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	\$800,000	0	0	\$800,000	0	0

If additional space is needed, attach a supplemental sheet.

Signed *Paul T. Schadewald*

Typed Name Paul T. Schadewald

Department Game and Fish Department

Date Prepared: 1/12/99

Phone Number 328-6328

Date: 1/21/99
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on 1214
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Drovdal Seconded By Clark

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	X				
Vice-Chairman Dale Henegar	X				
Representative David Drovdal	X				
Representative Pat Galvin	X				
Representative Duane DeKrey		X			
Rep. Darrell D. Nottestad	X				
Representative Jon O. Nelson		X			
Representative Byron Clark	X				
Representative Todd Porter	X				
Representative Jon Martinson	X				
Representative Lyle Hanson	X				
Representative Scot Kelsh	X				
Representative Deb Lundgren					
Representative Sally M. Sandvig	X				
Representative Dorvan Solberg		X			

Total (Yes) 11 No 3

Absent)

Floor Assignment Martinson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 21, 1999 4:32 p.m.

Module No: HR-13-0994
Carrier: Martinson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1214: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1214 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1214

TESTIMONY FOR HB 1214

Prepared by Representative James Kerzman

Tuesday, January 12, 1999

Chairman Mick Grosz and members of the Natural Resources Committee. For the record I am Representative James Kerzman from District 35.

House Bill 1214 simply returns twenty per-cent of hunting license or fee back to the impacted counties.

Let me give you a little background as to why I introduced this bill. I am not anti-hunting, just the opposite; I hunt, family members hunt and we provide habitat and try to foster good relationship between sportsmen and landowners.

During the harsh '97 winter I had farmers contacting me asking for help with wildlife damage. I, in turn, contacted Game and Fish for wildlife depredation help, to no avail. Instead, Game and Fish was able to convince the legislature to repeal the game habitat and restoration fund.

We had a lot of moisture last fall -- very wet -- needless to say our county and township roads took a beating. Many roads in my district, if they aren't mail or bus routes, are not classified or built up as all weather roads. Area residents usually try to avoid these roads in extreme weather conditions, but weather conditions were not a deterrent to hunters. Counties were trying to keep the roads drivable -- many times blading the roads almost weekly.

Many states have various ways of fostering good relationships. South Dakota just passed legislation that returns \$2.50 from hunting and fishing licenses to property owners who open their land to hunting.

I believe HB 1214 would be a step in the right direction to foster landowner/hunter relationships.

Thanks for your consideration, I'll try to answer any questions.

Respectfully submitted by:

Representative James Kerzman



UNITED SPORTSMEN
of North Dakota

BOX 272 - BISMARCK, ND 58502

Testimony
Of
Larry Knoblich

Presented to the House Natural Resources Committee
On HB1214, January 21, 1999

Mr. Chairman and Members of the Committee:

I am Larry Knoblich, speaking on behalf of the United Sportsmen of North Dakota.

We are opposed to this bill for the following reasons:

1. The bill would effectively raid the Game and Fish funds.
2. The Game and Fish Department is doing a great job and a big reason for this is its management of their money/budget.
3. *Pittman Robinson money.*

Thank you for your attention and time given to United Sportsmen.

Are there any questions?

Testimony for House Bill No. 1214
House Natural Resources Committee
Prepared by Bryan Hoime
North Dakota Township Officers Association

Mr. Chairman, members of the committee. This bill goes a long way to address a problem we find each year. Townships in this state have jurisdictional control of almost 56,000 miles of road, almost all of them are gravel and subject to the greatest damage. Each fall thousands of hunters in pursuing their sport drive upon township roads in all weather conditions, often fall weather brings wet conditions making the roads vulnerable and subject to damage.

Because of recent natural disasters which have occurred across this state, township funds in some areas are at all time lows. Township duty calls for the repair of injured roads, townships are also responsible for safety considerations of roads.

This bill addresses the problems that townships face, however the new language on pages 6 and 7 of the bill doesn't go far enough. On page 7, line 5, moneys are returned to counties and can be used by counties for general governmental purposes. Townships, where the majority of the damage occurs aren't receiving any relief. Since most of the damage is caused to political subdivisions on gravel surfaced roads.

I'd like to offer the following amendment which provides for a procedure of allocating the funds to townships based on each townships share of mileage. I might mention that the amendment provides allocation to counties for their share of roads. If the amendment is adopted I can fully support the bill.

Proposed amendment to House Bill No. 1214

Page 7, replace line 5 with "must be allocated to each township similar to the percentage of the total mileage of road in the county to each townships mileage of road as certified pursuant to 54-27-19.1."

Renumber accordingly

Darlene Frey
R.R. 1 Box 79
Mott, N. D.

Dear Mr. Kerzman;

I am writing you about a few bills which are coming up. One of them has to do with hunters rights. They want the right to hunt. Well Mr. Kerzman us landowners own the land and the hunters have no right to steal wrenches off my tractor and leave my gates open and I have to chase my cattle all over the neighborhood to get them back in place. Also I don't enjoy picking up beer cans ,feathers and garbage. As far as I am concerned some of the hunters have lost all their rights to hunt in my area. I wonder how they would like it if I back up with my pickup loaded with stuff and dumped it on their lawn.

