

1999 HOUSE NATURAL RESOURCES
HB 1306

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1306

House Natural Resources Committee

Conference Committee

Hearing Date 1/21/99

Tape Number	Side A	Side B	Meter #
1		x	13.4
3	x		0.0-13.7
Committee Clerk Signature <i>Elvin Kaul</i>			

Minutes:

SUMMARY OF THE BILL: A BILL for an Act to amend and reenact section 20.1-03-07.1 and subsection 4 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting by nonresidents.

Chairman Grosz opened the hearing on HB 1306 in the Pioneer Room. All committee members were present: Chairman Grosz, 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.

(12.9) Rep. Klinske of District 42 in Grand Forks appeared in favor of HB 1306. (see attached testimony) He also noted a proposed amendment.

Sen. Tollefson, District 16 testified in favor of HB 1306.

(16.4) Rep. Gorder testified in support of HB 1306 and noted that he was proposing the bill on behalf of a constituent.

(18.1) Rep. Galvin of District 33 testified in support of HB 1306.

(20.1) Larry Snyder, a citizen and landowner and hunter appeared in support of HB 1306.

(21.6) Brian Kramer of the North Dakota Farm Bureau appeared in support of HB 1306.

(22.3) Larry Knobice of the North Dakota United Sportsmen appeared in opposition to HB 1306.
(see attached testimony)

(26.1) Jim Nagle of the North Dakota Guide and Outfitters appeared in opposition to HB 1306 and was only truly opposed to removing the 14 day restriction on nonresidents.

(30.3) Mike Donahue of the North Dakota Wildlife Federation appeared in opposition to HB 1306. He was not opposed to section 2 of the bill, but was opposed to section 1.

(32.7) Jim Scheuster, Bismarck resident appeared in opposition to HB 1306.

(41.6) Paul Krerry of the Cass County Wildlife Club appeared in opposition to HB 1306.

(42.8) Ron Reynolds a Bismarck resident appeared in opposition to HB 1306. (see attached)

(51.0) Paul Mierchin a citizen lawyer, testified on his own behalf in opposition to HB 1306.

(tape 3--2.0) Donald Barnes, a citizen of Jamestown, ND testified in opposition to both HB 1306 and 1319.

(3.8) Roger Rasoff of the ND Game and Fish Department appeared in opposition to HB 1306.

The hearing on HB 1306 was closed, with the committee taking no action.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1306 Amendment to: _____

Requested by Legislative Council Date of Request: 1-13-99

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:

It is not believed that additional waterfowl licenses will be sold as a result of this bill. About 300 additional nonresident deer licenses may be sold each year.

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	\$100,000	0	\$100,000
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: None
- b. For the 1999-2001 biennium: None
- c. For the 2001-03 biennium: None

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

If additional space is needed, attach a supplemental sheet.

Signed *Paul Schadewald*

Typed Name Paul Schadewald

Department Game and Fish

Phone Number 328-6328

Date Prepared: 1/14/99

Date: 0 1/22/99
 Roll Call Vote #: |

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

House House Natural Resources Committee

Subcommittee on ~~100000~~ 1306
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Hanson Seconded By DeKrey

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					
Representative Deb Lundgren	X				
Representative Sally M. Sandvig	X				
Representative Dorvan Solberg	X				

Total (Yes) 11 No 3

Absent 1

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

REPORT OF STANDING COMMITTEE (410)
January 25, 1999 8:33 a.m.

Module No: HR-15-1077
Carrier: Sandvig
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1306: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1306 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1306

