

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1151

2007 HOUSE NATURAL RESOURCES

HB 1151

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1151

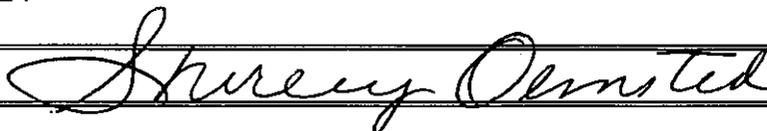
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2724

Committee Clerk Signature



Minutes:

Chairman Porter opened the hearing on HB 1151.

Representative Phillip Mueller from District #24 came forward to sponsor HB 1151. This is a fairly simple bill. It requires that the deadline for applying for a gratis deer license and the regular deer license be one in the same. The handout he sent around is the gratis application for the 2006 deer season. See attachment marked as Item #1. The date on this application is the same as the date for a regular deer license. It should seem that we should not need this bill if that were true. The department has taken some liberties with the gratis deadline. It has been the departments rule to post the deadline for the gratis application. The guidelines for setting the deadline have not been in code and maybe they shouldn't be. But having the rule regarding the deadline has caused some major confusion when land owners apply for and get gratis licenses even after the published deadline and even into the deer season. HB 1151 requires that these deadlines be one in the same. The real issue is about buck tags. HB 1151 makes the drawing for a buck tag a fair drawing for all involved in that drawing. The landowner has to decide if he wants the assurance of buck tag to use on his land or if he wants to take the chance of getting a buck tag in the regular drawing. This would allow the applicant to hunt the whole unit. This bill will not allow them to have it both ways. He said that he was a

landowner and he hunts deer and I have the opportunity to take a gratis license but I like to hunt the entire unit. Sometimes I get a buck tag and sometimes I don't. I do think that the bill before you makes this process a fair one.

Representative Nottestad said you made the statement that there were people that apply for the buck license and then the gratis later. From the statistics, how many of them are there?

Representative Mueller said he did not have the combined set of numbers but he knows that in one unit there were 50% of the tags were gratis tags.

Representative Nottestad said that was not his questions. He was asking about the number of people who apply for the buck tag first and then apply for the gratis tag. How many are there of them?

Representative Mueller said he did not have that information.

Mr. Mike Donahue came forward representing the ND Wildlife Federation. They were asking for a do pass on this bill.

Mr. Foster Hager of the Cass County Wildlife Club had written testimony in support of HB 1151. See written testimony marked as Item #2.

Representative DeKrey said he was not sure what problem they were trying to solve here. The Game and Fish told us that they already know how many gratis licenses are going to come in from year to year. It has always been a great PR thing between landowners and hunters. The landowner could come in and get his gratis license at his convenience the way the system works now. What does this problem solve other than putting a burden on the landowner that the hunters are trying to keep happy?

Mr. Hager said from what he understands there is a consensus among the people who are not land owners that they feel that all the landowners put in for a buck tag because they know if they are not getting a buck tag in the regular drawing then they can put in for a buck tag on the

gratis and they will get that buck tag. Whether that is right or wrong, that is what the grapevine tells us. I am a firm believer the landowner has the right to a gratis and I don't want to get involved in that.

Mr. Curt Decker from Dickinson, ND, came forward speaking as a sportsman. His personal experience the past ten to fifteen years, he is seeing a trend that is happening that a lot of landowners are applying for a general license and then if they are not successful will apply for the gratis permit. This is accelerating as time goes on those applications increased by 585 per year. That trend is that the number of farms is dropping but the number of gratis applications is going up. Some are applying for the regular license and if they get it, they put their wife in for the gratis permit. It is a double edged sword. I think this bill will bring some equality to the application and tighten some loopholes.

Representative DeKrey said that isn't it possible that the number of gratis permits is going up because the landowners are taking the problem of so many does into their own hands to get some of the licenses to get rid of some of the deer.

Mr. Decker said it was possible but he doesn't believe that is the trend in western North Dakota. He thinks the trend is more to get the buck tag. He thinks the abuse is coming from the nonagricultural owners. We all have choices to make and we all have deadlines to make. The landowner needs to decide if he wants to apply for the general buck license with through the regular application or get the buck tag through a gratis license.

