

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2376

2005 SENATE NATURAL RESOURCES

SB 2376

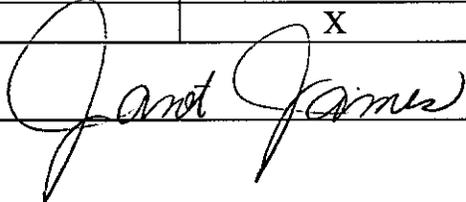
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2376

Senate Natural Resources Committee

Conference Committee

Hearing Date February 3, 2005

Tape Number	Side A	Side B	Meter #
1	X		23.4 - end
		X	0.0 - 0.5
2		X	10.2 - 14.2
Committee Clerk Signature 			

Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2376 relating to the acreage requirement for gratis and the fee for preferential landowner licenses to hunt deer.

All member of the committee were present except **Senator John Traynor**.

Senator Elroy Lindaas of District 20, cosponsor of SB 2376 introduced the bill stating it is the result of constituents in his area. As the law is now written, 160 acres is required for a gratis license, unfortunately there are many quarters of land that are not the full 160 acres due to right-of-ways and other issues. This bill will simply lower the number of acres required for gratis licenses from 160 acres to 140 acres and allows the nonresident landowner to have a gratis license to deer.

Senator Rich Wardner asked if it is actually that technical when it comes to issuing a gratis licenses when a quarter of land does not contain a full 160 acres.

Senator Elroy Lindaas stated this is what happened with his constituent.

Curtis Blohm (27.2) representing the North Dakota Outdoor Heritage Coalition testified in support of SB 2376 only if the nonresident license fee remains in the current law. (See attached testimony).

Senator Lyson asked for opposing testimony of SB 2376.

Mike Donahue (28.6) representing the Untied Sportmen of North Dakota and the North Dakota Wildlife Federation testified in opposition of SB 2376 (See attached testimony).

Discussion was held as to the price of an acre of land in North Dakota. It can vary from serveral hundred to over two thousand dollars depending on part of state and the hunting available in the area.

Senator Joel Heitkamp stated he did not think there would be a flood of gratis permits and that biggest problem with permits is the misuse of who acquires them, not with the requirements to obtain them.

Mike Donahue did not know the exact number but knew the number of gratis permits just keeps increasing and this will certainly help increase that number.

Paul Schadewald, (34.0) Chief of Administrative Services Division of North Dakota State Game and Fish Department testified in a neutral position and to answer questions. He stated the law was written very specific to the 160 acres of land ownership to receive the gratis license. It is a rare situation that the department will go out and check acreage to see if the required 160 acres of ownership is valid. The customer reports the amount of acres when the permit is applied for and if need be they round up the amount to met the requirements. There were 13, 700 no fee resident gratis licenses and 122 nonresident licenses which includes a fee were issued last year.

Senator Wardner asked what the trend was with the nonresident landowner gratis licenses.

Paul Schadewald stated the trend is a slow growing increase because there is more ownership of land for recreational purposes. He further stated that 1% of allowed licenses in an area are set aside for the landowner gratis license which is then not available for the regular draw for nonresidents.

Senator Wardner asked for clarification that a gratis license is to hunt on the landowner's land only.

Harold Neameyer (40.9) representing Cass County Wildlife Club stated he thought he was testifying in a neutral position on SB 2376 because they see the bill in two parts. He stated they do not have a problem with the decrease of ownership to 140 acres, however they might have misread the second part of the bill that strikes it out so that nonresidents do not have to pay the nonresident fee but only the regular state fee.

David Munsch testifying on his own behalf, stated the way he understood the bill, it stroke the nonresident gratis license. He can agree with the reduced acreage but can not agree with the nonresident fee.

Terry Fleck of Bismarck, North Dakota testified in a neutral position of SB 2376 on his own behalf. Stating that whether it is 140 acres or 160 acres, this is becoming fast growing exclusive club. The fastest way to get a mule deer buck tag is to go to the bank and purchase land and become a member of a very large fast growing club.

