

FISCAL NOTE
Requested by Legislative Council
01/16/2017

Bill/Resolution No.: HB 1413

- 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				\$0		\$0
Expenditures				\$20,000		\$0
Appropriations				\$20,000		\$0

- 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 developing a system giving preference to applicants seventy years of age or older for hunting license which use a general lottery to select licensees.

- 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.*

No fiscal impact because this doesn't have an effect on the number of licenses given, this just redistributes who receives them.

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.*

None

- 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.*

IT programming cost to our licensing system \$20,000.

- 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 \$20,000.

Name: Kim Kary

Agency: ND Game and Fish Dept

Telephone: 328-6605

Date Prepared: 01/20/2017

2017 HOUSE ENERGY AND NATURAL RESOURCES

HB 1413

2017 HOUSE STANDING COMMITTEE MINUTES

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

HB 1413
2/3/2017
27865

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to a system for hunting license lotteries which gives preference to applicants seventy years of age or older.

Minutes:

Attachments #1-#2

1:48

Chairman Porter: Called the committee to order on HB 1413.

Rep. Ertelt: Presented Testimony on Attachment #1 which includes an Amendment giving preference to applicants 70 years of age or older.

Rep. Heinert: Do you know how the Game and Fish are going to pull out those applicants that are 70 and older and keep them separated for the drawing?

Rep. Ertelt: There are already able to split out by age with the data that's provided. There's a fiscal note of \$20k to do some programming work with software they use for the lottery systems. Not all use a bonus point system, those may be easier to manipulate. The system they have in place for lotteries is quite good at doing at what it's intended to do. The 3.92% of applicants were 70 and older, 3.95% today are receiving licenses. It's getting a fair shake right now. So it would take some statistical analysis, but say if they wanted to give 100 licenses in this category, it could work back statistically to say this is how many bonus points or fraction of a bonus point to give to each of these ages based on applicant date in order to arrive at that number of licenses.

Chairman Porter: In your discussions with Game and Fish, you're intermingling a term, preference with bonus. Our system for deer hunting is a bonus system, that eventually cubes and you get multiple names, it's not a preference system. You are suggesting we create a different system of preference inside of the bonus system.

Rep. Ertelt: That's not necessarily correct. This bill is written to leave the system up to the discretion of the director of Game and Fish and as I was responding to Rep. Heinert's question, it could be simply a fraction of a percent and combined into the bonus point system.

Chairman Porter: So it's a preference on top of the bonus? Logistically, in your testimony, you say that if I would for some reason have 8 bonus points, and a 70-year-old had missed last year, and now had 1 bonus point, then a preference inside of the lottery on top of that bonus point, how would they not have more than the person who has zero or who has two?

Rep. Ertelt: You can assign a fraction of a point; it doesn't have to be a full point. It's all mathematical. It can be a 100th of a bonus point. It would be treated the same in my estimation but it would be totally up to Game and Fish how they develop the system. What they could do, treating everyone else the same, at 70 years old and down to zero points, that next year they would have the one point and be given a fraction of a point, and it carries over year after year.

Chairman Porter: The other concept is you're putting a preference, who according to your data, has less than 5 years to live. Then we have 14-15-16-17-18 year olds who are kind of getting interested but have a whole bunch of stuff going on in life, if they miss a couple of years, they may not ever come back for the rest of their entire life. Do you think you're [referencing the wrong population?

Rep. Ertelt: I do not. I think the fact we have preference given to the young audience today tells us it's not necessarily a bad thing always to give preference to some group. I understand and want the youth to continue to have that advantage to get engaged in the hunting sports. They could still have that and have the 70 and over have a slight preference. The Game and Fish could judiciously decide, this many tags in each of the hunting seasons, would be given to 70 and older. They could say 1 additional tag if they wanted to. Statistically working back, the system would be able to deliver that result.

