

2009 HOUSE NATURAL RESOURCES

HB 1499

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1499

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 2-5-09

Recorder Job Number: 8766

Committee Clerk Signature

Nancy L. Gerschardt

Minutes:

Chairman Porter – Opened the hearing for HB 1499.

Rep. Ed Gruchaua – See **Attachment # 1**.

Bruce Hovland – See **Attachment # 2**.

Chairman Porter – The way the bill is drawn up it is very specific on professional trainers. In my estimation is someone for hire. What about the armature person who takes the neighbor's dog and wants to train it with his dog, and doesn't charge a fee and isn't considered a professional.

Mr. Hovland – Under the proposal I suggest there would be no effect on that individual. The bill is very difficult for dog trainers, even professionals, who reside in this state, to understand exactly what their position is. The bill in itself, beside the suggestions I made, needs to be relooked at a rewrite to clarify the rights of residents, who in my opinion, deserve more than the nonresidents who come to train their dogs.

Chairman Porter – What about a nonresident who owns the land they are training on?

Mr. Hovland – It should not be any different from a nonresident who owns land and is asked to delay the time he begins hunting. I think it would apply to a nonresident landowner who is training his dogs.

Rep. Nottestad – Do you have formal amendments to turn in pertaining to those suggestions?

Mr. Hovland – You will hear those from one of the professional trainers later, in regard to definition. I have some ideas, but I don't have them written down. It is largely dealing with definition of who can do what, where, and when.

Rep. DeKrey – You want to restrict it now for the out-of-state trainers. If this activity is detrimental to the population, why is an out-of-state trainer any different from an instate trainer?

Mr. Hovland – In 2008 the licensed dog trainers in ND that registered with state game & fish dept. there were 15 resident, there were 38 nonresident professionals and 22 nonresident armatures. So nearly 80% of those who have registered to train dogs in ND are coming from out of state.

Roger Baseman – ND Wildlife Federation – See **Attachment # 3**. The protection of the resource should be the first consideration. We will sort the residents from the nonresidents later.

Chairman Porter – Further testimony in support of HB 1499? Opposition?

Rep. James Kerzman – We talk about economic development, this brings money into the community. I don't see any reduction in bird numbers. We have had enormous bird numbers in the last couple years. I farm & ranch and I'm out there daily and I very seldom see any damage with the dog trainers. I see more damage with the predatory birds & coyotes. It is a property rights issue. It is good for the community. They spend dollars in the community.

They support all the businesses in the community.

Rep. Drovdal – How is 1 month delay going to effect the industry of the hunting season and the training of the dogs?

Rep. Kerzman – They only have so much time to train these dogs. They train them in the yard to start with before they even take them out in the field, if you cut them back a month basically you are down to one month you can train those dogs. It limits the amount of time ????????

They come to ND with their dogs because of our climate. In the south it is too warm they can't run dogs very long.

Rep. Hunskor – Do you know how soon after August 15th they do field trials? Is that part of the scenario? When do those start?

Rep. Kerzman – I don't know when the trials start.

Chairman Porter – Rep. Hunskor on line 11 it specifically addresses this doesn't affect field trials.

Rep. Kerzman – A lot of landowners are concerned, where do you draw the lines? If this would pass would you restrict us from cutting our grass and stuff like the CRP? Where are you going to draw the line? Are you going to back us off of when we can put our cattle out on a pasture, and when we can harvest our crops? It is also a property rights issue.

Rep. Rod Froelich – I've had dog a dog trainer come to my place for 15 years now. We have more grouse, more pheasants, more turkeys than we've ever had before. When I go down the road I hit more birds with my P.U. & trailer than some of the hunters do with their training. That is how many we have now. I believe the bird population in our area particularly has to deal more with climate than it is ever going to do with guys training their dogs. If that was the case I wouldn't have any birds on my place. If the training of these bird dogs are so detrimental to the birds, what do you think the predators do to the birds? What do you think the coyotes, fox, and owls and everything else does? These trainers are good people. This is going to kill that industry! These people come up here to get out of the heat and humidity. Have you ever watched these guys train? First of all they don't just take them out and run the dogs. They

take a 4 wheeler and put bars in front of them and have the dogs pull it like a sled. A lot of it is conditioning.

Ray Riell – Flasher – I work with these dog trainers and repair things for them. If this bill passes I will lose a lot of business from them. They won't be coming up if they can't start training their dogs until August 15th. They start their hunting trials the first part of September, they will only have a little over 2 weeks to train their dogs. They won't be coming up.

Sherry Ebert – Mott – Dog trainer – See **Attachment # 4**. We don't harass the bird coveys. We can't allow the dogs harass the birds. We don't run on the same piece of land more than every 10 days. A lot of trainers that have been coming here have been coming for 16 years or more. They're family to the landowners. These trainers give money to the local schools, the volunteer fire groups, the 4 H club, and so on. They eat at the local restaurants, buy gas from the local gas stations, and motel rooms. Their wives shop and all of them go to the Medora musical every year. Just this year alone I have purchased 20 tons of millet and 13 tons of oat bales for these birds because the weather has been so bad this year. Some of the trainers have donated moneys to me to help buy that food to help the bird population. If we bother these birds and they go away our lively hood is gone. We've got to have these birds to make a living.

Chairman Porter – In your operation do you release any hand raised birds, or do you solely use wild birds in your operation?

Ms. Ebert – Sometimes we use quail and we work on pigeons. The entire first month it is solely with pigeons. Then we go to quail. There is a gentleman in Bismarck that raises all that quail. Every trainer uses his quail. I also have a petition – **Attachment # 5**

Rep. Keiser – You mentioned the field trials started approximately August 15th.

Ms. Ebert – It is a region thing. Montana's first trial is anywhere between the 12th and 17th of August. Then ND's trials start. Next is SD, then Wisconsin.

Senator Ryan Taylor – We have some of the trainers who own the land they train on. Some are training on quail and chucker's.

Jim Collins Jr. – See **Attachment # 6**.

Dan Stewart – My wife and I own between 5 & 6 thousand acres. We've had a dog trainer come to our ranch for the last 14 years. He is like a part of our family. He is in his mid 30's. It is the only place he stay at for more than a week. When he leaves our ranch in September they are on the circuit all winter. These trainers are good solid members of our communities. They bring a lot of economic development to our county. Shawn, the trainer that comes to our ranch, has the first trial in ND on our ranch on or around August 28th. That brings around 200 people to our community for that week. Prior to that he's always got customers coming who want to watch their dog run. They have time and money, and they spend the time and money. I'm the 5th generation on this ranch. I've watched the birds on this ranch and there are as many birds on it as there have ever been. I understand some people believe birds are being scattered and aggravated, but I think they are talking about some concentrated areas. If you take 5 dog trainers in Grant Co. and you look at 300,000 acres, how many acres are these trainers actually touching in Grant Co.? It is an extremely small amount of acreage. If you talk about 100 or 150 dog trainers in the entire state of ND how many acres can they possibly be touching? Remember these trainers are getting permission from every property owner. For the last 15 years this young trainer has been going and talking to the same people in our county for permission to train on their land. If it was being that detrimental they wouldn't be letting him back on. These are good people. If we cut a month off their training time that will

force them to go somewhere else, Canada, SD, Montana – somewhere, because they have to have the time.

LeRoy Volk – One dog trainer I know said he spends \$6,000 on fuel while he was here. SD passed this law a few years ago. Their losing a pile of money, now they want to put it back the way it was.

Tom Ness – I am a professional dog trainer in Menoken. I do a different type of training than these fellows. I train mainly on hand raised birds and on dummies. The way the law is currently written it prohibits me from throwing a canvas dummies in my yard for a dog. The whole law needs to be rewritten. It doesn't address armature trainers and last year I was shopping for a pointing dog for myself. I visited an armature trainer down in Ashley. As an armature as long as he has permission from the landowner he can do what he wants. As to

Rep. Keiser's question about the trials, it is normally weather permitting. If you start in Canada in the early fall or late summer then we start here and work our way south.

Peter Wax – See **Attachment # 7**.

Bill Holtan – I am an laminator trainer and have my own dogs. If the trainers don't come or they go to other areas they won't be able to come to our trials. 3 of the 4 trials in this area are run at dog trainer's camps. They raised around \$1500 dollars for our high school seniors.

Rep. Pinkerton – What kind of wild birds did you work on in Texas?

Mr. Holtan – Quail

Rep. Pinkerton – July 15th is the date a professional trainer can run hunting dogs as a professional trainer. Correct me if I'm wrong, but most of them don't much actual running of the dogs the first week they are here do they?

Mr. Holtan – Correct, most of the trainers come around the 1st of July. They will work hand raised birds, pigeons, etc. for the first couple weeks. Some may come in June, most come around the 1st of July and work on yard work.

Pink – If changing the date from July 15th to August 15th essentially eliminates professional trainers, but if you move that date up to the 21st of July, that would not harm those trainers, because they would be working on pen raised birds and roading the dogs wouldn't they.

Mr. Holtan – I would agree with that. The 30 days is a long time. If you don't spend time in the field and look at what these guys do 30 days doesn't seem like a big deal, but they only come for 6 weeks.

Rep. Pinkerton – It seems there is a possibility of moving the date up to the 21st of July, it would still accommodate the needs of the dog trainers. They could still road the dogs, work

them on penned raised birds. Most of the time it is too hot for them to work those dogs effectively in the first 3 weeks of July. Most to the owners don't want to come here until August anyway.

Patrick Becker – See **Attachment # 8**.

Jim Artz – This is a great thing for ND tourism.

Pete Fagerbakke – See **Attachment # 9**.

Rep. Hanson – Could you get us a list of States that have regulations on dog training?

Roger Rothstad – See **Attachment # 10**. This is a list of how many dog trainers we have had in ND since we've had licensing in 1992. 1992 was when we started licensing them. Those numbers have not gone up drastically. The resident trainers have gone up. As far as research on this issue, it is very cloudy – vague. The only places that have looked at it is

Manitoba and SD. In Manitoba they look at it from a standpoint of repeated flushings would cause chick mortality and they did find that. The earlier you started the more of an impact. SD

just recently started a study there. It was in an area where the activity was taking place, where the activity was ongoing and at a very high rate. They found no significant impacts at all. If you start real early there could be some impact, if you do it like in SD starting August 1st there wasn't much impact.

Chairman Porter – The difference between a professional and nonprofessional trainer and how we restrict the professional and don't restrict the other is a certain set of date ranges which could be very crucial to the state. Has the dept. ever looked at that and looked at it from a standpoint that we really don't want any dogs running out there between April 1st and July 14th?

Mr. Rothstad – It recognized that an individual out there on his own scope, scale or intensity is very low, not much impact. We did find one group of people that are nonresident dog trainers, that are armatures by statute. In order to be a professional, all your livelihood must be through dog training. If you are an armature, it means you have 5 or more dogs that you're training at any one time.

Chairman Porter – A person training on their private property or in their yard using pen raised birds, there isn't an area where you can take a pen raised bird and have a dog point it your yard.

Mr. Rothstad – There is that impact, we never had any professional trainers until recently and if the resident trainer work the flusher dogs would have some problems with that.

Rep. DeKrey – Are these pretty much concentrated in SW North Dakota or is pretty much state wide?

Mr. Rothstad – Actually they're not in any one particular area. There are a number of the in the SW, a number of them in the NW, a few around the Towner area, a couple over in the central part of the state, a few in Logan County. They aren't really concentrated in any one area.

Chairman Porter – Any other questions for the dept? We will close the hearing on HB 1499.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1499

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 2-12-09

Recorder Job Number: 9376

Committee Clerk Signature

Nancy S. Gerhardt

Minutes:

Chairman Porter – HB 1499. We will let Rep. Pinkerton give an overview on his amendments, and then I will give an overview on mine.

