

2011 HOUSE ENERGY AND NATURAL RESOURCES

HB 1288

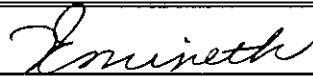
# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1288  
2/3/2011  
13920

☐ Conference Committee

Committee Clerk Signature



Minutes:

Rep. Porter: We will open the hearing on HB 1288.

Rep. Kasper: I represent District 46. Last session we had a bill, I can't recall the number but it dealt with outfitters and what it did it clarified the current law that said "store like Cabela's or any other chain stores like Cabla's who refer hunting parties to outfitters in North Dakota would not be classified as outfitters. The Legislature passed that bill and we put a sunset in it to see what would happen after 2 years. Two years have passed and things have gone very well, we will have testimony later that will explain what has happened and why we are asking for the repeal.

Rep. Porter: Are there any questions for Rep. Kasper? I printed a copy of the bill from last session and Michael is going to make copies for the committee so that they can see what is being repealed. (see attachment 1).

Robert Timian: Chief Warden North Dakota Game and Fish Department. In the last 2 years since the bill was enacted we have not encountered any negative issues with this bill and do support Rep. Kaper's HB1288 to remove the sunset clause.

Rep. Porter: Are there any questions for Mr. Timian? Is there further testimony in support of HB 1288?

Sara Otte Coleman: I am the director of the Tourism Division for the North Dakota of Commerce I am here to urge the support of HB 1288. This is important for the Tourism Division for three reasons. (see attachment 2)

Rep. Hanson: The outfitters that use Cabela's do they hunt wild birds in North Dakota?

Sara Otte Coleman: The Cabela's groups hunt various lands. I don't know the exact details of that particular offering but I believe it is all wild birds.

Mike Donahue: I represent North Dakota Wildlife Federation. The Federation supports this bill.

Dana Bohn: I am here in behalf of the North Dakota Tourism Alliance Partnership. Our membership is listed on the left side of the written testimony. (see attachment 3.) We support removing that sunset clause and ask that you give this bill a do pass.

Rep. Porter: Are there any questions for Dana Bohn? Is there further testimony in support?

George Berger: I live in Valley City North Dakota. I was the one who initiated this bill last session. The bill is working for us, our business has come back. I am in support of this HB 1288.

Rep. Porter: Are there any questions for Mr. Berger? Is there further testimony in support of HB 1288? Is there an opposition for HB 1288? We will close the hearing on HB 1288.

Rep. DeKrey: I move a do pass.

Rep. Hofstad: Second

Rep. Porter: Is there any Discussion? Motion Carried

Yes 14 No 0 Absent 1 Carrier: Rep. Hofstad

Date: 2-3-2011  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1288

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. DeKrey Seconded By Rep. Hofstad

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

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Hofstad

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

**REPORT OF STANDING COMMITTEE**

**HB 1288: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1288 was placed on the Eleventh order on the calendar.

2011 SENATE NATURAL RESOURCES

HB 1288

# 2011 SENATE STANDING COMMITTEE MINUTES

## Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1288  
March 4, 2011  
Job #14962

☐ Conference Committee

Committee Clerk Signature

*Vernice Spurling*

### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to repeal section 2 of chapter 207 of the 2009 Session Laws, relating to licensing of outfitters.

### Minutes:

Testimony Attached

**Chairman Lyson** opened the hearing on HB 1288.

**Alexis Brinkman**, Assistant Executive Director of ND Tourism Alliance Partnership, presented written testimony in favor of HB 1288. See **Attachment #1**.

**Senator Uglen**: Do you know why a sunset clause was put on in the first place?

**Alexis Brinkman**: It was a new idea, so they wanted to give it a trial basis to see how it would work.

**Senator Burckhard**: Are there any hunters opposed to this?

**Alexis Brinkman**: Not that I am aware of.

**Heather LeMoine**, Marketing Manager of the Tourism Division of the ND Dept. of Commerce, presented written testimony in favor of HB 1288. See **Attachment #2**.

**Senator Freborg**: Are there any booking agents in ND?

**Heather LeMoine**: I am not aware of any.

**Senator Triplett** asked Heather to explain the percentages on her testimony.

**Heather LeMoine**: The 4.36 billion represents all non-resident spending in ND. It does not reflect resident spending in ND.

