

FISCAL NOTE
Requested by Legislative Council
02/07/2019

Amendment to: SB 2260

- 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.*

| | 2017-2019 Biennium | | 2019-2021 Biennium | | 2021-2023 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$0 | | \$0 |
| Expenditures | | | | \$10,000 | | \$0 |
| Appropriations | | | | \$10,000 | | \$0 |

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

| | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 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 creates and enacts a new subsection relating to a fee for a nonresident landowner trapping license, and amends and reenacts a section relating to trapping by nonresidents who own land in North Dakota.

- 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 proposed bill would allow a nonresident landowner or any member of the nonresident's family residing customarily with the nonresident, to purchase a nonresident landowner trapping license for \$100 to trap on the land the nonresident owns. The new license would require IT programming changes to the licensing system for the validation of land ownership.

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.*

Unknown. We do not know how many landowners will apply for this option.

- 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.*

In order to validate land ownership of nonresident's and their family members, we anticipate in excess of \$10,000 of IT programming costs to the department's licensing system.

- 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.*

Operating line would be increased by \$10,000 for estimated one-time IT programming costs.

Name: Kim Kary

Agency: Game & Fish Dept

Telephone: 328-6605

Date Prepared: 02/08/2019

2019 SENATE ENERGY AND NATURAL RESOURCES

SB 2260

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2260
1/25/2019
Job Number 31473

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to trapping by nonresidents who own land in North Dakota.

Minutes:

3 attachments

Chair Unruh: Opened the public hearing.

Senator Kannianen, District 4 (0:27-2:30) Introduced the bill, please see attachment #1, attachment #2 is submitted testimony, and attachment #3 is proposed amendments.

Chair Unruh: The fee for non-resident landowner trapping license of \$100, does that match other fees?

Senator Kannianen: That could be a moving target. What we looked at as an example, Minnesota allows a similar license for \$84, plus they have to pay another \$75 for a small game license. In terms of what North Dakota fees are, it's in same ballpark, that's the example we picked.

Senator Roers: Is there any expectation that you would have a certain amount of acreage before you would qualify as a non-resident to buy a resident license?

Senator Kannianen: That's not specified in here, I don't know if someone else could answer what the requirement is for other game for gratis license for landowner I'm not sure.

Senator Roers: I believe for gratis license you have to have owner-control of 160 acres.

Senator Piepkorn: On page 2, line 3, a non-resident who owns land in North Dakota or any member of the non-resident's family residing with the non-resident, that language seems loose and open to wide interpretation, is that on purpose?

Senator Kannianen: That's the way it came from legislative council. My intent was just the landowner; I didn't ask them about that. If it needs to be firmed up, it can.

Senator Piepkorn: I'm not sure how I feel about it.

Rick Tischaefter, Self (6:00) Frank Kartch contacted me by email in my capacity as President of the Fur Trappers Association, he resides in Minnesota, and asked us to support his efforts to change this non-resident landowner trapping license. I have experience with working with the non-resident trapping license issue here in North Dakota. What makes this specific is Minnesota, they are the only one that does not allow North Dakota residents to trap in Minnesota unless they own land there. There's a reciprocity issue. Minnesota residents can't come to North Dakota and trap under a non-resident license, because North Dakotans can't go there. With Minnesota, if you own land in Minnesota, we'll allow you to come trap there and trap on your own land, that's the basis for this. Why wouldn't we let them do the same here. In that sense, I'm in favor. I see no reason to create another special license, we have a non-resident reciprocal trap license available to everybody else in the country. We have the license in place for that individual to be required to purchase that license, just like everyone else does. We don't have to get into the weeds about the amount of land owned, just require that the non-resident reciprocal trapper license be available for purchase and leave it at that.

Senator Roers: Is this nonresident reciprocal license available at a discount or same rate?

Rick Tischaefter: That non-resident reciprocal license is a basic \$350 flat fee. There is so much variation in other states, this is a flat fee.

Senator Roers: If this bill passes, what would the fee be then?

