

2013 HOUSE ENERGY AND NATURAL RESOURCES

HB 1264

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

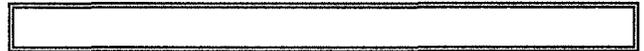
HB 1264
Jan, 25 2013
17740

Conference Committee



Relating to depredation to kill permits for geese

Minutes:



Rep. Porter: We will open the hearing on HB 1264.

Rep. Brandenburg: HB1264 deals with goose depredation. We have about 50 acres of soy beans that got eaten up by the geese. I want to get the discussion going and what it does it allows for 7 day periods for nonresident hunters I would like that in the months of June and July. I am open to any ideas from Game and Fish I am open to any amendments I am open for discussion.

Rep. Forseth: I have had some emails and comments on the page 2 regarding to the nonresident hunters without a license or fee and there are a lot of local hunters that are not favor of that.

Rep. Brandenburg: I fully expect that I am open to discussion.

Scott Rising: I am with the Soy Bean Growers; we have an issue with geese. Whatever you can do for us would be appreciated.

Rep. Anderson: How much damage do they do every year to your soy bean crop?

Scott Rising: I don't know I have stories of 25-30 acres on a 400-500 acre crop.

Randy Kriel: Chief of the Wildlife division of the North Dakota Game and Fish; that issue is real an issue that we have been struggling with. We implemented early season last year we were the first state in the country to go to 15 birds a day. That got people's attention we heard some positive comments on that. We also work with Ann Pollert with Sportsman against Hunger out of Fargo. We issued kill permits that issued pacific programs last year. Out the 227 kill permits nearly 3,000 geese were killed and 67 nests were destroyed. They

were using shot guns. We also provided \$52,000 to USDA Wildlife Services to help people alleviate this goose problem. One of the concerns of ours is that in South Dakota a landowner took a shot at what he thought were geese they were decoys and somebody was killed. We have many geese that migrate through the state in April and May they can be the targets attention instead of the resident geese. When a land owner had a kill permit it was themselves, the people that helped operate the farm, their kids or other people who had had the permits and not many hunters who helped with this. We are talking to hunters about developing a program that we could tell hunters that where they can help with the killing of the Canada geese. If you to go with the nonresident participation in the early season that runs from August 15-Sept 15 we ask that you sell a \$ 50.00 license fee for that so that we can track the numbers of residents and track the number of birds the number of days, whether they harvest them and how well that helps us address the resident goose problem.

Rep. Porter: You are talking a \$50.00 license fee for nonresidents in order to track them. Would you recommend a \$5.00 resident fee so that there is a way to track them also?

Randy Kriel: That is a possibility.

Rep. Hofstad: Part of the problem is the time delay when we talk about the kill permits by the time the farmer sees the geese and makes an application it is too late. Is there any way to get a permit in his hands so that he has it there?

Randy Kriel: We sent packets of information to the previous year's permit holders well in advance asking them if they are interested again. If they are then we try to get someone out there in 24 hours. The kill permits do work but they have to be timely.

Rep. Porter: Is there any reason why that farmer can't do it online on your web site?

Randy Kriel: That is a possibility one thing we run into through is there are a number of agriculture producers who don't use computers at this time.

Rep. Porter: Can you check with the IT and see what that would cost us?

Randy Kriel: I can do that.

Rep. Froseth: If you implemented a \$50.00 nonresident fee would you still dedicate \$40.00 of it to the plots program?

Randy Kriel: We wouldn't argue with that.

Rep. Porter: As we look at the language amend to this bill we can direct that money to where we want it.

Rep. Nathe: What is the nonresident fee now?

Randy Kriel: The nonresident license fee is \$125.00.

Randy Kriel: When we implemented the \$50.00 snow goose license for nonresidents the number of people participating went up. So the \$50.00 license is not an impediment to the nonresident participating and for \$50.00 if they can get 15 birds a day the people get excited about it.

Rep. Nathe: What is the turnaround time for a new applicant who is not internet savvy?

Randy Kriel: We try to get the permit to them in a day or two.

Rep. Hunsakor: On line 9 and 10 talk about an individual using an a rifle does that mean anytime from spring to fall or just during the goose season what period of time would they use the rifle?

Randy Kriel: The language that allows the use of rifles is a little bit clumsy and it could create a situation where you brought up and also puts the words in the position to make us look the other way. We don't think the rifles accomplish the mission of killing the geese and scaring the other geese away.

Rep. Hunsakor: As the bill is written if were to pass then that individual could go out anytime with the rifle and hunt from May to October?

Randy Kriel: Were would have a problem with that.

Rep. Kieser: For the property the rifle is a solution in addition to the shotgun that might be important to the property owner. If we were to limit that portion of the amendment to only the owner that has received the depredation kill permit and allow the owner to be granted some authority only that individual to use the rifle.

Randy Kriel: Our issues with rifles still remain. The other thing that would factor into that is that when you get a permit it is the landowner and then they have decimated 5 or 6 people that they have on their permit.