December 14, 1998

Amy Klinske
ND legislator

Dear Amy,

As a non-resident who hunts in North Dakota, I ask you to consider introducing legislation that will modify one of the restrictions imposed on non-resident hunters. Currently, North Dakota only allows a non-resident two weeks (two seven day periods) to hunt waterfowl from early October to late December. Essentially, though, the vast majority of waterfowl hunting occurs during October and finishes in the eastern part of the state soon after the first arctic blast each fall; this has happened during the first week of November the past three years. The consequences have been that the large concentrations of geese and "northern" ducks that linger in Canada have quickly flown through North Dakota giving hunters in North Dakota little opportunity to hunt these very birds; the frustration is even greater for the non-resident hunter because of the time restrictions North Dakota puts on non-resident hunters. The quandry the non-resident hunter is in is that North Dakota laws unwittingly force them to hunt before the geese and "northern" ducks are in the state. By limiting the time to hunt to 14 days, North Dakota effectively takes away the non-resident's ability to wait for the geese. If the non-resident waits to November he/she runs the risk of not being able to hunt at all due to abrupt weather changes in November; but if he/she uses up his/her or two weeks in October he/she stands to miss out on the very reason they come to hunt in North Dakota - large concentrations of snow geese and northern mallards.

Though it may seem fair to many legislators I would propose to you that this restriciton is unrealistic for the average non-resident hunter. I suspect that the average non-resident, like myself, is only able to hunt on weekends and - due to family considerations - can often hunt only one day on the weekend; such family considerations are comprised of a son's or daughter's primary or secondary school obligations, a child's athletic event, some other extracurricular activity, and Sunday church. In any event, North Dakota, I feel, is putting an unfair burden on non-resident hunters who are men or women with young families. They are asked to pay a fairly high price for the opportunity to hunt - for all practical purposes - two to four days in North Dakota.

Now, two to four days still might sound fair to some legislators but I would suggest that they do not take into account the difficulty attached to hunting waterfowl. Who, I ask, can tell when the waterfowl - in particular, the geese - are going to migrate into the state from Canada? Who can predict the weather which has a tremedous affect on waterfowl migration? To ask an individual to pick two weekends in the fall when all this can come together and to expect that same individual to find an accessible place to hunt - an equally difficult task - is unrealistic. It

seems to me that the current legislation favors non-residents who, most likely, are wealthy: Who else can afford to take 7 to 14 consecutive days and go hunting in North Dakota? And, who else can be free of the time and trouble of scouting for a spot to hunt unless you are wealthy enough to pay outfitters, etc?

The past two seasons I have taken my now 15 year-old son into North Dakota on weekends to hunt. My roots are in North Dakota so I am well aware of its beauty and its resources. I can remember when I lived in North Dakota how sportsman would talk about the "unknown" attraction of North Dakota and how North Dakota should somehow advertise its attractions. Yet I find it very odd that North Dakota Tourism wants people to come and see things like a tower in Pembina but fails to understand that the people who are most likely to come and visit North Dakota come to see its natural beauty and its natural resources.

North Dakota's Game and Fish Department is aware that, despite the abundance of waterfowl, the past three waterfowl seasons have been relatively disappointing. The geese are staying up in Canada later and later each year. People who come to North Dakota to hunt these beautiful birds are beginning to realize that it is just as easy to hunt across the border in Canada. Maybe this is why the North Dakota Game and Fish Department wants to enter into an agreement with Manitoba and Saskatchewan so waterfowl hunters have an option to go into Canada and hunt geese when they continue to linger in Canada. I think this speaks volumes about the predicament the non-resident hunter finds himself in in North Dakota.

Is there no way to reach some sort of compromise that would allow non-resident hunters - like myself - some leverage so they could hunt more than a few days in North Dakota? This past season my son and I hunted two weekends together. Unfortunately, the birds from Canada began to filter into the state on our last day of hunting; by then it was too late for us because my 14 day period was completed. Could not the legislature come up with some innovative package for non-resident hunters that allow them some extra hunting days in November? The reason that this could be so valuable is if the birds continue to migrate later and later, a non-resident would still have the option of "going back" to North Dakota for a successful hunt for geese and northern ducks. From what I have experienced and have been told, most waterfowl hunters have quit hunting by the end of October. By allowing non-residents a couple extra days to hunt in November they will not be crowding in on resident waterfowlers. Please, consider my request.