Rep. Pinkerton – See **Amendment # 1**. The amendments I would like to insert would be on line 8 – this would bring a nonresident armature into the same classification as a nonresident professional. The nonresident amateur trainer that comes up here, he may not have any actual paying customers with their dogs being trained, but many times they are in the business of selling dogs. They have customers come up from Texas or Arkansas or Georgia, and they work with them. They come up with the whole outfit – dog wagon, horse trailer, and a couple of people to help them. Many times they are an amateur. They can run in trials as an amateur. These trials are divided up into Amateur and professional classes. Either a wealthy person or someone who wants to run as an amateur. In all reality they do exactly the same thing as a professional trainer. I am not against having professional trainers up here. Or professional amateurs, The date of August 14th, you might as well as not have them up because that would be the end of them. For many reasons they are good for us as a sporting society. They are also good for the landowner and good for veterinarians. Many of these people have been coming to ND for 50 years. They like to train on prairie chickens, which they call grouse.

August 14th would completely put them out of business here. I think July 21st is a reasonable date. It wouldn't put them out of business. They come to ND because of the open country and the warmth, to get away from the heat. Most of them come around to July 10th. Moving it up to the 21st, in our local town of Minot there's a lot of local people who do think of this as an issue. Maybe the game and fish could address this for me. They have to have horses. That is part of the whole thing for them is having horses and then folks who fly in their private jets.

Chairman Porter - Let us know what the grouse season is.

Mr. Rostvet – The opening date of grouse season is around August 14th , 15th. It varies.

Chairman Porter – The earliest colander date is August 9th?

Mr. Rostvet – Somewhere in that vicinity – it's in that week.

Chairman Porter – That would push the use of horses back into July.

Mr. Rostvet – Excuse me, did say August, I meant September.

Chairman Porter – I guess the discussion is the use of horses during or in and around the short tail grouse season.

Mr. Rostvet – The only complaints we get is from people hunting during the opening week-end of grouse season. There is still a group of trainers out there still running large groups of dogs with horses covering a lot of different ground. The disturbance of the birds, busting them up. The hunters will effect a couple of coveys, where these guys can cover probably 20 covies a day – bust them up – and get them scared. That's where we get the concerns from sportsmen where they have had a couple months to train on the birds, most are gone, but obviously there's a few of them that stick around.

Chairman Porter - Couldn't you regulate that now inside the proclamation and say they couldn't do it anymore with the opening week-end?

Mr. Rostvet – We could if they were hunting, but actually the dog training falls into a category of their own.

Rep. Keiser – The owner has given them permission to do that on those days. If there are hunters on the land, the owners have probably given them permission too. Isn't the problem the property owners?

Mr. Rostvet – We have asked them, and some of these areas are wide open prairies. They tell everybody to go.

Chairman Porter – Is there something in the current law that precludes them from doing this on the public land at all?

Mr. Rostvet – Yes. Under the Wildlife Management Rules, professional dog training is prohibited on Wildlife management areas.

Chairman Porter – What about plots.

Mr. Rostvet – No, they would be allowed.

Chairman Porter – They wouldn't be allowed on Wildlife Management areas, but they could be on the Plotts land.

Mr. Rostvet – Yes, a lot of those Plotts agreements are only for a specific time frame.

Generally Sept. 1st through April 1st. A lot of that takes place in August or July.

Rep. Pinkerton – As far as the amendments goes, the training with horses is not an issue I've heard. The Plotts would be the only question where it would be land they have permission to.

Mr. Rostvet – That would be true.

Rep. Pinkerton – I think we should remove the Line 9 and leave the horse issue out of the question.

Rep. Hofstad – It seems to me the problem we're trying to solve is the depermatation of chicks. Are we trying to solve a problem we don't have here.

Mr. Rostvet - There were 2 studies done, 1 was done in SD after Aug. 1st, was limited to horseback training on Fridays, Saturdays, & Sundays only. They were only allowed to work till noon. That one showed no impact. The other study done was done in Manitoba started around July 15th and that the earlier you started the more impact you have. They were totally different study regimes.

Chairman Porter - Explain more about the 6- day movement from the 15th to the 21st. We are out mowing and that is the time—that is considered the end of the hatch.

Mr. Rostvet – The end of the hatch is July 15th that means on day one when they are 1 day old you start training on them. That first 2 weeks is the most critical time for the chicks. There are a percentage of them out there, the majority is going to be 4 weeks old the next week the majority will be 5 weeks old.

Rep. Hunskor – Would an explanation of the SD – Manitoba thing be North – South that many miles in SD where they have an earlier hatch? So the birds would be a little bit older.

Manitoba being further north has a later hatch and that's why the birds are younger? Is that reasonable?

Mr. Rostvet – I think you can draw the conclusion once you reach a certain point going younger the chances of having an impact is higher.

Rep. Hunskor – I live along the Canadian border because going west to Crosby there's probably at least a dozen different dog trainers that come in, and visiting with all the farmers along that tier where the dog trainers are on that land, they don't see that as a problem. That's why I was wondering if it was a north – south thing. Have you had any phone calls complaining about the disturbance of the chicks from the general public of any degree?

Mr. Rostvet – We get inquires into what are the impact. We have not had anybody call and say I saw this guy's dog out there eating chicks. We have had people call in saying they felt

this activity was disrupting their hunting later on because they didn't know where the chicks went because broods were busted up.

Rep. Pinkerton – I called and talked with the local hunters and they were pretty negative feeling this was affecting the hatch. I would think moving it back a week would probably get us past the time frame where there would be a problem.

Rep. DeKrey – We have to decide which amendments we are putting on the bill.

Chairman Porter – Actually they do fit separately.

Rep. Keiser – I ran the numbers and it nets in about a 10% decrease in training time. What kind of implications does that have for training? It doesn't sound like a lot, 6 days, and 10% basically. If you have 10% less time will they not come? Because they really have 8 weeks – so going to 7 wills that make it impossible?

Chairman Porter – I don't know either. That is kind of where the fit is. If we move the date to the 21st but we allow them to have an exempted 40 acre area, then they could still go out and train in a larger area than what they would be able to do so even under the current law. That is a different discussion.

Rep. DeKrey – My understanding of the testimony from the dog trainer was that 7 days was huge. Their time was so short that was huge.

Rep. Hanson – 40 acres are not big enough to train pointers. Spaniels, and labs – fine – because they don't move out like pointers. Pointers take off like a wild man. 40 acres is only a quarter mile. They don't even slow down in that and they train mostly pointers.

Rep. Hunskor – Trainers keep their dogs under very good control. I haven't heard that they don't keep them under control. The economic development of the community, the relationships, we heard all that, and we heard very little about the degradation of the young birds. If we heard that, I certainly would think the other way. Is it worth disrupting those folks

coming here, even for a week, they bring in a lot of dollars, and owners fly in with their money.

Do we take that away. That's where I'm at.

Rep. Hanson – The reason they have horses is to keep up with those wild dogs.

Chairman Porter – My poor English setter at home is lying there wondering “Who is he talking about?:

Rep. Hanson – That kind of dogs you can control.

Rep. Pinkerton – Most of these really good dogs will cover ¼ sections every 15 minutes. In the past most of the national champion dogs in the US, some are trained either in ND or Manitoba. I understand Canada has kind of clamped down on them. Perhaps SD, I wasn't sure about that, have they outlawed it?

Chairman Porter – Mr. Rostvet do you know if SD has outlawed dog training?

Mr. Rostvet – No. They're fairly open except their starting date is August 1st.

Rep. Pinkerton – Some of the big trainers go where the birds are. I don't believe it is going to hurt them too much to start on the 21st, you say it is August 1st in SD?

Rep. Myxter - I agree with Rep. Hunskor and as far as I'm concerned do away with the whole thing.

Rep. Keiser – It starts later in SD because the tour comes there later, so they can afford to start later – right?

Rep. Pinkerton – I think they have trials all over. They come up here to train in the summer because it's cooler than what it is in Georgia. I don't really see it moved to August 1st. If you want to kill the bill, that's fine with me too.

Rep. Hunskor – I've spoken with those folks, the ones from my country are in Mississippi right now. They start out in Columbus, ND with their first one right after the 15th of August, that's #

1 of their trials, and then they run the circuit, SD, and follow the states right on down and they're in Mississippi.

Chairman Porter – Rep. Pinkerton do you want to run them up the flag pole?

Rep. Pinkerton – Might as well, I move the amendments.

Chairman Porter - Do you want all three or were you taking out the line 9 with the horses?

Rep. Pinkerton – Taking out that last line.

Chairman Porter – We have a motion from Rep. Pinkerton to amend HB 1499 the first 2 bullet points – is there a 2nd?

Rep. Hanson – 2nd.

Chairman Porter – 2nd from Rep. Hanson . All those in favor - voice vote – opposition – motion fails. On the amendment I passed out, see **Attachment # 2**, puts it back to the original law as far as the date, and allows for the trainers of the labs and retrieving type of dogs to take out in their permit 1 40 acre area they can utilize during the blackout dates to train their dogs in. As Rep. Hanson said that would do nothing for the pointing dog individuals, in that they range, but the people that want to throw a dummy in their yard for a lab would then be allowed to do that.

Rep. Pinkerton – I think the definition in 2104-12, by gun dogs. I think if you go back to historical portion of this, gun dogs are defined as pointing dogs. I think labs and retrievers are by definition are excluded by the definition of gun dog.

Chairman Porter – What is the definition of gun dog?

Mr. Rostvet – That is a gray area right now. We look at as any type of dog training activity. Your amendment would give us some comfort level of definition.

Rep. Keiser – Is there an unintended consequence with this amendment? There is a big difference between in your yard training and 40 acres. This then requires the game & fish to

police this. Not only to get the permit, but police it. They can train at any time no matter what the level the hatch is. They can go out and the dog takes off, are you going to site them?

Mr. Rostvet – I think this is designed for the ND professional dog trainer. I believe the information I handed out week showed over time we have only had about 4 maybe 5 professional dog trainers in ND, now in the last few years it has jumped up to around 15. The majority of those folks are not dealing with pointers, they are dealing with close ranging dogs, more flushing, retrieving dogs. Most of the time they aren't training on wild birds. It's not that big a concern because most are training on pigeon, quail, chucker's and stuff like that in a controlled environment. Some of the ammeters are out there doing the same thing. They're training with game farm birds. They aren't impacting wildlife resources, but they are prohibited from doing it.

Chairman Porter – Technically the way the laws are written, in their own yard, if they are a professional, they couldn't even play fetch with a dummy with a gun dog during this time frame.

Mr. Rostvet – Yes. That would be like getting a ticket for 66 in a 55 mph zone. It doesn't happen, but it is illegal.

Rep. Pinkerton – Minot & Fargo both have professional retriever trials during that time, and there had been some question about whether those were legal or not. I did go back and look at the historical data when this was put in and it did at that point define gun dog as a pointing dog, with some exceptions for retrieving dogs. It would be nice to see some definitions in here to clean this up.

Rep. Hanson – What is this world coming to? Everything is based on dollars.

Rep. Pinkerton – I would move a Do Not Pass.

Chairman Porter – We have an amendment in front of us. We have a motion from Rep. DeKrey to move the amendment. Do we have a 2nd?

Rep. Hofstad – 2nd.

Chairman Porter – 2nd on the amendment. Discussion on the amendment?

Rep. Hanson – Do they still have to buy a license beside the permit?

Chairman Porter - That would be a separate \$ 10.00 fee the way it reads. Further discussion?

Seeing none – all in favor – voice vote – opposed – voice vote -- Motion carries.

Chairman Porter – Now we have 1499 in front of us.

Rep. Drovdal – Move a Do Not Pass As Amended

Chairman Porter – We have a motion from Rep. Drovdal for a Do Not Pass. Is there a 2nd?

