

NONRESIDENT GOOSE HUNTING SEASON - LEGISLATIVE HISTORY

Although there have been many attempts to change the special goose hunting season for nonresidents since its creation in 1975, this memorandum addresses the creation of and actual changes to the special goose hunting season for nonresidents. Before 1975 there was no special goose hunting season for nonresidents. For example, under North Dakota Century Code Section 20.1-01-02, in 1973, geese were considered game birds along with pheasants, grouse, ducks, and other birds. Under Section 20.1-03-12, in 1973, state law required a nonresident to obtain a small game license to hunt geese. A small game license allowed the hunting of game birds and cost \$35. In addition, under Section 20.1-03-02, in 1973, a general game license cost 50 cents.

In 1975 Senate Bill No. 2379, the Legislative Assembly created a special nonresident waterfowl hunting license. The waterfowl license was required in addition to a small game license. The waterfowl license entitled a nonresident to hunt waterfowl during any period of 10 consecutive days and in specified waterfowl hunting zones. The Governor was required to create waterfowl hunting zones and was allowed to specify the number of licenses that could be issued in each zone. A nonresident was allowed to purchase only one waterfowl hunting license per year. The cost of the additional license was \$5.

The issue addressed in the bill appeared to arise because of the intense hunting pressure in and around the Devils Lake area--a major flyway and staging area for geese. According to standing committee minutes, the sponsor said the intent of the bill was to relieve hunting pressure and to relieve the pressure for the leasing of land by nonresidents. He said the release of pressure would come from the creation of hunting zones that would dissipate hunters and would create some uncertainty as to which zone a nonresident would be able to hunt, thereby making the leasing of land cost-prohibitive. In particular, it has been stated that the 3M company in Minnesota was leasing hunting land for customer entertainment in the Devils Lake area and using it as a tax deduction.

The legislative history reveals that individuals in the hospitality industry were concerned that the limitation on the duration of the hunting season would require an individual to pick a time at which there may not be any waterfowl in the state. In addition, there was a concern that it was unfair for this state, which was reported to have more national wildlife refuges than any other state, to receive financial support for refuges that are funded through the purchase of a federal license.

In 1979 the Legislative Assembly passed House Bill No. 1326. As introduced, the bill removed the

special time limitation (the 10-day period) on nonresidents and made discretionary the creation of hunting zones. As passed, this bill allowed a nonresident to hunt for any one period of 10 consecutive days or any two periods of five consecutive days each and allowed the two 5-day hunting periods to be in different zones. The legislative history suggests that the intent of the bill was to increase nonresident hunting by allowing flexibility in the periods of time in which a nonresident may hunt, which in turn would increase tourism dollars in this state. The flight of migrant waterfowl is not predictable and allowing two weekends gives the hunter a better chance to be in the area when the waterfowl are present.

Proponents of the 1975 law did not want to remove the time limitation because the limitation had prevented the leasing of tracts of land and had promoted the goal of reserving the geese in North Dakota mostly for hunting by North Dakotans. To the contrary, a proponent of House Bill No. 1326 said it appeared unfair that North Dakota would limit hunting by nonresidents of a transitory bird that is flying over this state, and although the 1975 law may have curtailed some of the leasing of land by nonresidents, it also stopped a lot of nonresidents who did not lease land from coming and hunting.

In 1981 the Legislative Assembly passed House Bill No. 1395, which increased the duration of time allowed for nonresident waterfowl hunting from 10 consecutive days to 14 consecutive days and from any two periods of five consecutive days to seven days. Much of the legislative history as it relates to the arguments for and against having more or fewer nonresident hunters remained the same as it had throughout the years. The main division in 1981 was between individuals who did not want nonresidents leasing large tracts of land, thereby preventing residents from hunting, and individuals in the hospitality and service industries who wanted nonresident hunters to come to their communities and to spend money on services. In short, the conflict was between in-state goose hunters and local merchants and service providers.

One reason for the increase in the duration of the nonresident license was that there had been a decrease in nonresident's leasing land for hunting purposes. One reason for the decrease was that the Internal Revenue Service became less tolerant of the practice of leasing hunting land for entertainment purposes as a business deduction.

