

FISCAL NOTE
Requested by Legislative Council
03/03/2017

Amendment to: HB 1150

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$45,000		\$45,000
Expenditures				\$45,000		
Appropriations				\$45,000		

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 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 creates a new subsection of the NDCC relating to purchase of bonus points awarded for lotteries.

- 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 amended bill is for Residents only. There would be a small impact with an increase of revenue to the PLOTS program. It is dependent on the number of hunters who would choose this option. There would be an increase of expenditures for IT programming costs.

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.*

This bill will have an increase in revenue to the PLOTS program. It is unknown how many would choose this option and for which lotteries. If for example, 750 Resident deer hunters choose this option it would result in an increase of \$22,500 (750 x \$30) for one year. Biennium increase \$45,000.

- 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.*

This bill will have an increase in expenditures for IT programming costs to the department licensing system. We estimate the IT programming changes to cost the department approx. \$45,000. The lottery program is complex and there are many tables especially if this bill effects all lotteries. The refund system will also need to be changed.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Increase operating expenditures by \$45,000.

Name: Kim Kary

Agency: ND Game and Fish Dept

Telephone: 328-6605

Date Prepared: 03/03/2017

FISCAL NOTE
Requested by Legislative Council
01/30/2017

Amendment to: Engrossed HB 1150

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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Expenditures				\$45,000		
Appropriations				\$45,000		

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 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 creates a new subsection of the NDCC relating to bonus or preference points awarded for lotteries and withdrawal of application.

- 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.*

As written, it appears this bill is for Residents and Nonresidents (NR). Clarification is needed. There would be a small impact with an increase of revenue to the PLOTS program. It is dependent on the number of hunters who would choose this option. There would be an increase of expenditures for IT programming costs.

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.*

This bill will have an increase in revenue to the PLOTS program. It is unknown how many would choose this option and for which lotteries. If for example, 750 Resident deer hunters choose this option it would result in an increase of \$22,500 (750 x \$30) for one year. Biennium increase \$45,000.

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This bill will have an increase in expenditures for IT programming costs to the department licensing system. We estimate the IT programming changes to cost the department approx. \$45,000. The lottery program is complex and there are many tables especially if this bill effects all lotteries. The refund system will also need to be changed.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Increase operating expenditures by \$45,000.

Name: Kim Kary

Agency: ND Game and Fish Dept

Telephone: 328-6605

Date Prepared: 01/31/2017

2017 HOUSE ENERGY AND NATURAL RESOURCES

HB 1150

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1150
1/12/2017
26842

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to bonus or preference points awarded to participants in lotteries for hunting

Minutes:

Vice Chairman Damschen: Called the committee to order HB 1150.

Chairman Porter: Dist. 34, Mandan. A constituent asked us to allow an individual to manage their preference points. Other states have such a system in place. 3 lotteries have a preference point system (1) deer gun, (2) muzzle loader and (3) antelope. Individuals who apply for all three may get luck and get drawn for all three but not have the time away from work in order to adequately hunt the way they would like to. This would allow them to manage their preference points. They could put in for their antelope, pay their fee, and pass on being drawn in the lottery, put in for a deer gun license, pay the fee, and pass on being drawn, and then put in for the muzzle loader in the hopes of getting drawn. There are no guarantees they would get drawn for the muzzle loader, but mathematically you can tell where you are inside of that system where your chances are the highest. That would give the individual the opportunity to manage those points and draws.

Currently we have a system that allows them to pass on a year, but in that system there is no cost, and they do not gain a preference point.

Game and Fish is working on some technical amendments so that it works in that manner. We've also always done a lot with our private lands open to sportsman and I am also looking at an amendment that would designate this money into that program since it would be a new source of revenue. Last session we passed a bill that a person unsuccessful in a deer gun lottery and donate that money back to the PLOTS program. The fiscal note that came showed that to be about \$8k per year revenue for PLOTS program. Last year the revenue off that was \$66k, an amazing successful program.

4:54

Rep. Keiser: Have you given any thought to putting a limit on this? Is it fair that someone knowingly manipulates the system? For all those other folks applying and going through the process.

Chairman Porter: Game and Fish can explain it a little more. You start cubing the number of times your name is inside the system. Every year they have an exact line that you can draw a line though and say, this is where the guaranteed license. Is it a matter of chance or choice? This last year, I have to say this for the public record, I was unsuccessful in drawing a deer gun tag for the 7th time! (chuckling) SEVEN. It took 8 unsuccessful years. I don't think there can be an abuse.