Senator Layton Freborg asked for clarification if SB 2376 will take the nonresident out completely from the opportunity of getting a gratis license.

Paul Schadewald confirmed this stating that on Line 7 of the first page says "resident who has executed" and on Line 11, it is crossed out referring to nonresidents. By eliminating the nonresident portion on there with the fee it leaves only residents eligible to get that license.

Senator Lyson asked for clarification that under SB 2376 a nonresident cannot get a gratis license for deer.

Senator Heitkamp asked if this was the intent of the sponsor of SB 2376.

Senator Lindaas responded that his intent was for a nonresident to be eligible for the gratis license as long as he owns 140 acres of land. On Line 8, it says a "person" and maybe this not clear, but it says a person who owns 140 acre. It does not say in state or out-of-state. Line 11 strikes the fee.

Paul Schadewald this needs to be clarified and perhaps an attorney or the Legislative Council need to review this.

Senator Lyson asked for Paul to seek a solution to this question and return to the committee in the afternoon.

David Munsch stated that with the discussion of the past five minutes, he is now neutral on the bill as he is in support part of the bill and opposed to the other part of the bill. He is now confused the way the bill is written as he tried to express earlier.

Tape #1 Side B

Terry Fleck further testified he appreciated the confusion of the bill, but wanted to remind the committee that a deer tag costs \$20.00 and that a lot of time is spent by the committee on this "club" and a \$20.00 tag.

Senator Lyson closed the hearing on SB 2376.

Tape #2, Side B 10.2 - 14.2

Senator Stanley Lyson opened the committee work on SB 2376.

All members of the committee were present except **Senator John Traynor** and **Senator Ben Tollefson**.

Senator Lyson asked for information of **Paul Schadewald**, the Director of Administrative Services for North Dakota State Game and Fish Department.

Paul Schadewald stated he has checked with the Attorney General's Office who said the bill in the present form could be interpreted two different ways. To form their opinion they would research the intent and the testimony of the sponsor and in doing so realize his intent was to change it so that the nonresident would not have to pay a fee but still get a license. So if left as is the acreage would change to 140 acres and the nonresident would continue to get landowner licenses and would not have to pay the \$220.00 fee. If the overstrike is taken out, there would be no problem with clarification.

Senator Joel Heitkamp made a motion to amend SB 2376 by removing the overstrike on Line 10, 11, and 12.

Senator Layton Freborg second the motion.

Roll call vote #1 was take by voice vote indicating 5 YEAS, 0 NAYS AND 2 ABSENT.

Senator Freborg made a motion for Do Pass as Amended of SB 2376.

Senator Heitkamp second the motion.

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Senate Natural Resources Committee

Bill/Resolution Number SB 2376

Hearing Date 2-3-05

Roll call vote # 2 for Do Pass as Amended of SB 2376 was taken indicating 5 YEAS, 0 NAYS

AND 2 ABSENT.

Senator Freborg will carry SB 2376.

FISCAL NOTE
Requested by Legislative Council
02/07/2005

Amendment to: SB 2376

1A. **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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$1,000)		(\$1,000)
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The reduction of the minimum acreage for landowner deer licenses from 160 acres to 140 acres will result in an increase in landowner licenses and a small decrease in sales of \$20 resident deer hunting licenses.

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 estimated that annual deer license sales will be decreased by about 50 licenses per year or 100 licenses for a biennium. This is a revenue decrease of about \$1,000 for a biennium.

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.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	02/07/2005

FISCAL NOTE
 Requested by Legislative Council
 01/25/2005

Bill/Resolution No.: SB 2376

1A. **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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$1,000)		(\$1,000)
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

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It is estimated that annual deer license sales will be decreased by about 50 licenses per year or 100 licenses for a biennium. This is a revenue decrease of about \$1,000 for a biennium.

