

**2013 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1151**

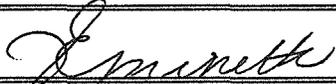
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB 1151  
Jan 24, 2013  
17663

Conference Committee



**Relating to the nonresident military personnel lottery permits and to declare an emergency.**

**Minutes:**

*1 testimony*

Rep. Porter: We are going to open up the hearing on HB 1151.

Rep. Frantsvog: I handed out some testimony which includes a couple of letters from Jamie Barnett who contacted me with a problem that he had as it relates to hunting in North Dakota. (See testimony 1) this bill reading what the bill says beginning on line 21 page 1 "This subsection does not apply to lottery permits, except that the director shall allow a member of the U.S. armed forces stationed in this state and an individual in the members family, if residing in the members household, to enter the lottery for deer and turkey licenses as a resident, even if the member of the individual in the members is a nonresident. In addition, the director shall issue a resident deer hunting license to any resident of this state who is a member of the U.S. armed forces stationed outside this state and who shows proof of N.D. residence and who pays the appropriate licensing fee if this bill passes that these individuals can take part in the 2013 lottery.

Rep. Keiser: It says stationed it doesn't say stationed in Minot etc. My concern is if I am in the National Guard and I live in Minnesota, South Dakota or Montana but my unit is stationed in North Dakota and I am stationed here through that unit would this language allow me to apply here?

Rep. Frantsvog: I believe the answer to your question starts on page 1 line 7 and it goes issue any resident license described by this title to an individual who is come to this state with the bona fide intention of becoming a resident even through that individual has not been a resident of this state. In the initial language of the law it does make a provision for members of the military.

Rep. Keiser: We may have to clarify that what we are really talking about.

Rep. Froseth: There seems to be confusion to as to family member, we also need the definition of the family member it entails.

Rep. Frantsvog: When this was presented to the Legislative Council the intent was a father and a son who wanted to hunt the deer and the turkey.

Rep. Porter: I have a concern with the member of the household it isn't different than someone who lives on the family farm and their son has decided to move to Minnesota because of the career but because of the family farm wants to come back and hunt deer with his dad.

Rep. Frantsvog: An alternate solution to that would be that could be changed to a spouse or a dependent living in the household that would clarify and provide a solution to what your concern is.

Rep. Porter: It wouldn't it opens up a can of worms; because you have relatives living elsewhere that own land we are saying if they are in the military they get special treatment for a family member yet somebody who owns land in the state and the parents still live here have to pay a nonresident fee to hunt here.

Rep. Frantsvog: To try and address your concern if the line were changed to provide for a spouse or a dependent of that member living in the household that should correct want the problems are.

Rep. Porter: A nonmilitary resident land owner of this state and their son lives someplace else and they are getting treated differently than what you are allowing in this legislation.

Rep. Hunsakor: Jamie is able to hunt small game and use a resident license but when it comes to deer lottery then he has to work through a nonresident?

Rep. Frantsvog: That is correct.

Rep. Porter: It is any lottery that that military assigned individual is not eligible for as a resident by allowing this language to go in then that nonresident military assigned individual then becomes eligible for a resident only big three licenses. We will close the hearing on HB 1151.

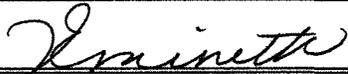
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

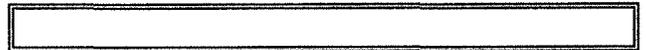
HB 1151  
Jan 24 2013  
17678

Conference Committee



To amend and reenact subsection 12 of the N. D. Century Code, relating to nonresident military personnel lottery permits and to declare an emergency.

**Minutes:**



Rep. Porter: We have HB 1151 in front of us:

Rep. Hofstad: Part of that option as you said for that service man is to claim any state that he wants to. They often do that I don't think we should give the option of making to choices in two different states for two different reasons.