Rep. Porter: At time we will close the HB on 1264.

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

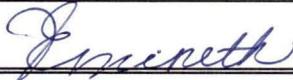
Pioneer Room, State Capital

HB 1264

February 1, 2013

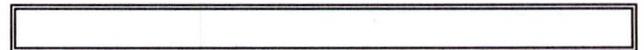
18142

Conference Committee



Relating to depredation to kill permits for geese.

Minutes:



Rep Porter: We have HB 1264 in front of us. We heard a lot of information on this. What this amendment does is when you look down on page 1 line 10 on the amendment it tells the dept. to implement a web base application for kill permits for the farmers. We have a motion from Rep. Kelsh and a second from Rep. Nathe to move the amendment. Voice voter carried. We have an amended bill in front of us. I have a motion from Rep. Hofstad and a second from Rep. Anderson for a do pass on HB 1264 as amended.

Yes 13 No 0 absent 0 Carrier Rep. Kelsh

FISCAL NOTE
Requested by Legislative Council
02/05/2013

Amendment to: HB 1264

- 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				\$102,050		\$102,050
Expenditures				\$7,000		\$7,000
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).*

Amendment requires on-line applications for Canada goose kill permits; advertising; adds an early Canada goose license fee of \$50 for NR & \$5 for Residents; the 14-day & two 7-day hunting period restrictions do not apply to NR during early Canada goose. Gov sets # of lic. by proc.

- 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 positive fiscal impact on our revenue because it is adding an additional license fee for early Canada goose season. Add'l expenditures will be required to develop the on-line application and advertise.

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.*

It is difficult to estimate the fiscal impact affected by the amendment because we currently do not have a specific license for the early Canada goose season. In order to come up with a dollar amount, we estimated the number of NR and Resident early Canada goose hunters based on a 2011 survey of waterfowl hunters. The confidence margin in our survey is very wide, but it's the best estimate that we have available. We used an estimate of 559 NR hunters at \$50 a license = \$27,950. We used an estimate of 4,615 Resident hunters at \$5 a license = \$23,075. Annual total = \$51,025. Biennium total = \$102,050. This bill has an emergency clause so it will go into effect for the 2013 license season.

- 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.*

Programming costs to develop the web-based online application are estimated at \$5,000. Advertising costs in ag publications and journals are estimated at \$2,000.

- 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.*

The \$7,000 affect on appropriation is minimal and the department can absorb it in the existing 2013-15 requested budget.

Name: Kim Molesworth

Agency: ND Game & Fish Dept.

Telephone: 328-6605

Date Prepared: 02/06/2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1264

Page 1, line 1, after "20.1-02" insert ", two new subsections to section 20.1-03-12, and a new section to chapter 20.1-03"

Page 1, line 2, after "geese" insert "and an early Canada goose season"

Page 1, line 2, remove the first "and"

Page 1, line 3, remove "September"

Page 1, line 4, after "season" insert "; and to declare an emergency"

Page 1, line 8, replace "**Manner for use of**" with "**Canada**"

Page 1, replace lines 9 and 10 with "The department shall implement a web-based online application process for Canada goose kill permits, publicize in select agricultural publications and trade journals the availability of Canada goose kill permits, and implement a program to match volunteers with agricultural producers with kill permits."

Page 1, after line 14, insert:

"1."

Page 1, line 18, after the underscored period insert:

"2."

Page 1, line 23, after the underscored period insert:

"3."

Page 2, line 1, after the underscored period insert:

"4."

Page 2, line 4, after the underscored period insert:

"5."

Page 2, line 5, after the underscored period insert:

"6."

Page 2, line 8, overstrike "September"

Page 2, after line 24, insert:

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Early Canada goose season.

A resident or nonresident may purchase an early Canada goose license to hunt geese during an early season as determined by the governor by proclamation. The

governor by proclamation may specify the number of licenses that may be issued and the manner in which the licenses are issued. A nonresident is not required to purchase any other license to hunt Canada geese during an early Canada goose season. A nonresident is not entitled to more than one nonresident early Canada goose season license and still may obtain a nonresident waterfowl hunting license under section 20.1-03-07.1.

SECTION 4. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a nonresident early Canada goose season license, fifty dollars.

SECTION 5. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a resident early Canada goose season license, five dollars.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 2-1-2013
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1264

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Kelsh Seconded By Rep Nathe

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) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: Vote note carried
To move Amendment B.0644.01001

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

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1264

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number Rep Keulsh

Action Taken _____

Motion Made By Hofstad Seconded By Anderson

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) 13 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: DO pass As amend

REPORT OF STANDING COMMITTEE

HB 1264: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1264 was placed on the Sixth order on the calendar.