Rick Tischaefter: I'm asking it to be a flat \$350 fee, just like a normal reciprocal trapping license.

No opposing testimony, no agency testimony.

Chair Unruh: Closed the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2260
2/7/2019
Job Number

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to trapping by nonresidents who own land in North Dakota.

Minutes:

1 Attachment

Chair Unruh: Brought the committee back to order.

Senator Schaible: It's mostly about non-residents that own land in North Dakota that want the right to trap. That's basically it, you can already hunt on that, I think it's just expanding the trapping. There is an amendment that Senator Kannianen brought, I move to adopt the amendment.

Senator Roers: I second.

A voice vote was taken.
Motion carries.

Senator Schaible: I move to Do Pass As Amended.

Senator Roers: I second.

Senator Piepkorn: I had a question on the part that reads on page 2, line 3, 'a non-resident who owns lands or any members of the non-resident's family residing customarily with the non-resident.' any recollections on that, I had some reservations about it, but it does say non-resident's family. Maybe I answered my own questions.

Chair Unruh: As Senator Kannianen has in his testimony, the purpose of the bill is to allow non-resident landowners and members of their household to trap on land they own in North Dakota.

A roll call vote was taken.
Motion passes 5-1-0.

Senator Schaible will carry.

Chair Unruh: Closed committee action.

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2260

Page 1, line 1, after "to" insert "create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a fee for a nonresident landowner trapping license; and to"

Page 2, line 5, after "may" insert "purchase a nonresident landowner trapping license to"

Page 2, after line 14, insert:

"SECTION 2. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a nonresident landowner trapping license, one hundred dollars."

Renumber accordingly

Date: 2/7
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2260**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1008.01001

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 Sen. Schaible Seconded By Sen. Roers

| Senators | Yes | No | Senators | Yes | No |
|-------------------------|-----|----|--------------------------|-----|----|
| Senator Jessica Unruh | | | Senator Merrill Piepkorn | | |
| Senator Curt Kreun | | | | | |
| Senator Donald Schaible | | | | | |
| Senator Dwight Cook | | | | | |
| Senator Jim Roers | | | | | |
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Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice Vote
 Motion Carries*

Date: 2/1
 Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2260**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1002.01001

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 Sen. Schaible Seconded By Sen. Roers

| Senators | Yes | No | Senators | Yes | No |
|-------------------------|-----|----|--------------------------|-----|----|
| Senator Jessica Unruh | X | | Senator Merrill Piepkorn | | X |
| Senator Curt Kreun | X | | | | |
| Senator Donald Schaible | X | | | | |
| Senator Dwight Cook | X | | | | |
| Senator Jim Roers | X | | | | |
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Total (Yes) 5 No 1

Absent 0

Floor Assignment Sen. Schaible

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

REPORT OF STANDING COMMITTEE

SB 2260: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a fee for a nonresident landowner trapping license; and to"

Page 2, line 5, after "may" insert "purchase a nonresident landowner trapping license to"

Page 2, after line 14, insert:

"SECTION 2. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a nonresident landowner trapping license, one hundred dollars."

Renumber accordingly

2019 HOUSE ENERGY AND NATURAL RESOURCES

SB 2260

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2260
3/7/2019
33360

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to a fee for a nonresident landowner trapping license who own land in ND

Minutes:

Attachment 1

Chairman Porter: opened the hearing on SB 2260.

Sen. Jordan Kannianen, Dist.4: presented Attachment 1.

Chairman Porter: What states do we have reciprocity with?

Sen. Kannianen: I don't know. I just know that we don't have with Minnesota.

Chairman Porter: Further support? Opposition?

Robert Timian, Chief of Enforcement, ND G&F: Only one state, MN. MN does not allow our trappers to purchase licenses to trap in MN.

Chairman Porter: This issue could be solved by MN allowing our trappers to trap in MN.