Rep. Devlin: This bothers me, even though I'm getting very close to this where this discrimination that I look at would work, I have a problem with us doing it that way. We do some more to enhance youth hunting, I would rather have young adults that have a whole lifetime ahead of them. I've had a full life, almost 70 years of hunting opportunities that I could want. I've missed a couple that I didn't get drawn, but not quite as many as Rep. Porter perhaps. I would encourage more youth and young adult than the ones at 70 years old. I think there's a discrimination problem here even though it would work in my favor.

Rep. Ertelt: I understood bringing this forward that would be a concern and I honestly wrestled with that myself. We do already give preference to the young audience. The same argument could be made there that it is good to give preference to the young audience so they are engaged in hunting sports, and continue throughout their lives. It's something that's part of the heritage of being a North Dakotan. This would give the opportunity for grandparents to share that hunting experience a couple more times with their grandchildren.

Chairman Porter: You talk about us giving preference to the young audience. We do that 10 days in September to shoot a white tail doe. Do you think the people that are 70 would be okay if we restricted their license to doe only?

Rep. Ertelt: I don't think that's the only preference give. Game and Fish can correct me if I'm wrong. I do believe for 1st time applicants it's nearly an (? Inaudible) issue. I think the preference given to the audience is much greater.

Chairman Porter: we could restrict this to does only. You can't eat the horns anyway!

Rep. Ertelt: Maybe. The bill is to leave this preference up to Game and Fish.

Chairman Porter: Testimony in support? In Opposition to HB 1314.
Are you here to explain why I have 8 bonus points?

Curt Decker, Dickinson: I don't think I want to go to Vegas with you until you get that off your back! (laughter)

I look down the road long term to hunters and fisherman. It's got issues with discrimination with age, and fairness. For 70 years and older you get a fraction of a point, bonus point. Is that every year? Logistically it's going to be tough to apply those fractions. 5 big game lotteries going on. Big Horn sheep, antelope, moose, elk, deer. 10k applicants a year for the big 3. If they put out 4-5 and you put out preference points like that it rubs the hunters the wrong way. It's a luck issue, a fairness issue. It's the luck of the draw how long we live. Leave it the law the way it is. Keep putting in. It's the luck of the draw. The Game and Fish has done a great job.

23:38

Casey Anderson, Asst Game and Wildlife Chief with ND Game and Fish, **Attachment 2**

Chairman Porter: For the record, we would be talking deer gun, deer muzzle loader, antelope, swan, elk, moose, big horn sheep? There's 7?

Casey Anderson: There's 2 turkey ones, fall and spring. Those are all what we consider our general lotteries.

Chairman Porter: so 9. Those would be the varieties of lotteries affected by this?

Chairman Porter: Questions? Further testimony? Closed the hearing.

Discussion:

Rep. Lefor: I move a Do Not Pass.

Rep. Marschall: second.

Chairman Porter: I have a motion from Rep. Lefor for a Do Not Pass and a second from Rep. Marschall. Any discussion? Seeing none the clerk will call the roll on a Do Not Pass to HB 1413.

Yes 13 No 1 Absent 0 Rep. Marschall is the carrier.

Date: 2-3-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1413

House Energy & Natural Resources Committee

Subcommittee

Amendment 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 Lefor Seconded By Rep Marschall

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) 13 No 1

Absent 0

Floor Assignment Rep Marschall

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

REPORT OF STANDING COMMITTEE

HB 1413: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
HB 1413 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1413

#1
2-3-17
HB1413

Testimony in Support of House Bill 1413
Rep. Sebastian Ertelt
District 26

Chairman Porter and Members of the Committee,

I am Representative Sebastian Ertelt, representing District 26, which includes all of Sargent County, the eastern half of Dickey County, the southeastern half of Ransom County, and the western half of Richland County. I am prime sponsor of House Bill 1413, relating to a system for hunting license lotteries which gives preference to applicants 70 years of age or older. The North Dakota Game and Fish Department has pointed out to me that the bill would allow for both residents and non-residents to be granted the preference. As that was not my intent, I have had Legislative Council draft an amendment, which you have before you, that makes the desired correction to grant the preference to residents only. With my following testimony, I will explain to you the intent of House Bill 1413 and why you should support a DO PASS recommendation.

