

2013 HOUSE ENERGY AND NATURAL RESOURCES

HB 1434

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB 1434
February 1, 2013
18139

☐ Conference Committee



Relating to fishing license fees for the disabled

Minutes:

1-2 Attachment

Rep. Porter: We will open the Hearing HB on 1434.

Rep. Schatz: This is a bill to change the requirement of reducing the fishing license fee from \$10.00 to \$3.00 for disabled veterans who have 50% service connected disability. (Reads the bill) We want to give our veterans as many as the state of N.D. can.

Rep. Nathe: When they get this license do they have to show paper work?

Rep. Schatz: I would assume that they will have to have a verbal and if game and fish then checks up on them.

Mark Landis: Burleigh County Veterans Service Office; we are in favor of HB 1434. In order for the VA to grant a 50% disability rating a veteran must have very sufficient disabilities. The state already recognizes the sacrifice of these veterans. We are seeking consistency in benefits this bill would have a navigable financial impact and would be greatly appreciated by the disabled veterans.

Rep. Porter: How do you see game and fish enacting this?

Mark Landis: The person purchases the license at a site where they can present a letter.

Rep. Porter: How from the enforcement stand point is this possible?

Mark Landis: They would have to produce their verification.

Rep. Porter: That would be the responsibility of the dept. to be sure that businesses are aware that if someone claims this they have to show their letter and they would have to have the letter with them at all times while they are out fishing.

Mark Landis: Once a license is issued they wouldn't have to carry the letter.

Rep.Porter: If they went out on the internet and they erroneously purchased that license and they are stopped by a game warden and they show them a disabled license for fishing but don't have proof that they qualified then they broke the law.

Mark Landis: Purchasing a license on the internet can be verified. Once the game and fish issues a license the game warden would have to assume it is a valid license.

Ron Otto: Morton and Oliver County Veterans Service Officer; I support this bill as written and stand for questions

Rep. Porter: What does it take to get to 50% disabled?

Ron Otto: First you have to have an in-service incident and a current condition, a medical enosis. It is hard to get the 50% disability.

John Jacobson: Representing N.D. Veterans Coordinating Council: (Attachment 1) it the policy of the coordinating council to support legislation that will benefit the welfare of men of the members of the armed forces.

Terry Steinwand: Director of Game and Fish Dept. we had discussions on this bill and we had some of the same questions. We issue those licenses through the Bismarck office so getting a cheaper license illegally does not occur.

Rep. Hunsakor: How many of those were issued in the last year or two?

Terry Steinwand: It is about 400 for the permanently disabled.

Rep.Hunsakor: If there is that few and the license is that cheap then why charge anything?

Terry Steinwand: In order to count them we need \$1.00 revenue so there has to be a charge.

Rep. Silbernagel: Is there a special license for in the field?

Terry Steinwand: No if it is given out of the Bismarck office they know that that is appropriate.

Rep. Hofstad: How do we make sure that all of those licenses are that are applied for at the state? How do we stop that from going through a vender?

Terry Steinwand: you don't need to change anything because all this would do is add the 50-100% disabled veterans and we have been doing this for years.

Rep.Hofstad: Would a local vender tell me that I have to go to the state office to apply?

Terry Steinwand: Correct

Rep. Froseth: according to the fiscal note it says it is based on \$7.00 savings per license but with the raised fees does that license go with that?

Terry Steinwand: Not yet.

Rep. Porter: The fiscal bill is not right. We have to fix the bill we forgot the paddle fish we need an amendment on 11230 anyway. We will close the hearing on HB 1434.

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB1434
February 1, 2013
18145

☐ Conference Committee



Relating to fishing license fees for the disabled

Minutes:



Rep Porter: We have in front of us HB 1434 regards to the disabled veterans we should amend this to match HB 1130 and overstrike the 3 and make it a 5. We have a motion from Rep. Kelsh to amend HB 1434 on line 10 overstrike line 10 overstrike the 3 and replace it with 5 we have a second Rep. Silbernagel.

Rep. Porter: All those in favor of the amendment Motion carries we have an amended bill in front of us. We have a motion from Rep. Anderson and a second from Rep. Brabandt for a do pass on HB 1434 as amended.

Yes 13 No 0 Absent 0 Carrier Rep. Anderson

FISCAL NOTE
Requested by Legislative Council
01/22/2013

Bill/Resolution No.: HB 1434

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(1,995)		\$(3,990)
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill amendment adds a resident disabled veteran who meets the criteria of 50% disability to be eligible for a reduced resident fishing license for the disabled.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill amendment has a negative fiscal impact on our revenue because additional reduced fishing licenses of \$3 will be sold vs a regular fishing license of \$10.