7:05

Rep. Keiser: I understand but I think that supports the issue I'm raising. I have no desire to hunt for the next 10 years but I apply each year and get this provision, I get my 8 points. For all those other people they would have gone if they were drawn, and they worked hard within the system, but someone just played the system and guaranteed them a tag, when they really had no interest in all the other years. Should there be a limit they could do it three times or something?

Chairman Porter: I understand what you're saying but once you reach that cubing point the person who decides they're going to apply every year, more than likely has been drawn 2-3 times in that 10 year time frame, where the person who opted out, has been drawn none.

Rep. Devlin: The only communication I've had on this is look at not applying for the license, but purchasing the preference points. Did you look at that? I know nothing about this system at all.

Chairman Porter: Seven! This basically IS that bill. It's a nonrefundable bill so technically they are just buying a point.

9:36

Rep. Devlin: How do they know?

Chairman Porter: If they're choosing to accumulate a point, they will have to check a box on the app that says, "I do not want to be in the lottery" and has to be decided before the lottery, not after.

Rep. Roers Jones: Say a few things to clarify. If a person intends to hunt or would like to hunt, they make the application, if they're not drawn, they have option of having their fee returned to them, earn a preference point for not being drawn. They also have the option of having that money going to the PLOTS program. This bill is for someone who has no intention of hunting, but would like to earn a preference point and have a tag in a future hunt.

Chairman Porter: Yes

Vice Chairman Damschen: further testimony in favor?

11:18

Doyle Roeder: In favor of this HB 1150. Spoke of the different states he's hunted in, the money that he has donated in those states.

15:10

Rep. Roers Jones: Having never been a non-resident hunter in ND, I don't know if they accrue points in a different way.

Chairman Porter: We'll have Mr. Williams from ND Game and Fish explain it. There are limits to the number of tags available for non-residents in big game based on percentages in law and then a different system for gratis tags for non-residents inside of big game.

16:15

Jeb Williams: Wildlife Division Chief with ND Game and Fish. Preference points and bonus points are used interchangeably when actually there is a difference. ND has a bonus points system. Gives you an additional advantage over someone who has less bonus points. A preference point system, an individual with less, has no chance of receiving a license with individuals that have more points than that. Our bonus point system gives everyone a chance. Although individuals with less points statistically have less of a chance.

20:05

Rep. Heinert: Did you speak to Mr. Roeders comment about returning the \$5 fee?

Jeb Williams: I believe the question the out of state individuals that would not be able to get their full refund if they were not successful. An out of state deer license right now is \$200 and I think that would be a tough sell. I don't think we want to get too restrict with non-resident issues.

Rep. Heinert: Is the \$5 returned an administered policy?

Jeb Williams: Administrative policy

Rep. Heinert: Must be costing more than \$5 to return.

Jeb Williams: It's something we can look at.

Chairman Porter: Inside of our current system, from some that I've heard are basically doing the units that are virtually impossible to get drawn in to and paying for a preference point rather than opting out. Then start to apply in the area they really want to hunt anyway. The difference is we would keep the money to build those points rather than allow them to get a refund on those funds.

Jeb Williams: You're correct. We get calls every year asking the toughest units to draw, the party application system, so people utilize that system where they go into a party system again it still gives someone a chance

Vice Chairman Damschen: further questions? The hearing closed on HB1150.

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1150

1/26/2017

27461

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to bonus or preference points awarded to participants in lotteries for hunting license

Minutes:

Amendment

Chairman Porter: Called the hearing to order on HB 1150. An amendment has been passed out from Mr. Steinwand, ND Game and Fish, asked us to consider. Inside of the amendment it provides clarity that you only get to apply for 1 bonus point a year. It is resident only because it's a whole different process between resident and non-resident, and the fee is the same as it would be if you were entering into the lottery. The fee they collect and keep would go into the PLOTS program which puts it into the private lands open to sportsman program.

Rep. Keiser: On the amendment, are there more than one lottery in the state. If there are multiple lotteries can I apply and get a point for each lottery? Is that the intent?

Chairman Porter: Yes, there's 3 lotteries, antelope, black powder, and ND deer gun. It's those three that you could manager. That was based on Mr. Roeder's testimony is where he came into the problem because he got lucky enough to get multiple licenses in a year that he couldn't manage participate fully.

Rep. Roers Jones: Because there's multiple lotteries and the concern of the one man who testified, was that he didn't have time to hunt all of the seasons. There isn't an option where if you apply for the licenses and you're actually drawn for each of the license for you to defer one after the fact? This is something you have to identify at the time of application.