Robert Timian: That is correct.

closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2260
3/8/2019
33454

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to a fee for a nonresident landowner trapping license who own land in ND

Minutes:

Chairman Porter: opened the hearing on SB 2260. There are two things that come up about this bill. They are both directly related to Minnesota. They do not allow our residents to trap in their state, and so our law is written in a way that for reciprocity, if you live anywhere else and that state allows our residents to do what's being asked, we have full reciprocity with that state and there are two areas that happens with this. This is one of them and the other area is dark house spear fishing. In dark house spear fishing we wrote that law specifically so that we would have full reciprocity with any or our residents to do dark house spear fishing except Florida, because no one can stand on the water and spear fish, but everywhere else you can have reciprocity.

Rep Damschen: If ND residents own land in MN, can they trap on that land?

Chairman Porter: I don't know that a ND resident can even fur bear in MN.

Rep. Anderson: I make a motion Do Not Pass on SB 2260.

Rep. Lefor: Second.

Roll Call Vote Yes 10 No 4 Absent 0

Rep. Anderson is the carrier.

Date: 3-8-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2260**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

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 Anderson Seconded By Rep Lefor

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|------------------|-----|----|
| Chairman Porter | ✓ | | Rep. Lefor | ✓ | |
| Vice Chairman Damschen | | ✓ | Rep. Marschall | ✓ | |
| Rep. Anderson | ✓ | | Rep. Roers Jones | ✓ | |
| Rep Bosch | ✓ | | Rep. Ruby | | ✓ |
| Rep. Devlin | ✓ | | Rep. Zubke | ✓ | |
| Rep. Heinert | ✓ | | | | |
| Rep. Keiser | ✓ | | Rep. Mitskog | | ✓ |
| | | | Rep. Eidson | | ✓ |
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Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Anderson

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

REPORT OF STANDING COMMITTEE

SB 2260, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2260 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2260

SB 2260
1.25.19
#1
Pg.1

Testimony on SB 2260

Senator Jordan Kannianen - District 4

To Chair Unruh, Vice-chair Kreun, member of the committee.

The purpose of this bill is to allow nonresident landowners and members of their household to trap on land they own in North Dakota. It is a property rights bill, and it is also an attempt to allow nonresident landowners the ability to control the furbearer population on their own land.

While up against a deadline, I submitted the bill not quite par with my intentions. I am therefore submitting a proposed amendment to the committee with the request that it be adopted. The bill as stands simply allows nonresidents to trap on their land with no restrictions or license. The amendment would create a nonresident landowner trapping license that must be purchased at a fee of \$100. This would allow for Game & Fish to track the number of licenses and provide for those administrative costs. It would also prevent a free-for-all.

Attached is the testimony of Frankie Kartch, a nonresident who owns land in my District, and he goes into further detail on the issue.

Please move the amendment and then please give the amended bill a Do Pass Recommendation. Thank you.

Frankie Kartch Testimony on SB 2260

Madam Chairwoman and members of the Natural Resources Committee, thank you for taking the time to listen to me today. I am here in support of SB 2260. I am a nonresident, ND landowner currently living in MN (unfortunately) and that prevents me from trapping in ND. I have no problem with ND's ban on MN trappers or residents of states that do not offer reciprocity; that's not what I am testifying about.

The current ND regulation against MN residents trapping in ND also prevents MN residents from trapping their own land in ND. I cannot legally control furbearers on my property under current ND law. This is only because I am a MN resident.

I know some of ND's ban on MN residents trapping in ND is based on MN law banning all nonresident trapping. However, MN does allow nonresident landowners to trap their own land in MN. Similar to a ND gratis license.

This license cost \$84 and can be found on page 47 of the 2018-2019 MN Hunting and Trapping Regulations. It reads: "Nonresidents may trap only on land they own in Minnesota with nonresident trapping and small game licenses."

In talking with NDGF Dept. Chief Game Warden, Bob Timian, the following ND statute (20.1-03-07, para 2) bears scrutiny:

2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal, except that nonresidents holding a valid nonresident fur-bearer and nongame hunting license may hunt only fox and coyote and except that residents of a state that allows North Dakota residents to trap within that state may purchase a nonresident reciprocal trapping license to trap in this state. However, a nonresident holding a valid nonresident reciprocal trapping license may not trap, catch, attempt to catch, take, or kill bobcats.

