

2011 HOUSE ENERGY AND NATURAL RESOURCES

HB 1237

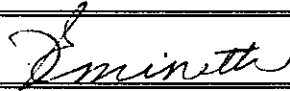
2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1237
01/21/2011
13233

☐ Conference Committee

Committee Clerk Signature



Minutes:

Rep. Porter: We will open the hearing on HB 1237.

Rep. Kretschmar: I represent district 28 consisting of 3 whole counties and 2 half counties. I introduced HB 1237 for out of state hunters. This bill would provide that nonresidents who are 55 years old or older could hunt during the entire hunting season and not be limited to the 14 days that we currently have in the law. The fee for that license would become doubled. The reason for this change is because at this age one doesn't hunt every day.

Rep. Porter: Are there any questions?

Rep. Nelson: This nonresident hunting license fee of \$170.00. Is this a current hunting license or are we creating a new category nonresident hunting license?

Rep. Kretschmar: I believe it would be a new category.

Rep. Clark: What does the fiscal note say on this bill? I have two of them here, one is positive and one is negative.

Rep. Kretschmar: I have not seen the fiscal notes.

Rep. Porter: Are there any other questions for Rep. Kretschmar?

Rep. Nathe: Why age 55? Why not an older age?

Rep. Kretschmar: I have no objection to an older age.

Rep. Porter: Are there any other questions? Is there further testimony in support?

Gary Hoffman: I am a resident of McIntosh County. I am here this morning in support of HB 1237. I also ask that you make the following amendment, on page 3 line 6 and 7 delete \$ 170.00 and insert \$300.00. (See attachment 1) I don't think the State of North Dakota should have to subsidize them. I think you should amend that to whatever it takes so we aren't subsidizing them.

Rep. DeKrey: Would you be opposed to raising the age to 62?

Gary Hoffman: I would be open to that age too.

Rep. Hunsakor: Would they purchase some land and post it for the use of their pleasure?

Gary Hoffman: Those hunters look at the plots maps and are telling me "getting access to land for hunting isn't a issue." Leasing their own hunting ground hasn't entered the discussion with these folks.

Rep. Hanson: Are you a guide or an outfitter?

Gary Hoffman: No I am not.

Rep. Kasper: If the bill said seniors age 62 or older could hunt throughout the season, but limited to 14 days in the season whenever they choose. What would the effect be on those people?

Gary Hoffman: They would like to hunt whenever they want to throughout the hunting season.

Rep. Kasper: If we open that up to nonresidents age 65 or older would there be a market out there where they could hunt unlimited would that be to detriment of the residents?

Gary Hoffman: Some residents complain that there isn't enough hunting pressure. There aren't a lot of hunters and at times during water fowl season it would be good if there were more hunters around to keep the birds moving.

Rep. Porter: The issue in front of us certainly is not one that hasn't been discussed and has been in front of us numerous times. The season goes from the second week of December this year for water fowl. How many of these individuals would be here the first two weeks of December hunting water fowl?

Gary Hoffman: It would depend on the weather.

Rep. Porter: what was the date this year that you saw the last duck in McIntosh County?

Gary Hoffman: I don't know.

Rep. Porter: What we are talking about here is from the first Saturday in October until the start of deer season. Is this bill to allow nonresidents the ability to hunt the month of October?

Gary Hoffman: That would be correct.

Rep. Porter: Is there further testimony in support for HB 1237? Is there any opposition to HB 1237

Foster Hager: I represent the Cass County Wildlife Club. We are opposed to this bill, we feel a nonresident 55 years or older should buy a license like the younger nonresidents. (see attachment 2.)

Rep Porter: Any questions for Mr. Hager? Is there any further testimony?

Paul Schadewald: I am the head of conservation and communication division for The North Dakota Game and fish department. We issued the incorrect negative fiscal note on this bill, the correct loss of revenue would be about \$32,000.00 per biennium. The loss or revenue is that currently people can buy small game licenses. Under this bill they would only need to buy one license and that would be good for the whole season. Whoever wrote the bill just added the cost up and didn't take that doubling step that Mr. Kretschmar was talking about. The price would actually be a reduction.

Rep. Porter: Are you going to get us a new fiscal note.