Rep. Myxter – 2nd.

Chairman Porter – 2nd from Rep. Myxter. Discussion -- I think the bill does serve a purpose now other than the date change that we did fix for some class of dog trainers. I would like to see the bill move forward.

Vice Chairman Damschen – I'm going to resist the motion, I'm not opposed to somebody making money. I haven't seen any evidence of any harm.

Chairman Porter – Clerk will call the roll on a Do Not Pass.

Yea 5 No 8 Absent 0 Motion fails

Rep. DeKrey – Move a Do Pass As Amended

Rep. Hofstad 2nd.

Chairman Porter – We have a Do Pass As Amended by Rep. DeKrey, 2nd from Rep. Hofstad.

The clerk will call the roll on a Do Pass As Amended.

Yes 7 No 6 Absent 0 Carrier Rep. Hunskor

Chairman Porter – Do Pass Prevails.

FISCAL NOTE
Requested by Legislative Council
02/17/2009

Amendment to: HB 1499

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$500		\$500
Expenditures						
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for a new \$10 permit for professional dog trainers who want to train dogs between April 1 and July 14. The permit allows them to train or run gun dogs on a 40 acre tract. Under current law these trainers cannot train or run dogs at all between these dates.

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.*

There are about 50 licenses professional dog trainers in North Dakota each year. If half of them opt to purchase this permit, there will be revenue of \$250 per year or \$500 per biennium for the Game and Fish Fund.

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.*

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	02/17/2009

PROPOSED AMENDMENT TO HB 1499

- On Line 8 insert or an individual who is required to be licensed as a nonresident amateur trainer after trainer
- On Line 8 strike August fourteen and replace with July 21
- On Line 9 insert Dogs may not be trained with the aid of horses one week prior to the opening date of the sharp-tailed grouse season.
After loose.

DRAFT
PROPOSED AMENDMENT TO HOUSE BILL NO. 1499

Page 1, line 2, after "dogs" insert "and provide for an exempt area permit"

Page 1, line 8, remove the overstrike over "July" and remove "August"

Page 1, after line 19, insert:

A professional trainer may apply to and obtain from the North Dakota Game and Fish a permit designating a specific training area, not to exceed 40 acres in size, which shall then be deemed an exempt training area.

1. On such exempt training area, a professional trainer may train or run any gun dog or allow any such dog to run loose at any time.
2. The fee for such permit shall not exceed \$10.00 per year.

February 12, 2009

VK
2/13/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1499

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to permits for exempt training areas for gun dogs; and to"

Page 1, line 2, after "dogs" insert "and to provide for an exempt training area permit"

Page 1, line 8, remove the overstrike over "~~July~~" and remove "August"

Page 1, after line 19, insert:

"SECTION 2. A new section to chapter 20.1-04 of the North Dakota Century Code is created and enacted as follows:

Gun dog training area - Permit. Notwithstanding section 20.1-04-12, a professional trainer may apply to and obtain from the department a permit designating a specific training area, not to exceed forty acres [16.19 hectares], as an exempt training area.

1. In the exempt training area, a professional trainer may train or run any gun dog or allow the gun dog to run loose at any time.
2. The fee for the permit may not exceed ten dollars per year."

Renumber accordingly

Date: 2-12-09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1499

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By Drovdal Seconded By Myxter

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter		✓	Rep Hanson		✓
Vice Chairman Damschen		✓	Rep Hunskor	✓	
Rep Clark	✓		Rep Kelsh		✓
Rep DeKrey		✓	Rep Myxter	✓	
Rep Drovdal	✓		Rep Pinkerton		✓
Rep Hofstad		✓			
Rep Keiser		✓			
Rep Nottestad	✓				

Total (Yes) 5 No 8

Absent _____

Floor Assignment _____

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

Fails

Date: 2-12-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1499

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By DeKrey Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hanson	✓	
Vice Chairman Damschen	✓		Rep Hunskor	✓	
Rep Clark		✓	Rep Kelsh	✓	
Rep DeKrey	✓		Rep Myxter		✓
Rep Drovdal		✓	Rep Pinkerton		✓
Rep Hofstad	✓				
Rep Keiser		✓			
Rep Nottestad		✓			

Total (Yes) 7 No 6

Absent 0

Floor Assignment Hunskor

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

REPORT OF STANDING COMMITTEE

HB 1499: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1499 was placed on the Sixth order on the calendar.

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Renumber accordingly

2009 SENATE NATURAL RESOURCES

HB 1499

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1499

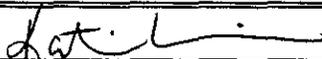
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10263

Committee Clerk Signature



Minutes:

Senator Lyson opens the hearing on HB 1499, relating to permits for exempt training areas for gun dogs.

Tom Ness, Professional Gun Dog Trainer, the current law prohibits me from training the dogs on my own land. I think the point of the law was to protect the wild birds when they were nesting and raising their young. We know the impact of the dog trainers and there are a dozen of dog trainers that come and they bring large groups with them. There is an economic impact and it is good for the areas that they train in. The birds are pretty adapted. There is something that tries to kill them every day of their lives and I think the birds are pretty good at protecting their young. When I first started training on my land there was no wildlife on it. It was over grazed and over farmed. Since then I have planted over 15000 trees and 100 acres of grass and I think my operation was the best thing to happen to the neighborhood. I am in favor of the bill but I would like to see it be amended to let me hunt on my own land.

Senator Lyson When I look at the bill it seems like you should be able to go where ever you want.

Tom Ness replied right now I think the Game and Fish Department looks the other way. They can come and write a ticket any time they like. I don't think it is very valid to restrict me to only 40 acres on my own land because of wild game.

Senator Ed Gruchalla testified in favor of the bill (see attached testimony#3). I also have an amendment for the engrossed bill (attachment #2) and some testimony that was handed out at the first hearing on the House side (see attachments 3a and 3b.) the amendment moves the date and removes "trainer" and inserts "or a person who is required to be licensed as a nonresident amateur trainer". What we discovered after the hearing was that there are a lot of amateur trainers that may have 30-35 dogs and they just aren't considered professional. They are allowed to train earlier because they are not considered professional.

Representative Lyle Hanson, I am here to support the bill if the amendment gets put on. The reason I support the bill is the main hatching period for water fowl and upland game is the 2nd and 3rd weekend of June. The way the current law reads is on the 14th of July is when they can start training pointer dogs. A lot of the birds are not able to fly yet. If they train dogs they train them on partridge and quail.

Senator Lyson is the 40 acres for nonresident trainers?

Representative Hanson *the way it is written it will prevent a trainer from throwing a dummy out in their yard. This gives them 40 acres to train in.*

Representative Jim Kerzman I have written testimony from a dog trainer who is unable to be here, but testified in the House hearing (see attachment #4). This has become a pretty big business in our area. The way the original bill was written it would have closed down the business in North Dakota. The way it is now they only have about a month to train the dogs.

These people are good neighbors. They ask for permission before they come on land and they rotate to different areas so they don't over work it. They treat the communities well.

Senator Lyson Should this bill have two separate sections in here for pointers and another for retrievers?

Representative Kerzman I am not sure, the amendment was put on by the House Natural Resources. The main problem I have is the date. If you move it back it only gives them two weeks to train dogs and it isn't enough. The 40 acres isn't nearly enough to train their dogs in either.

Senator Triplett Are you aware that Representative Gruchalla proposed an amendment to move the date back to the 22nd of July?

Representative Kerzman yes I am. I feel that two weeks is not enough time for these trainers.

Roger Ross, Deputy Director of the North Dakota Game and Fish Department, I have couple studies that were performed on this subject (see attachment #5). To be qualified as a nonresident amateur you have to have less than 5 dogs you are training. A nonresident professional has 5 or more dogs they are training.

Senator Lyson How old is a Sharp-tail Pheasant when it starts to fly?

Roger Ross replied as early as two weeks. One area of the bill covers the loop hole for nonresident amateurs. Right now they have no restrictions on when they can start training and they have bought their licenses significantly earlier. Only the residential and non residential professionals have that restraint.

Senator Triplett I noticed that they limit the amount of licenses they give out in South Dakota, has the Game and Fish Department thought of that as a possibility?

Roger Ross the South Dakota study was addressing the public lands so the limitation of licenses only applies to public lands not private land. Manitoba stopped issuing new permits after their study and just grandfathered the previous trainers.

Senator Lyson has the department had any official complaints coming in from hunters or land owners?

Roger Ross yes we have. A majority of them are for hunter related concerns like the birds seem to wild or they battling over land during the season.

Senator Erbele we still aren't doing anything to make the start dates equal for amateur and professionals correct?

Roger Ross the engrossed bill does not address that at all. The amendment would take care of that issue.

Senator Lyson what do you think about limiting a land owner to only 40 acres on his land?

Roger Ross I think it is a necessary thing. No one has ever received a ticket.

Senator Erbele so section 2 is just a 40 acre restriction for a time period prior to July 14th so they can have this 40 acre exemption if they wish to start on July 1st as long as it is on the 40 acres?

Representative Jim Kerzman I think it is an infringement on our property rights. As an individual landowner if I had someone come up and ask to use my land for something like this I should have the right to give it to them. It should be the same as if someone wanted to hunt arrowheads or put bees out on my property.

Foster Ray Hager, Cass County Wildlife Club, we feel that the farther you can set this back so the late hatch is not effected as much by these dogs. I understand that they bring money to the communities, but I don't feel that we should give up our habitat and young birds just for a little bit of economic development. We are in favor of the amendment.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1499

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10331

Committee Clerk Signature

Kat. Lin

Minutes:

Senator Lyson opens the discussion on HB 1499.

Senator Erbele I think we need to make sure that the amateurs are in the same time frame as everyone else.

Senator Lyson I think they are more concerned with the nonresident professionals.

Senator Erbele I have a number of trainers in my area.

Senator Lyson Asked Senator Erbele how long they stayed for.

Senator Erbele they usually stay about a month to six weeks. They are very good about getting permission before they use the land and they don't over work an area.

Representative Froelich In our district alone there are 12 -15 dog trainers. I have one who has been coming to my place the past few years. A lot of the training is taking them out to the fields and exercising them. These trainers come up from the south and they treat the communities very well sometimes they put on a big steak fry. There were a lot of constituents who came to the hearing on the House side because it is an economic deal for them. I asked the Game and Fish Department if they have had any complaints about this and they said very rarely. The dogs are not supposed to catch the birds; they are just supposed to point them out.

I would invite these trainers back anytime, they are good people. My suggestion to the committee is to pass the bill as it is now.

Senator Triplett have you seen the proposed amendments Representative Gruchalla left for us?

Representative Froelich yes I have.

Senator Triplett how do you feel about the first part?

Representative Froelich I missed the hearing earlier today and I am not sure why they even want this.

Senator Triplett I think the distinction is that a professional trainer is defined as someone for whom the remuneration of training is the bases of their lively hood. The concern was that we should treat amateurs, if they are bringing in more than 5 dogs, even if they are not making all their living off of it, the same.

Representative Froelich some of these guys coming in would not be considered professionals because training is kind of a side business for them. I can't comment on that part because I didn't hear all the testimony. I object to changing the dates again.

Senator Erbele in your area do you ever see them training into the hunting season? Would it appease some of the opposition if we said that the training had to be completed by a certain date or that you can't be out training after the season starts?

Representative Froelich In my area they are not around during hunting season. I just think the amendments are chiseling away at something that doesn't need to be fixed. If we as landowners had a problem we would tell them to leave. I would recommend leaving the dates alone.

Senator Lyson closes the discussion on HB 1499.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1499

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: 4/2/09

Recorder Job Number: 11681

Committee Clerk Signature



Minutes: **Senator Lyson, Chairman**

Committee Work

Senator Lyson discusses amendments that have been offered on the dog training bill. He says this has become a very emotional bill.