In 1995 the Legislative Assembly passed Senate Bill No. 2143, which excepted nonresident youth who are under 16 years of age from being required to purchase a nonresident waterfowl hunting license if there is a reciprocal agreement with the youth's state

or province. In 1999 the Legislative Assembly enacted Senate Bill No. 2089, which allowed a nonresident to purchase a spring white goose license instead of any other license, including a nonresident waterfowl hunting license.

In 1999 the Legislative Assembly also passed House Bill No. 1459, which added an option that allowed a nonresident waterfowl hunter to purchase a license that is valid for seven consecutive days and is valid statewide. Otherwise, provisions relating to the duration, zones, and license remained the same as they were under the 1981 legislation. One notable change in the arguments for and against nonresident hunters concerning the bill was that the legislative history did not reveal any opposition to the bill in the committees.

Under present law a nonresident waterfowl hunter must have a nonresident fishing, hunting, and fur-bearers certificate that costs \$2, a federal migratory

bird stamp that costs \$15, and a nonresident waterfowl license that costs \$93. The license is good for both waterfowl and upland game. A nonresident has three options for fall waterfowl licenses:

1. A 14-day license restricted to zones.
2. A license for two 7-day periods restricted to zones; however, a separate zone may be chosen for each seven-day period.
3. A seven-day statewide license with no zone restrictions.

Attached is a copy of the 1999 nonresident license application for small game, waterfowl, sandhill crane, fur-bearer, and nongame and the 1999 nonresident waterfowl zone map. The map shows three zones. At one time there were as many as eight zones. Also attached is a graph of the number of nonresident waterfowl licenses issued between 1975 and 1998.

ATTACH:3



1999 NONRESIDENT LICENSE APPLICATION
SMALL GAME-WATERFOWL-SANDHILL CRANE-FURBEARER AND NONGAME
 North Dakota Game and Fish Department
 Licensing Division, SFN 6115

TENTATIVE Upland Game Season Opening Dates:
 Sandhill Crane - September 11. (Subject to Federal authorization).
 Hungarian Partridge, Sharp-tailed Grouse, Ruffed Grouse - September 11.
 Pheasants - October 9. (Delayed opener in small portion of McKenzie
 and Williams counties.)

MAIL APPLICATION AND FEE TO:
 N.D. Game and Fish Dept.
 100 N. Bismarck Expressway
 Bismarck, ND 58501-5095
 Phone (701) 328-6300

PROBABLE Waterfowl Season Dates: Based on frameworks established by the U.S. Fish and Wildlife Service, the duck, goose and swan seasons may open on October 2. A current proposal may open the duck season as early as September 25. Official season dates will not be set until mid-August, 1999. Consult waterfowl regulations, or call the Game and Fish Department at 701-328-6300 for final details.

1. **LICENSING REQUIREMENTS:** Nonresidents may purchase licenses to hunt upland game, crane, waterfowl, and fox, coyote, unprotected birds or animals upon making application to the department, county auditor's offices, or by telephone (see back of application for details). Those wishing to hunt only upland game (grouse, partridge, pheasants or tree squirrels), crane or fox, coyote and unprotected birds and animals are not required to possess the waterfowl license, nor are they restricted to zones or specified days. State law restricts nonresident waterfowl hunters to zones and specified days except that choosing option 3 allows hunting statewide. You may choose either option 1) a single zone for 14 consecutive days, OR option 2) two 7 consecutive day periods for the same zone each period or different zones for each, OR option 3) statewide hunting for 7 consecutive days. In addition to any zone(s) specified on their license, any nonresident may also hunt waterfowl in zone 3.

National Migratory Bird Harvest Information Program (HIP): All migratory bird hunters must fill out required information below. See explanation on back.
 2. **FEES:** Fishing, Hunting & Furbearer Certificate - \$2.00; General Game and Habitat - \$8.00; Small Game - \$75.00; Waterfowl - \$10.00; Sandhill Crane - \$5.00; Furbearer and Nongame - \$25.00

A fishing, hunting and furbearer certificate is required of all hunters prior to purchasing any other license.
 The general game and habitat and small game licenses are required of all small game, crane and waterfowl hunters (exception: qualifying nonresident youth do not need a small game license). In addition, to hunt waterfowl you must also purchase the state waterfowl license and (if 16 years of age or older) possess a federal Migratory Bird Hunting and Conservation Stamp (Duck stamp). Nonresident youth may qualify for reduced rate licenses (see back of application for details). A nonresident hunting only fox, coyote and unprotected species of wildlife needs only a furbearer and nongame stamp. Sandhill crane hunting permits are available only from the Bismarck Game and Fish office or by phone (see back of application for details).
 Do not send cash. Personal checks, cashier's checks or money orders are acceptable. Nonresidents who possess the small game license and who wish to hunt waterfowl at a later date, may use this application to apply to the Bismarck Game and Fish office, or to county auditors, submitting the \$10.00 fee and recording their small game license number on the blank to the right.