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.*

It is anticipated the bill will reduce revenue by a minimal amount. The fiscal impact is hard to determine, because we don't know how many eligible resident 50% disabled veterans buy fishing licenses. In the 2011 fishing season, we sold 412 resident totally/permanently disabled fishing licenses. It is unknown how many were disabled veterans. Based on the # of disabled veterans received from the Veteran's Affairs Office, we used an estimate of 285 additional disabled licenses will be sold at the reduced rate of \$3. This amounts to \$1,995 (\$7 x 285) per year or \$3,990 for the biennium. The proposed bill will take effect for the 2014 season. Therefore, only 1 year in 2013-15 biennium will be affected.

- 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.*

None anticipated.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None anticipated.

Name: Kim Molesworth

Agency: ND Game & Fish Dept.

Telephone: 328-6605

Date Prepared: 01/23/2013

13.0753.01001
Title.02000

Adopted by the Energy and Natural Resources
Committee

February 1, 2013

2/1/13
TW

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1434

Page 1, line 10, overstrike "three" and insert immediately thereafter "five"

Renumber accordingly

Date: 2-1-2013
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. ~~1065~~ 1434

House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Kelsh Seconded By Silbernagel

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter			Rep. Bob Hunsakor		
Vice Chairman Chuck Damschen			Rep. Scot Kelsh		
Rep. Jim Schmidt			Rep. Corey Mock		
Rep. Glen Froseth					
Rep. Curt Hofstad					
Rep. Dick Anderson					
Rep. Peter Silbernagel					
Rep. Mike Nathe					
Rep. Roger Brabandt					
Rep. George Keiser					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: voice
amendments to match

Date: 2-1-2013
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1434

House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Rep. Anderson

Motion Made By Rep. Anderson Seconded By Rep. Brabant

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter	✓		Rep. Bob Hunsakor	✓	
Vice Chairman Chuck Damschen	✓		Rep. Scot Kelsh	✓	
Rep. Jim Schmidt	✓		Rep. Corey Mock	✓	
Rep. Glen Froseth	✓				
Rep. Curt Hofstad	✓				
Rep. Dick Anderson	✓				
Rep. Peter Silbernagel	✓				
Rep. Mike Nathe	✓				
Rep. Roger Brabant	✓				
Rep. George Keiser	✓				

Total (Yes) 13 No 0

Absent _____

Floor Assignment _____

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

Do pass as amended

REPORT OF STANDING COMMITTEE

HB 1434: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1434 was placed
on the Sixth order on the calendar.

Page 1, line 10, overstrike "three" and insert immediately thereafter "five"

Renumber accordingly

2013 SENATE NATURAL RESOURCES

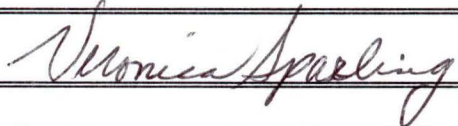
HB 1434

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1434
March 7, 2013
Job Number 19597

☐ Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to fishing license fees for the disabled.

Minutes:

attachment

Chairman Lyson opened the hearing on engrossed HB 1434.

Someone distributed a written testimony from John Jacobsen, a member of the Legislative Committee of the ND Veterans Coordinating Council. See attachment #1.

Kim Molesworth, ND Game and Fish Dept., spoke in favor of HB 1434.

Sen. Hogue wanted someone to explain how the disability rating is done and what the 50% service disability is.

Ms. Molesworth answered that the 50% service connected disability is figured by a formula at the Veteran Affairs Office. The extra schedular rating also includes the fact that the veteran can be employable. (02:15)

Mike Donahue, ND Wildlife Federation, supported HB 1434 and asked for a do pass.

(04:40) Discussion followed on the 50% disability and whether it would be less complicated to include all disabled veterans.

Duane DeKrey, ND Game and Fish, spoke about the reason they came up with the 50% and \$5. (07:10) They worked with the veterans group who came up with the 50% disabled.

The hearing on HB 1434 was closed.

Sen. Laffen moved a **Do Pass** on HB 1434. Seconded by **Sen. Murphy**.

Roll call vote 7-0-0. **Motion carried**.

Carrier is Sen. Laffen.