Paul Schadewald: That has been submitted already. I have some graphics for you to look at. (see attachment 3.)

Rep DeKrey: Do you have any idea what the age is of the waterfowl hunters? Would you be able to tell us what the fiscal note would if it was 65 or older?

Paul Schadewald: Yes these are all in our electrics we can look at that. We don't have that right now, but we can get that information.

Rep.Clark: What happens to the fiscal note if the amendment goes on the bill?

Paul Schadewald: There is a small number about 60 people or so that would increase or it would be slightly negative.

Rep.Nathe: The nonresident license jumped from 97 to 01 and then dropped from 01 to 03. What is the reason for the rise and the drop?

Paul Schadewald: It is drought. Since 2008 we have had wetlands so our nonresident water fowl hunters have come back.

Rep. Damschen: Are you saying that drop was due to the drought?

Pau Schadewald: It is basically pheasant numbers that affect the small game numbers. Tuff winters and the drop of the pheasant numbers the numbers of both the resident and nonresident hunters go down.

Rep. Porter: Has the department hearing issues as you go out and are doing the regional meeting that there is a need for nonresident duck hunters or that the balance isn't working?

Paul Schadewald: we haven't been hearing a lot in the recent years. We did have a law suit from the State of Minnesota, but things seemed to settle down. We have not heard complaints from residents or nonresidents in recent times.

Rep. Porter: So then we have struck a good balance prior to this session?

Paul Schadewald: I think so.

Rep. Porter: Can you explain to the committee how the zone system works for water fowl hunting? Is that system still active that we are using?

Paul Schadewald: The zone system used to work in that it would allow people to make a choice as to which zone they wanted to hunt in. With the advent of the state wide license the zone system went away.

Rep. Porter: How does the water fowl season work in South Dakota?

Paul Schadewald: They are very similar in fee costs but are very restrictive in the number of water fowl hunters they would let in.

Rep. Porter: Is it less than 5,000 water fowl hunters in the state?

Paul Schadewald: That is about right. We were at our peak at about 5 or 6 times the number of water fowl hunters that come to North Dakota.

Rep. Porter: In this central flyway as you look at the state which is in the prairie pot hole region of the country our state has welcomed out of state water fowl hunters in comparison to other states in the same flyway.

Paul Schadewald: In this flyway North Dakota has the best water fowl hunting.

Rep. Porter: Any other questions for Mr. Schadewald? Is there any other Opposition to HB 1237?

Mike Donahue: For the North Dakota Wildlife Federation. We ask for a do not pass on this bill. We feel we have finally found a balance and the balance as far as the pressure on the resource and the balance access that the hunters can get to it also in this bill the limitation of the two seven day or the fourteen day period as far as waterfowl goes is determined by the weather. We could have a very short waterfowl season. The nonresident s can by a 10 license every ten days throughout the whole season. There also is no senior citizen for the residents. Some of us might want to look at that.

Rep. Porter: Are any questions for Mr. Donahue? Is there any further Opposition? We will close the hearing on HB 1237.

Rep. Brabandt: I would like to raise the age to 60 and retain the \$300.00 license fee.

Rep. Porter: We won't take any action. Is there any other discussion?

Rep. DeKrey: I am interested in the bill and would like to see the fiscal notes regarding the different ages.

Rep. Porter: I agree with Rep. DeKrey, this kind of whittling at this bill is going to open a Pandora's Box.

Rep. Damschen: the request from the contact was to double the cost, if they bought another license that would double the cost and extend their time to hunt.

Rep. Hanson: I think this bill is only a few guys.

Rep. Porter: Is the will of the committee to make a motion on this issue.

Rep. Hanson for a do not pass.

Rep. Keiser: Second.

Rep. Porter: Is there any further discussion on HB 1237?

Yes 13 No 0 Absent 2 Motion carried for a do not pass Carrier: Rep. Hunsakor

FISCAL NOTE

Requested by Legislative Council
01/11/2011

Bill/Resolution No.: HB 1237

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$32,810)		(\$32,810)
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

A nonresident who is fifty-five yrs old or older may purchase a nonresident senior citizen small game hunting license and may hunt small game and waterfowl. The licensee is entitled to hunt statewide for the length of the applicable season. License cost is \$170.