Chairman Porter: That's absolutely correct. You have to identify when you submit your application if you are passing and paying for the point, or in the lottery. It's not after the fact, you manage it before the fact.

Chairman Porter: Questions?

Rep. Lefor: I move the amendment

Rep. Mock: second.

Chairman Porter: I have a motion from Rep. Lefor and second from Rep Mock. Is there any discussion? See no further discussion all those in favor say Aye, opposed. Motion carries. We have an amended bill in front of us.

Rep. Roers Jones: Chairman I would move a Do Pass recommendation on HB 1150 as amended.

Rep. Ruby: second

Chairman Porter: I have a motion from Rep. Roers Jones, second from Rep. Ruby, for a Do Pass as Amended on HB1150. Is there any discussion? Any discussion? Seeing none roll call was taken for a Do Pass as amended on HB 1150.

Yes 13 No 0 Absent 1

Motion carries 13 0 1. Rep. Ruby is the carrier. Hearing closed.

January 26, 2017

1/26/17 D8

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1150

Page 1, after line 8 insert "1."

Page 1, after line 13, insert:

- "2. If under subsection 1, application for a license issued by a lottery that accrues bonus or preference points is made by an applicant with the intent to forfeit the opportunity to receive that license, the director shall limit that applicant to the purchase of one bonus point for that year for that lottery.
3. The director may not issue an applicant a refund of fees paid under subsection 1 or 2. The director shall allocate fees collected under this section to the private lands open to sportsman program."

Renumber accordingly

Date: 1-26-17Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1150

House Energy & Natural Resources Committee☐ SubcommitteeAmendment LC# or
Description:17.6551.01001

Recommendation

- ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions

☐ Reconsider☐

Motion Made By

Rep Lefor

Seconded By

Rep. Mock

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) _____ No _____

Absent _____

Floor
Assignment _____

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

Date: 1-26-17Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
 BILL/RESOLUTION NO. 1150

House Energy & Natural Resources Committee☐ SubcommitteeAmendment LC# or
Description: _____

Recommendation

☐ Adopt Amendment☒ Do Pass ☐ Do Not Pass☐ Without Committee Recommendation☒ As Amended☐ Rerefer to Appropriations☐ Place on Consent Calendar

Other Actions

☐ Reconsider☐ _____Motion Made By Rep Roer Jones Seconded By Rep Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Seibel	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	A	
			Rep. Mock	✓	

Total (Yes) 13 No 0Absent 1Floor
Assignment Rep. M Ruby

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

REPORT OF STANDING COMMITTEE

HB 1150: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1150 was placed on the Sixth order on the calendar.

Page 1, after line 8 insert "1."

Page 1, after line 13, insert:

- "2. If under subsection 1, application for a license issued by a lottery that accrues bonus or preference points is made by an applicant with the intent to forfeit the opportunity to receive that license, the director shall limit that applicant to the purchase of one bonus point for that year for that lottery.
3. The director may not issue an applicant a refund of fees paid under subsection 1 or 2. The director shall allocate fees collected under this section to the private lands open to sportsman program."

Renumber accordingly

2017 SENATE ENERGY AND NATURAL RESOURCES

HB 1150

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1150
3/2/2017
28590

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Pam Dever

Explanation or reason for introduction of bill/resolution: Relating to bonus or preference points awarded to participants in lotteries for hunting licenses.

Minutes:

Attch#1=Representative Porter;

Chairwoman Unruh: Let's open HB 1150.

Rep Todd Porter, Dist 34, Mandan, ND: This bill comes from a constituent. I have been gathering bonus points for all game. You can tell by bonus points where in ND you can get a tag. I have an amendment to fix the bill. You can opt out and say you do not want to put in to get deer, antelope, or muzzleloader, but you do not gain a point. You just sit off to the side. This person said why can't we collect points and manage out hunts and do my antelope and pay and get a point, so that when I am ready to do deer or muzzleloader tag then I can manage rather than he got all three this year. He was lucky. He did not have enough time off to do them all. He wanted \$5.00 to pay enough for the point, since I am sitting out anyway. I said, no, that is not close to enough. If you want the privilege to sit out and still get the point, then you need to pay the full fee. The bill in front of you allows a person to send an application, send in the full fee, and check a box that says do not consider me for raffle, but they want the point. The money is new revenue for Game and Fish. We are not sending it back if they are unsuccessful. It goes into the PLATS program. The amendment fixes concern of Game and Fish. We removed the word preference. We do not have a preference point system. The amendment came from Game and Fish. (see Attch#1)

Sen. Roers: What dollars can be generated for the PLATS program? Would people want to preserve their points?