There is no discussion.

Senator Schneider moves the amendment 0201.

Senator Triplett seconds

Discussion on the amendments

Senator Schneider explains that the original sponsor of the bill is now against the bill unless the amendments are adopted. It restores the original intent of the bill. He moves the amendment for sake of discussion.

Verbal vote on the amendment, passes

Senator Erbele moves a do not pass as amended

Senator Freborg seconds

Vote – 6 – 1

Senator Erbele will carry

90883.0201
Title. 0300

Prepared by the Legislative Council staff for
Representative Gruchalla
February 27, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1499

Page 1, line 9, overstrike the first comma and after "trainer" insert "or a person who is required to be licensed as a nonresident amateur trainer"

Page 1, line 10, overstrike "fourteenth" and insert immediately thereafter "twenty-second"

Renumber accordingly

Date: 4/2/09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate _____ Natural Resources _____ Committee

Check here for Conference Committee

Bill #: 1499

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Amendment - 0201

Motion Made By Sen. Schneider Seconded By Sen. Triplett

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman			Senator Jim Pomeroy		
Senator David Hogue, Vice Chairman			Senator Mac Schneider		
Senator Robert S. Erbele			Senator Constance Triplett		
Senator Layton W. Freborg					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Carried
voice vote*

Date: 4/2/09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate Natural Resources Committee

Check here for Conference Committee Bill #: 1499

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Amendment

Motion Made By Sen. Erbele Seconded By Sen. Freborg

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	✓		Senator Jim Pomeroy	✓	
Senator David Hogue, Vice Chairman	✓		Senator Mac Schneider		✓
Senator Robert S. Erbele	✓		Senator Constance Triplett	✓	
Senator Layton W. Freborg	✓				

Total (Yes) 6 No 1

Absent _____

Floor Assignment Sen. Erbele

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

REPORT OF STANDING COMMITTEE

HB 1499, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1499 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike the first comma and after "trainer" insert "or a person who is required to be licensed as a nonresident amateur trainer"

Page 1, line 10, overstrike "fourteenth" and insert immediately thereafter "twenty-second"

Renumber accordingly

2009 TESTIMONY

HB 1499

HB1499

FEB. 5, 2009

REPRESENTATIVE ED GRUCHALLA

TESTIMONY

DIST. 45 FARGO, ND

MR. CHAIRMAN AND MEMBERS OF THE NATURAL RESOURCES COMMITTEE.

I AM HERE TO INTRODUCE HB1499. THIS BILL EVOLVED OUT OF THE CONCERNS OF SOME ND RESIDENTS THAT PROFESSIONAL DOG TRAINERS ARE USING WILD GAME TO TRAIN THEIR DOG.

THEY DO THIS TRAINING USING HORSES. THE USE OF HORSES ALLOWS THEM TO COVER MANY ACRES IN A SHORT AMOUNT OF TIME AND COME INTO CONTACT WITH MANY BIRDS.

THIS TRAINING IS OFTEN DONE WHEN THE BIRDS ARE VERY YOUNG. WHEN THE DOGS CONTACT A FAMILY UNIT THEY OFTEN SCATTER THEM WHICH MAY LEAD TO THE BREAK UP OF THE FAMILY UNIT.

THIS HARASSMENT MAY BE DETRIMENTAL TO THE FAMILY UNIT AND CAUSE HARM TO THIS RESOURCE.

MR. CHAIRMAN, THERE ARE SEVERAL HERE WHO KNOW THIS SUBJECT MUCH BETTER THAN I SO I WILL GET OUT OF THE WAY.

THANKYOU FOR LISTENING AND I WILL STAND FOR QUESTIONS, KEEPING IN MIND THAT I DO NOT HAVE A DOG IN THIS HUNT.

HB 1499-

CURRENT SITUATION- THE CURRENT LAW ALLOWS PROFESSIONAL DOG TRAINING TO BEGIN ON PRIVATE LAND IN MID JULY AND RESTRICTS PROFESSIONALS FROM TRAINING ON WILDLIFE MANAGEMENT AREAS. AMATEUR TRAINERS ARE ALLOWED ON THESE RESTRICTED AREAS BUT ONLY AFTER AUGUST 15.

SUGGESTED REVISION- PROPOSES THAT THIS LAW NEEDS TO BE REDACTED OR, AT THE VERY LEAST, REVISED TO MITIGATE THE DOG TRAINING'S DIRECT AND INDIRECT EFFECT ON THE MORTALITY OF UPLAND BIRDS BY DELAYING THE START DATE ON PRIVATE LAND.

KEY OBJECTIVE: DELAY OF START DATES ON PRIVATE LAND BY A MINIMUM OF ONE MONTH FOR NON RESIDENT AMATEURS AND *NON RESIDENT* PROFESSIONALS.

RATIONALE:

- 1- BROODS ARE BEING DISTURBED AND FAMILY GROUPS SCATTERED INCREASING THEIR VULNERABILITY AND NEGATIVELY IMPACTING SURVIVAL RATES OF UPLAND BIRDS.
- 2- LIKELY EVEN MORE SEVERE IN YEARS WITH LATE HATCHES
- 3- IN MANITOBA, THE STARTING DATE WAS MOVED FROM JULY 15 TO AUGUST 1 WITH A RECOMMENDATION THAT IT BE MOVED TO AUGUST 15 BASED ON A STUDY. ADDITIONALLY, A MORATORIUM WAS PLACED ON ANY NEW LICENSES FOR PROFESSIONAL TRAINERS. THIS CHANGE WAS PUT INTO EFFECT AFTER A SCIENTIFIC STUDY WAS COMPLETED IN 1992.
- 4- LIMITED SCIENTIFIC STUDIES FROM MANITOBA CONFIRM INDIRECT MORTALITY.
- 5- SOUTH DAKOTA STUDIES LESS CONCLUSIVE BUT SUPPORTIVE
- 6- COMMON SENSE OUGHT TO PREVAIL. WHEN YOU BREAK UP A BROOD OF YOUNG BIRDS, THE FLUSHED BIRDS, UNABLE TO FLY LONG DISTANCES, ARE SEPERATED FROM THEIR FAMILY GROUPS AND PERHAPS NEVER AGAIN REUNITE WITH THEIR MOTHERS. THIS WAS ALSO CONFIRMED BY THE MANITOBA RESEARCH.
- 7- THE TRAINERS AND DOGS ARE VERY EFFICIENT. YOUNG BIRDS MOVE ONLY SHORT DISTANCES WHEN FLUSHED MAKING IT EFFORTLESS FOR THE DOGS TO FIND AND DISTURB THE BIRDS REPEATEDLY.
- 8- I HAVE PERSONALLY OBSERVED TRAINERS, ON HORSEBACK. RUNNING WITH 6 DOGS AND 3 HORSES, COVER A HALF SECTION OF LAND IN LESS THAN 30 MINUTES. BY THE TIME THE SEASON OPENED, THIS VERY PRIME PIECE OF HABITAT WAS VIRTUALLY

VOID OF BIRDS. IN THIS SCENARIO THE ACTIVITY COULD ARGUABLY BORDERLINE WILDLIFE HARRASSMENT.

- 9- DELAYING THE START BY ONE MONTH WILL PROVIDE THE BIRDS A BETTER CHANCE IN THE LONG HAUL. THIS AGAIN WAS CONFIRMED IN THE MANITOBA STUDY AND WAS ALSO A RECOMMEDATION COMING FORTH FROM THE SOUTH DAKOTA STUDY.
- 10- MY UNDERSTANDING IS THAT THE NDGFD HAS RECEIVED A NUMBER OF LETTERS FROM HUNTERS IN AND OUT OF STATE RELATIVE TO THIS ISSUE. THEIR COMPLAIN IS DIRECTLY RELATED TO A NOTEABLE DECLINE IN THE QUALITY OF THEIR HUNT, IN MY VIEW, DIRECTLY RELATED TO THESE ACTIVITIES. IN FAIRNESS TO ALL PARTIES, I SHOULD POINT OUT THAT MOST OF THESE LETTERS REFERENCED THE NW PART OF THE STATE.
- 11- COMMON SENSE AND RESPECT OF THE RESOURCE MUST TAKE PRECEDENCE OVER THE LIMITED ECONOMIC IMPACT. RESPECT AND PERPETUATION OF A RESOURCE MUST REMAIN THE KEY DRIVER IN ANY LEGISLATION ASSOCIATED WITH WILDLIFE MANAGEMENT.
- 12- THE RIGHT THING TO DO IS CHANGE THIS LAW. THERE ARE GOOD SOLID REASONS TO DO SO AND THE LIMITED SCIENCE SUPPORTS THIS VERY MINOR REVISION TO THE CURRENT REGULATIONS.

CONCLUSION-

NATURE IN ITSELF CREATES A CERTAIN SET OF DIFFICULTIES FOR UPLAND BIRD SURVIVAL. COUPLED WITH THE DEPLETION OF HABITAT AND THE INCREASING IMPACT OF OIL EXPLORATION ON THESE RESOURCES, IT REMAINS OUR RESPONSIBILITY TO CONTROL AND LIMIT ACTIVITES THAT CREATE HEIGHTENED LEVELS OF STRESS ON OUR UPLAND BIRDS.

WE ARE NOT ASKING FOR A FULL CLOSURE OF THIS ACTIVITY. WE ARE SAYING, YOU'RE WELCOME TO COME TO THE STATE AND TRAIN BUT PROTECTING OUR RESOURCES MUST REMAIN OUR FIRST PRIORITY.

THIS BILL SHOULD NOT BE VIEWED AS CONTENTIOUS. I ASK THAT YOU SUPPORT IT BASED ON ITS MERITS OF PROVIDING A FAIR COMPROMISE BETWEEN OUR RESPONSIBILITIES TO PROTECT A VALUED RESOURCE WHILE AT THE SAME TIME ALLOWING PRIVATE LAND OWNERS, AT THEIR DISCRETION, THE RIGHT TO ALLOW DOG TRAINING ON THEIR PROPERTY DURING A SPECIFIC TIMEFRAME AND TO THOSE WHO MAY DIRECTLY BENEFIT FROM THE ECONOMIC IMPACT.

HB1499 IS A SOLID AND RESPONSIBLE PIECE OF LEGISLATION. THE PROTECTION OF THE RESOURCE REMAINS THE FIRST PRIORITY. ONCE THAT PRIORITY IS ACCOMPLISHED, THE BILL RETAINS LANGUAGE THAT



CONTINUES TO PROVIDE LAND OWNERS AND DOG TRAINERS THE
FREEDOM TO OPERATE AND MINIMALLY AFFECTS THOSE WHO BENEFIT
FROM THE ECONOMIC IMPACT.

RESPECTFULLY SUBMITTED:

BRUCE HOVLAND
81-35TH AVE. NORTH
FARGO, ND 58102



Attachment 3

Roger Kaseman, Representing the North Dakota Wildlife Federation
Testimony In Favor Of HB 1499 Training Gun Dogs

The North Dakota Wildlife Federation strongly supports this bill. Research has shown that:

- Up to 40% of upland nesting ducks (which would be in these fields) have yet to hatch their broods between July 15 and August 15.
- At least 20% (20, 21, and 40%) of the three most common upland nesting ducks in ND hatch in the same interval (as above).
- About 50% of all pheasant nests hatch the last two weeks of June which means the broods are only 2 weeks old under current date and pheasants take 8-12 weeks to rear their broods.
- 25% of the annual pheasant hatch are still in the incubation stage in July.
- Sharp tailed grouse peak hatch occurs from second week to third week in June which puts them in the same boat as pheasants.
- Disturbance (scattering) of upland game and waterfowl broods has
- shown to increase the probability of mortality of young.