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.*

By issuing this nonresident senior citizen license under this bill it will result in the department selling fewer licenses. NDGFD license revenue will decrease approx. \$32,810 for the biennium.

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.*

A nonresident small game or zoned waterfowl license is \$85 each. If 2 licenses are purchased the nonresident will breakeven ($2 \times \$85 = \170). The negative revenue impact occurs when 3 or more licenses are purchased.

For 2010, there were 57 nonresidents (55 or older) who purchased 3 or more licenses totaling 193 licenses. If the bill was passed, it would result in a loss of NDGFD revenue of \$32,810/bien.
($193 \text{ lic.} \times \$85 \times 2 \text{ yrs}$)

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

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

Name:	Kim Molesworth	Agency:	ND Game and Fish Dept.
Phone Number:	328-6605	Date Prepared:	01/12/2011

FISCAL NOTE

Requested by Legislative Council
01/11/2011

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	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$151,300		\$151,300
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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For 2010, there were 57 nonresidents (55 or older) who purchased 3 or more licenses totaling 890 licenses. If the bill was passed, it would result in a loss of NDGFD revenue of \$151,300/bien.
($890 \text{ lic.} \times \$85 \times 2 \text{ yrs}$)

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none

Name:	Kim Molesworth	Agency:	ND Game and Fish Dept.
Phone Number:	328-6605	Date Prepared:	01/12/2011

Date: 1-28-2011
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1237

House House Energy and Natural Resources Committee

Legislative Council Amendment Number _____

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

Motion Made By Rep. Hanson Seconded By Rep. Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Hanson	✓	
Vice Chairman Damschen	✓		Rep. Hunsakor	✓	
Rep. Brabandt	✓		Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Nelson		
Rep. DeKrey	✓				
Rep. Hofstad					
Rep. Kasper	✓				
Rep. Keiser	✓				
Rep. Kreun	✓				
Rep. Nathe	✓				
Rep. Anderson	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Hunsakor

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

REPORT OF STANDING COMMITTEE

HB 1237: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
HB 1237 was placed on the Eleventh order on the calendar.

2011 TESTIMONY

HB 1237

Attachment 1

HB 1237

January 21, 2011

Pioneer Room

Good morning, Chairman Porter and Committee members.

For the record, my name is Gary Hoffman; I'm here this morning as a resident of rural McIntosh County in support of HB 1237. Hunting and fishing stimulates the economy of small towns like Ashley, Wishek, and Zeeland. As a state we spend thousands of dollars to grow tourism in North Dakota. With this bill we can improve the economic situation of rural North Dakota communities without spending a lot of money. More and more people are recognizing the outdoor recreational opportunities available in rural North Dakota and are willing visit our state and drop some of their cash in our small towns.

Let me give you an example of why this bill should be passed. Just up the road from our farm we have a group of older retired fellows from Michigan and Minnesota who hunt and fish in our area of McIntosh County. They love the peace and quiet and would spend more time in our state if they could purchase a season license. They aren't here to see how many birds they can shoot or how many fish they can catch but they enjoy the peace, quiet and lack of traffic. Most are older retired folks.

There are about 18 people in this group that spend money in Ashley at the local restaurant, the bar, the grocery store, the local co-op for gas and propane, the veterinarian for an occasional dog issue, the lumber yard, and a monthly electric bill. They support fund raising events in the community and go out of their way to develop friendships with local landowners. In general, they give the local town quite a boost while they are in the area.

So again, I would urge you to pass HB 1237 but would also ask that you make the following amendment.

On page 3, line 6 and 7, delete "one hundred seventy dollars," and insert "three hundred dollars."

This would bring in a little more revenue for the state and would still be affordable for the outdoor enthusiasts.

At this time I'd be happy to answer any questions you may have. Thank you



Attachment 2

Cass County

WILDLIFE CLUB

Box 336

Casselton, ND 58012



TESTIMONY OF FOSTER RAY HAGER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
on
HB 1237
January 21, 2011

Mr. Chairman and Members of the Committee:

The Cass County Wildlife Club is opposed to this bill because we feel that if you are a non-resident 55 years old or older you should buy a license just like the rest of the younger non-residents.