Mr. Christopher Jorde from Towner, ND came forward in opposition to HB 1151. He is a landowner and landowners are the backbone of the states deer success which has left us with such high deer numbers. These high deer numbers have resulted in almost all applications in the first lottery to be for a buck. Very little want to put in for a doe tag when they know they will probably be available anyway. Not even a landowner. I understand that this may seem unfair

to those who are not landowners and that can put in for a regular buck tag, not get drawn, still call Game and Fish and get a gratis tag anyway. The problem arises that if I don't put in for a regular lottery buck tag and get drawn, I don't receive any preference points for my buck just like all the public do. Last year I did not get drawn in the regular gun season nor did I get drawn in the regular muzzle loaders season. I did elect to call Game and Fish one week before the deer season opened in order to get my gratis tag. I did not get preference points just all the others did during the regular gun season. I understand the deadlines because people say there are deadlines to everything. As a farmer and a rancher I understand that. We should be able to harvest a buck whether in the regular gun season or on a gratis tag scenario. I realize that the deer herd belongs to the public and the game and fish manage this.

Landowners have to put up with them all the time. They eat my corn, my pea crop and my alfalfa in my fields. The public needs to know that Game and Fish giving me a twenty dollar tag for is a far cry from the damage that they do especially when the deer are public property. I don't see any of these groups or the public offering to feed these deer when the winters are bad. We do not even know as a farmer and rancher if we are going to get a chance to hunt during the regular hunting season. We should have the right to call in and get a gratis tag at any time that we choose. This bill will upset landowners. The public always wants access but by passing this bill, I believe less access will be granted to the public. The system in place has worked in the past and now is not the time to change it.

Representative Hanson asked if you have deer there now, why don't you apply for the gratis license right off the bat.

Mr. Jorde said he would like to receive the preference points just like the public.

Representative Hanson said he did not answer his question. If you have a lot of deer on your land why do you want to go through the regular drawing to get a buck tag? Why do you want to hunt on your neighbors land?

Mr. Jorde said he doesn't want to hunt on his neighbors land. He can only hunt on his own land with a gratis tag.

Chairman Porter said in his example, he can already do that.

Mr. Curtis Kenner from Maddock, ND, said he thought the real issue here is that when the general lottery occurs, the Game and Fish is hold x number of buck tags unavailable in the public lottery to fill gratis tags and the general public would like all of those to be available right away so their feeling is that if they were available right away, I would have a greater chance of getting a buck tag. You also have to have a legal description of the land you are going to hunt on when you apply for your gratis application and you have to hunt only on those lands described.

Chairman Porter explained the current law on gratis tags.

Mr. Kenner asked for clarification on the current law. He said he thought the landowners should get some special treatment as they put up with the deer all year long. He does not believe the law should be changed.

Vice Chairman Damschen took over the hearing as Chairman Porter had to go to another hearing.

Mr. Harold Erickson from Carrington, ND, testifying in favor of the landowner. This is a hotly disputed issue between hunters and landowners. If you pass this bill you will have an uproar on your hands. It is working fine right now. It is the same for a hunter as it is for a landowner.

We are all applying to get the buck tag. I don't think you want to take away the gratis system as it stands.

Mr. Paul Schadewald of the North Dakota Game and Fish came to the podium at the request of the vice chairman.

Representative Meyer said there was some confusion in reading the law regarding the gratis tag. She said that two brothers no longer fall under the definition as currently described in law as to where they can hunt with a gratis tag.

Mr. Schadewald said the legislature changed this law about 10 years ago. It is clearly written in the law that the immediate family and the way we interpret that to be is a grandfather, a son, and a grandson. If they all have gratis licenses, they can hunt on each other land. They don't have to do anything special or list it on their license. It is a family hunting legislation.

Representative Meyer said that was her point. The law does not say that. It has caused some problems and it does not say that.