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C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/26/2005

REPORT OF STANDING COMMITTEE

SB 2376: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2376 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~, or if~~"

Page 1, remove the overstrike over line 11

Page 1, line 12, remove the overstrike over "~~big game license,~~"

Renumber accordingly

2005 HOUSE NATURAL RESOURCES

SB 2376

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2376**

House Natural Resources Committee

Conference Committee

Hearing Date **February 25, 2005**

Tape Number	Side A	Side B	Meter #
1		x	1250-4731
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

Chr. Jon O. Nelson: I will open the hearing on SB 2376 and ask the clerk to read the title. All members present at I will ask the clerk to call the roll..

Sen. Elroy N. Lindaas, Mayville, ND: Most of the laws are already in place where an out-of-state landowner who has 160 acres can apply for a permit to hunt on his own ground. There is a problem with that 160-acre stipulation. In my area of the state, there isn't a quarter of land that has 160 acres in it. Most have some right-of-way out of it. Sometimes there is a little chunk from an old farmstead that was sold out of it, so it knocks the quarter down to 140 acres. This bill lowers that requirement down to 140 acres to entitle the individual to be included in a preferential hunting permit. I urge a do pass.

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony? Seeing none, is there any opposition to SB 2376?

Mike Donahue, ND Wildlife Federation, and the United Sportsmen of ND: We opposed the bill on the Senate side and still oppose it. We don't like seeing a reduction of acreage down to 140 acres. Our suggestion is that the number of gratis tags now being issued, which I think last season was about 13,000 tags, all come out of that first antlered lottery. We think it's time to move the gratis tag to 320 acres, instead of reducing it.

Rep. Darrell D. Nottestad: I would think virtually every quarter of land east of Jamestown would not be eligible for a gratis deer tag based on an exact quarter of land. Is that what your organization would like to see?

Donahue: Yes, our organization would like to see the acreage increased.

Chr. Nelson: Are there any further questions? Did you introduce any legislation on that behalf, Mike?

Donahue: We're thinking of one right now to set the policy to read 320 acres.

Chr. Nelson: Are those amendments drafted?

Donahue: No.

Chr. Nelson: That certainly changes the bill, doesn't it? Further questions? Seeing none, thank you for your testimony. Any further opposition?

Lynn Kongsli, Towner, ND: (Written testimony attached)

Chr. Nelson: Are there any questions?

Rep. Dennis Johnson: There are two sides to every story and I think of my situation. I farm 2,500 acres, have a lot of alfalfa, and fight deer all the time. Half of my income is off the farm. I pay taxes on the house. You don't think I should be able to get a gratis tag?

Kongslie: We're going to reach that gray area, but is it more important for you to give up that gratis tag instead of watching someone else come in? You have an excellent chance to get drawn in the lottery. We *have* (speaker's emphasis) to give up something. I'll give up my gratis tag tomorrow. I'm done buying land, but the opportunities are not going to be there for our youth. It's the generations below us that we need to be concerned about. What are they going to do? They can't compete for the land. This is serious.

Chr. Nelson: Are there any questions? You did an excellent job of explaining your position. Thank you for your testimony. Is there further opposing testimony?

Harold Neameyer, Cass County Wildlife Club: (Written testimony attached)

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further opposing testimony? Seeing none, I'll close the hearing on SB 2376 and hold back for possible amendments to the bill.

Chr. Nelson: Roger, do you track people with gratis tags?

Roger Rostvet, Dep. Dir. ND Game & Fish: We track the total number of people that apply, both resident and recently we went to a non-resident gratis tag. Both have been on the increase in the last few years.

Chr. Nelson: If it's in history, the reason the gratis tag came about was to give something back to the landowners that were feeding the deer all year. Has there been any discussion in your department about qualifying factors for the situation like Rep. Johnson brought up? That's a good example of how touchy this is. A lot of people are truly producers but don't qualify from the Homestead Tax Credit provision of 50% of income coming from off farm. Is there any other

criteria that you would suggest that could be used to qualify people for gratis tags other than just owning land, or short of what Mr. Kongslie asked for?