This statute offers some clear answers: That reciprocity is key to getting a nonresident furbearer trapping license. As mentioned above, MN allows nonresident landowners to trap their own land in MN. If I was a ND resident, I could legally trap my own land in MN with the appropriate, nonresident landowner trapping license. I believe there is already reciprocity for me to get a license to trap my own land in North Dakota based on MN's law allowing nonresidents to trap their own land in MN. North Dakota has just not created the appropriate nonresident landowner trapping license yet.

I am respectfully asking you to pass this bill amending the language that currently prohibits residents of MN who own land in North Dakota from trapping their own land in North Dakota. I highly doubt if there will be a significant increase in posted land or nonresident purchases of land because of what I am proposing. It may involve a new type of furbearers or trapping license but it does not open the floodgates to MN trappers. The vetting of MN or nonresident

SB 2260
1.25.19
#2
Pg.2

landowners is easily done as they already do it for nonresident gratis deer hunting applications. Therefore, the impact to the NDGF Dept. is minimal.

A reciprocal trapping license for nonresident landowners from states that allow nonresident landowners to trap land they own in ND is not an unreasonable right. Currently, I have to rely on others to manage my property for predators, beaver damage, etc. This is very difficult to do. A nonresident trapping license to trap in ND is \$350 and you can trap statewide. A separate, less expensive license to trap my own land is not burdensome or unreasonable.

It seems ironic that I can apply for a nonresident gratis deer license every year, but I cannot trap a coyote or beaver or any other furbearer on my land. In talking to NDGF Dept. Chief Warden, Robert Timian, the only furbearer I can currently legally trap is a skunk. I would like to manage my land for all predators because I like to shoot ducks and grouse and deer. This benefits everyone. It also keeps rabies and other furbearing diseases in check. I can also legally shoot a coyote on my land with a furbearer license, but I cannot trap them. The absurdity of this escapes me.

In closing, newly-elected South Dakota Governor Kristi Noem floated a proposal to begin a bounty program on predators in her state. I am not advocating for a bounty but rather outlining the relevance of the issue; that predators should be controlled and landowners are the first initiator in completing that task. Your favorable support of this measure would be appreciated, and I would welcome any dialogue on this topic.

Regards,

Frankie Kartch
Duluth, MN
218-340-5353

SB 2260
1.25.19
#3
Pg.1

19.1008.01001
Title.

Prepared by the Legislative Council staff for
Senator Kannianen
January 24, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2260

Page 1, line 1, after "to" insert "create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a fee for a nonresident landowner trapping license; and to"

Page 2, line 5, after "may" insert "purchase a nonresident landowner trapping license to"

Page 2, after line 14, insert:

"SECTION 2. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a nonresident landowner trapping license, one hundred dollars."

Re-number accordingly

SB 2260
2.7.19
#1
Pg.1

19.1008.01001
Title.

Prepared by the Legislative Council staff for
Senator Kannianen
January 24, 2019

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Renumber accordingly

Testimony on SB 2260

Senator Jordan Kannianen - District 4

To Chairman Porter, Vice-chair Damschen, committee members.

The purpose of this bill is to allow nonresident landowners and members of their household to trap on land they own in North Dakota. Currently, residents of states that don't have trapping reciprocity with North Dakota are not allowed to trap in the state - even on their own land. This bill creates a nonresident landowner trapping license with a fee of \$100, giving nonresident landowners that opportunity.

Attached is the testimony of Frankie Kartch, a nonresident who owns land in my District, and he goes into further detail on the issue.

One issue this would help with are those nonresident landowners that want the ability to control the furbearer population on their land.

Please give this bill a Do Pass Recommendation. Thank you.

Frankie Kartch Testimony on SB 2260

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landowners is easily done as they already do it for nonresident gratis deer hunting applications. Therefore, the impact to the NDGF Dept. is minimal.

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