**Mike Donahue**, ND Wildlife Federation, urged a Do Pass on HB 1288.

**George Berger**, an outfitter from Valley City asked for a Do Pass on HB 1288.

**Senator Freborg**: Do you know if there are any in-state booking agents?

**George Berger**: Gander Mt. was considered in-state but they have discontinued; Outdoor Connections used to do bookings but they have pulled out too.

**Roger Rostvet**, Deputy Director of ND Game and Fish Dept, spoke in support of HB1288. There have been no problems, and no concerns from the hunting public. It does clarify what a booking agent is.

**Senator Burckhard**: Are resident hunters in favor of this?

**Roger Rostvet**: They were just concerned with whether a booking agent was legal or not, and this cleared it up.

**Chairman Lyson** closed the hearing on HB 1288.

**Senator Hogue** made a Do Pass motion.

**Senator Uglem**: Second

**Roll Call Vote**: 7-0-0

**Carrier**: Senator Hogue



Date: 3-4-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1281

Senate Natural Resources Committee

Legislative Council Amendment Number \_\_\_\_\_

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

Motion Made By Hogue Seconded By Uglen

Senators	Yes	No	Senators	Yes	No
Chairman Lyson	✓		Senator Schneider	✓	
Vice-Chair Hogue	✓		Senator Triplett	✓	
Senator Burckhard	✓				
Senator Freborg	✓				
Senator Uglen	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Hogue

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

**REPORT OF STANDING COMMITTEE**

**HB 1288: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1288 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

HB 1288

## CHAPTER 207

## HOUSE BILL NO. 1567

(Representatives Kasper, Griffin, Hofstad, Ruby, Schneider)

*Attachment 1*

AN ACT to amend and reenact subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code, relating to licensing of outfitters; to provide an expiration date; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

<sup>109</sup> **SECTION 1. AMENDMENT.** Subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code is amended and reenacted as follows:

4. A license is not required for a person to provide services on real property that person owns or leases for the primary pursuit of bona fide agricultural interests ~~or, for a nonprofit organization registered with the secretary of state, or for a person that acts as a booking agent for a person that legally conducts business as an outfitter. A booking agent that refers an individual to an outfitter under this subsection may receive a fee or commission for the referral.~~ The director shall determine the number of acres by county exempted from licensure by this subsection and shall publish the results. The director shall provide written information to the public on the possible liability exposure for outfitting under this subsection and on the benefits of liability insurance and proper training. For purposes of this section, a booking agent means a person that receives only a fee for referring or marketing the services of a legal outfitter in this state.

**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2011, and after that date is ineffective.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 8, 2009  
Filed April 9, 2009

<sup>109</sup> Section 20.1-03-36.1 was also amended by section 1 of House Bill No. 1240, chapter 206.

**DEPARTMENT OF COMMERCE TESTIMONY ON HB 1288  
FEBRUARY 3, 2011 9:00 AM  
HOUSE NATURAL RESOURCES COMMITTEE  
PIONEER ROOM  
REPRESENTATIVE TODD PORTER, CHAIRMAN**

**SARA OTTE COLEMAN – TOURISM DIVISION DIRECTOR, ND DEPARTMENT OF COMMERCE  
HB 1288**

Chairman Porter and members of the House Natural Resources committee I am Sara Otte Coleman director of the Tourism Division for the North Dakota Department of Commerce and I am here today to ask for your favorable consideration of House Bill 1288.

This bill will remove the sunset on legislation you put into place last session that addressed how we classify on-line booking engines. It is important to the tourism industry for three reasons.

North Dakota's outdoor resources attracted more visitors to North Dakota in 2008 than any other type of travel according to our most recent visitor profile study. Our outdoor experiences attract 21% of our total visitors for various niches including hunting and fishing. Although we do not have recent research on the impact of hunting and fishing on our state's economy we do know that out of state visitors spent in excess of \$4.36 billion in North Dakota in 2008 and 2009. And we also know that 124,159 hunting and fishing licenses were sold to non residents during the 2009-2010 season. This impact is felt across the state but it is especially important in our rural areas.