Rep. Porter: We have a motion for a do not pass from Rep. Kesier seconded by Rep. Silbernagel.

Rep. Damschen: Suppose it was intended as a special consideration for those in the arm services but I wish there was a way to work it out. They still have to pay the out of state nonresident fee. I thought the heart of the intent was to make it less expensive for them.

Rep. Forseth: Do you know how many servicemen apply for an out of state license?

Rep. Porter: I would guess probably not based on the current law I would guess it would go up substantially if this were to pass.

Rep Brabandt: I agree with Rep. Damschen.

Rep. Porter: I have a do not pass to HB 1151 motion carried

Yes 9 No 3 Absent 1 Carrier Rep. Anderson

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/10/2013**

Bill/Resolution No.: HB 1151

- 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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(51,600)		\$(51,600)
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 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 amendment allows nonresident (NR) members of the U.S. armed forces and an individual in their family, if residing in the member's home, to enter the lottery for deer & turkey licenses as a resident.

- 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.*

This bill amendment will have a negative effect on our revenue for the deer lottery. It will have a positive effect on our revenue for the turkey lottery (currently NR are not allowed in the turkey lottery). We also need a definition of who a 'family member' entails (e.g. spouse, son, daughter only or also grandparent, cousin, uncle, etc.).

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.*

This bill amendment will have a negative effect on our revenue at approx. \$180 per individual for the deer lottery since NR will now pay resident fee of \$20 vs \$200. It will have a positive effect on revenue at approx. \$8 per individual for the turkey lottery. It's difficult to calculate the fiscal impact because we don't know how many NR members of the U.S. armed forces are stationed in North Dakota and how many would enter the lotteries. If we assume that approx. 150 apply for deer it will decrease revenue by \$27,000. If we assume that approx. the same 150 apply for turkey it will increase revenue by \$1,200. Resulting in a net decrease of (\$25,800) per year. This is a guess since we do not know how many U.S. armed forces are stationed in ND and would apply for these licenses.

- 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 anticipated.

- 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 anticipated.

**Name:** Kim Molesworth

**Agency:** ND Game and Fish Dept

**Telephone:** 328-6605

**Date Prepared:** 01/16/2013

Date: 1-24-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1151

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number Do not pass

Action Taken Rep Anderson

Motion Made By <sup>Rep</sup> Keiser Seconded By Rep. Silbernagel

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter	✓		Rep. Bob Hunsakor		✓
Vice Chairman Chuck Damschen		✓	Rep. Scot Kelsh	✓	
Rep. Jim Schmidt	✓		Rep. Corey Mock		
Rep. Glen Froseth	✓				
Rep. Curt Hofstad	✓				
Rep. Dick Anderson	✓				
Rep. Peter Silbernagel	✓				
Rep. Mike Nathe	✓				
Rep. Roger Brabandt		✓			
Rep. George Keiser	✓				

Total (Yes) 9 No 3

Absent 1

Floor Assignment \_\_\_\_\_

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

*Do not pass*

**REPORT OF STANDING COMMITTEE**

**HB 1151: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1151 was placed on the Eleventh order on the calendar.

**2013 TESTIMONY**

**HB 1151**

**Fw: residnet-non resident lottery**

The Barnett's [thebarnetts@ymail.com]