Rostvet: There are so many different variations on land ownership. I think the whole premise behind the gratis tag was to provide an incentive for producers or landowners to develop wildlife habitat and have access to that. Theoretically, it would be nice just to be the producer who's actually working the land and providing part of his income being affected. Then you have the retired guy who is no longer the active farmer. That would disqualify him. It's complex. Right now, it's very broad. The only criteria is that you have to have legal title or else rent it for agricultural purposes. Over 13,000 apply for the gratis tags yearly.

Chr. Nelson: Did the Department testify in the Senate?

Rostvet: We answered some questions on some confusing sections of the bill. They were actually eliminated. I think Sen. Lindaas pointed out that there are a lot of quarters, especially in the eastern part of ND that aren't true quarters. Over time, through correction lines, road easements and such, go below 160 acres. We don't go looking for those, but if they don't have 160 acres, we reject those licenses. If there isn't a fiscal influence, we don't know.

Rep. David Drovdal: I want to compliment the Department on the way they are a little lax in requiring the active farmer for a gratis tag! In my case, I've got about 1,300 acres that we put trees on. I plant food plots, and I don't farm it but I do have the hunting rights for it and continue to provide coverage and leave it open for hunting.

Rep. Johnson: We talk about the increase in the number of gratis licenses issued, but how many additional licenses have been issued in the last ten years?

Rostvet: There has been a dramatic increase in the number of licenses available in the past few years. Mr. Kongsli comments that we're losing farmers each year, yet the number of gratis tags goes up each year.

Rep. Lyle Hanson: When a quarter of land is advertised for sale, it usually states 160 acres more or less. What kind of variance do you allow?

Rostvet: In the western part of the state, most quarters are 160 acres unless there is a correction line running through it. Very few of the roads in western ND are actually owned or purchased by the county. There are a few state roads that aren't owned by the state; the individual still owns it. The incident often comes up where a family has 300-plus acres and wants to split it into two different parcels and ends up short on both of them. It's obvious, the law is very specific about 160 acres.

Rep. Darrell D. Nottestad: When you talk of number of gratis tags going up, do you have many gratis requests on the second drawing? I know a number of individuals who apply for their license and can hunt anywhere with their friends. Then during the second drawing they will apply for a gratis tag. Do you have many of those?

Rostvet: Yes, because there are so many units that have extra licenses. I checked and think there were about 980 licenses issued after an individual had already gotten a license in the drawing.

Nottestad: So that 11-13,000 could be credited to that?

Rostvet: It went from 9,000 to 13,000 in less than ten years, so I'm assuming that at least 1,000 of those could probably be cut out.

Chr. Nelson: Are there any questions?

Rep. Bob Hunskor: Could I address a question to Mr. Kongsli?

Chr. Nelson: Yes. Lynn, would you return to the podium?

Hunskor: Mr. Kongsli, I know the Souris River and the Towner area well and I know it's excellent for ranching and it's full of deer and moose. You alluded to a quarter of land in your area that sold for \$700/ acre. Do you have any idea in the greater Towner area what percent of land may have been sold to people who are going to use it for hunting?

Kongsli: This morning I called up to the ranch and talked to my brother. We had a quarter sold in the last two days to someone from Montana. I know the individual. He didn't get drawn for a tag last year and said he would get a tag one way or the other. He paid about \$300 per acre for land that you couldn't rent for \$100 per acre.

Hunskor: Do you know of other land? You've cited a quarter or two, but you know the ranchers. Would you say 5%, 10%, or is that the only two?

Kongsli: We took a survey a week ago and came up with 23 quarters, purchased exclusively for hunting. The problem is this is just a start. Now, we're going to reduce it to 140 acres so we can make sure all these folks can get a gratis tag? We're talking 9-13,000 tags. I know I can come up with 2,000 quarters right now in the state of ND that are out of the producers hands. We don't need to be giving incentives. I'll give up my gratis tag tomorrow. I can come up with \$20 easier than I can come up with all this extra money for land. It's very serious.