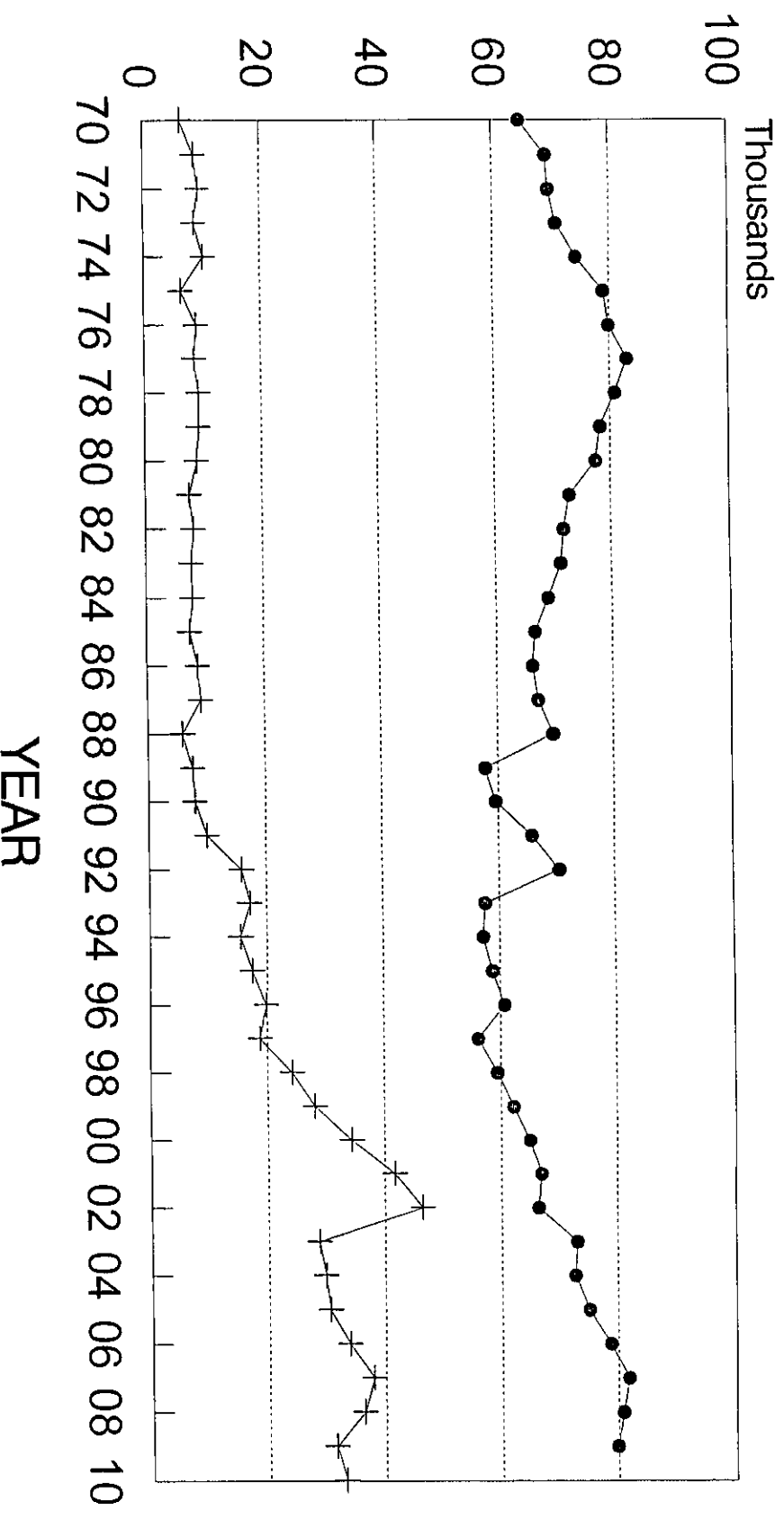
Move to North Dakota and that would solve this small problem.



Attachment 3

SMALL GAME LICENSE SALES

NORTH DAKOTA



There was a major nonresident license system change in 2003

ND Non-Resident Waterfowl Licenses