Mr. Schadewald said when the law was written they tried to come up with some reasonable interpretation. It says family in the wording, so what is a family. If you go to some other section of law and try to find the definition of family. It also dealt with the legislative intent. The only confusion we have seen, some people do not know about the change.

Representative Meyer said if there are two brothers that are in two different units and they own land and are adults, they are allowed to hunt in each other's unit with their gratis tag. Is that correct?

Mr. Schadewald said that is correct.

Chairman Porter said that was not correct. It has to be within the same unit. You cannot cross unit lines. It says on page 2 , line 3 "family members hunting together under this provision shall hunt within the same unit within which the land described in the affidavit making them eligible for the license as located."

Representative Meyer said his question was if you had two brothers and they have land in two different units, does that make them eligible to hunt in each others unit under their gratis tags. The way it is written and the way Game and Fish is interpreted is not consistent.

Mr. Schadewald said he does believe it allows them to hunt on the other property but he will get back to them with the clarification of the law.

Chairman Porter asked if they were letting them cross unit lines.

Mr. Schadewald said his memory on this was that adjacent lines would be alright, but he would pull that together for him.

Chairman Porter asked about the application itself. It says that "are leased for agricultural purposes and are actively farmed or ranched" and you make the applicant sign that. Yet, we changed the law that says on page 1, line 10, to read "or an individual that has title of at least 160 acres" so we took that provision out of the law yet you still have on the application that you are actively farming or ranching.

Mr. Schadewald said we could go over every detail of that application but there are two types of people who are eligible for gratis licenses. Landowners and people who actively farm or ranch that same property are eligible and that can be another person. There are two different situations here. We have both types of people applying for these licenses. The leasing is for agricultural purposes only. The owner is always eligible for the gratis license.

Chairman Porter said that is not the way it reads.

Representative Hunskor said line 1 talks about individual, individual spouse and children and line and line 3 says family members. Is family members the same as those in line 1? Does family members include brothers, and grandpas and everyone else?

Mr. Schadewald said family members includes father, son and grandson. That is our interpretation of family members. We are trying to do a liberal interpretation.

Representative Hunskor is that confusing to those in the field reading this?

Mr. Schadewald said it could be confusing.

Representative Hanson said that little box says June 7, 2006. Are there any other rules that the Department ignores.

Mr. Schadewald said that is not a rule. That is a deadline for deer lottery and the legislature passed this law giving landowners the right to get a gratis deer license. They did not tell us to stop issuing gratis deer licenses to landowners on this date or any other date like that. You can go ahead and pass this bill then we will have the authority. Either way we go someone will legally challenge us.

Representative Hanson said that you sign this and the deadline is on there. Why do you ignore the deadline?

Mr. Schadewald said we like to get these applications in for processing purposes. We get approximately seven thousand of these in before the deadline and then approximately another 7000 afterwards. You get about 2200 from landowners who were unsuccessful in the regular deer lottery so they come in for gratis after the deadlines. We deal with two hundred thousand people in the state of North Dakota and landowners like everyone else are all types of personalities and all types of attitudes. A lot of them understand deadlines and abide by them and others resent deadlines.

Representative Hanson said if he sends his in on June 8th, you send it back.

Mr. Schadewald for the drawing, yes we do.

The hearing was closed on HB 1151.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1151

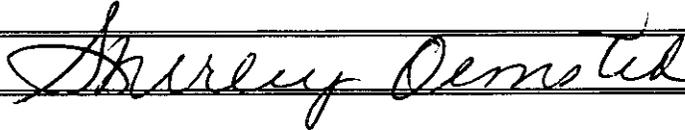
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3159

Committee Clerk Signature



Minutes:

Chairman Porter asked the committee on HB 1151.

Representative DeKrey made a motion for a do not pass on HB 1151.

Representative Drovdal seconded the motion.

Representative Hanson said to let it go.

Representative Keiser said the application has a date on it in which it must file. I don't understand why the Game and Fish doesn't take that date off. It is contradictory.

Representative DeKrey said he agreed. Everyone knows the date for the gratis is bogus.

Representative Hanson said if they don't have a date on the application, they are going to get them all two days before the season opens and they are going to be in trouble. They are ignoring the law by putting the date on there.

