

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2100

2005 SENATE NATURAL RESOURCES

SB 2100

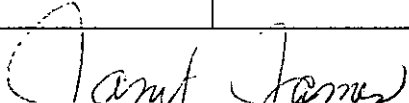
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2100

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date January 13, 2005

Tape Number	Side A	Side B	Meter #
1		X	27.9 -31.5
Committee Clerk Signature 			

Minutes:

Senator Ben Tollefson, Vice Chairman of the Senate Natural Resources Committee opened the hearing on SB 2100, relating to definition of resident for the game and fish purposes.

All committee members were present except **Senator Stanley Lyson** and **Senator Joel Heitkamp**.

Roger Rostvet, (27.9) Deputy Director of the North Dakota State Game and Fish Department testified in support of SB 2100 (See attached testimony). He also presented to the committee copies of a letter from District Judge James M. Bekken regarding a case questioning residency requirements (See attached). This bill does nothing to change anything other than clarify the term "resident" for the North Dakota State Game and Fish Department purposes.

Mike Donahue, (30.7) representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in support of SB 2100 (See attached testimony).

Page 2

Senate Natural Resources Committee

Bill/Resolution Number SB 2100

Hearing Date January 13, 2005

Written testimony (See attached) from **Harold Neameyer** representing the Cass County

Wildlife Club, in support of SB 2100 was passed out to the committee.

Senator Tollefson asked for further testimony in support of SB 2100. He then asked for testimony in opposition and for any neutral testimony and hearing non, **Senator Tollefson** closed the hearing on SB 2100.

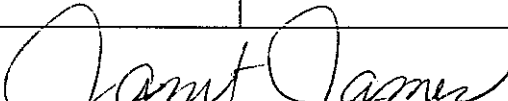
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2100

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date January 20, 2005

Tape Number	Side A	Side B	Meter #
2	X		28.2 -33.1
Committee Clerk Signature 			

Minutes:

Senator Stanley Lyson Chairman of the Senate Natural Resources Committee brought the Senate Natural Resources Committee to order to conduct committee work on SB 2100 relating to the definition of resident for game and fish purposes.

All committee member were present.

Discussion was held as to the description of "resident" and the time required to live in a place to be called a resident.

Senator Rich Wardner made a motion for a Do Pass of SB 2100.

Senator Traynor second the motion.

Roll call vote was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Freborg will carry SB 2100.

FISCAL NOTE
Requested by Legislative Council
12/20/2004

Bill/Resolution No.: SB 2100

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There is no fiscal impact from this bill.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No impact.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No impact.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

No impact.

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date	12/20/2004
		Prepared:	

Date: 1-20-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2100

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Wardner Seconded By Traynor

Senators	Yes	No	Senators	Yes	No
Senator Stanley Lyson, Chairman	✓		Senator Joel Heitkamp	✓	
Senator Ben Tollefson, Vice Chair	✓		Senator Michael Every	✓	
Senator Layton Freborg	✓				
Senator Rich Wardner	✓				
Senator John Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Freborg

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

REPORT OF STANDING COMMITTEE (410)
January 20, 2005 1:18 p.m.

Module No: SR-13-0780
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2100: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the
Eleventh order on the calendar.

2005 HOUSE NATURAL RESOURCES

SB 2100

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2100

House Natural Resources Committee

☐ Conference Committee

Hearing Date **February 24, 2005**

Tape Number	Side A	Side B	Meter #
1	x		1578-2857
Committee Clerk Signature <i>Loren Bonnet</i>			

Minutes:

Vice Chr. Todd Porter: We will open the hearing on SB 2100, and the clerk will read the title.

Members absent, Chr. Jon O. Nelson.

Roger Rostvet, ND Game & Fish: (Written testimony attached) The testimony I passed out has a letter attached to it from **Dist. Judge Brekken**. It does a very good job of outlining the concerns that judges and states attorneys have about our current definition of residents.

Vice Chr. Porter: Even though the penalty portion isn't a part of this section of the code, what is the penalty for representing yourself as a resident when in fact you are a non resident?

Rostvet: The penalty is a class A misdemeanor.

Vice Chr. Porter: That's \$1,000 in a year?

Rostvet: Yes, max.

Rep. Lyle Hanson: A year, or 30 days?

Rep. George J. Keiser: As I read this, I don't think it solves anything. You have introduced special or temporary permits. Did the Department look at what we and other states are doing relative to establishing residency, and specifically relative to colleges? I have a daughter attending Montana State University and of course, it's advantageous to become a resident. They have five criteria and you have to meet three of the five. You have to pay taxes, have a post address, and be employed in Montana, you have to go through a variety of measureable things that are not easily achieved. Did we (ND) look at anything like that to define residency, or what NDSU or UND are doing?