3. **INSTRUCTIONS:** (If you need any assistance in filling out this application, contact the N.D. Game & Fish Department.)

- a) Check type of license applying for in boxes to right:
- | | | | | |
|---|---|--|--|---|
| <input type="checkbox"/> Small Game Plus Certificate Total \$85.00 | <input type="checkbox"/> Waterfowl Only Total \$10.00 | <input type="checkbox"/> Small Game & Waterfowl Plus Certificate Total \$95.00 | <input type="checkbox"/> Crane Total \$5.00 (Small game also required) | <input type="checkbox"/> Furbearer and Nongame Plus Certificate Total \$27.00 |
| <input type="checkbox"/> Nonresident Youth From MN, MI, TN or CO Resident General Game and Habitat Plus Resident Certificate Total \$9.00 | | | | |

b) If applying for a waterfowl license, see back side for map of waterfowl zones. Fill in the zone(s) and date(s) you desire for either option 1 or option 2 to the right. If choosing option 3, fill in the beginning date that you desire.

c) Fill in all information in the "Applicant Information Section." **ATTENTION!** If you were born after December 31, 1961, you must fill in your hunter education certificate number and the state or province in which you received it. Required hunter education certification must be completed prior to application being submitted. **ATTENTION: Compliance is enforced by verification with state enforcement agencies.** If your certificate is unnumbered, write "none" and the year and state in which you were certified. If you have a change in last name since completing the course, attach a note to the application.

d) Sign and date the form after carefully reading section 4, "AS AN APPLICANT, I CERTIFY THAT."

4. **AS AN APPLICANT, I CERTIFY THAT:**

- ... This is the only application being made in my name for a nonresident small game license and/or nonresident waterfowl license (it is illegal to use more than one license);
- ... All information provided is true and correct and I understand that providing false information may result in criminal prosecution;
- ... I am submitting with this application the appropriate fees;
- ... I am aware of the hunter safety education course requirement for persons born after December 31, 1961, and have passed an official state or provincial course (not required until age 12), or am exempt by law.

WATERFOWL OPTION 1

14 consecutive days beginning on _____
 First choice zone _____ Second choice zone _____

(Note: Zone 3 is an open zone. Anyone possessing a license for either zone 1 or zone 2 may also hunt in zone 3).

WATERFOWL OPTION 2

First 7 consecutive days beginning on _____
 First choice zone _____ Second choice zone _____

Second 7 consecutive days beginning on _____
 First choice zone _____ Second choice zone _____

(Note: Zone 3 is an open zone. Anyone possessing a license for either zone 1 and/or zone 2 may also hunt in zone 3).

WATERFOWL OPTION 3

7 consecutive days beginning on _____
 Choosing option 3 allows hunting statewide.

National Migratory Bird Harvest Information Program (HIP)

All Migratory Bird Hunters must answer the following questions by circling the appropriate answer below.

Do you plan to hunt ducks, geese, doves, snipe, coots or woodcock this season? Yes No If yes, answer the questions below.

About how many of these migratory birds did you bag in North Dakota last season?

Ducks	None	1-10	11-30	31+
Geese	None	1-10	11-30	31+
Doves	None	1-10	11-30	31+

Did you hunt coots or snipe last season? Yes No

APPLICANT INFORMATION SECTION - Print one letter or number per box, leave one blank box as space between words.

