

FISCAL NOTE
Requested by Legislative Council
01/13/2015

Bill/Resolution No.: HB 1224

- 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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$10,000		
Appropriations				\$10,000		

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 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).*

Change nonresident waterfowl hunting from two 7-day periods to three 7-day periods. It also adds a third zone.

- 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.*

The bill amendment has an effect on expenditures because it will require programming changes to the Game and Fish online licensing system.

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.*

None anticipated.

- 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.*

The proposed bill requires programming changes to the Game and Fish online licensing system. We already have an optional 3rd date range in the system, but we will need to add a third zone. We estimate the programming changes to cost the department approx. \$10,000.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

This bill creates a one-time cost for programming changes of approx. \$10,000 as an increase in expenditures to the Operating line.

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Agency: ND State Game & Fish Dept

Telephone: 328-6306

Date Prepared: 01/19/2015

2015 HOUSE ENERGY AND NATURAL RESOURCES

HB 1224

2015 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1224
1/22/2015
22389

- Subcommittee
 Conference Committee

Committee Clerk Signature

Beekie Struge

Explanation or reason for introduction of bill/resolution:

Relating to nonresident waterfowl hunting.

Minutes:

Chairman Porter Opens Hearing on HB 1224

Attachments 1 & 2

Support of:

Representative Vernon Laning, District 8
(Attachment 1)

I intended this bill to be a revenue source for the Game and Fish Department. The language in the bill, as it was written, did not address that. It almost enhances a 21- day hunting period.

(Attachment 2)

My requested amendment has not been run through Legislative Council.

Right now out-state people pay 100 dollar for either a 14-day hunting block or two 7-day blocks. Either one or the other, it's 100 dollars. I first thought Game and Fish had the ability to collect additional fees. The end result is my bill in error.

I would like to request you amend to reflect the intent of the bill.

Last year there was over 24,000 out-of -state non-resident waterfowl licenses sold last year. There should be some additional benefit to Game and Fish.

4:38

Rep. Bob Hunsakor: Does Game and Fish currently have the authority to open areas, where there are too many birds, if it's necessary?

Representative Laning: Game and Fish, as the regulatory agency, regulates the number of game you can take and have in hand. As far as opening up areas, they could regulate that as well. I don't believe that's a problem in the goose situation. I think they pretty much open up the state and anyone can hunt, as long as you have the landowner's permission.

Chairman Porter: We can get further information from Game and Fish when they come up.

Opposition:

6:40

Sandy Barns, representing the North Dakota Sportsman's Alliance

A number of years ago we sat in this room to limit the number of waterfowl hunters in the state. We compromised with this committee and limited to a fourteen day period. I think it has worked well. The Sportsman's Alliance is vehemently against it.

Here are some statistics that came out the other day. General hunting licenses: 39,639 residents, 45,045 non-residents. Small Game: 19,059 residents, 26,839 non-residents. I think we are flooding the state.

7:47

Mike Donahue, representing North Dakota Wildlife Federation

As Mr. Barns mentioned, we were in this room with residents who did not want too many non-residents coming in. It's been nice for a number of years, and now we don't want to start picking that scab again. We would like you to kill this bill.

Neutral Testimony:

Jeb Williams, Wildlife Division Chief with North Dakota Game and Fish Department

I'm here to help answer questions on numbers associated with non-resident/resident issue. I feel the legislature has done a very good job of reaching a social balance with resident/non-resident issues over the years.

Our average days for non-resident hunters that come to North Dakota for waterfowl hunting is 5.3 days. Approximately 75% of them don't spend any more than seven days in North Dakota. Adding another seven days would be for the minority to do that. Anytime we add additional days to that non-residential opportunity, it gains concern with individuals in the legislature, landowners - that people take more of an interest in land (land leasing, land purchasing). Last session the non-resident restriction was completely relaxed for the early Canada goose season, which gets into the goose depredation issue. From August 15 through September 15, non-residents are allowed to be here the entire time for a fifty dollar fee. Further into the waterfowl population season we are not harvesting the birds that are causing damage here in North Dakota spring and summer months. I think the issue was adequately addressed last session, as far as overpopulation of birds and having additional non-resident days.