Rep. Porter: Game and Fish did that for us on fiscal note; about \$45,000.

Sen. Cook: This bill came from the House, Natural Resources?

Rep Porter: Yes, it did.

Sen. Cook: The Senate has to correct it?

Rep. Porter: Yes, you do.

Chairwoman Unruh: Testimony in favor of HB 1150. Any against? Any agency?
Hearing is closed.

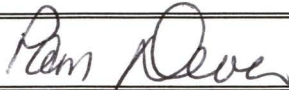
2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1150
3/2/2017
Job #28591

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to bonus or preference points awarded to participants in lotteries for hunting licenses.

Minutes:

Committee work

Chairwoman Unruh: What are committee wishes?

Sen. Armstrong: I move a Do Pass on amendment 17.0551.02001.

Sen. Oban: I second.

Chairwoman Unruh: Any discussion? Read the roll.

YES 7 NO 0 -0- absent

Amendment passes.

Chairwoman Unruh: HB 1150 is before us. What are committee wishes?

Sen. Armstrong: I move a Do Pass as amended.

Sen. Roers: I second.

Chairwoman Unruh: Any discussion? Take the roll.

YES 7 NO 0 -0- absent

Sen. Roers will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1150

Page 1, line 2, remove "or preference"

Page 1, line 7, replace "**Bonus or preference**" with "**Purchase of bonus**"

Page 1, line 7, remove "**to issue licenses - Withdrawal of**"

Page 1, line 8, remove "**application**"

Page 1, line 9, remove "When an individual applies for a hunting license to be issued by lottery, pays all"

Page 1, remove lines 10 through 13

Page 1, line 14, replace "2. If under subsection 1," with "When an"

Page 1, line 15, remove "or preference"

Page 1, line 15, replace "applicant" with "eligible resident"

Page 1, replace line 18 with "The applicant shall pay the same fee as the respective license.
2."

Page 1, line 19, replace "this section" with "subsection 1"

Page 1, line 20, replace "sportsman" with "sportsmen"

Renumber accordingly

Date: 3/2/17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES HB 1150
BILL/RESOLUTION NO.

Senate Energy and Natural Resources Committee

☐ Subcommittee

Amendment LC# or Description: 17,0551.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Armstrong Seconded By Sen. Oban

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No 0

Absent -0-

Floor Assignment _____

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

Amendment passed

Date: 3/2/17
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES HB 1150
BILL/RESOLUTION NO.

Senate Energy and Natural Resources Committee

☐ Subcommittee

Amendment LC# or Description: 17.0551.02001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Sen. Armstrong Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Chair Unruh	/		Sen. Obar	/	
Vice Chair Kreun	/				
Sen. Armstrong	/				
Sen. Cook	/				
Sen. Roers	/				
Sen. Schaible	/				

Total (Yes) 1 No 0

Absent 0

Floor Assignment Sen. Roers

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

REPORT OF STANDING COMMITTEE

HB 1150, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1150 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "or preference"

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Page 1, line 9, remove "When an individual applies for a hunting license to be issued by lottery, pays all"

Page 1, remove lines 10 through 13

Page 1, line 14, replace "2. If under subsection 1," with "When an"

Page 1, line 15, remove "or preference"

Page 1, line 15, replace "applicant" with "eligible resident"

Page 1, replace line 18 with "The applicant shall pay the same fee as the respective license."

2."

Page 1, line 19, replace "this section" with "subsection 1"

Page 1, line 20, replace "sportsman" with "sportsmen"

Renumber accordingly

2017 TESTIMONY

HB 1150

January 13, 2017

PROPOSED AMENDMENT TO HOUSE BILL NO. 1150

Page 1, line 9, before "When" insert "1. "

Page 1, line 14 , insert:

2. The director shall provide that an eligible resident may not purchase more than one bonus point per year for a lottery that accrues bonus points if the eligible resident's intent is to forfeit the opportunity to receive a license for that lottery in that respective year.
3. An eligible resident is entitled to pay the same license fee for the respective license. The license fee must be allocated to the private lands open to sportsmen program.

HB 1150

3/2/17
attch #
pg 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1150

Page 1, line 2, remove "or preference"

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Page 1, line 9, remove "When an individual applies for a hunting license to be issued by lottery, pays all"

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Page 1, line 14, replace "2. If under subsection 1," with "When an"

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Renumber accordingly