This then is my summation and suggestion:

The 14 day restriction upon the non-resident waterfowl hunter is unrealistic, especially to a hunter who has responsibilities toward his/her school-aged children that prevents any hunting on weekdays. Furthermore, since the eastern part of North Dakota waterfowl season ends - due to the freezing of the pot hole region - earlier

then the western half, the non-resident hunter who hunts this region is virtually limited to hunting in October. However, the same hunter is aware that the finest hunting occurs at the very end of the "nice weather" period (late October to mid-November) but this "occurrence" is totally unpredictable. If the hunter postpones hunting until November he/she runs the risk - as in the past three years - of not being able to hunt due to snow, frozen ponds and due to a lack of geese and ducks that simply bypassed North Dakota. But if the hunter chooses to hunt in October, he or she stands a good chance of missing out on "once in a lifetime" hunting in North Dakota. So, could the waterfowl restrictions be modified so a non-resident hunter could hunt 10 to 14 days in October and - in case the weather cooperates and the geese and ducks finally come and stay in North Dakota in November - could non-residents, if they choose, pay a surcharge for the privilege to hunt another 10 to 14 days in November or December? In essence, divide the non-resident's hunting season into two halves where the non-resident can pay to hunt a portion of one or both halves. Lastly, the reason I hunt is more to do with sharing time with my son. Please help me to have more of this time in North Dakota. My son and I thoroughly enjoy North Dakota.

Sincerely,



Ronald W. Kulas
429 Mero Court SE
East Grand Forks, MN 56721



UNITED SPORTSMEN *of North Dakota*

BOX 272 - BISMARCK, ND 58502

Testimony
Of
Larry Knoblich

**Presented to the House Committee on Natural Resources
On HB1306, January 21, 1999**

Mr. Chairman and Members of the Committee:

I am Larry Knoblich representing the United Sportsmen of North Dakota.

Section 1. Amendment

We are opposed to this amendment because we feel the original law to limit the number of hunting days was designed to curtail/stop the seasonal leasing of land by non-residents. We oppose this amendment because of the already existing competition level that now exists for areas to hunt. By allowing the unlimited time for non-resident hunters to hunt here during the waterfowl season will only put further strain on the residents competing for spots, and rubbing shoulders with them each and every week or weekend.

Section 2. Amendment.

We are not opposed to the allowing of the non-resident to obtain a deer permit after the 1st lottery, understanding that it is possible that a unit with 300 doe permits available after the 1st lottery could be taken up by non-residents, never making it available for the resident to get one.

Non-residents have access to some of the most liberal hunting regulations already by hunting here in our state.

Thank you for your time and attention. Are there any questions?

Points for Consideration Regarding the Liberalization of Non-Resident Waterfowl Hunting