Representative DeKrey said now that they have ignored the date, they have created a culture out there. Now you have to change the culture.

Chairman Porter said seeing no more discussion, he asked the clerk to call the roll on a **do not pass on HB 1151**. Let the record show 10 yes, 3 no with 1 absent. The motion prevailed.

Representative DeKrey will carry the bill to the floor.

Date: 2-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1151

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not Pass

Motion Made By DeKrey Seconded By Drovdal

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson		✓
Vice-Chairman - Rep Damschen	✓		Rep. Hunskor		✓
Rep. Charging	✓		Rep. Kelsh		✓
Rep. Clark	✓		Rep. Meyer	✓	
Rep. DeKrey	✓		Rep. Solberg		
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad	✓				

Total Yes 10 No 3

Absent 1

Floor Assignment DeKrey

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

REPORT OF STANDING COMMITTEE (410)
February 8, 2007 2:34 p.m.

Module No: HR-27-2585
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1151: Natural Resources Committee (Rep. Porter, Chairman) recommends DO NOT PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1151 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

HB 1151



**2006 RESIDENT GRATIS AND NONRESIDENT LANDOWNER
(PREFERENTIAL LANDOWNER) DEER LICENSE APPLICATION**
North Dakota Game and Fish Department
Licensing Division, SFN 6108

LB1151
Rep Mueller

Stem #1

SEE RESTRICTIONS ON BACK OF APPLICATION. (If you need any assistance in filling out this application, contact the N.D. Game & Fish Department) INFORMATION IN THIS SECTION SHOULD BE COMPLETED IN ITS ENTIRETY BY PERSON WHO WILL USE LICENSE.

An individual having a **RESIDENT GRATIS OR NONRESIDENT LANDOWNER LICENSE** may also apply for a bow season license and a muzzleloader season license. In addition, this individual may also apply for gun season licenses that are available after the first lottery. An individual may use the **RESIDENT GRATIS OR NONRESIDENT LANDOWNER LICENSE** during the deer bow, deer gun, and muzzleloader seasons until license is filled.



UNIT(S) WHERE LAND IS LOCATED (see map)

Please provide us with your three line address. Press firmly and print legibly to avoid delays.

LAST NAME FIRST MIDDLE
ADDRESS
CITY STATE ZIP

Mail to:
Deer Lottery - NDGFD
100 N. Bismarck Expressway
Bismarck, ND 58501-5095
Phone (701) 328-6300

Birthdate (mo) (day) (yr) Social Security Number (required, see back of form) Sex Age
Height (Ft.) (In.) Weight Eye Color Hair Color Home Phone Work Phone

DEADLINE DATE FOR APPLYING IS JUNE 7, 2006

APPLICANT Resident Gratis Nonresident Landowner (Nonresident landowner applicant must submit \$220.00 fee. Please see information on back of application).

INFORMATION IN THIS SECTION SHOULD BE COMPLETED BY LANDOWNER OR LESSEE
NO LESS THAN 160 ACRES OF LAND MUST BE OWNED OR LEASED, FOR AGRICULTURAL PURPOSES AND ACTIVELY FARMED OR RANCHED, TO BE ELIGIBLE FOR RESIDENT GRATIS OR NONRESIDENT LANDOWNER LICENSE.
LEGAL LAND DESCRIPTION. PLEASE LIST BELOW.
I the land described as follows:

or I lease, for agricultural purposes and actively farm or ranch all the described land from the following private party(ies) who is(are) not applying for the resident gratis or nonresident landowner license. You must list owner(s) of leased land on the following line or application will be returned to you!

Legal leased land is described as follows:

Proof of lease to be supplied on request.

By Signing As LANDOWNER OR LESSEE, I CERTIFY THAT: (Persons making false statements on this form may be subject to prosecution.)