Rostvet: When you get into the area of college students, that has been quite liberal the last couple sessions. Last session, we liberalized it so that a non resident who is a member of the Midwest and Western Compact to the colleges is eligible to buy a residence license. Right now, there is a bill working it's way through what would allow basically all college students to qualify as a resident. The nomenclature in here is consistent with other residency laws in the state. That's why we had the Attorney General's office look at it and compare it with the other wordings of different specifications of residency when it comes to drivers license, motor vehicle, tax and things like that. This is designed to be in conjunction with the other residency laws.

Rep. Duane DeKrey: This language looks familiar. Did you mirror it after what the Secretary of State uses for a definition of resident for elections?

Rostvet: We worked with the Attorney General's office and basically, they reviewed what other forms of residency were out there and may have taken that from them. They can look at all the other residency laws and make sure it's consistent.

Rep. Dennis Johnson: Where does the active duty military fit in?

Rostvet: Yes, military in ND has very favorable treatment. You're considered a resident if you went into the service in ND and there are provisions in the big game such as you don't have to through the lottery. You just show up and are guaranteed a license.

Johnson: Is that also for career military?

Rostvet: I believe that's true.

Rep. Darrell D. Nottestad: Do those assigned to Grand Forks and the Minot air bases have the option of declaring residency for hunting licenses?

Rostvet: We actually waive residency requirements for people stationed in the state.

Nottestad: Whether they were originally residents of ND or not?

Rostvet: Yes.

Rep. Duane DeKrey: Military is pretty much treated the same throughout the nation. You can be in 20 years and keep your residence in ND. The way you can tell that is by your ND vehicle license. The military has it both ways. Just about every state they are stationed in will make them a resident and they still don't have to give up the residency from the state where they are from. Many military personnel try to establish residency in South Dakota or Texas before they enter a military career so they aren't subject to any income tax.

Vice Chr. Porter: Are there any questions? Is there further supporting testimony?

Harold Neameyer, Cass County Wildlife Club: (Written testimony attached)

Vice Chr. Porter: Are there any questions? Seeing none, thank you for your testimony.

Is there further supporting testimony?

Mike Donahue, United Sportsmen of ND, and North Dakota Wildlife Federation: We support the bill.

Vice Chr. Porter: Are there any questions?

Rep. George J. Keiser: Define special or temporary purposes.

Donahue: Let me give you a personal example, like when I...

Rep. Keiser: No, I want a definition.

Donahue: That I can't give you.

Keiser: Does it exist in the code?

Donahue: I can't answer that. I'd have to ask the Attorney General's office about that.

Vice Chr. Porter: Are there any further questions? Seeing none, thank you for your testimony. Is there further supporting testimony? Mr. Rostvet, do you want to take a crack at Rep. Keiser's question since you worked with the Attorney General's office to put this together?

Rostvet: That question has come up and has even been dealt in past A.G. opinions. Those type of situations such as a person's employment in ND, lives in ND, his company then assigns him to work out-of-state for an extended period of time, sometimes up to six months or a year. The individual may have a secondary home out-of-state but all his ties are still in ND, including his employer. There are provisions that if the company assigns you out-of-state, you wouldn't lose your residency.

Keiser: I understand that. What we're then saying is that the definition of those terms is through the A.G. opinion, so individual requests have been made of the A.G. And the A.G. said yes or no. But it's not defined anywhere in the code and only those questions that have been raised have been included in that definition of the state. Is that true?

Rostvet: The whole premise of that does not get asked very often because when we're talking about people from outside of ND coming to ND to obtain residency. What that particular

sentence deals with individuals who are residents of ND and it provides them some protection from losing the residency if they were to move outside of ND. It's nice to have it in there because it shows recognition of residence in ND. The question is about people coming into ND and acquiring residency.

Vice Chr. Porter: To the best of your knowledge, has anybody that has been a resident who has fallen under that provision where they have been assigned out-of-state for an extended period of time and may have purchased a home, have they ever been denied resident privileges?

Rostvet: Not that I'm aware of.

Vice Chr. Porter: Are there any questions? Seeing none, thank you for your testimony.

Opposition to SB 2100? Seeing none, we will close the hearing on SB 2100.

Committee?

Mike Norland: I move a do pass on SB 2100.

Rep. Dorvan Solberg: Second.

Vice Chr. Porter: Rep. Norland moves a do pass, second by Rep. Solberg. Discussion?

Rep. Lyle Hanson: Question.