House Bills-1306 and 1319

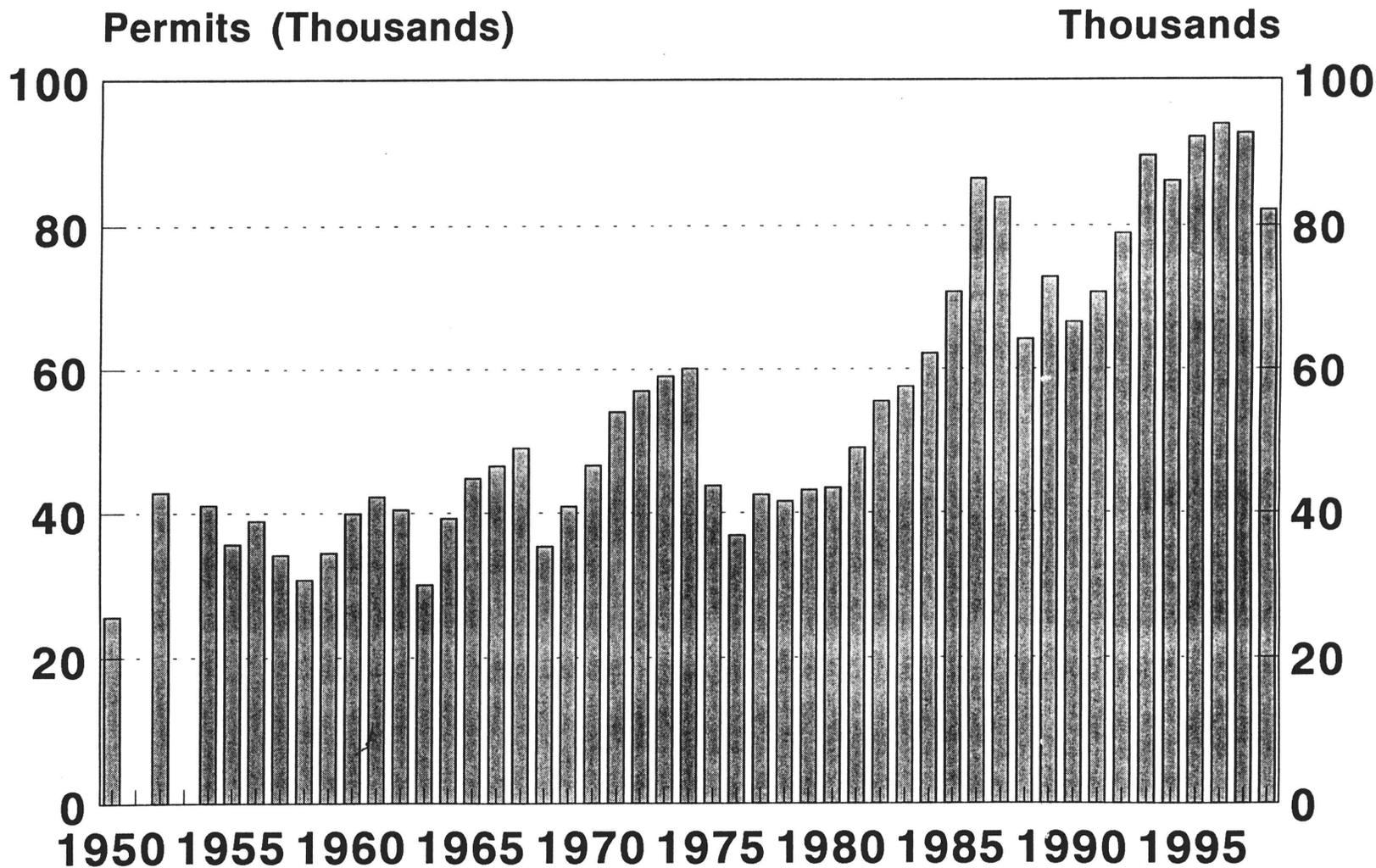
1. The number of non-resident waterfowl hunters in the last ten years has nearly quadrupled in the state of North Dakota. (*North Dakota Game and Fish Dept. Data*)
2. The last two hunting seasons, non-resident waterfowl hunters have outnumbered the number of resident hunters. (*NDGFD and National Waterfowl Harvest Data*)
3. Based on observations of increased posting of private land, this increase of non-resident hunting pressure has been responsible for increase conflict with landowners and hunters.
4. The average expenditure per resident hunter is 2.5 times that of non-resident hunter. (*NDSU Ag. Economics Report #389*)
5. North Dakota offers some of the highest quality hunting opportunities in the nation for its residents due to state laws that give preference to North Dakota citizens.

In summary: Currently North Dakota hunting regulations provide ample opportunity for non-resident hunting. Additional liberalization for non-residents will occur at the expense of resident hunters. This is not in the best interest of the economic and social well being of the State.

Recommendation for the Citizens of North Dakota: DO NOT PASS HB 1306 & 1319.

Deer Info

1300



Year

■ Gun permits avail.

1998 DEER GUN LOTTERY

Licenses available:

- 82,175 total licenses available statewide.
- 81,354 licenses available as resident and landowner gratis license.
- 821 are available to nonresidents (1% of total licenses allocated to non-res as required by law).

First lottery:

Residents (81,354 available)

- 9,665 licenses allocated for landowner gratis.
- 69,725 regular resident applications received for the remaining 71,689 licenses available, 59,141 were issued.

Non-Residents (821 available)

- 30 licenses allocated to non-res landowner.
- 85 white-tailed buck licenses of the total available allocated to resident guides for sale to non-res. (251 applications) all issued.
- 706 licenses were available for the first lottery to non-res sportsmen. There were 1,738 applications, all non-res licenses were sold during first lottery.

Second lottery (only unsuccessful from first lottery eligible):

- Of the 12,178 remaining licenses only one hunting unit had buck tags left, (248 in unit 2L, which is south of Devils Lake.
- No non-res licenses left after first lottery.
- Licenses available in 28 of the states 39 hunting units.
- 12,178 licenses remain, received 5,175 applications, 4,582 license issued.