Time and money are some of the most precious commodities. Hunting and fishing lodges, guides, outfitters and land owners wishing to offer their land for hunting often do not have the time to manage their reservations or a huge budget to market their offerings. Hiring staff is often not possible. Using a marketing company or booking agent to list their properties and manage reservation allows them to continue offering this valuable service. Booking and marketing agents are not interested in obtaining a guiding license as they do not provide that type of service.

This new legislation allows North Dakotans to compete with similar offerings in other states and provides valuable new dollars to sustain operators and many rural businesses. Since this law was changed in 2009 numerous providers are now listed with booking agents. A simple Google search will reveal dozens of opportunities for visitors to book North Dakota for their next outdoor experience.

In summary the legislation is working to help operators attract more visitors to North Dakota and I urge your support of HB 1288.

# North Dakota

## Tourism Alliance Partnership

P.O. Box 2599  
Bismarck, ND 58502  
(701) 355-4458  
FAX (701) 223-4645

### 2010/2011 MEMBERS

Basin Electric  
Power Cooperative

Bismarck-Mandan CVB

Buffalo City Tourism

Days Inn - Grand Dakota Lodge

Destination Marketing  
Association of North Dakota

Devils Lake CVB

Dickinson CVB

Fargo-Moorhead CVB

Fort Abraham  
Lincoln Foundation

Grand Forks CVB

International Peace Garden

Lewis & Clark Fort  
Mandan Foundation

Minot CVB

Municipal Airport Authority  
of the City of Fargo

ND Tourism Division (ex-officio)

Newman Outdoor Advertising

Norsk Hostfest Association

Odney Communications Group

Select Inn of Bismarck

Spirit Lake Casino and Resort

State Historical Society of  
North Dakota Foundation

Theodore Roosevelt  
Medora Foundation

Three Affiliated Tribes  
Tourism Dept.

Mountain  
Band of Chippewa Indians

Williston CVB

Woodland Resort, Inc.

**Testimony of Dana Bohn**  
**Tourism Alliance Partnership Executive Director**  
**HB 1288**  
**February 3, 2011**

Chairman Porter and members of the House Energy and Natural Resources committee, my name is Dana Bohn and I am representing the North Dakota Tourism Alliance Partnership (TAP). TAP is a coalition of tourism-related industries including convention and visitors bureaus (CVBs), state attractions, businesses and other stakeholders in the viable and growing tourism sector of North Dakota's economy. I am here today in support of HB 1288 and urge a do pass on the bill.

Tourism is one of the largest industries in North Dakota, offering some of the best opportunities for economic development in the state, and hunting and fishing are important components of the this industry. Each year, 139,000 people hunt in North Dakota and the average hunter spends \$729 annually. The total economic impact of hunting alone on the state is \$278 million. Further, 21 percent of North Dakota visitors state their reason for visiting the state is for outdoor recreation.

When this legislation was put into place last session, it allowed North Dakota's guides and outfitters to begin working with booking companies to help market their products and services. This has opened up the state and its outdoor recreation to more visitors and has helped to bring additional dollars into North Dakota, benefiting communities, businesses and tourism throughout the state.

Having the law in place for two years has proven its effectiveness and has shown this type of arrangement is a benefit to the state, its communities, and those working in the guide and outfitting business. TAP supports initiatives that bring tourists to North Dakota and we believe removing the sunset clause to allow guides and outfitters to work with booking companies on a permanent basis will help to bring additional visitors and dollars to our state. We ask for your support of HB 1288.

# North Dakota

## Tourism Alliance Partnership

P.O. Box 2599  
Bismarck, ND 58502  
(701) 355-4458  
FAX (701) 223-4645

### 2010/2011 MEMBERS

Basin Electric  
Power Cooperative

Bismarck-Mandan CVB

Buffalo City Tourism

Days Inn - Grand Dakota Lodge

Destination Marketing  
Association of North Dakota

Devils Lake CVB

Dickinson CVB

Fargo-Moorhead CVB

Fort Abraham  
Lincoln Foundation

Grand Forks CVB

International Peace Garden

Lewis & Clark Fort  
Mandan Foundation

Minot CVB

Municipal Airport Authority  
of the City of Fargo

ND Tourism Division (ex-officio)

Newman Outdoor Advertising

Norsk Hostfest Association

Odney Communications Group

Select Inn of Bismarck

Spirit Lake Casino and Resort

State Historical Society of  
North Dakota Foundation

Theodore Roosevelt  
Medora Foundation

Three Affiliated Tribes  
Tourism Dept.

