

1999 HOUSE NATURAL RESOURCES

HB 1244

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1244

House Natural Resources Committee

Conference Committee

Hearing Date 1/21/99

Tape Number	Side A	Side B	Meter #
1	x		5.6-46.7
3	x		20.6-22.9
Committee Clerk Signature <i>Kevin Zanel</i>			

Minutes:

SUMMARY OF THE BILL: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to reimbursement of landowners for damage caused by hunters; and to amend and reenact section 20.1-02-25 of the North Dakota Century Code, relating to duties of the game and fish advisory board; and to provide a continuing appropriation.

Chairman Grosz called the hearing on HB 1244 into order in the Pioneer Room. All committee members were present: Chairman Grosz, Vice-Chairman Henegar, Rep. Drovdal, Rep. Galvin, Rep. DeKrey, Rep. Nottestad, Rep. Nelson, Rep. Clark, Rep. Porter, Rep. Martinson, Rep. Hanson, Rep. Kelsh, Rep. Lundgren, Rep. Sandvig, Rep. Solberg.

Rep. Kempenich appeared in support of HB 1244 as the prime sponsor and gave a brief summarization of the bill.

Rep. Nottestad asked that if when the bill would be presented, what proof would be required that hunters were the ones that caused the damage.

Rep. Kempenich answered that witnesses would have to be brought in to the commissioner for proof.

Rep. Nottestad commented more about what proof would be expected, as there are many roads where hunters do not cause the damage.

Rep. Clark : "does this also account for roads cut across your pasture?"

Rep. Kempenich answered that that is a different issue and is not concerned with this particular bill.

Rep. Porter made a comment concerning the fiscal note and fiscal impact. He also asked whether anyone on a local level have discussed proposing a tax to solve the problem.

Rep. Kempenich answered that he felt that it was not a problem that could be solved this way.

Rep. Nelson commented that he saw some problems with enforcing HB 1244 and asked what would stop the county commission from being an impartial judge, as they would not be responsible for the funding.

Rep. Kempenich answered that the county would not really benefit from this, and that he did not see the concerns that Rep. Nelson raised would probably not be of concern.

Rep. Nottestad asked what would happen after the 100 claim limit had been surpassed.

Rep. Kempenich answered that there would be only 100 per year and the claims would be ended at that. If one filed a claim after the 100 limit, they would have to refile the next year.

Paul Schadewald appeared to explain the fiscal note on HB 1244.

Rep. Solberg asked for further clarification on whether the state would lose federal funding.

Mr. Schadewald answered that if Game and Fish Funds were used for something that was not Game and Fish related, the state would lose Federal funding.

Brian Kramer of the North Dakota Farm Bureau testified in favor of HB 1244.

Dennis Johnson of the North Dakota Farmer's Union testified in favor of HB 1244.

Paul Schadewald appeared again, in opposition of HB 1244, noting that if a hunter causes the problem, then the hunter should be the one to pay for damage, and that the state should not be responsible.

Bill Pfeiffer of the Wildlife Society testified in opposition of HB 1244.

Jim Nagel, representing the North Dakota State Fish and Congress and lobbyist for the ND Guide Association appeared in opposition of HB 1244. He offered an alternative, an increase in some other tax, relating to areas where sportsmen from out-of-state spend money.

Paul Krerry of the Cass County Wildlife Club appeared in opposition of HB 1244.

Mike Donahue, representing the North Dakota Wildlife Federation appeared opposing HB 1244.

Chairman Grosz then closed the hearing on HB 1244.

Chairman Grosz reopened the hearing on HB 1244 in the Pioneer Room. All committee members were present: Chairman Grosz, Vice-Chairman Henegar, Rep. Drovdal, Rep. Galvin, Rep. DeKrey, Rep. Nottestad, Rep. Nelson, Rep. Clark, Rep. Porter, Rep. Martinson, Rep. Hanson, Rep. Kelsh, Rep. Lundgren, Rep. Sandvig, Rep. Solberg.

Rep. Clark moved for a "Do Not Pass"

Rep. Martinson seconded the motion.

HB 1244 was voted as a DO NOT PASS, with a vote of 13 yes, 0 no, 1 absent, with Rep.

Martinson carrying.

Chairman Grosz closed the hearing on HB 1244.

JAN 15 1999

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1244 Amendment to: _____

Requested by Legislative Council _____ Date of Request: 1-13-99

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

House Bill 1244 takes \$100,000 biennially from the game and fish fund and places it in a special fund to pay for hunter caused damages to private roads. Taking these funds away from the control of the game and fish director and game and fish programs will result in the loss of \$2,500,000 per year of Federal Aid in Wildlife Restoration funds. These funds come from an excise tax on hunting equipment such as firearms and archery equipment. The funding would be lost because of a federal requirement that hunting license fees not be used for anything other than the administration of the state's fish and game department. The funds that would be lost pay for management of the Department's wildlife management areas, small game and big game management, and the hunter education program. North Dakota would remain ineligible for this funding until the transferred dollars were returned to the Game and Fish Department.

- 2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	(\$5,000,000)	0	(\$5,000,000)
Expenditures:	0	0	0	\$100,000	0	\$100,000

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: None
- b. For the 1999-2001 biennium: +\$100,000
- c. For the 2001-03 biennium: +\$100,000

- 4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed *Paul Schadewald*

Typed Name Paul Schadewald

Department Game and Fish

Phone Number 328-6305

Date Prepared: 1/14/99

Date: 1/21/99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House House Natural Resources Committee

Subcommittee on 1244
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Clark Seconded By Martinson

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	X				
Vice-Chairman Dale Henegar					
Representative David Drovdal	X				
Representative Pat Galvin	X				
Representative Duane DeKrey	X	X			
Rep. Darrell D. Nottestad	X				
Representative Jon O. Nelson	X				
Representative Byron Clark	X				
Representative Todd Porter	X				
Representative Jon Martinson	X				
Representative Lyle Hanson	X				
Representative Scot Kelsh	X				
Representative Deb Lundgren					
Representative Sally M. Sandvig	X				
Representative Dorvan Solberg	X				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Martinson

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

REPORT OF STANDING COMMITTEE (410)
January 21, 1999 4:33 p.m.

Module No: HR-13-0995
Carrier: Martinson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1244: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.