The second bill is this license plate changing. I can see all the license numbers just fine. If Mr. Schafer wants to change to new ones then let him pay for it. If he wants to design a new plate let him do it at his own expense. Also raising the registration fee on our vehicle is just plain wrong. We pay plenty enough for our trucks as it is and only use them 6 months out of a year or three hundred miles . Let the tax go on the gas pump and then our vistors who travel in our state can also pay for fixing up the highways. I also feel that people passing on solid lines should pay a real heavy fine. We all have a right to drive on a safe highway without some people thinking they own and don't care what kind of lines their are or stop signs. The rules apply to everyone. Awaiting your reply.

Sincerely,
Darlene Frey
Darlene Frey

12/14



Firstline Midwest

The Midwestern Office of The Council of State Governments Volume 5, Number 11 • December 1998

Hunting remains an important political issue because the Midwest remains the home of some of the nation's most plentiful wildlife.

Abundance of wildlife keeps hunting on legislative radar in the Midwest

by Paul Coban

Hunting has been a potent political issue in the Midwest for centuries. The Comanche, Blackfoot and Teton Sioux vied for the best buffalo hunting territory on the Great Plains. Around the Great Lakes, competition between fur trappers from England and France helped to spark the French and Indian War.

Hunting remains an important political issue because the Midwest remains the home of some of the nation's most plentiful wildlife. A recent federal survey found that no part of the country has more hunting enthusiasts than the west north central region — a seven-state area that includes South Dakota, North Dakota, Nebraska, Kansas, Minnesota, Iowa and Missouri. Fourteen percent of residents in these states went hunting in 1996 — twice the national average.

No state in the country has a bigger hunting market than Michigan, where residents spent more than \$1.8 billion on hunting in 1996 — 8.7 percent of the U.S. total. Wisconsin, where hunters spent more than \$1.4 billion, ranked second.

The region's long tradition of hunting has developed a politically active

corps of hunters, and more recently, groups opposed to hunting. If the results of last month's elections are any indication, the region's hunters currently enjoy more public support. Minnesota voters overwhelmingly approved a constitutional amendment that "affirms that hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good."

Minnesota was not the only state in the Midwest where a hunting-related measure was on the ballot. Next door in Wisconsin, voters easily approved a constitutional amendment on "the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose." In Ohio, voters defeated a proposed amendment that would have banned hunting of mourning doves.

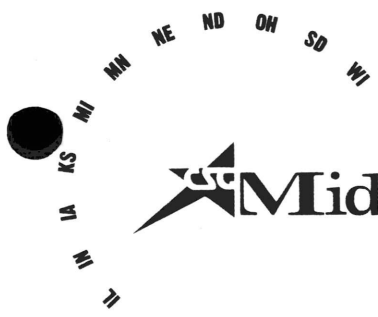
In the legislative arena, recent issues fall into four basic areas:

- Disputes among hunters;
- Disputes between hunters and property owners;
- Disputes between hunters and animal-rights activists and
- Revisions of hunting seasons, safety measures and existing statutes.

Next month:

Earned income tax credits

Earned income tax credits (EITCs) are generally considered a federal program, but they are catching on at the state level. Four of 10 states with EITCs are in the Midwest.





Hunting legislation reflects region's politics, economy and culture

In the last few years, no state in the Midwest has devoted more attention to hunting legislation than South Dakota. Lawmakers are increasingly worried that the state's popularity with nonresident hunters is depriving South Dakotans of the opportunity to hunt in their own state. More than 20 percent of South Dakota residents are hunters, the third-highest proportion in the country.

An influx of affluent, nonresident hunters has convinced many landowners to refuse access to their property without compensation. That bothers many residents, who believe they are being charged for an activity that should be free. As recently as 1973, South Dakotans did not even need permission to hunt on someone else's property — let alone have to pay them for the privilege.

The Game, Fish and Parks Commission wants to sustain out-of-state

hunting, mostly because of the money it generates. In 1997, revenue from resident hunting and fishing licenses was \$5.4 million, but nonresident sales generated \$7.4 million. The state's tourism industry also wants to maintain friendly ties with out-of-state hunters, who spend as much as \$60 million a year in South Dakota.

This year, South Dakota lawmakers approved a package of bills that aims to maintain access for out-of-staters while it increases the amount of land available to all hunters. Starting next month, South Dakota will add five dollars to the price of hunting and fishing licenses. The surcharge will last for three years. Half of the money it generates will pay private property owners to open their land to public hunting.

The other half of the fund will pay for wildlife depredation programs — efforts to protect property owners

from damage done by coyotes and other animals. Whether the state uses funds to directly compensate landowners or to pay for fences and other defensive measures is yet to be determined.