**Sent:** Monday, June 11, 2012 9:55 PM

**To:** Frantsvog, Robert

Representative Frantsvog,

My name is Jamie Barnett and I recently moved to North Dakota as a active duty member of the Air Force stationed here under the 91 MW at Minot AFB. I enjoy the outdoors, so North Dakota is a good place for me! Recently I applied for the 2012 Deer Lottery, however when I called the Fish and Game licensing division, I was advised I would have to apply for the as a non-resident since I am a resident of Florida. What is extremely discouraging is being required to pay \$220 vs. a resident fee of \$20 when we have volunteered to leave our state of residence to serve world wide. Included in that \$220, I was forced to pay some of the same fees I had already paid when I purchased my resident fishing/hunting license. Specifically, by being active duty I am able to purchase a resident license at resident fees, however the ND law requires me to submit for the lottery as a non-resident. I am forced to pay once again for furbearer, hunting, General game and habitat etc which I paid for when I purchased my resident license. I was advised by Licesning Manager, those fees could be refunded if I my name is drawn, but the bigger issue is why make us pay these very expensive non-resident fees? Furthermore, I understand far less deer licenses are given out to non-residents. I just don't see why we should penalized by falling into a non-resident category that will draw far less deer licenses when we live and work here full time serving in the Air Force. For instance if I want to hunt turkey, I will have to pay \$80 vs. the resident rate of \$8.

My views do not represent the views of the Air Force, and this is something I thought you may be able to look into for me. I am asking you what your opinion is, and if you agree; is there anything you can do to convince the State of North Dakota to consider topic? I would like to add, if I were an active duty ND resident serving in another state and came home on leave, I would be exempt from even having to participate in the lottery. Surly if North Dakota does this much for its own military residents, it should at least allow its military non-residents to apply at resident fees. I appreciate you taking the time to read my concerns.

Sincerely,

Jamie C. Barnett

----- Forwarded Message -----

**From:** "Meissner, Randy J." <rmeissner@nd.gov>  
**To:** "thebarnetts@ymail.com" <thebarnetts@ymail.com>  
**Sent:** Monday, June 11, 2012 11:58 AM  
**Subject:** FW: residnet-non resident lottery

Hello Jamie, under North Dakota state law the military licenses do not

include licenses issued by lottery. You were not given incorrect information, and if you know people who are nonresidents, but applying as residents they are in violation of that.

If you are successful in the lottery, please send a letter or email requesting a refund for the general game and certificate licenses which you already have. We have to charge those fees to nonresidents as most of them do not already have the licenses as you do.

*Randy Meissner  
Licensing Manager  
ND Game & Fish Department  
100 N Bismarck Expressway  
Bismarck, ND 58501-5095  
Phone (701) 328-6336  
Fax (701) 328-6374  
rmeissner@nd.gov  
http://gf.nd.gov/*

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**From:** The Barnett's [mailto:thebarnetts@ymail.com]  
**Sent:** Sunday, June 10, 2012 10:44 AM  
**To:** -Info-Game & Fish Dept.  
**Subject:** residnet-non resident lottery

I recently moved to North Dakota as a active duty member of the Air Force. I am a resident of the State of Florida, but reside here ND on Minot AFB full time. Recently I applied for the deer lottery, and after calling your Bismarck office, I was advised I would have to apply for the lottery as a non-resident which I did. What is extremely discouraging is having to pay \$220 vs. a resident fee of \$20. Included in that \$220, I am being forced to pay some of the same fees I already paid. Specifically, by being active duty I am able to purchase a resident license at resident fees which I have, however when I submit for a lottery as I nonresident, I am forced to pay once again for furbearer, hunting, General game and habitat etc which I paid for when I purchased my resident license. My question is why should I have to pay again for what I already have paid for? Additionally, the non-resident fees are very expensive, and less of a number are given out. Why should I be penalized by falling into a non-resident category that will draw far less deer licenses when I live and work here full time in the Air Force? For instance if I want to hunt turkey, I will have to pay \$80 vs. the resident rate of \$8. I do not look for handouts, but as a military member willing to served worldwide I would expect the State of North Dakota could do a better job taking care of its non-resident military members who are here long term. .

I understand this is most likely not something that can be changed overnight even if the state wanted to, and would require the intervention of a state legislator to start with. Before I proceed with contacting state legislation, I wanted to confirm I fully understand the policy as many locals, and comrades have advised me I am incorrect and many of them although in the same category as me have been able to apply as a resident. Are they slipping through the cracks or was I given incorrect information when I spoke with licensing in Bismarck?

Jamie Barnett