FISCAL NOTE
Requested by Legislative Council
02/05/2013

Amendment to: HB 1434

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(1,425)		\$(2,850)
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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

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Counties			
Cities			
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Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill amendment adds a resident disabled veteran who meets the criteria of 50% disability to be eligible for a reduced resident fishing license for the disabled.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill amendment has a negative fiscal impact on our revenue because additional reduced fishing licenses of \$5 will be sold vs a regular fishing license of \$10.

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.*

It is anticipated the bill will reduce revenue by a minimal amount. The fiscal impact is hard to determine, because we don't know how many eligible resident 50% disabled veterans buy fishing licenses. In the 2011 fishing season, we sold 412 resident totally/permanently disabled fishing licenses. It is unknown how many were disabled veterans. Based on the # of disabled veterans received from the Veteran's Affairs Office, we used an estimate of 285 additional disabled licenses will be sold at the reduced rate of \$5. This amounts to \$1,425 (\$5 x 285) per year or \$2,850 for the biennium. The proposed bill will take effect for the 2014 season. Therefore, only 1 year in 2013-15 biennium will be affected.

- 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.*

None anticipated.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None anticipated.

Name: Kim Molesworth

Agency: ND Game & Fish Dept.

Telephone: 328-6605

Date Prepared: 02/05/2013

FISCAL NOTE
Requested by Legislative Council
01/22/2013

Bill/Resolution No.: HB 1434

- 1 A. **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.*

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None anticipated.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None anticipated.

Name: Kim Molesworth

Agency: ND Game & Fish Dept.

Telephone: 328-6605

Date Prepared: 01/23/2013

Date: 3-7-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1434

Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Laffen Seconded By Murphy

Senators	Yes	No	Senators	Yes	No
Senator Lyson	✓		Senator Triplett	✓	
Senator Burckhard	✓		Senator Murphy	✓	
Senator Hogue	✓				
Senator Laffen	✓				
Senator Unruh	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Laffen

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

REPORT OF STANDING COMMITTEE

HB 1434, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1434 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1434

NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Veterans Coordinating Council. I am also a member of the American Legion and the Veterans of Foreign Wars.

I served in the North Dakota National Guard and the US Army Reserve for a total of 30 years. I retired in 1995 as a Colonel. I served on active duty in 1991 during Operation Desert Shield/Desert storm in the Persian Gulf, stationed in the United Arab Emirates.

The Coordinating Council is made up of 15 members, 3 from each of the five veterans' organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee MUST concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on HB 1434 is supported by the Veterans Coordinating Council.

01-31-13

From: North Dakota Wildlife Federation (Mike Donahue, Lobbyist #8) NDWF

To: House Energy and Natural Resources

NDWF is busy Friday 02-01-13 in the Senate this morning. So, some comments for your consideration on some bills you have this morning.

HB1336: We support. Concerning Paddlefish this establishes a lottery and raises license fees. We assume the Fiscal Note is insignificant.

HB1354: We are neutral. However, when the "Wounded Warrior Project" was first initiated we supported it. But, we also made a comment to others in attendance after the official hearing that essentially stated, "Watch, they will be back for more licenses and a longer season." The unofficial military term for that is "mission creep." We assume the Fiscal Note is insignificant.

HB1370: We support this POLICY for the Game and Fish Department license fee adjustments and management of the "Balance Amount."

HB1434: We are neutral. Be aware that Senate bill 2242 (being heard today) allows for 100% resident disabled veterans to obtain a free hunting and fishing license. Watch the Fiscal Note. Namely, reduced license sales reduce the federal reimbursement to the state. The state loses license dollars and federal dollars. Too, 100% disabled does not mean disabled agility. Examples: A friend from California comes nearly every year to North Dakota to hunt pheasants, geese, and sometimes deer. He is a former marine helicopter pilot in Vietnam and now has prostate cancer. His cancer is from "Presumed exposure to Agent Orange" in Vietnam and he is rated 100% disabled. A brother is a former marine infantry rated at 100% disabled. He hunts, fishes, golfs and is a champion pool shooter.

For information: The 100% disabled receives tax free approximately \$2,900/mo.

Personally, I am rated at 30% disabled and receive \$442/mo tax free.

Michael J. Donahue

Lobbyist #8

North Dakota Wildlife Federation

01-31-13

NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Veterans Coordinating Council. The Coordinating Council is made up of 15 members, 3 from each of the five veterans' organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee **MUST** concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on HB 1434 as amended is supported by the Veterans Coordinating Council.