Third Lottery: (Drawing held prior to second license being issued)

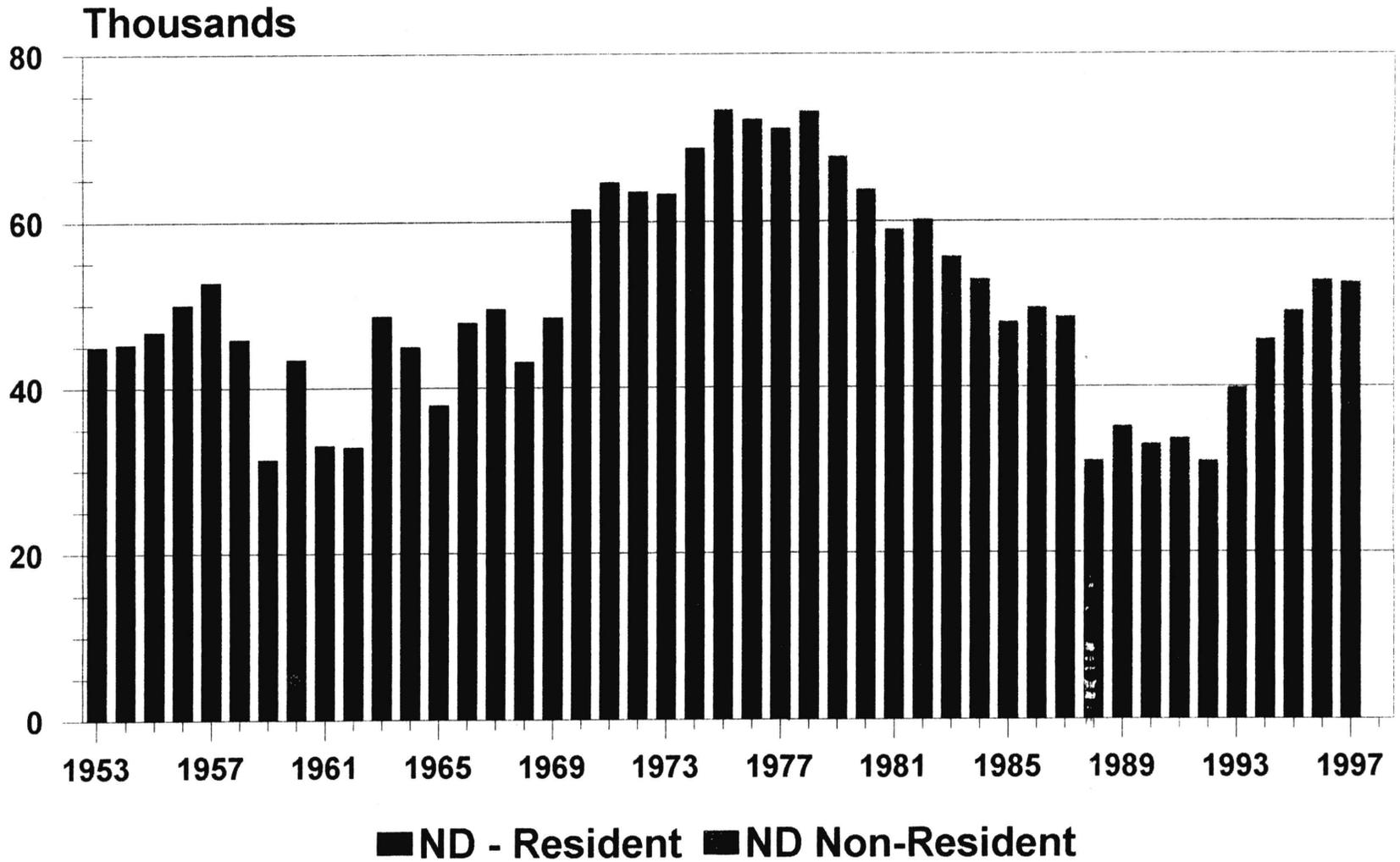
- No buck licenses available.
- No Non-resident licenses available.
- Licenses available in 20 of the states 39 hunting units.
- 7,596 licenses available, 3,351 resident applications received, 3,113 licenses issued.