Moving the start date of legal training will give the chicks separated from their mothers the best chance for survival. Based on sound biology, we urge this committee to vote a pass recommendation.

HTTechmen 7

Members of the Natural Resources Committee:

My name is Sherry Ebert and I am a dog trainer and resident of Mott.

I came here today as a former nonresident, now resident dog trainer, to speak in opposition to House Bill 1499.

I have been training dogs for 45 years. I came to N.D. 17 years ago to find a spot that I could train dogs in the summer. I found a really nice spot in Hettinger County and the next year bought it and moved to Mott. I have been here ever since. This is my home and my family is here.

I make my living as a professional dog trainer. If this bill passes and the dates change, my livelihood is at risk and you have taken away my right as a property owner to utilize my land. As you know there is very little time in the warmer months to get your work done in N.D. If I lost 30 days from my work I'd be shot in the foot. For some of us the summer months of training are our money months, like a farmer you have to make hay when the sun shines. It would not be out of line to say that $\frac{1}{2}$ of a North Dakota dog trainers annual income comes from June, July, Aug. and Sept. The latter part of June and first part of July being the time to get your dog's yard work done before going into the field. July 15th to approximately September 10th is the best time of the year for the trainers from the south to come north as the weather conditions in the south are not conducive for the dogs. If we were to loose a month of training time that would be a month of training money and who can afford to loose a month of salary.

In respect to the wildlife, the small percentage of dog trainer's dogs that come into contact with birds in the 3 months that they are here is a drop in a bucket. Last year there were 38 non-resident professional licenses, 22 non-resident amateur licenses and 15 resident licenses sold in the state. Not a large impact to the wildlife. Professional trainers do not want to do anything to hurt the bird population as it is our living. We do everything we can to help the game birds survive. This year alone I have purchased 20 tons of millet and 13 tons of oats bales to put out for the birds since we are having such a bad winter. Also, I know of 11 other trainers that during training do not use the same piece of ground more than once a week. It is not good for our dogs to get used to a certain piece of ground; they don't run their pattern well and you can not win competitions.

We do not want the dogs to chase the birds. That is why we spend the first months in the yard before we get to the running in the field. The dogs point the bird; we flush the bird, shoot a blank pistol, then go to the dog and collar him and walk away. Then he or she is turned loose to go find another. We do not dwell on the same spot or the same covey of birds. And we certainly do not kill any birds. I also know that their can always be a bad apple in the barrel but I think the Game and Fish have done a great job in dealing with the individuals and not blaming everyone in the same profession.

I believe the starting date for the training of dogs in the state of N. D. was brought into legislation 34 years ago and has been July 15th since; it was written and supported by trainers. So what has happened between now and then to change things? I would think that the Game and Fish did extensive research on the subject before deciding on that date. If the date is changed to Aug. 15th the out of state trainers will not come to N.D. to train

as it does not give them enough time to prepare their dogs for the competitions. The competitions usually start in N.D. on or about Aug. 17. They also bring in many people from all over to see their dogs compete. The Field Trials only started in N.D. after the dog trainers started to come here and train. If you don't have the trainers here the trials will fade away also.

During the summer months when we are in full swing training dogs we have several owners and customers come to our kennels to see their dogs. I personally have owners from 9 different states and Japan. All of these people stay in the local motels, eat at the restaurants, go to the grocery store, get gas at local stations and go to many other shops in town. Just about every person that comes to my kennel goes to Medora for a day or so. They also like to take their vacation with their family while they are here on business. What I am trying to say is that they spend money in our small towns and I think that makes a difference. This is not including the monies that come into the state via training licenses. There was an article on my kennel in the 2008 Southwest N.D. Tour Guide and I could not believe the out of state people that picked it up at different locations and came by just to see all the dogs and horses. Mott, Regent and New England are small towns and I would like to think that all the extra bodies help to contribute to the well being of the towns.

We appreciate the landowners that let us train on their land and many of the people that come up from other states have become life long friends. Some have been coming here for 16 years or more and are like family. They go to family events and join in the community events that take place in the summer months. I know of some that have donated monetarily to events, schools, volunteer firemen's groups and other local charities. I would hate to see all this come to an end.

I am asking give House Bill 1499 a "Do Not Pass" recommendation.

Thank you for your time.
Respectfully,
Sherry Ebert

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Opposition to ND House Bill 1499 - TNY

[View Current Signatures](#) - [Sign the Petition](#)

To: North Dakota Legislators

Dear Sir/Madam:

I am writing in regard to House Bill #1499. We, the sporting dog community, have recently learned from the North Dakota Fish and Game that individuals in North Dakota began this quest to pursue changing the training date for professional dog trainers. It is our sincere opinion that the professional dog trainers who have come north each summer, and have for decades, brought with them the gift of fiscal assistance and long lasting friendships to many rural towns and their inhabitants, are unfairly targeted by this needless legislation.

These dog trainers substantially add to the local economies for the two to three months that they are in residence. Most are gone, returning to their southern environs, by September 15th. They travel thousands of miles each summer, possessed with the sole intention of making progress in the training regimen of their clients' dogs. There is an essential need of a time span of approximately 40 – 60 days, starting after the 4th of July, to make progress with field trial dogs and hunting dogs alike. This time is the single most important training a dog can have in its life! National Champions and many good hunting dogs are made on the prairies of North Dakota. It is imperative to recognize that Professional Dog Trainers do not shoot the birds. It is similar to fishing and utilizing the catch and release method. Maintenance of the resource is paramount to the trainers! More importantly, evidence shows that partridge, grouse and pheasant populations have increased in the state and that these trainers have very little, if any, effect on the birds and their habitats.

The instigator and sponsors, clearly, have misjudged how many lives this legislation would affect. It is not just the trainers; it is the landowners, business owners and dog owners alike, who, yearly, support this sport. It is a sport that depends, profoundly, on the trainers and their relationships with landowners in the north. In North Dakota alone there are approximately 60 licensed professional trainers and the lives that are entwined with theirs are numerous. The effect of this legislation would surely, seriously impact the economies of these small towns!

We, respectfully, request that you consider, seriously, the ramifications of this potential legislation and decide that the cost is entirely too great to enact it. Thank you!

Sincerely,

Sincerely,

The Undersigned

[Click Here to Sign Petition](#)

[View Current Signatures](#)

Name	Comments	State of residence	Are you a trainer that resides in ND during these months?
164. Rodger Barton			
163. Clark R. Linn		MN	
162. Ingrid Fraser		WY	
161. Anthony McGrane		Iowa	No, but I send my dog with a trainer.
160. Bill Brink		IN	no
159. Fred C. Robinson		TN	No, dog owner.
158. Steven Slack			
157. Rudy Tamborino		MI	no
156. Rob Hopkins			
155. Solon Rhode	estimate the costs vs benefits of this proposal		No
154. Gerald Solesby	This should not pass. I am an owner who sends dogs to ND each summer for training an I feel this bill would damage the economy is		
114. Gar C. Rarick	many small ND towns an seriously hurt the professional dogs trainers who make part of their living by coming to ND each summer to train on the abundant wild game.	NY	NO
113. Larry Garner	The town of Flasher would suffer a lot from the absence of dog trainers even for a month and most trainers will not come at all with this small time allowed	Texas	Yes A amateur trainer
112. Larry Huffman	I travel to Columbus, North Dakota with my family every summer for 2 months. There is alot that goes into the economy in Columbus and surrounding areas in North Dakota. We buy fuel, horse	Ms	Yes

feed, supplies, hay, groceries,
 rent a house in columbus,
 support all the local activities,
 eat at the cafes, ect. We have
 made many friends up North
 during our summer travels. I
 am concerned about the
 preservation and well being of
 the wild game!! Our goal is to
 train dogs but never harm the
 birds. I am very opposed to
 this bill. It will impact the
 towns of North Dakota

111. Denise M.
 Dempsey

110. James E.
 Dempsey

109. Ernie Weed

WA

No

108. Jim Tracy

Each year I spend a lot of
 money in ND while training
 dogs. I may have to go to
 Montana if this passes

107. Diane Szczepanski

106. austin turley

montana

no, but I do
 train there
 during this
 time

105. Miranda Reed

MD

no

104. Jeff Fraser

WY

103. david c walker

ga

yes

102. Michael Spies

I am a client of trainers in ND.

No.

101. Ben Garcia

Please to not allow this bill

Colorado

Yes

100. Ken Rawlings

99. Randy Anderson

Oklahoma

yes

98. Melissa Bain

97. Martha Pool

96. Jeff Guy

I would like to see the dates
 stay the same pertaining
 starting and ending dates

TN

NO but I
 visit my
 trainer there
 for one or
 two weeks

95. Harold Pool

94. Kita Morris

I oppose continued restrictions
 on hunting and training

no

93. James Page

- 92. Sonny Childers
- 91. Richard Tollison

My family travels to Columbus north Dakota every summer to train dogs. We have made many good friends throughout our summers there. There is so much support from all dog trainers in the local businesses as well as other areas of north Dakota. We do nothing but help the economy. I am strongly opposed to this bill!!

- 90. Piper huffman

- 89. Hoyle Eaton

- 88. Alex Mauck

We don't all come from the south.

Oregon

I am an amatuer that visits many trainers and buy food, gas and groceries from the local communities

- 87. Joe Hughes
- 86. Larry L Smith
- 85. Weldon Bennett
- 84. Neil Mace
- 83. Greg Bain

- 82. Don Brown

this law would severely cut into my dog training business. I harm no wild birds and feel my type of training make these birds stronger and smarter to evade predators, including man, during the regular gun season.

Virginia

sometimes

- 81. Wyatt and Ty huffman

My parents train in Counbus north Dakota. Please do not pass this bill!! Our dogs find alot of birds in the 2 months we train and they are never harmed!!

- 80. Donna M. Yates

This bill will harm North Dakota business and tourism.

PA but train and hunt in ND

Sometimes

		I have sent dogs with trainers to ND for several years now and also spend a great deal of time there myself. The locals are always glad to see the trainers pull in since they take nothing out of ND but spend a good deal of money while they and their guests are there. Passage of this bill would accomplish nothing but damage the economy.	Missouri	
79.	Jim Michaletz			
78.	Douglas T. Chilson	NA	Texas	Some years I train in ND during the summer
77.	gregg ritchings	i send two to three dogs to n.d. every summer there is no better place to train.	n.j.	no
76.	Sherrill Nilson		Texas	
75.	Chad Mantz		OK	
74.	John Yates	This bill will harm North Dakota business and tourism.	PA but train and hunt in ND	Sometimes
73.	Wyatt and Ty huffman	My parents train in Counbus north Dakota. Please do not pass this bill!! Our dogs find alot of birds in the 2 months we train and they are never harmed!!		
72.	David Diebold			
71.	craig merlington			
70.	Bobby Kirk		NC	Sometimes
69.	Josh Sutherland		UT	
68.	Dr. Paul James	I am a professional biologist and there is NO evidence that the training and trialing of gun dogs has any effect on game bird populations.	Saskatchewan	No
67.	Preston A. Trimble		Oklahoma	Dog & Horse owner
66.	Mark Spaeth		Oklahoma	
65.	Robert Thomas		Alabama	No
64.	Roger Boser D.V.M.		Pa.	
64.	Roger Boser		Pa.	

D.V.M.