Hunskor: You're saying there's 23 quarters in the greater Towner area that is being exclusively used for hunting.

Kongsli: It was *bought* (speaker's emphasis) for hunting. I don't know if it's all taken out of production yet.

Drovdal: Are these non producers putting the land into CRP, or do they rent or lease to an agricultural producer, or is it sitting idle which we could recreation money?

Kongslie: I'd say about half to two thirds is being leased back because some don't want a big fight with the producers who live there. What's going to happen is that you might be hard pressed to find a deer 15-20 years down the road. I'm feeding 200 deer now. I run a hunting lodge which helps get my daughter through college. I'll give up my hunting lodge if these youngsters can buy land down the road.

Nottestad: I have some mixed feelings. I own land that has been in our family since Homestead days. I don't farm it; I have two young farmers farming it. You're saying that I should lose my right for a gratis tag. I don't agree with that. You're speaking that it's wrong that this land be sold to in-staters or out-of-staters who aren't farming it. I think you're speaking for yourself as a rancher. I don't think you're speaking for the willing seller who owns that land.

Kongslie: I can't disagree with you. You're absolutely right. I would like to see an amendment to the bill, "active producer or past producer." For our younger generation, I think we're going to have to give up something so we can keep these young farmers and ranchers out in the country. I surely think we should give up a gratis tag.

Nottestad: My question was, you're speaking for yourself as a rancher. What about that willing seller who sold the land? Are you willing to take his rights away from him?

Kongslie: No. That's a problem. When you're (at retirement) and want to sell this land, it's the best thing that happened. But, we're not stopping anyone else from buying that land. What we would like to stop is the attractiveness of ND by giving gratis tags. My big picture is, do we

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House Natural Resources Committee
Bill/Resolution Number **SB 2376**
Hearing Date **February 25, 2005**

want young farmers and ranchers out there in the next 30-40 years? That's what it comes down to.

Chr. Nelson: Are there any questions? Seeing none, thanks, Lynn. I will close the hearing on SB 2376.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2376

House Natural Resources Committee

Conference Committee

Hearing Date **March 3, 2005**

Tape Number	Side A	Side B	Meter #
2	x		0-400
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

Chr. Jon O. Nelson: Let's take up HB 2376.

Rep. Lyle Hanson: I move a Do Not Pass.

Rep. Mike Norland: Second.

Chr. Nelson: Motion for do not pass, by Rep. Hanson, second by Rep. Norland. Committee discussion.

Rep. Duane DeKrey: I always support agricultural interests of this committee, but I think that moving from 160 to 140 acres is the wrong direction. Farmers and ranchers are getting bigger all the time and I don't think you can have a decent farm tract even at 160 acres.

Chr. Nelson: Further discussion?

Rep. Darrell D. Nottestad: If there is a problem as was mentioned, and if Game & Fish ever interprets it the way it's written, then it's time to change it to the southwest quarter of so and so, and do it that way. Thus far, there has been no problem.

Chr. Nelson: Further discussion?

Rep. Bob Hunsakor: What's the difference if it's 160 or 140 acres?

Chr. Nelson: Sen. Lindaas came in with this bill because some people buy quarters that are not full quarters. We don't need to liberalize gratis licenses. I think if we do anything, we should tighten some of those requirements. I will support the do not pass.

Rep. Duane DeKrey: We already have people coming into the state buying a quarter of land just to get that hunting tag. I think that's wrong. I don't think it's good policy to encourage that type of investment in rural ND.

Chr. Nelson: Further discussion?

Rep. Dawn Marie Charging: Did Game & Fish say that they are pretty fair about that? What about the guy who still owns a quarter?

Chr. Nelson: Not one person mentioned a situation where small acreage was taken out of the deed.

Rep. Lyle Hanson: Question.