Second Deer and First Come First Served Lottery and Sales:

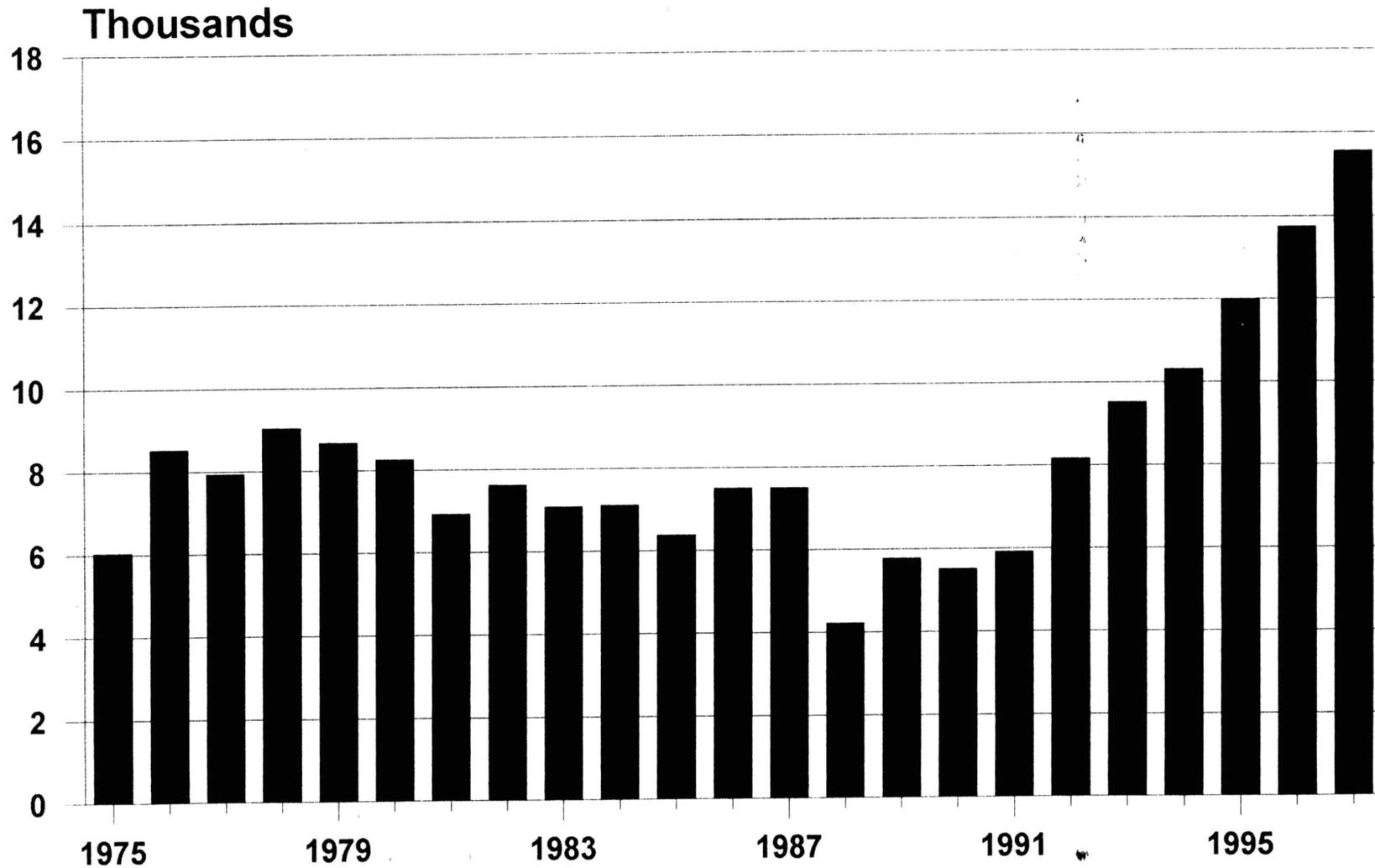
- 4,794 available 9,530 applications, all remaining available license sold.