In 2014, there were 24,250 non-resident hunters. In 2013, we had 24,295 non-resident waterfowl hunters, and 23,899 licensed resident hunters. Some could make the argument

that we are off balance the other way. That gets back to the point that things as is, are working accordingly.

12:25

Rep. Dick Anderson: Do you have any depredation numbers to go along with this data? I know that geese do cause lots of problems sometimes.

Williams: This past year we issued 209 depredation permits across North Dakota, with individual landowners who are experiencing problems with our resident Canada goose population. In 2012 we issued over 220 permits. The winters of 2011-2012 were very mild, spring came very early and the geese arrived very early - we did experience more problems then. The Game and Fish Department acknowledged and recognizes that we have issues with resident Canada geese population. We have been allowed by the US Fish and Wildlife Service to have depredation permits. The permits allow for the hazing, the taking, the removal of eggs and the removal of birds, for individual producers who are having a problem. And, the early Canada goose season from August 15 through September 15, which allows the take of 15 birds per day. Though it's not perfect, we do have to operate under the permit system of the US Fish & Wildlife Service.

Chairman Porter: What is the number of non-residents that participated in the 50 dollar goose license?

Williams: This last year we had just under 1,000 non-residents, and approximately 7,000 residents.

Rep. Glen Froseth: This bill calls for adding a third zone, what does that mean?

Williams: In North Dakota we have a couple different waterfowl zones, for ducks and geese. I'm not sure what the sponsors had in mind. We have zones in place that distribute that pressure, where individuals and non-residents can participate in one of those zones - in zone one or two for seven days, and the remaining seven days would be used in zone three.

There is also a zone buster license that allows non-residents to come to North Dakota and purchase a non-resident waterfowl license for 150 dollars. This allows them to hunt anywhere for a 14 day period, or two 7- day periods.

Rep. Roger Brabandt : Do you have a ballpark price how much money they spend the average 5.3 days here?

Williams: I do not. I know there are some figures out there, but I don't have those numbers with me.

Rep. George Keiser: What is the non-resident fee for North Dakota compared to surrounding states.

Williams: That was one of the issues looked at last session when the resident and non-resident bills were discussed. North Dakota still is on the lower end for non-resident license fees in comparison to other states.

Rep. Bob Hunsakor: On the bill, number two talks about a zone. On the amendment, if number two is eliminated according to the amendment, then the wording says 'may be authorized'. There may be a certain area where there is an over population that would give you permission, just for that particular area if there was a problem. It would not be mandatory, it would be at your discretion - your authority. Is there any need for that, even if the amendment was attached to the bill?

Williams: No. In dealing with the waterfowl season, we are dealing with the majority of migrant birds. If there is an over population again, we have to work with the US Fish and Wildlife Service during the early (state wide) season to be able to address that. That is where we would more appropriately deal with that situation.

19:40

Kim Kerry, Game and Fish Department

I just want to make one clarification on the fiscal note that might have caused confusion regarding the additional third zone. I do have wording to add a third zone as part of the programming costs. We didn't mean the word 'zone', it's supposed to be 'category'. Instead of zone, we would be adding a category, meaning a third 7- day period.

20:29

Chairman Porter closes the hearing on HB 1224.

2015 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Pioneer Room, State Capitol

1224
1/22/2015
22401

- Subcommittee
 Conference Committee

Committee Clerk Signature

Beckie Streege

Explanation or reason for introduction of bill/resolution:

Relating to nonresident waterfowl hunting.

Minutes:

Chairman Porter opens HB 1224

Rep. Bill Devlin: I move a Do Not Pass on HB 1224

Rep. Dick Anderson: Seconded the motion.