Chr. Nelson: Question has been called on a Do Not Pass motion on SB 2376. I'll ask the clerk to call the roll,

Do Not Pass, vote:

11-Yeas; 1-Nays; 2-Absent; CARRIER: Hanson

Date: 3/3/05
 Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2376

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____ :

Action Taken : Do Not Pass

Motion Made By : Hanson Seconded By : Norland

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	✓		Rep. Bob Hunsakor	✓	
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh	✓	
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg	✓	
Rep. Duane DeKrey	✓				
Rep. David Drovdal	Abs				
Rep. Dennis Johnson		✓			
Rep. George J. Keiser	Abs				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad	✓				

Total (Yes) 10 No 1

Absent 2

Floor Assignment Hanson ✓

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

REPORT OF STANDING COMMITTEE (410)
March 4, 2005 1:21 p.m.

Module No: HR-40-4200
Carrier: Hanson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2376, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman)
recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING).
Engrossed SB 2376 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2376

Senate Bill No. 2376

**Reference: Decreases landowner deer license acreage to
140 acres and eliminates the nonresident
land owner deer license**

Senate Natural Resources Committee

Hearing Date: February 3, 2005

Good Morning, Mr. Chairman and Committee members.
My name is Curtis Blohm. I appear before you today
representing the North Dakota Outdoor Heritage Coalition.
This coalition was founded out of the need for
representation before the legislative committee by North
Dakota citizens concerned for the preservation of our
unique outdoor recreational heritage.

The ND Outdoor Heritage Coalition conditionally supports
SB2376 only if the language in the bill pertaining to the
nonresident license fee remains in the current law.

Thank You.



United Sportsmen of North Dakota

Post Office Box 272

Bismarck, ND 58502

www.unitedsportsmen-nd.org

E-mail: info@unitedsportsmen-nd.org

TESTIMONY REFERENCING

SB 2376

By Mike Donahue, Lobbyist #275

Senate Natural Resources Committee

February 3, 2005

The United Sportsmen of North Dakota and the N.D. Wildlife Federation oppose this bill and ask for a **Do Not Pass**.

In particular, we oppose the acreage reduction. We believe the minimum needs to stay at 160 acres. (If anything the minimum acreage should be increased).

If the constituent that asked for this change needs a gratis license that badly, then he/she should buy twenty more acres.

We are neutral on deleting the non-resident landowner. We don't know the exact number but we assume some of these owners are "family" and return to hunt because of that.

Please **Do Not Pass**.

Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON

SB 2376
February 25, 2005

Mr. Chairman and Members of the Committee:

The Club opposes this bill because by reducing the acres to 140, we increase the possible abuse of the gratis license use. The Club envisions landowners keeping a farmstead and selling the remaining acres of a quarter section to a non resident who just wants a gratis deer license.

The club was supportive of the elimination of the non resident in the original bill. We would like to see that line reinstated.

As is we are **opposed**.



By: Lynn Kongsle
Pg 1 of 4
Re: SB 2376 - 2/25/05

THE GRATIS ISSUES

SB 2376 - (Sen's Lindaas, Fischer; Rep's D. Johnson, Nelson) Would amend the North Dakota Century Code by decreasing the gratis requirement to a minimum of 140 acres, and would eliminate the nonresident landowner license. SNRC amended to remove the portion of the bill that would have eliminated the nonresident landowner license. Passed Senate 46-1.

Hello, I am Lynn Kongsle from Towner, North Dakota.

I have ranched all of my life and have been an auctioneer for over 30 years. I also run a small hunting lodge for bow hunting.

I am a fourth generation rancher. My great grandparents came from Norway and settled along the Souris River in 1878. That is when the US Government bet them a quarter of land they couldn't make it for a year.

My other set of great grandparents came and homesteaded in the 1880's. They also came from Norway.

Should the State of North Dakota provide an incentive for nonresidents and residents from urban areas to buy land in North Dakota.