63. Louis Qualtiere

62. Donovan Bradshaw

61. John George

60. Adriane Bradshaw

59. Tim Tufts

58. glenn conover do not pass

57. larry vincent

56. Robert Q. Shelton

55. Dan Hendrickson

54. orville Williams

53. Mazie Davis

52. Dale Hernden

51. Colvin Davis

Pro Trainers and their visitors contribute thousands of dollars annually to the surrounding communities by purchasing fuel, groceries, housing, dog related products, horse related products, and many incidentals. By passing this bill, you will be sending the money to Canada or S. Dakota

The northern prairies have been a major part of the birddog world for over a hundred years. We as our northern neighbors take pride in this. The money that is spent by dog trainers and their guests each summer is very noticeable in these communities. With all the things going wrong in our country with the economy why in the world would there be a bill trying to make such a major negative impact on a man trying to make a honest living and why would anyone want to hurt the economic situation in the small northern communities of the Dakotas?

North Dakota is a unique place in the world of sporting dogs and I'm certain the sport participants bring millions of dollars to the local economies and tourism to the entire state.

Training dogs on the prairies of the north has been a part of communities in the Dakotas for over a hundred years. There have many friendships formed through these years that have endured time. The revenue the dog trainers bring into each of these communities are noteable. Most dog trainers are just

OK

OK

montana no

Oklahoma no

Texas No

NC yes

Alabama

Michigan

Alabama

I train with my husband in Manitoba , Canada

No

I train in Manitoba , Canada and have since 1964.

good hard working people trying to make a living just like anyone else in this country who has a job. With our economy in such a strain it seems that taking away more jobs and extra revenue in northern communities would be a mistake. I certainly hope this bill is seriously considered before voting on it occurs.

50. Paul J. Tutro
Michigan
No
There is no logical basis for a change. I am certain the local communities like the extra revenue out of state trainers bring. Especially in these hard times.
49. g thomas
blankenship
48. Biz Chanin
Colorado
47. Grace Anne
Lawson
VA
no
I send dogs with a pro trainer to ND every summer, and often come out to visit for a week.
46. Edward J.
Myers
Mt. Vernon, Iowa
Amateur
trainer
45. Austin Bryant
Oklahoma
formerly
I spent several summers as a helper in Allen Vincents camp starting at age 12 (9 years total) this legislation would make it impossible for young boys like I was to have an adventure they will remember the rest of their lives as training would not even start before they would have to be back to school. I look forward to returning to North Dakota someday to train dogs and be with the many good friends I have made over the years.
44. Ruth Morton
Georgia
Yes,
assistant
43. Charles
Morton
Georgia
Yes
42. Robert G. Gum
Oklahoma
41. Joseph Cassar
40. Carson Y.
Foster
Michigan
I strongly concur as I send my dog for training in North Dakota.
39. Rick Carlisle
Tennessee
No
I have traveled to ND many times during the past 18 years either working with trainers from the South or judging bird dog trials taking place in ND. The relationship between landowners and trainers has always been very good.

Trainers I have been associated with are excellent stewards of the land. They do not take birds for any reason. They are conservationist and try to improve the bird populations as well as native habitat. Their financial contribution to the small rural communities help keep many of them stay alive and well. It would be ashamed to damage this very fruitful relationship!

Saskatchewan & Alberta have studied this issue of impact on our wildlife resource by bird dog training following 3 weeks after the usual date on which hatching is normally done, and each has determined that there is no apparent harm to our gamebird resource.

38. Bill Preston,
Q.C.

Saskatchewan No

37. Chris Kahlan

36. James W.
Crouse

Kentucky No.

35. Joe Worsham

I am an amateur trainer and spend several days in ND working my dogs each summer - - I love your state and the opportunities that are afforded my young dogs to develop . The past several years has been especially good with lots of native game birds. I do not feel that these activities have a negative effect on native populations.

Missouri No, only stay for a few days

34. gerald kolter

I have been training in ND for 15 years and there are more game birds now than when we started. We, along with all the other dog trainers, contribute many dollars to the rural economy in term of rent, gas, food and other expenses we pay while training in ND.

MN YES

33. Gene Mason

No, I am an amateur who spends time training dogs and hunting in ND every

32. Chris Mathan

Maine

			year
31.	Kate Weil Morton	GA	
30.	Stephanie Geddings		
29.	Bob Vincent		
28.	Stefanie Meinhardt		
27.	Billy Wayne Morton	GA	Yes
	I have been going to the same grounds for 14 years. The land owners have become very good friends and have always encouraged my working there. The bird population last summer was as good or better than I have ever seen it.		
26.	Lance Schulz	ND	Yes
			I join another Trainer that is in Tioga ND for 3-4 months. I train during Sept. on his grounds.
25.	Scott Bodenstab	TX	
24.	Nora Blay		No
23.	Greg Morgan	KS	
	I have sent dogs with professional trainers and visited to train dogs		
22.	Dennis Sentner		NO
21.	Lonnie Whiddon	Texas	No
20.	Daniel R. Hensley	Oklahoma	
19.	Richard L. Stroup	PA	no
	I have had dogs trained in ND and hunted ND.		
18.	George R. Noren MD	Minnresota	No
17.	Ms. Michel Bernier	Wisconsin	no, I've sent dogs with trainers
16.	Larry Anderson	Texas	No
15.	Gunnar Graven	Kentucky	

- | | | | | |
|-----|-------------------|--|---------------|---|
| 14. | Mark Wasserman | | | Yes i lease and own property in dunn county |
| 13. | blake kukar | I am a ND landowner | Tennessee | |
| 12. | Skip Cobb | I have summered in the Columbus area for the last ten years and there has been a marked increase in the gamebird population in that time | oklahoma | yes |
| 11. | Allen Vincent | We have trained on the same landowners for over 25 years with no problems, bird population last year was at a ten year high | Oklahoma | Yes |
| 10. | Kay Ingle | | | |
| 9. | Laurie Wonnell | | | |
| 8. | Ross Leonard | I believe this bill, if passed, will have severe negative economic consequences for the rural communities that have come to rely upon the dozens (if not hundreds) of bird dog trainers, field trialers, hunters and other guests that visit each summer. I can't imagine why legislators would want to discourage these mutually beneficial arrangements. Please consider conducting an economic impact study before making any decision. | Georgia | I'm an amatuer trainer that has visited North Dakota regularly for the past five years. |
| 7. | john pomante | | | |
| 6. | Frank Thompson | | GA | no |
| 5. | Mark Pfeifer | Ask the landowners that host trainers and you will find they are welcome guests. | North Dakota | Amateur |
| 4. | Allen Fazenbaker | | Ohio | yes |
| 3. | Bill Holtan | | ND | |
| 2. | Brian D Breveleri | To whom it may concern -- Please note these Pros and hunters add millions to an already failing economy. Lets look outside the box. Please reconsider this bill. | Massachusetts | Yes I am trainer. I do not train there but many of my clients |

enjoy
hunting
these
areas with
there
dogs...

1. Thomas
Nygard

I spend several weeks a year in and out of North
Dakota and eastern Montana and leave a fiscal
footprint in small rural towns across western and
northern North Dakota. This is an unfortunate
attempt that would dramatically affect small
rural communities in North Dakota.

Montana

No

Attachment #6

Mr. Chairman, members of the Natural Resources Committee,

Good Morning,

My Name is Jim Collins Jr.

Today I will be offering my comments on behalf of an individual who is unable to be here because of health reasons.

Thirty years ago legislation was written to establish guidelines for professional dog trainers in North Dakota. This legislation has withstood the test of time, protecting North Dakota's wildlife while allowing professional trainers to practice their livelihood. These professionals have built many relationships and added dollars into local economies.

I would like you to consider three points concerning the proposed changes to the thirty-year old law. Moving the date to August 15, in effect:

- ✓ Will result in the loss of the right of the landowner to invite/allow a professional trainer to utilize his/her property. Subsequently, having a significant financial impact to the landowner and the community.
- ✓ This will result in 30 days of lost training which means my dog will not be ready on opening day because of the shortened training time for the professional trainer to train my dog. Most professionals bring several clients' dogs with them, not just one or two. Fewer training days equals fewer dogs and fewer clients served.
- ✓ The argument that there is concern for the wildlife is not legitimate because it is the consensus that nesting season is completed by mid-July. For example, the no mowing provision applicable to roadside ditches before July 15th.

In conclusion, I urge you to give HB 1499 a "Do Not Pass" recommendation.

Thank you for your time.

Respectfully,

Jim Collins Jr.

OPPOSING HB1499

Chairman Porter and Members of the Committee:

I oppose House Bill 1499, for while it is common knowledge that a hunter's best chance for getting that special dog, that ice breaking, bird finding, dog of a life time is by picking a puppy from parents proven through competitive evaluation, it is also common knowledge that certain individuals to anti-hunting organizations will vilify hunting dogs and hunting dog trainers, and this bill appears to be based on that hostility and not fact.

Often sighted by the theorist is that game birds are captured during training. If any of these experts would have ever trained a hunting dog they would know that catching a wild bird is like finding gold in the Granville sand hills.

Not only are most of the fears associated with bird dogs unfounded, but the perpetuation of the myth chops away at the tree that fruits stronger, faster, and smarter dogs. This tree is old with deep roots in North Dakota where it has yielded some of the finest retrievers, flushers, and pointers in the world. National Geographic might not think much of Northwestern North Dakota, but the land of wind and grass is hallowed ground to the pointing dog fraternity as is Horseshoe Lake on the Des Lac to the retrieving fraternity, and the CRP around Menoken is to the men and women who run springers and cockers.

Tradition aside the real argument stopper is that a well trained hunting dog from quality stock is game conservation defined. Tom Roster, an expert on shot loads and crippling potential noted during a steel shot study on pheasants that the dogs kept the crippling loss low at just 12.2 percent compared to some waterfowl tests that observed over 30 percent (Craig Bihre, 1999 ND Outdoors). To put this into perspective in North Dakota 907,000 pheasants were harvested during the 2007 season. A crippling loss improvement from 30 to 12.2 percent would have conserved over 150,000 roosters in North Dakota alone.

Everyone enjoys the colorful character who entertains us with folklore about northern pike shedding their teeth, big foot, and the bird dog that consumed the hatch, but in the end we must turn to the science and the science says that breeding the best hunting dogs, training them well, and providing places and opportunities to test them is not only in the best interest to the wildlife but to the hunter as well. So please, for the men and woman of North Dakota who cannot imagine a hunting season without an exceptional hunting dog do not recommend HB1499 for passage.

Thank you for this opportunity.

Peter N. Wax
909 West Avenue B.
Bismarck, ND 58501
701-222-8940
sniesar@msn.com

Attachment # 8

Natural Resource Committee Hearing

HB 1499

My name is Patrick Becker; my family has ranched in Sioux County for over 60 years. I rise in opposition of HB 1499. I believe the intent of this bill is to eliminate the training of dogs in North Dakota by out of state dog trainers. There is absolutely no substance to the claim that dog training hurts the bird population by any significant amount.

I have had the same group of dog trainers on my land for 14 years and I know for a fact I have as many birds as I have ever had. Severe winter weather is harder on bird populations than anything else.

I charge nothing for the use of my land to train dogs, just as I have never charged a hunter to hunt on my land, and I have never said no to a hunter that has asked. The dog trainers work hard to develop a relationship with landowners, they help us move cattle and if we are working cattle they pitch in to help. They've stood with us fighting prairie fires however long it takes. I have never had any hunters do any of this.

I live in an area of declining population that is starving for an economic stimulus. It is better to have the dog trainers here for 90 days helping the local economy, than no one at all. I know moving this date to August 14th will stop the dog trainers from coming as they must return home on around September 1 of each year.

It makes no sense to me that groups can have so much influence that they can affect legislation on what happens on other people's private property.

I think back to the drought in 2008, many counties were so dry the emergency haying and grazing of CRP was triggered. Yet this was challenged and a judge blocked CRP use, thousand of cattle had to be sold in western North Dakota. There is something wrong when the people trying to make a living off the land, land they own or rent are effectively trumped by people who want to use this very same land for recreation.

I know if I dried out and what happened in 2008 happened to me I would have no hunting signs everywhere forever.