Page 1, line 1, after "20.1-02" insert "; two new subsections to section 20.1-03-12, and a new section to chapter 20.1-03"

Page 1, line 2, after "geese" insert "and an early Canada goose season"

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Renumber accordingly

2013 SENATE NATURAL RESOURCES

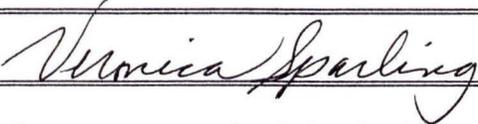
HB 1264

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1264
March 8, 2013
19652

Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to early Canada goose season; and to declare an emergency

Minutes:

No attachments

Chairman Lyson opened the hearing on HB 1264. All senators were present.

Representative Porter, District 34, introduced the bill. This bill seeks to make this work from a depredation standpoint as well as from a sportsmen's standpoint. Section 1 makes it easier for land owners to get a kill permit. It is available now but it's a snail/mail process and with the cost of planting soybeans and corn it could be in the thousands of dollars of damage before that producer could get their hands on a kill permit. The other two things we did in Section 1 are: 1) We told Game and Fish that they should go out and advertise the fact that these tools are available to our producers by getting the word out in the trade magazines. 2) We asked Game and Fish to implement a program similar to what they are doing with coyotes and ranchers. They put a list of individuals on line that say "I have geese; bring the hunters". We could have that kind of a match program that would tell the land owners and the hunters where the problem is and hopefully they could use it. In Section 3 we create a new early Canada goose season that is for both residents and non-residents statewide. The fee is in place so we can get the matching dollars from the federal government. There is a fee for residents of \$5 and a fee for non-residents for the early goose season for \$50.

Randy Kreil, Chief of the Wildlife Division with the North Dakota Game and Fish Department, stood in support of the bill. He clarified a few points:

1) When a landowner gets a kill permit for Canada geese that is used during the growing season which is outside the early Canada goose season where the \$5 or \$50 fee would come into place, the landowner would have to sign that person up as an agent that is working for them. They could go out and take Canada geese but those geese could not be kept by the "hunter". They would either have to be buried or destroyed. We found a better use for those birds. Under federal regulations, they could be donated to charity. The Sportsmen Against Hunger program has agreed to take those birds and get that protein into the food pantries. We worked with a group based out of Fargo, North Dakota Community Action. We had the birds donated and used for food pantries.

2) Having the special license available will give us a readied data set that we can actually ask those people in September/ October that year what they did, where they hunted, and how successful they were. The bottom line is, the Game and Fish Department supports this bill and we think it gives us some tools that we can use to help landowners with depredation problems.

Senator Hogue Would the kill permits be made available on a state-wide basis or would this be limited to certain areas?

Randy Kreil replied they are available on a state-wide basis.

Senator Hogue Do the kill permits have the same restrictions as the early or the regular hunting season, or is it whenever the farmer can get there?

Randy Kreil The kill permits are used during the growing season, prior to the early season which starts typically the 15th of August and runs through September 15th. The kill permits themselves can be used at any time people start having problems and that typically is in middle to late June and into July.

Mike Donahue, North Dakota Wildlife Federation: We support the bill.

Foster Ray Hager, Cass County Wildlife: On line 15 of page 3, Cass County Wildlife recommends you put \$100 in front of the \$50 so that the cost will be \$150 to hunt in the early Canada goose season. Otherwise, we think it is an excellent bill but we just keep giving away our wildlife to non-residents. I think they should pay a little more.

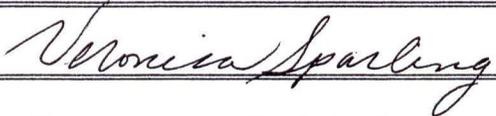
Chairman Lyson closed the hearing on HB 1264.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

HB 1264
March 15, 2013
20007

Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to early Canada goose season; and to declare an emergency

Minutes:

No attachments

Chairman Lyson opened the discussion on HB 1264.

Chairman Lyson asked Mr. Steinwand to address the committee concerning this bill. Terry Steinwand, Director of the ND Game and Fish Department, said this is a good bill. They worked with it to make the depredation permits as easy to attain as possible.

There was discussion about the bill making it easier by giving access to do it online.

There was a question about making the non-resident fee higher. Mr. Steinwand stated that the purpose of having a fee is to give the Game and Fish the ability to track how many residents and how many non-residents actually hunt and how many geese are harvested in a season.

Senator Laffen mentioned that the purpose is depredation so we do not want to discourage anyone from hunting.

Mr. Steinwand said the goal is to have 80,000 geese and at last count there were 415,000.

Senator Murphy: Do Pass on Engrossed Bill 1264.

Senator Laffen: Second

Roll Call Vote: 7, 0, 0

Carrier: Senator Murphy

FISCAL NOTE
Requested by Legislative Council
02/05/2013

Amendment to: HB 1264

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Appropriations				\$0		\$0

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The \$7,000 affect on appropriation is minimal and the department can absorb it in the existing 2013-15 requested budget.

Name: Kim Molesworth

Agency: ND Game & Fish Dept.

Telephone: 328-6605

Date Prepared: 02/06/2013

REPORT OF STANDING COMMITTEE

HB 1264, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1264 was placed on the Fourteenth order on the calendar.