- I will be at least 14 years of age on opening day of season.
- The land described above totals 160 acres or more.
- If applying for a resident gratis license, I have actually lived in the state of North Dakota or maintained my residence therein for the past six months (residency waivers are not eligible).
- All the above described land is eligible for a resident gratis or nonresident landowner license (leased State School Land is eligible, other leased State or Federal Government Land is not eligible).
- I am submitting one and only one resident gratis or nonresident landowner license application for the land described above.
- I understand that I can receive or transfer only one resident gratis or nonresident landowner license.

CHECK BOX BELOW IF IT APPLIES TO YOUR SITUATION:

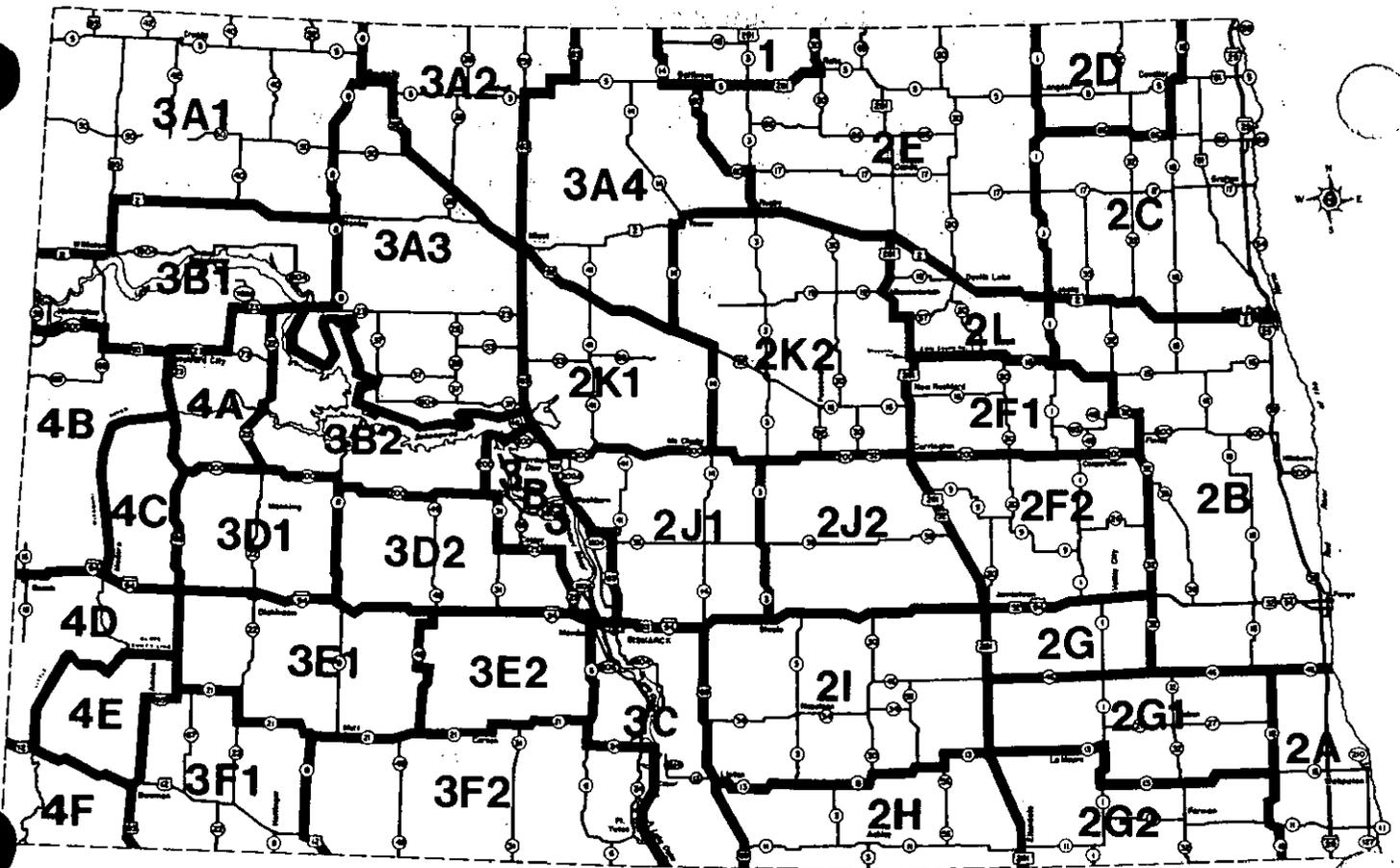
I transfer my eligibility for a resident gratis or nonresident landowner license to my spouse or legal dependent who resides with me. I understand that by doing this I give my eligibility to receive a resident gratis or nonresident landowner license.