As most of you are aware we have a problem with our land in North Dakota. Last month there was a quarter of land sold north of Towner. This land has poplar trees, leafy spurge, some grass, several old buildings and it brought \$700.00 per acre. One young rancher can throw a rock from his front porch and hit this land. He did not even get a chance to bid on this land. There is no way in ranching and farming we can compete with this big money. We know we aren't going to stop these people buying land away from the ranchers and farmers but we don't have to make it look so attractive.

The first thing we should do is provide that a gratis license should only go out to a producer who makes more than 50% of his income from farming or ranching on the property.

A gratis tag is one major reason people are buying this land (just to get a gratis tag). This is wrong. I have a 21 year old daughter who is a junior at NDSU. She wants to be a vet. She wants to come home and ranch and do her veterinary work. We discuss a lot of issues and I was explaining to her about people buying land just for the gratis tag to hunt deer, turkeys, moose, elk and antelope. We also discussed the Beginning Farmer Program. On one hand, we are giving a beginning farmer a lower interest loan to help get young people to stay in North Dakota. I agree 100% with this program. But then the State of North Dakota is giving incentives to the folks that don't live in rural North Dakota to bid these young farmers up where they can't even buy the land. One reason people are buying this land is only for the gratis tag. My daughter looked at me and said in the long run it would be better for us farmers and ranchers to get rid of the gratis tag completely. She makes sense. It would be a lot easier for us to come up with \$20.00 for a tag, then come up with \$50,000 to \$75,000 extra for a quarter of land.

I also have a son who is 17 years of age. He will graduate this spring. He wants to go to college for animal science and welding. He also wants to ranch. I hope he can. He has asked, "Dad, shouldn't the gratis tag be for the people who work out here. 7 - 24, 365 days a year, like me, except when I go to school?". I said, you would think so.

This gratis issue must be an important issue. I believe I have seen it in over a half-dozen bills. Maybe we should get rid of the gratis license completely.

It is my understanding that the gratis license was started in 1975. The intent was to thank the land owner or show appreciation to the land owner. In 1975, we were not having this problem of outside interest in buying land. There might have been some but not where it has escalated to now. As the years go by, people seem to be able to twist these laws into good things for themselves. It is time to update this law. I would hope you would change it to provide that an active producer would be allowed to receive the gratis license. They would need to receive over 50% of their income from the farming or ranching industry. We have a Century Code 57-02-08 on this now.

This would stop the incentive that the State of North Dakota is supplying these people with. I am sure some of you folks weren't even aware of these issues. There are other things the legislature needs to do about these folks that are buying land away from the producers of North Dakota. We should be putting a recreational tax on this land that they are buying and taking out of production. Not only are the producers in the area hurt but also the local community for not having more livestock or farm production off this land. Put a recreational tax on this land so it won't look so attractive.

I also have some numbers on gratis tags for you.

1997 - there was 19 non-residential tags given out.

2003 - 122 non-residential tags given out.

This is over 600% more in 7 years. This is just the tip of the iceberg.

2001 - 11,000 gratis residential tags given out.

2004 - over 13,000 gratis tags given out. Where do you think these extra gratis tags went.

By: Lynn Kongslic
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Re: SB 2376 - 2/25/05

I live 18 miles from the closest town where I can buy hardware and food. Believe me, there is 1/3 less people who live in this township than there were 4 years ago and that is most of northern North Dakota and most of the state. These tags did not go to producers. They went to new city land buyers, mostly from the East. It never seems to stop, the East - West issue.

This Bill we are talking about now with 140 acres to get a gratis tag. We know it is not a producer trying to get these acres reduced. It is someone who bought a quarter of land and didn't realize that all quarter's are not 160 acres. I think it is the American way that whoever wants to buy land should be able to but I also believe we as North Dakotans should not be giving incentives to folks who buy land just for free tags and recreational purposes.

Our family would like you to get rid of the gratis tags if you can't put the tag in the hands of the producer that feeds the wild life 365 days a year instead of a couple of months in the fall.

Thank you.

Lynn Kongslic