House Bill 1413 seeks to acknowledge the certainty of death, and to give those who are more likely nearing it, an increased opportunity to do what they love. Many North Dakotans, if not most of us, recall hunting with our parents, and if we are fortunate enough, our grandparents. With the life expectancy in North Dakota between 75 and 76 years old, when a hunter turns 70, they begin to wonder just how many seasons they have left.

As you know, the freedom to hunt is not guaranteed. Based on information provided by North Dakota Game & Fish Department, of 143,755 hunting lottery applicants in 2016, only 52,627 (36.61%) were granted a license. Of these applicants, 5,637 (3.92%) were age 70 and older, and of those licensed, 2,079 (3.95%) were age 70 and older.

Those age 70 and older also have a disproportionately low application rate. Based on information provided by North Dakota Human Services Department, there were

an estimated 756,927 North Dakota residents in 2015 of which 74,059 (9.78%) were age 70 and older.

The preference sought in this bill neither seeks to erase this disproportionality, nor provide guaranteed licensure, but rather to give our elders just a little more than a sportin' chance. The language in this bill allows the Director of the Game and Fish Department to grant as little preference as the department may deem appropriate. It also does not give preference over others with more bonus points in a lottery, but rather only over those with the same number of bonus points.

Chairman Porter and members of the committee, I thank you for your time today and ask you to pay homage to those who have handed down the hunting tradition in our state with a unanimous DO PASS recommendation on House Bill 1413.

17.0779.02001
Title.

Prepared by the Legislative Council staff for
Representative Ertelt
February 2, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1413

Page 1, line 2, after the second "to" insert "resident"

Page 1, line 7, after "to" insert "resident"

Renumber accordingly



#2
2-3-17
HB 1413

House Energy and Natural Resources Committee
Testimony on HB 1413

North Dakota Game and Fish Department
Casey Anderson, Assistant Chief, Wildlife Division
February 3, 2017

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Casey Anderson and I'm the Assistant Chief of the Wildlife Division for the North Dakota Game and Fish Department. I am testifying today to supply this committee some information regarding HB 1413.

As written, this bill would give preference in all lotteries to those individuals 70 years of age or older. In 2016, 5,637 individuals over age 70 applied for a general lottery licenses; of those, 2,079 were issued a license (see lottery breakdown below).

Spring turkey – 5,414 total applications, 4,512 issued, 228 over 70 applied, 185 over 70 issued

Moose – 16,031 total applications, 171 issued, 676 over 70 applied, 15 over 70 issued

Elk – 13,656 total applications, 285 issued, 441 over 70 applied, 16 over 70 issued

Bighorn – 10,379 total applications, 7 issued, 294 over 70 applied, 0 over 70 issued

Deer – 72,133 total RES applications, 33,582 issued, 2,974 over 70 applied, 1,555 over 70 issued

Muzzleloader Deer – 12,179 total RES applications, 915 issued, 412 over 70 applied, 60 over 70 issued

Fall Turkey – 3,078 total applications, 2,425 issued, 194 over 70 applied, 155 over 70 issued

Pronghorn – 8,869 total RES applications, 474 issued, 345 over 70 applied, 20 over 70 issued

Swan – 2,016 total applications, 2,016 issued, 73 over 70 applied, 73 over 70 issued

Currently, the general lotteries, with the exception of the Moose, Elk, Bighorn, and Swan, use a bonus point system to give individuals who are not drawn the previous year an increased chance of drawing the next year. This chance increases each consecutive year the individual is not drawn. The only people that currently have preference in some lotteries are landowners. As written, HB 1413 would give individuals 70 years of age and older preference over all other individuals, including those with bonus points in specific lotteries, as well as preference over everyone else in the Moose, Elk, Bighorn, and Swan lotteries.

Lastly, HB 1413 does not distinguish whether this preference is equally extended to nonresidents and residents.