SIGNATURE OF LANDOWNER OR LESSEE

As an applicant I certify that I am eligible for a resident gratis or nonresident landowner license. Applicant must sign below ONLY if they are not the landowner or lessee. Regardless of who uses the license, the landowner or lessee must sign to the right.

DATE SIGNED

2006 DEER GUN HUNTING UNITS



A nonresident who holds title to at least 160 acres is eligible to apply for one percent (1%) of the permits available per unit. Nonresidents must submit \$220.00 (includes \$2.00 fee for fishing, hunting and furbearer certificate, \$13.00 fee for nonresident general game and habitat license, and \$5.00 nonrefundable application fee).

DEER BOW SEASON—September 1 (Noon) through January 7, 2007.

DEER GUN SEASON—November 10 (Noon) through November 26, 2006.

MUZZLELOADER SEASON—December 1 (Noon) through December 17, 2006.

RESTRICTIONS ON THE RESIDENT GRATIS OR NONRESIDENT LANDOWNER LICENSE:

- Licenses are available to residents and nonresidents owning or residents leasing, **for agricultural purposes and actively farming or ranching**, at least 160 acres of land located in an open hunting unit (leased State School Land is eligible, other leased Federal or State Government Land is not eligible).
- The license is valid only upon land described on the application and subsequently the license.
- The license is valid during the deer bow, deer gun, and muzzleloader seasons until filled.
- The eligibility may be transferred to a spouse or legal dependent who has resided with the landowner for the previous six months.
- The license is valid only for the species or sex of deer that is legal within the open area where the land is located (for example, whitetails only during the muzzleloader season).
- If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.

Please note that the resident gratis and nonresident landowner deer license mailout may be delayed due to background checks by enforcement.

CORPORATION, LIMITED LIABILITY COMPANY, AND PARTNERSHIP LICENSES

Only one shareholder or partner may obtain a landowner license for land held by a corporation, partnership, LLC or similar entity, as described in NDCC 20.1-03-11(3).

SOCIAL SECURITY NUMBER REQUIREMENT. In accordance with state law NDCC 20.1-03-35 and 42 US Code 666 (a) (13) and (16), the Department is required to collect social security numbers from all persons obtaining hunting, fishing, or other recreational type licenses. Your social security number serves as your principal identification number to determine eligibility. It is kept confidential, however it may be provided to law enforcement agencies and the State Disbursement Unit to enforce child support obligations.

The NDGFD receives federal financial assistance from the US Fish and Wildlife Service. In accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, the NDGFD joins the US Department of the Interior and its Bureaus in prohibiting discrimination on the basis of race, color, national origin, age, disability, sex (in education programs or activities) and also religion for the NDGFD. If you believe you have been discriminated against in any program, activity, or facility as described above, or you desire further information, please write to: ND Game and Fish Department, Attn: Chief Administrative Services, 100 N. Bismarck Expressway, Bismarck, ND 58501-5095 or to: US Fish and Wildlife Service, Attn: Civil Rights Coordinator, 4401 N. Fairfax Drive, Mail Stop 4185P, 4020 Arlington, Virginia 22203. If you are disabled and desire application information for hunting and fishing opportunities in this state please contact the Department at 701-328-6300. The TTY/TTD (Relay ND) number for the hearing or speech impaired is 1-800-365-6888.



Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012

Item #2



TESTIMONY OF FOSTER HAGER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON

HB 1151
February 2, 2007

Mr. Chairman and Members of the Committee:

My name is Foster Hager representing the Cass County Wildlife Club.

We support HB 1151 because we feel that all big game applications should have the same deadline.

We also feel that this will benefit the Game & Fish Department.

Please give a DO PASS to HB 1151.