Fort Totten  
Band of Chippewa Indians

Williston CVB

Woodland Resort, Inc.

### Testimony of Alexis Brinkman Tourism Alliance Partnership Assistant Executive Director HB 1288 March 4, 2011

Chairman Lyson and members of the Senate Energy and Natural Resources committee, my name is Alexis Brinkman and I am representing the North Dakota Tourism Alliance Partnership (TAP). TAP is a coalition of tourism industry stakeholders including convention and visitors bureaus (CVBs), state attractions, businesses and other organizations in the viable and growing tourism sector of North Dakota's economy. I am here today in support of HB 1288 and urge a do pass on the bill.

Tourism is one of the largest industries in North Dakota, offering some of the best opportunities for economic development in the state, and hunting and fishing are important components of the this industry. Each year, 139,000 people hunt in North Dakota and the average hunter spends \$729 annually. The total economic impact of hunting alone on the state is \$278 million. Further, 21 percent of North Dakota visitors state their reason for visiting the state is for outdoor recreation.

When this legislation was put into place last session, it allowed North Dakota's guides and outfitters to begin working with booking companies to help market their products and services. This has opened up the state and its outdoor recreation to more visitors and has helped to bring additional dollars into North Dakota, benefiting communities, businesses and tourism throughout the state.

Having the law in place for two years has proven its effectiveness and has shown this type of arrangement is a benefit to the state, its communities, and those working in the guide and outfitting business. TAP supports initiatives that bring tourists to North Dakota and we believe removing the sunset clause to allow guides and outfitters to work with booking companies on a permanent basis will help to bring additional visitors and dollars to our state. We ask for your support of HB 1288.

**DEPARTMENT OF COMMERCE TESTIMONY ON HB 1288  
MARCH 4, 2011 10:45 AM  
SENATE NATURAL RESOURCES COMMITTEE  
FORT LINCOLN ROOM  
SENATOR STAN LYSON, CHAIRMAN**

**HEATHER LEMOINE – MARKETING MANAGER, TOURISM DIVISION, ND DEPARTMENT OF COMMERCE**

Chairman Lyson and members of the Senate Natural Resources committee, I am Heather LeMoine, Marketing Manager of the Tourism Division for the North Dakota Department of Commerce and I am here today to ask for your favorable consideration of House Bill 1288.

This bill will remove the sunset on legislation you put into place last session that addressed how we classify on-line booking engines. It is important to the tourism industry for three reasons.

North Dakota's outdoor resources attracted more visitors to North Dakota in 2008 than any other type of travel, according to our most recent visitor profile study. Our outdoor experiences attract 21% of our total visitors for various niches including hunting and fishing. Although we do not have recent research on the impact of hunting and fishing on our state's economy we do know that out-of-state visitors spent in excess of \$4.36 billion in North Dakota in 2009. And we also know that 124,159 hunting and fishing licenses were sold to non residents during the 2009-2010 season. This impact is felt across the state but it is especially important in our rural areas.

Secondly, time and money are some of the most precious commodities. Hunting and fishing lodges, guides, outfitters and land owners wishing to offer their land for hunting often do not have the time to manage their reservations or a huge budget to market their offerings. Hiring staff is often not possible. Using a marketing company or booking agent to list their properties and manage reservations allows them to continue offering this valuable service. Booking and marketing agents are not interested in obtaining a guiding license as they do not provide that type of service.

Additionally, this legislation allows North Dakotans to compete with similar offerings in other states and provides valuable new dollars to sustain operators and many rural businesses. Since this law was changed in 2009 numerous providers are now listed with booking agents. A simple Google search will reveal dozens of opportunities for visitors to book North Dakota for their next outdoor experience.

In summary the legislation is working to help operators attract more visitors to North Dakota and I urge your support of HB 1288.