North Dakota Waterfowl Hunters

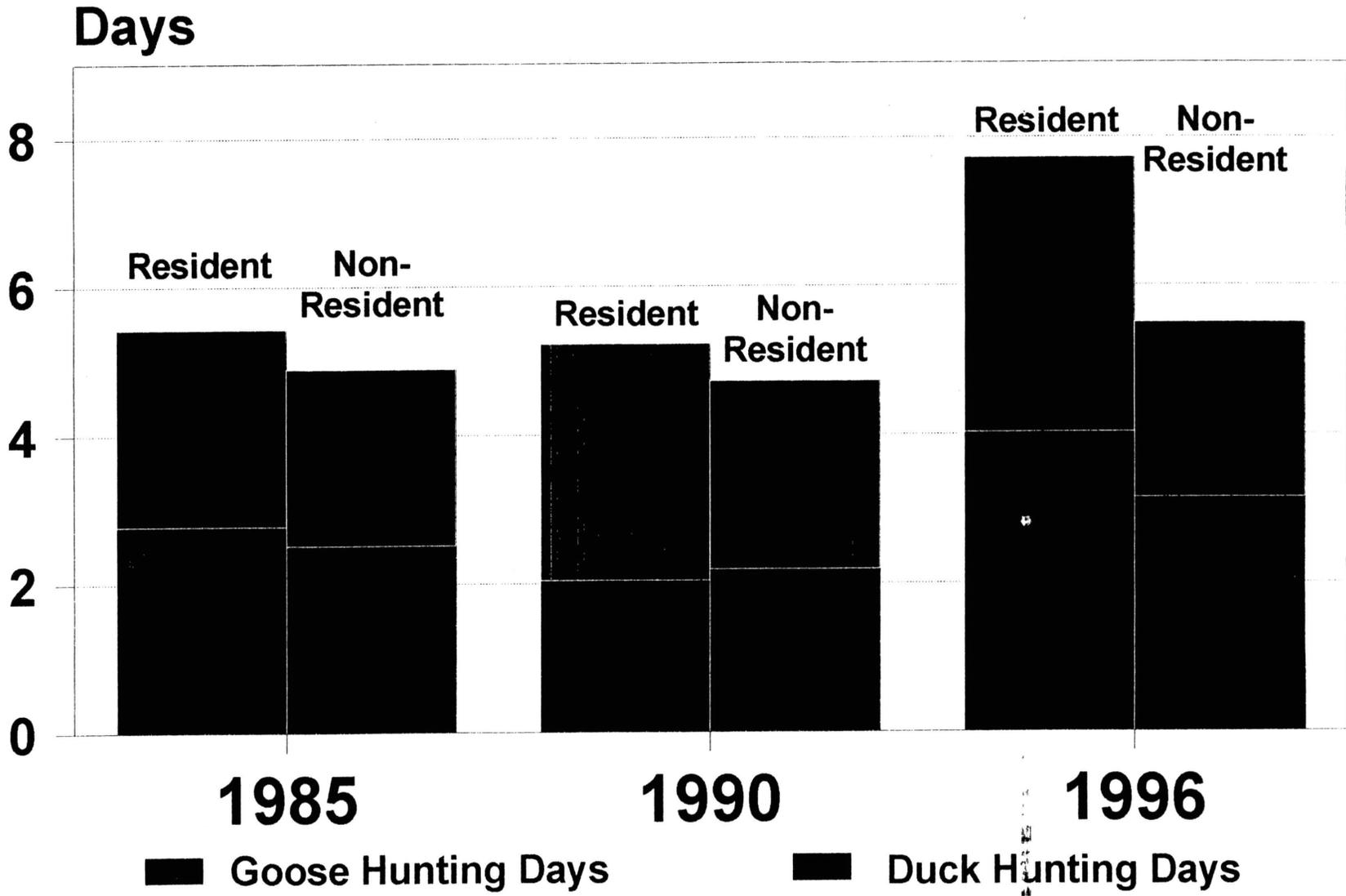
1306



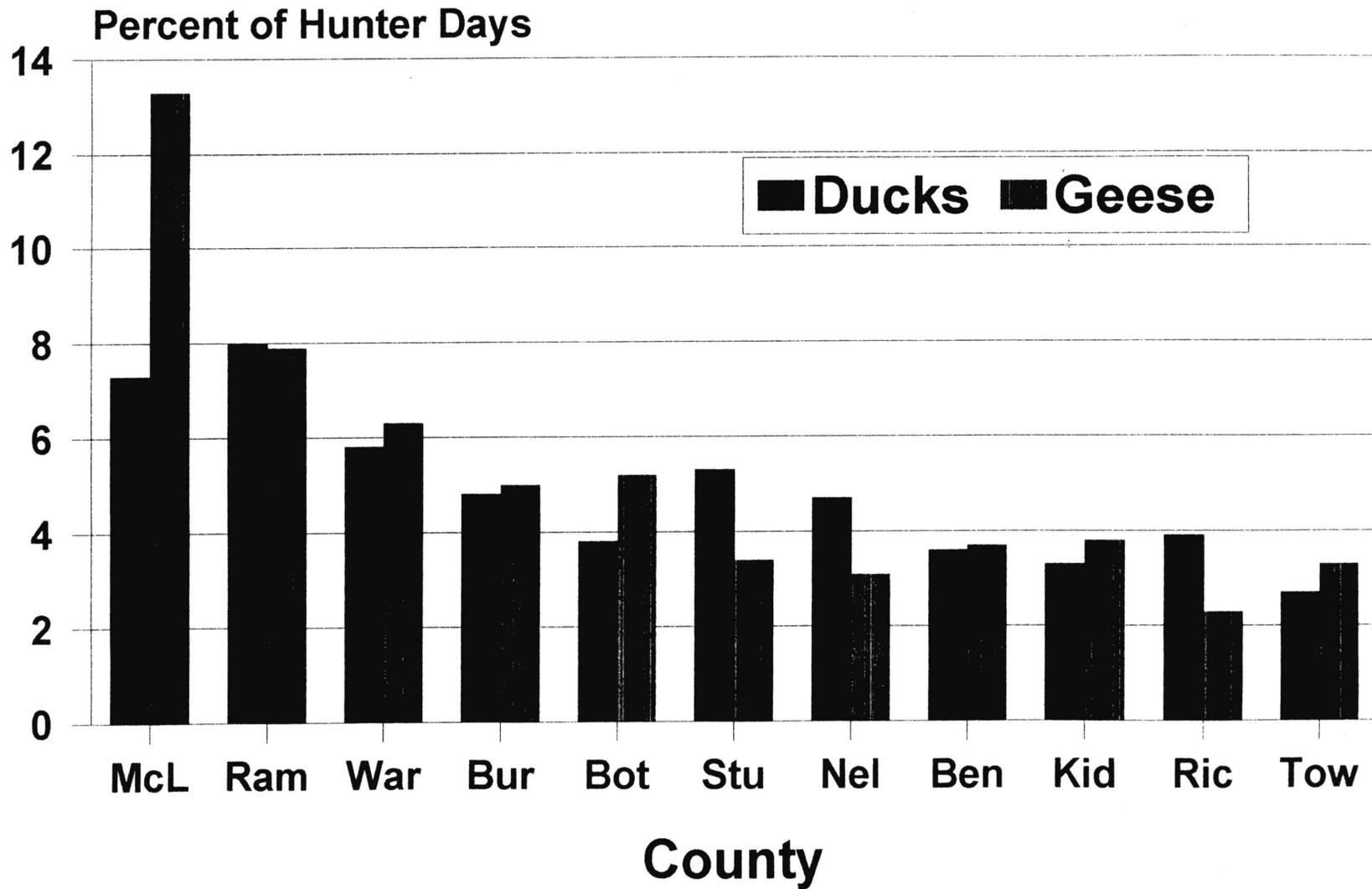
Non-Resident Waterfowl Hunters North Dakota



Resident and Non-Resident Waterfowl Hunting Days



Top Waterfowl Hunting Counties in North Dakota 1993-97



Waterfowl Harvest in North Dakota, 1953-97