Lawmakers also increased the number of licenses available to nonresidents and the rates that they must pay. South Dakota hunters will also pay slightly higher fees. A nonresident permit expires after 10 days, a resident license is valid for one year.

In their most recent session, North Dakota lawmakers established a new fund for "private land habitat and access improvement." Money comes from habitat restoration fees and interest earned on the state's game and fish fund. As in South Dakota, some of the money will fund wildlife depredation efforts.

This year, Nebraska lawmakers approved a bill that requires one- to three-year revocation of hunting privileges for anyone who hunts out of season or exceeds twice the limit in season. Such legislation is the latest example of policies that intend to prevent animals from being hunted out of existence.

Buffalo are the most well known, but hardly the only regional example of an animal that nearly succumbed to over-hunting. In 1900, there were no white-tailed deer left in Iowa — today, there are 200,000. By the end of the 1930s, all the wild turkeys in

Survey of 1998 hunting legislation in Midwestern states

State	Bill	Intent
IL	SB 1195	Repeals nighttime ban on electronic calling devices.
IN	SB 177	Creates exception to license requirements for youth.
IA	HF 2290	Permits use of artificial light to take deer.
KS	HB 2868	Lifts certain restrictions on nonresident deer permits.
MI	SB 0974	Permits firearm hunting from raised platforms.
MN	HF 3808	Proposes constitutional amendment on hunting.
NE	LB 922	Allows license revocation for certain violations.
ND	HB 1395*	Creates fund to increase hunting lands.
OH	SB 103	Permits Sunday hunting in state public hunting areas.
SD	HB 1269	Establishes surcharge to increase hunting lands.
WI	AB 182	Bans use of dogs in bear hunting.

*1997 legislation

Nebraska were gone — today there are 40,000.

As the region's wildlife has rebounded, its metropolitan areas have spread out. Increasingly, urban residents are becoming unwitting deer hunters. This month in Wisconsin, a citizen advisory board is supposed to begin public hearings on "Deer Management for 2000 and Beyond." While their primary goal is development of hunting guidelines, panel members will also focus on the 44,000 annual collisions between deer and motor vehicles.

The number of collisions between cars and deer in Iowa has increased

every year since 1978. Last year, 13,328 Iowa motorists hit deer, a jump of 8.6 percent over 1996. This year, Iowa lawmakers approved a bill that permits the use of artificial light to take deer in urban areas.

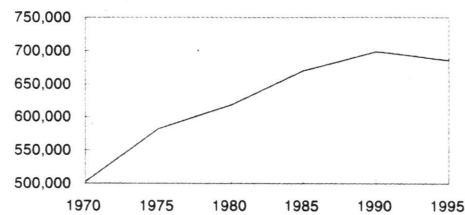
This year in Illinois, lawmakers rescinded a ban on electronic devices used to call wildlife at night. Illinois wildlife officials have their share of trouble with deer, but it is Canadian geese that are causing the most trouble in the Land of Lincoln. In the western suburbs of Chicago, growth of the goose population is causing headaches for property owners, park districts and cleaning crews. This year, the Illinois Legislature considered a proposal to give the Department of Natural Resources authority to "harvest" a percentage of the geese and donate the birds to area food banks.

In addition to managing the animal population, hunting laws also manage human behavior. In 1945, Michigan became the first state to offer a publicly sponsored hunter-safety education program.

Most states now require hunters to take a safety education program before getting a license. Last year, Wisconsin lawmakers approved a measure that lets hunters use the

certificate they receive for taking the state's hunter safety education program as a deer hunting license.

Number of licensed deer hunters in Wisconsin



Source: Wisconsin DNR (July 1998)

Next session in Indiana, lawmakers will discuss a ban on consumption of alcohol while hunting. An interim committee that recently concluded business examined the topic.

Most states have also imposed requirements on the clothing that hunters wear, the way they transport firearms, the times of day they may hunt and other measures.

Statistics indicate that safety efforts are paying off. About 1,000 of the 14 million hunters in the United States will be accidentally wounded or killed in 1998, if recent trends hold. That is a 40 percent reduction in the last decade, according to the International Hunter Education Association.

From 1988 to 1996, the number of fatal hunting accidents nationwide fell from 161 to 91. The U.S. accident rate has declined to 6.12 per 100,000 hunters, according to the National Rifle Association. The fatal accident rate has dropped to 0.57 per 100,000. By comparison, the fatal accident rate for swimmers is 2.44 per 100,000.

Paul Cohan is publications manager in the Midwestern Office.

QUICK FACTS

Nearly 742,000 Michigan residents bought hunting equipment in 1996, tops in the nation. The next four states: Texas (722,000), Pennsylvania (674,000), Wisconsin (574,000) and Minnesota (561,000).

Almost all of the pheasant in the nation inhabit four Midwestern states: Iowa, Kansas, Nebraska and South Dakota.

Of the 14 million U.S. residents who went hunting in 1996, 86 percent did so in the state where they live.

Fifteen percent of rural Americans had hunted in 1996, while only five percent of metropolitan residents had.

Ninety-one percent of hunters are men.