HB 1499 needs to fail, if it passes what is next, a bill that tells me I cannot cut my alfalfa on June 1st because there are too many birds in danger. It's probably not as far fetched as it sounds.

A.T. Tachment # 9

FEB. 4, 2009

GOOD MORNING MR. CHAIRMAN AND COMMITTEE MEMBERS.

MY NAME IS PETE FAGERBAKKE. I RESIDE IN NORTHWEST ND, THE SMALL TOWN OF NOONAN. I AM REPRESENTING MYSELF AND OPPOSE HOUSE BILL #1499.

OUR IMMEDIATE FAMILY MEMBERS, ALONG WITH BEING TENNANTS, INFLUENCE 12,000 ACRES.

PROFESSIONAL DOG HANDLERS HAVE BEEN ON OUR PROPERTY FOR 25 YEARS. GOOD NEWS: BIRD POPULATIONS HAVE BEEN STEADILY ON THE INCREASE FOR THE PAST FEW YEARS. THE YEAR OF 2008 HAS BEEN THE BEST SINCE THE 80's.

MONDAY, I STOPPED BY OUR FISH AND GAME OFFICE. THEY STATED THAT THERE IS NO SCIENTIFIC EVIDENCE THAT TRAINING DOGS AFFECTS BIRD POPULATIONS. I CONTACTED PHEASANTS FOREVER-ALL CONTACTS I MADE STATED NO STANCE ON THIS BILL. DUCKS UNLIMITED STATED THE SAME POSITION.

CHANGING THE DATE TO AUG. 14 WOULD ELIMINATE TRAINERS FROM COMING TO ND.

COLUMBUS ND IS A SMALL COMMUNITY THAT ASSISTS ALAN VINCENT, A PROFESSIONAL DOG TRAINER, IN HOSTING TWO NATIONAL QUALIFYING TRIALS:

- 1: THE NORTH DAKOTA CLASSIC
- 2: AND THE DR. HAWTHORNE CLASSIC

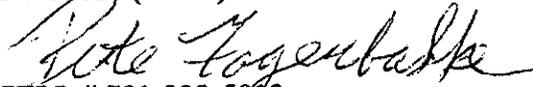
THE COLUMBUS TRIALS BRING APPROXIMATELY 18 HANDLERS AND THEIR ASSISTANT'S FROM ALL OVER THE U.S. AND CANADA. ALONG WITH FAMILY MEMBERS, JUDGES, DOG OWNERS AND SPECTATORS. THIS "MINI-HARVEST," FOR THE SERVICE RELATED BUSINESSES IN COLUMBUS AND SURROUNDING AREA, IS EXCELLENT FOR THEIR BOTTOM LINE.

ON THE LIGHTER SIDE, IF WE COULD LEGISLATE AWAY THE AUTOMOBILE, RED TAIL HAWKS, PRAIRIE FALCONS, FOX, COYOTES, RACOONS AND SKUNKS, WHICH WE KNOW THESE ENTITIES DIRECTLY AFFECT BIRD POPULATIONS.

(OVER)

IN CLOSING, MR. CHAIRMAN AND REPRESENTATIVES OF THE NATURAL
RESOURCE COMMITTEE. AS A PROPERTY OWNER, AND A SUPPORTER OF
SMALL BUSINESS, A DECISION OF "DO NOT PASS" ON HOUSE BILL #1499 IS
REACHED.

THANK YOU,
DWIGHT (PETE) FAGERBAKKE



CELL # 701-339-5013

RESIDENCE # 701-925-5672

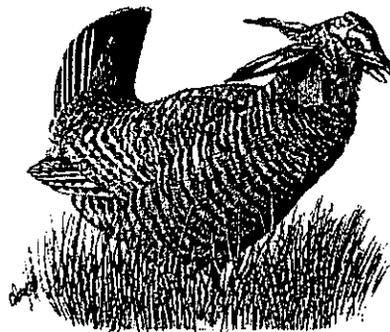
Licensed Dog trainers in North Dakota

	Resident Professional	Non-Res Amateur	Non-Res Professional
2008	15	22	38
2003	4	23	37
2001	4	19	36
1999	4	15	28
1992	5	18	25

GAME REPORT

Spatial Ecology, Land Use, Harvest, and the Effect of Dog Training on Sympatric Greater Prairie-Chickens and Sharp-tailed Grouse on the Fort Pierre National Grasslands, South Dakota

Thomas R. Kirschenmann



South Dakota
Department of Game, Fish, and Parks

Wildlife Division
Joe Foss Building
Pierre, South Dakota

Completion Report
2008-08

Dog Training

Overall, we found no evidence to suggest that dog training had negative impacts on either sharp-tailed grouse or prairie chickens on the FPNG. Hicks (1982a, 1982b) found that chick survival was lowered due to these activities in Canada; however chick survival in our study was very high, never dropping below a 0.92 survival rate during the dog training time period. The main reason for no impact on chick survival can probably be attributed to the fact that average chick age at the beginning of dog training was 55 days. At this point, young of the year birds are more apt to withstand numerous flushings from training activities without having a negative impact on survival.

Although some sportsmen felt prairie grouse on the FPNG were more wild (Gigliotti 2000), our data did not support these assertions, as analysis of avoidance characteristics (flushing and running) did not reveal any differences between birds on areas open to dog training compared to those on closed dog training areas. Findings within the data did suggest adult birds responded much quicker than young of the year, thus a population with a higher adult ratio may show signs of being "more wild"; potentially lowering hunter success.

Evaluation of 5 different criteria on areas open and closed to training activities (chick survival, brood break-up, avoidance characteristics, movements, proportional area shared) indicated that dog training by horseback was not having a significant negative impact on sharp-tailed grouse and prairie chickens on the FPNG, although a few differences were found between the two species. However, the one variable that was not measurable was the actual training pressure (number of trainers per day, per weekend, per area) during the study. In 2004 and 2005, aerial surveys were conducted over the open training area on days when weather conditions permitted, plain availability, and staff availability. Overall, aerial surveys estimated that training pressure by horseback was 2.18-2.54 horse trainers/flight days. These are more than likely conservative estimates as some training may have been concluded by the time flights were conducted, especially on extremely hot days. Anecdotal observations indicate that many trainers concentrated on specific areas because of access trails, camp sites, and known concentration of birds. Prairie grouse in these areas may have been affected to a greater extent than birds found in more isolated areas amongst the FPNG. It would be recommended that further evaluations determine the true training pressure and the potential impacts on grouse in these popular areas, or consider dividing the FPNG into smaller units and designate a specific number of training permits for each unit to effectively distribute the training pressure within the FPNG.

Since the conclusion of field work, results were provided to the South Dakota Game, Fish, and Parks Commission to help in the decision making process of whether to continue the allocation of dog training permits on the three national grasslands in South Dakota. Multiple testimonies, both for and against, were given at a public hearing in April of 2006. A decision was rendered to allow a maximum of 30 free "dog training by horseback" permits per year; recipients determined

by submitting an application and selected through a random drawing process. The other added change to these specific permits was training activities would cease at noon.

Dog Training Recommendations:

1. At minimum, maintain the current restrictions in respect to horseback training activities (maximum of 30 permits, halt training activities at 12p.m., train on Fridays, Saturdays, and Sundays only for the allotted training time frame, and no more than 4 dogs trained in any one day).
2. Our study found no impact on chick survival, however it would be justifiable to consider a later start date (August 15) for the years when environmental conditions create the situation where re-nesting is at higher than normal rates.
3. Although sharp-tailed grouse and prairie chicken populations are relatively stable, any substantial decline in prairie grouse numbers should be considered when allocating future horseback training permits.

THE EFFECTS OF DOG TRAINING ON SHARP-TAILED GROUSE IN MANITOBA

by

David L. Hicks

A Practicum Submitted
in Partial Fulfillment of the
Requirements for the Degree
Master of Natural Resources Management

Natural Resources Institute
The University of Manitoba
Winnipeg, Manitoba, Canada
January, 1992

Chapter 8

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

8.1 SUMMARY

For over 50 years, professional American bird dog trainers from the southern United States have been coming to Manitoba to train pointing dogs on public and private land. Sharp-tailed grouse have been used in these training activities as the dogs are groomed for field trial competitions across North America or for hunting expeditions. More recently, there have been concerns expressed by some individuals that dog training on sharp-tailed grouse may negatively impact bird populations.

The purpose of this research was to (1) acquire preliminary biological data regarding the impact of dog training on local populations of sharp-tailed grouse in Manitoba; (2) to document the historical aspect of dog training in southwestern Manitoba; and (3) to recommend management strategies for dog training on native game birds in Manitoba.

Professional American training activities were observed in the southwestern corner of the Province. Training activities were simulated through the use of study dogs that were used throughout the two year project. Comparisons in brood size were made between broods disturbed by training activities and those left undisturbed. Historical dog

training literature was recorded in addition to the perceptions of interested landowners, biologists and other individuals in the Province. Legislation encompassing dog training activities across North America was examined. From these data, conclusions were drawn and recommendations were forwarded to assist resource managers in regulating professional dog training in Manitoba.

8.2 CONCLUSIONS

8.2.1 Primary Impact

This study has suggested that the disturbance of immature sharptails, through dog training activities, has a negative impact on brood survivability. After comparing the number of sharptail chicks in disturbed and undisturbed broods in similar brooding habitat, chick numbers appeared to decline at a higher rate within disturbed broods as compared to control broods throughout the course of the two-season investigation.

8.2.2 Sharptail Mortality

There are many factors which influence the survivability of immature sharp-tailed grouse. These include habitat loss, predation, inclement weather and starvation/poisoning. This study has not determined the overall impact of dog training on localized populations of sharp-tailed grouse but has suggested that dog training is an additional mortality factor that young sharptails must contend with during their

HB1499

March 5, 2009

REPRESENTATIVE ED GRUCHALLA

TESTIMONY

DIST. 45 FARGO, ND

MR. CHAIRMAN AND MEMBERS OF THE NATURAL RESOURCES COMMITTEE.

I AM HERE TO INTRODUCE HB1499. THIS BILL EVOLVED OUT OF THE CONCERNS OF SOME ND RESIDENTS THAT PROFESSIONAL DOG TRAINERS ARE USING WILD GAME TO TRAIN THEIR DOGS.

THEY DO THIS TRAINING USING HORSES TO FOLLOW THEIR DOGS. THE USE OF HORSES ALLOWS THEM TO COVER MANY ACRES IN A SHORT AMOUNT OF TIME AND COME INTO CONTACT WITH MANY BIRDS.

IF THIS TRAINING IS DONE WHEN THE BIRDS ARE VERY YOUNG AND CANNOT FLY AND KEEP UP WITH THEIR MOTHERS IT MAY LEAD TO A BREAKUP OF THE FAMILY UNIT.

THIS HARASSMENT MAY BE DETRIMENTAL TO THE FAMILY UNIT AND CAUSE HARM TO THIS RESOURCE.

WHEN THIS BILL WAS INTRODUCED IN THE HOUSE IT MOVED THE STARTING DATE FOR THIS ACTIVITY BACK A MONTH TO AUGUST 14. THIS DELAY WOULD GIVE THE BIRDS MORE TIME TO MATURE AND KEEP UP WITH THE FAMILY UNIT.

THIS SEEMED LIKE A SIMPLE REMIDY TO THIS SITUATION. HOWEVER, DURING TESTIMONY WE LEARNED THAT THIS ACTIVITY WAS MUCH MORE WIDESPREAD THEN PREVEOULSY KNOWN. JUDGEING FROM THE AMOUT OF PUSH BACK RECEIVED AT THE HOUSE HEARING THIS IS BIG BUSINESS.