Vice Chairman Damschen: I just want to share a statement. I'm going to support the motion, because I think we have reached a balance that seems to be acceptable by all the factions involved. But, I still firmly believe that the key to having a place to hunt is not keeping other people out, but getting in yourself and establishing some rapport with the landowner, keeping it from being posted - having it posted for you. I'm going to support it, but I think the real answer is not keeping out-of-staters out, but getting yourself in.

Chairman Porter: I couldn't agree more. I think the amount of time spent building those relationships is one of the most important aspects of enjoying the great outdoors when you have a state that is 90 percent privately owned. It requires some work on behalf of everyone. I do feel that over the years of being in this committee, I can tell you it was very tense, it was very intense times. A balance relevant to what we saw today for the hearing, the confidence placed on us to maintain that balance, is a sign of how this hearing looked today and that we have reached a good balance. Even though there's 14 days available, the average non-resident waterfowl hunters using 5.3 of those days, it has balanced back to the resident hunter. From the perception that if you increase the number of days you're going to increase the number of leases that's going to increase the number of non-resident land ownership. I think what we did last session was a huge stride in allowing non-residents to participate in our spring goose hunting. I firmly believe that we, as a legislative body, have really struck a balance. I'm not saying that everybody is happy. But it is a balance.

The clerk will call the roll on a Do Not Pass to HB 1224.

House Energy and Natural Resources Committee
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Page 2

A roll call vote was taken. Yes: 12 No: 0 Absent: 1 (Representative Mock)

Motion carries.

Representative Lefor will carry the bill.

Date: 1/22/15
 Roll Call Vote #: ~~1224~~

1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO.**

House Energy and Natural Resources Committee

Subcommittee

1224

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep Devlin Seconded By Rep Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Bob Hunsakor	✓	
Vice Chairman Damschen	✓		Rep. Corey Mock		A
Rep. Dick Anderson	✓		Rep. Naomi Muscha	✓	
Rep. Roger Brabandt	✓				
Rep. Bill Devlin	✓				
Rep. Glen Froseth	✓				
Rep. Curt Hofstad	✓				
Rep. George Keiser	✓				
Rep. Mike Lefor	✓				
Rep. Mike Nathe	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Lefor

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

Report 13-014

REPORT OF STANDING COMMITTEE

HB 1224: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1224 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

HB 1224

1 1-22-15

Testimony Before Energy & Natural Resources Cmty. on HB 1224

Mr. Chairman and members of the committee, I'm Representative Vernon Laning, and am here today to speak in support of HB 1224.

This bill basically adds the opportunity for out of state hunters to apply for a third 7 day hunting period for waterfowl. They can presently receive either one 14 day license or two 7 day licenses. Although this is a hunting enhancement for out of state hunters, it has definite benefits for ND residents as well. First of all there would be additional income for the ND Game and Fish Dept. through the sale of the additional 7 day hunting period. Secondly and probably more importantly, it could be a help in reducing overpopulated goose populations and the crop deprivations resulting from their large numbers. I have discussed this with several farmers in ND and all have made similar statements that they were in favor of anything that can help get rid of some of the geese. You fishermen can probably relate to a name unaffectionately given the geese as "sky carp". Then I've also had conversations with several golfers that feel the appearance of geese on the courses may at first be appealing but as soon as you step onto a green that has been visited by the geese, that appreciation soon disappears, especially when cleaning your shoes later.

So Mr. Chairman and committee, you can see this bill has a number of benefits to ND citizens and could be another step to help control the present overpopulation of an agricultural nuisance. Therefore I would request your favorable consideration of a "Do Pass" recommendation.

Thank you.

#2

1-22-15

Requested Amendment to HB 1224:

Under 20.1-03-07.1 subparagraph 2:

Delete struck language, and add:

"Additionally a third 7 day hunting period may be authorized with the appropriate fee. The third period allows hunting in a specified zone during the 7 day period."

Also add the following language under Sec. 20.1-03-12(31):

".....except for a third 7 day hunting period for which an additional \$75 fee is applied."