Vice Chr. Porter: Question has been called. The clerk will take the roll on a

DO PASS, vote:

13-Yeas; 0-Nays; 1-Absent: CARRIER: Solberg

Date: 2/24/05
Roll Call Vote #: _____

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2100

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken : Do Pass

Motion Made By : Norland Seconded By : Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	<u>As</u>		Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	✓		Rep. Bob Hunsakor	✓	
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh	✓	
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg	✓	
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Dennis Johnson	✓				
Rep. George J. Keiser	✓				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad	✓				

Total (Yes) 13 No 0

Absent 1 - Nelson

Floor Assignment Solberg

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

REPORT OF STANDING COMMITTEE (410)
February 24, 2005 2:25 p.m.

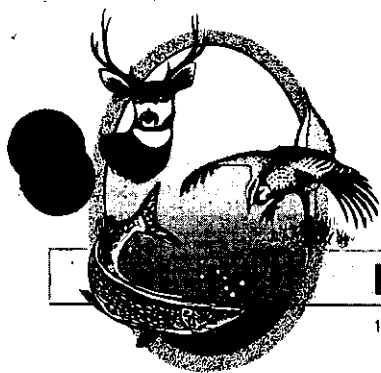
Module No: HR-34-3622
Carrier: Solberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2100: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2100 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

SB 2100



"VARIETY IN HUNTING AND FISHING"

*Done
Given to
House*

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

SB 2100

Senate Natural Resources Committee

January 13, 2005

The North Dakota Game and Fish Department has requested submission of this bill. The Department through it's District Game Wardens have been informed that some Judges and States Attorneys have concerns regarding the term resident as defined in 20.1-01-02 (33). They indicated that the definition is ambiguous, and open to interpretation. We have worked with the Attorney General's office to provide a better definition that would, for Game & Fish purposes, make it clear who is a resident.

The North Dakota Game and Fish Department support a **DO PASS** recommendation on SB 2100

February 25, 2004

Eugene Masse

District Game Warden

ND Game & Fish

1101 1st Ave. N

New Rockford, ND 58356

Dear Warden Masse:

I am writing at your request to confirm the difficulties you felt were presented in the case you prosecuted against several individuals in Griggs County regarding their status as resident or non-resident hunters as a result of their on-line application. As you know, as a judge I cannot give legal advice and I am providing this as a status informational letter only.

As you will recall the defense presented information regarding the defendant's having purchased land in North Dakota which also included a residence which was used by them at times. The defendant's contention was that they had not intentionally or knowingly made a false application for their on-line licenses because the certification for "Resident, 2003-04" at the end of the application included language that the person certified that "you have actually lived within North Dakota" or "maintained a home therein for at least six months". Their contention regarding their intent was that since they had maintained a home there was no illegal intent to deceive regarding their residency status and they could be considered a resident for 2003-04. The defendants did admit they did not live in North Dakota and were not legal residents of North Dakota for voting, etc.

The certification language did not appear to be consistent with the earlier question in the application regarding "Select Residency Status". It appeared clear to me that the language in the application process, whether paper, on-line, or by

11/24/2004

telephone would be better if it included consistent language throughout that would clarify their "legal residency status". I am presuming that the intent is that ONLY residents who are LEGAL RESIDENTS of North Dakota should get the benefit of resident licences. People can have only one legal residence at a time and there are many factors which determine that intent. See for example NDCC 54-01-26. I understand you will be making suggestions regarding making the language more clear and consistent.

Sincerely,

James M. Bekken, District Judge

North Dakota Wildlife Federation

Abundant wildlife and wildlife habitat, and access to wildlife recreational opportunities



1/13/2005

SB2100

For: Senate Natural Resource Committee

The North Dakota Wildlife Federation and United Sportsmen of North Dakota support this bill and ask for a **do pass.**

We hear from time to time that certain persons hold themselves out to be residents of North Dakota (when applying for a hunting or fishing license) when actually they are not.

We believe the language of this bill will help everyone easily understand whether they are a resident or nonresident.

Thank you,
Mike Donahue
Lobbyist #275



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**Cass County
WILDLIFE CLUB**

Box 336
Casselton, ND 58012



**TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE SENATE APPROPRIATIONS COMMITTEE
ON**

SB2100

JANUARY 13, 2005

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club, an organization of over 200 sportspeople organized to promote conservation of wildlife, to promote sportsmanship in hunting and fishing and to support the proper management of these resources.

The Cass County Wildlife Club supports Game and Fish in their efforts to clarify or define who is a resident.

The bill does not specify that the burden of proof is on the applicant. It does not clarify how it is enforced or the penalty for false information when applying.

Hard fast rules are needed, we support the bill.



Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON

SB 2100
February 24, 2005

Mr. Chairman and Members of the Committee:

The CCWC supports this bill because the Game & Fish Department needs a law that defines a resident versus a non-resident. The definition is critical in the licensing department for proper identification.

Is there a penalty for giving false info on a license application regarding residence?

Please **support**.