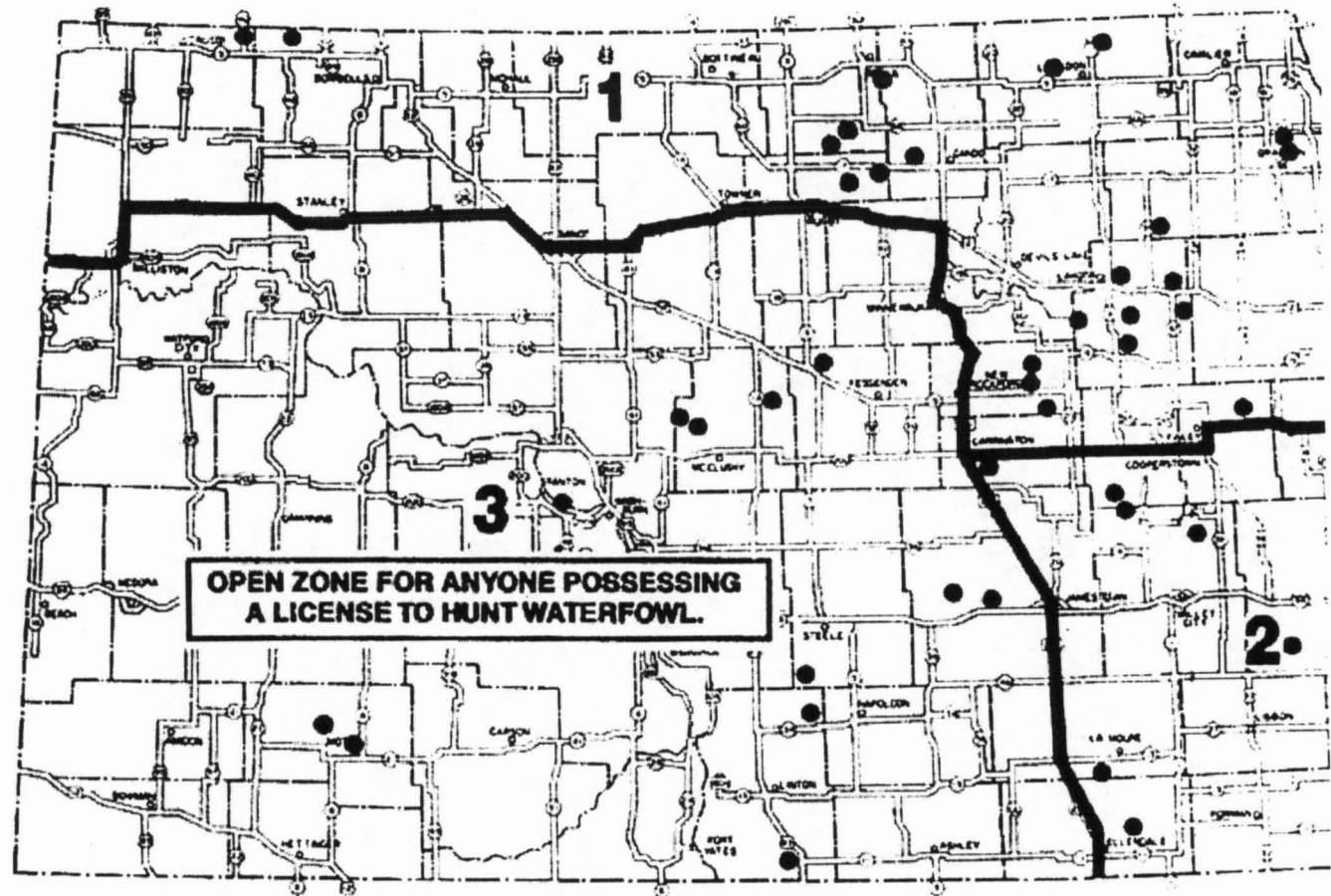
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LAST NAME						FIRST						MIDDLE						HUNTER SAFETY NUMBER (See #3)				STATE ISSUED					
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CITY												STATE				ZIP				BIRTHDATE (mo.) (day) (yr.) AGE							
HEIGHT (Ft.)				(In.)				WEIGHT				EYE COLOR				HAIR COLOR											
HOME PHONE				WORK PHONE				APPLICANT'S SIGNATURE								DATE SIGNED											

The North Dakota Game and Fish Department does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

1999 Nonresident Waterfowl Zones

Boundaries of Nonresident Waterfowl Zones 1-3 are shown on map.

The black circles on the map represent locations of waterfowl rest areas.



NON-RES WATERFOWL LIC.