THIS BILL IN IT'S AMENDED FROM IS NOT SUPPORTED BY THE SPONSORS OR THE HUNTERS THAT ARE CONCERNED ABOUT THE DEGRIDATION OF THIS PUBLIC RESOURCE.THE AMMENDED VERSION KEEPS THE STARTING DATE AT JULY 14. IT ALSO ALLOWS THE TRAINING OF DOGS USING WILD BIRDS YEAR ROUND WITH THE PURCHASE OF TEN DOLLAR PERMIT.

I HAVE AN AMMENDMENT THAT MOVES THE STARTING DATE TO JULY 22. THIS IS A COMPROMISE AND MOVES STARTING DATE BACK ONE WEEK TO JULY 22. THIS SHOULD GIVE THE YOUNG BIRDS ONE MORE WEEK TO LEARN TO FLY AND KEEP UP WITH THEIR MOTHERS WHEN THE HERDS OF HORSES AND DOGS COME AFTER THEM.

THANKYOU FOR LISTENING AND I WILL STAND FOR QUESTIONS, KEEPING IN MIND THAT I DO NOT HAVE A DOG IN THIS HUNT.

N-D Outdoors SEPT 07

DOGS IN THE FIELD

FROM BOTH SIDES

In 1919, North Dakota legislators outlawed the use of dogs for hunting upland game birds.

Today, during a time when many hunters own dogs, and a good share of those who don't own dogs are thinking about getting one, it seems a drastic move that is difficult to understand.

On the other hand, North Dakota's wildlife picture was much different 90 years ago. Following decimation of big game populations by the late 1880s, prairie chickens, sharp-tailed grouse and waterfowl were about the only things left to hunt in North Dakota. Up until 1910 or so, prairie chickens seemed an inexhaustible resource, but later in the decade their numbers had dwindled to a point where people demanded action.

This same sense of urgency also led to the introduction of ring-necked pheasants and Hungarian partridge, but legislators felt eliminating use of dogs would reduce harvest and give upland game birds more of a chance. The law did not apply to waterfowl hunting.

In addition, according to the second edition of the book "Feathers from the Prairie," published by the Game and Fish Department in 1989:

"... wealthy eastern and southern nonresident professional dog trainers traveled great distances to work their purebred dogs on prairie chickens and waterfowl. The general public was critical, perhaps jealous, of these groups of men and hastened to pass laws curtailing their activities."

The general consensus of the North Dakota citizenry at the time is summed up in "Feathers from the Prairie," by H.V. Williams of Grafton, who was a prominent taxidermist and conservationist:

"During the years when the hunting dog was used the chicken decreased in numbers quite noticeably until they became very scarce. Added to the dog was the increase in the acreage of land put under cultivation, causing the destruction of their nesting grounds; but since the dog was prohibited and with the increase in the growing of alfalfa and like crops, this grand bird has made great strides towards increasing and is now rapidly coming back to former numbers ... the state legislature passed the law prohibiting the use of so-called bird dogs and limiting the bag to five birds a day, and this fact alone meant the salvation of the Pinnated Grouse, which had no show whatsoever against the combination of dog and magazine shotgun."

The North Dakota Game and Fish Board of Control, which was reorganized to become the state Game and Fish Department in 1930, had this to say in its 1919-20 biennial report:

"It is conceded by everybody that the grouse and prairie chickens were never more plentiful than they were the past two seasons and all true sportsmen together with a good many of those who at first opposed the law now are agreed that the bill cutting out the use of dogs was one of the most far-sighted pieces of legislation ever passed by a North Dakota legislative assembly for the conservation of game and should never be repealed if we want the growing generations to enjoy this game bird."

Keep in mind, this passage was written some 20 years before the Game and Fish Department hired its first college-educated wildlife biologist. Almost certainly, H.V. Williams' reference to the amount of land put under cultivation was primarily responsible for the prairie chicken and sharp-tailed grouse population decline.

In time, wildlife professionals eventually convinced legislators and citizens that habitat destruction was the real culprit in game bird population declines and that dogs were a conservation benefit, rather than a detriment, because of the wounded birds they could recover.

In 1933 state law was changed to allow spaniels or retrievers to retrieve (but not point or flush) upland game birds for hunters. Pointers and setters were still not allowed in the field at all.

In 1943, when North Dakota was the only state in the country where dogs were illegal, the legislature repealed the prohibition. This came at a time when pheasant and partridge populations were exploding and hunting opportunities were once again plentiful, even though prairie chickens were almost down to their last hunting season.

For a couple of years before that, Game and Fish Department administrators openly lobbied for the legislature to overturn the law, citing the dog's role in recovering wounded birds as important to conservation. Game and Fish deputy commissioner J.E. Campbell wrote in *North Dakota OUTDOORS* in December, 1942:

"... will any right-minded individual put forth just one good and sufficient reason why any sportsman should be deprived of the use of his dog in helping him secure his daily bag limit?"

Since 1943, the use of dogs for hunting has not been an issue. Wildlife management now focuses on habitat, and hunting seasons and bag limits are developed based on scientific research. Dogs are welcomed and revered partners that truly do add to the hunting experience.

What has resurfaced as an issue, however, is the aspect of dog training in the field, both by professionals and individuals, as well as field trials or competitions. It's not that these activities are necessarily harming local bird populations, but they have generated numerous complaints in recent years because of their perceived impact on public wildlife and other resources.

In the early 1900s, because of its plentiful upland game, North Dakota was a destination for professional dog trainers. Long before outlawing dogs for hunting, the state legislature restricted when individuals and professionals could have their dogs in the field. At first it was April or May through August 15.

The obvious reason for this is so dogs are not interfering with upland game or waterfowl breeding and brood-rearing. After mid-August, most upland game broods can fly and escape working dogs.

The 1919 law that banned use of dogs for upland game hunting also prohibited dogs in the field between April 1 and November 1, which effectively eliminated dog training.

In the years since, rules for dogs in the field have changed. The legislature relaxed the date on which dogs were again allowed in the field, first to August 1, then to July 14 in 1967. In 1975 the legislature established most of the current laws relating to hunting dog training. These include:

- Professional trainers are not allowed in the field between April 1 and July 14.
- Individuals may train their dogs from April 1-July 14, provided they have permission from private landowners; no wild birds are captured or killed; and the training is not on a state wildlife management area or federal waterfowl production area.
- Individuals may train dogs on state wildlife management areas after August 15, but professional trainers are not allowed on WMAs. Field trials on WMAs require a Game and Fish Department permit.

An individual dog owner or trainer can release pen-raised birds outside of proclaimed hunting seasons, but only as prescribed by Department rules and regulations. The same is true for some trials.

However, nowadays pheasants especially are so widespread that just about anywhere that pen-raised birds are released there is a chance of wild birds in the vicinity. While people must mark the released birds with colored, fluorescent ribbons attached to legs that are easily identifiable in flight, it is well known by game wardens and biologists that a small number of wild birds are



It's hard to believe, but there was a time in North Dakota when it was against the law to use dogs when hunting upland game birds.

accidentally taken during personal and professional training exercises, and during field trials.

The concern is that wild birds are public resources and should not be at risk outside of a state-regulated hunting season, particularly by large-scale commercial ventures that are again settled on North Dakota as a prime location for dog training.

Game and Fish has for many years allowed field trials on a few designated wildlife management areas, but has received complaints from people who were disappointed to find one of these WMAs crowded with dog trial competitors on an opening day of a season.

The message in this Both Sides essay is simply to communicate that the Game and Fish Department is aware of these concerns. Agency administrators are looking into the extent of the concerns to determine if changes in current policy are warranted.

What do you think? To pass along your comments, send us an email at ndgf@nd.gov; call us at 701-328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.

FROM BOTH SIDES

Ladies and Gentlemen of the Committee:

My name is Sherry Ebert and I am a dog trainer and resident of Mott. I came here today to speak to you on behalf of a good number of resident and nonresident dog trainers. I have been training dogs for 45 years. I came to N.D. 17 years ago to find a spot that I could train in in the summer. I found a really nice spot in Hettinger County and the next year bought it and moved to Mott. I have been here ever since this is my home my family is all here now. I make my living at being a dog trainer here if this bill goes through and the dates change my livelihood is at risk.. As you know there is very little time in the warmer months to get your work done in N.D. If I lost 30 days from my work I'd be shot in the foot. For some of us the summer months of training are our money months like a farmer you have to make hay when the sun shines. It is the best time of the year for the trainers from the south to come north as the weather conditions in the south are not conducive for the dogs. If we were to loose a month of training time that would be a month of training money and who can afford to loose a month of salary. The small percentage of dog trainer's dogs that come into contact with the vast number of birds in N.D. in the 3 months they are here is a drop in a bucket. Last year there were 38 non-resident professional license, 22 non-resident amateur license and 15 resident licenses sold in the state. How can these people and their dogs have any impact on the game? We do not want to do anything to hurt the bird population as it is our living. We need the birds to train on to make a living. We do everything we can to help the game birds survive. This year alone I have purchased 20 tons of millet and 13 tons of oats bales to put out for the birds since we are having such a bad winter. Also I know of 3 trainers and myself that during training we do not use the same piece of ground more than once a week. It is not good for our dogs to get use to a certain piece of ground; they don't run their pattern well and you can not win in competitions like that so I would think that the other trainers that I do not see all the time would be doing the same thing. It seems to me we have more birds this year even after a bad winter and all the hunting. I see more dead on the road than I ever have.

Dog trainers spend a month or more in the yard teaching their dogs to point. In order for the handler to get to the birds to be close enough to shoot, if you are hunting or in a competition situation, flush the birds, the dog must stay still. We do not want the dogs to chase the bird, that is why we spend all this time in the yard before we get to the running in the field. The dogs point the bird; we flush the bird, shoot a blank pistol, then go to the dog and collar him and walk away. Then he or she is turned loose to go find another. We do not dwell on the same spot or the same covey of birds. And we certainly do not kill any birds. I also know that their can always be a bad apple in the barrel but I think the Game and Fish have done a great job in dealing with the individuals and not blaming everyone in the same profession.

I believe the starting date for the training of dogs in the state of N. D. was brought into legislation 34 years ago and has been July 15th since; it was set up by the state game and fish as being the best date for the livelihood of the game. So what has happened between now and then to change things? I would think that the Game and Fish did extensive research on the subject before deciding on that date. If the date is changed to Aug. 15th the out of state trainers will not come to N.D. to train as it does not give them enough time to prepare their dogs for the competitions. The competitions usually start in N.D. on or about Aug. 17. They also bring in many people from all over to see their dogs

compete. The Field Trials only started in N.D. after the dog trainers started to come here and train. If you don't have the trainers here the trials will fade away also.

During the summer months when we are in full swing training dogs we have allot of owners and customers come to our kennels to see their dogs. All of these people stay in the local motels, eat at the restaurants, go to the grocery store, get gas at local stations and go to many other shops in town. Just about every person that comes to my kennel goes to Medora for a day or so. They also like to take their vacation with their family while they are here on business. What I am trying to say is that they spend money in our small towns and I think that makes a difference. This is not including the monies that come into the state via training licenses. There was an article on my kennel in the 2008 Southwest N.D. Tour Guide and I could not believe the out of state people that picked it up at different locations and came by just to see all the dogs and horses. Mott, Regent and New England are small towns and I would like to think that all the extra bodies help to contribute to the well being of the towns.

We appreciate the landowners that let us train on their land and many of the people that come up from other states have become life long friends. Some have been coming here for 16years or more and are like family. Allot of the trainers that come either have to leave their family's home or their family must go home early to put their children in school so it is not an easy thing for them to come 1000's of miles from home it is a necessity for their livelihood. They go to family events here and join in the community events that take place in the summer months. I know of some that have donated monetarily to events or schools, to volunteer firemen groups and other local groups. I sure would hate to see all this come to an end. Thank you for you time.