

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

JUDICIARY B COMMITTEE

Tuesday, April 2, 2002
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Lois Delmore, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Lois Delmore, David Drovdal, G. Jane Gunter, Lyle Hanson, Dennis E. Johnson, William E. Kretschmar, Jon O. Nelson, Todd Porter, Dorvan Solberg, Elwood Thorpe; Senators Dennis Bercier, Michael A. Every, Thomas Fischer, Tom Trenbeath

Members absent: Representative Curtis E. Brekke; Senators Ben Tollefson, John T. Traynor

Others present: See attached appendix

It was moved by Representative Drovdal, seconded by Representative Kretschmar, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.

TRUSTS FOR INDIVIDUALS ON GOVERNMENT ASSISTANCE

At the request of Chairman Delmore, committee counsel reviewed the work of the committee on the study of trusts for individuals on government assistance. He said this area of study includes two studies--Senate Bill No. 2187 and Senate Concurrent Resolution No. 4032. He said Senate Concurrent Resolution No. 4032 is a study of exempting funds set aside in a trust for a child's education when determining the child's eligibility for certain human services programs. He said the only eligibility issues arise in the temporary assistance for needy families (TANF) program. He said if an educational trust created by a person not in the household is properly drafted, there should not be a TANF eligibility issue. He said Senate Bill No. 2187 directs a study of trusts for individuals with disabilities. He said a statute is not needed to create special needs trusts or supplemental needs trusts. He said these trusts are being used in this state. He said the committee may want to consider a statute as a means of making these trusts known to attorneys or the public. He reviewed the testimony already received by the committee.

At the request of Chairman Delmore, committee counsel presented a second draft of a bill draft on trusts for individuals with disabilities. He said the main substantive changes were in Section 4 of the bill draft, through the creation of subsections 2 and 3. He said subsection 2 relates to a contingent beneficiary in a third-party special needs trust not disqualifying a

disabled individual from public benefits. He said subsection 3 allows court reformation to accomplish the purpose of the trust. He said Minnesota, Iowa, and New York have similar statutes. He said the bill draft is very similar to Minnesota's law.

Mr. Matt Schwarz, Bismarck, presented testimony in support of the bill draft. He said the bill draft would aid him in estate planning.

In response to a question from Senator Trenbeath, committee counsel said previous testimony included statements that reformation is already an equitable remedy; however, all legal remedies must be exhausted before a court allows an equitable remedy. He said previous testimony included statements in support of the reformation language to streamline the legal process.

Senator Trenbeath said subsection 3 of Section 4 of the bill draft on reformation appeared to have no legal significance because reformation is already a remedy. He said he did not think the reformation language changed anything.

It was moved by Representative Kretschmar, seconded by Representative Solberg, and carried on a recorded roll call vote that the second draft of the bill draft on trusts for individuals with disabilities be approved and recommended to the Legislative Council. Representatives Delmore, Drovdal, Gunter, Hanson, Johnson, Kretschmar, Nelson, Porter, Solberg, and Thorpe and Senators Bercier, Every, Fischer, and Trenbeath voted "aye." No negative votes were cast.

NO PAY/NO PLAY

At the request of Chairman Delmore, committee counsel reviewed the work of the committee on the receipt of the report from the Department of Transportation on no pay/no play. He said the report was received at the last committee meeting. He said the bill that created no pay/no play expires on August 1, 2003. He said the committee may ask for an expansion of duties from the chairman of the Legislative Council so that the committee may take action on the report.

In response to a question from Senator Trenbeath, committee counsel said the committee did not receive any information on the effect of the no pay/no play law on insurance premiums.

Representative Delmore said she would personally monitor the no pay/no play law during the next legislative session.

CENTRALIZED PROCESS FOR TRAFFIC VIOLATION ADMINISTRATION

At the request of Chairman Delmore, committee counsel reviewed the work of the committee on the study of a centralized process for administering noncriminal traffic violations. He said the committee received testimony in favor of a centralized process from the Department of Transportation, the Supreme Court, the Information Technology Department, and the Highway Patrol. He said the committee was informed that a centralized process would reduce the power of county clerks of court.

Ms. Lynn Heinert, Driver Improvement Services Manager, Drivers License and Traffic Safety Division, Department of Transportation, answered questions for the committee. In response to a question from Representative Kretschmar, Ms. Heinert said under a centralized process an individual would still appear in the county the citation was issued to challenge a citation.

In response to a question from Representative Delmore, Ms. Heinert said under 5 percent of citations end up in court.

In response to a question from Senator Bercier, Ms. Heinert said the department is working with the tribes to have violations reported to the department. She said there was a change in the law last session which allows the department to accept this information from the tribes.

FEES AND POINT DEMERITS FOR TRAFFIC OFFENSES **Review and Speed Limits**

At the request of Chairman Delmore, committee counsel reviewed the work of the committee on the study of fees and point demerits for traffic offenses. He said the Department of Transportation had suggested a change to clarify whether North Dakota Century Code Sections 39-06.1-12 and 39-06.1-13 on point reductions should run concurrently or consecutively. He said the committee has considered a bill draft to increase the speed limit and has taken no action on the bill draft.

Senator Bercier said consistent speed limits for day and night would be helpful to the drivers of this state.

Dr. Vinod K. Seth, Bismarck, presented testimony on the dangers associated with higher speed limits. His testimony was based on an article and table. The article showed an increase in rollovers from 1994 to 1997 from 7,280 to 11,460. He said if these numbers are corrected for miles driven, the rate of rollover deaths per 100 million vehicle miles traveled has increased from .297 to .479 from 1994 to 1997. He

said this would be an epidemic if it were a disease. He attributed these increases to the popularity of pickups and sport utility vehicles with a high center of gravity and higher speed limits. The table showed restrained passenger vehicle occupants killed by year. He said the percentage of people who died that were fully restrained has increased from 13 percent in 1988 to 26 percent in 1998. He said the reason the death rate for fully restrained individuals has doubled is because of the increase in severity of accidents. He said rollovers are a severe accident. In addition, he said, there are no supports in the roofs of pickups and sport utility vehicles. He said this makes it more likely that a tall person will be severely injured in a rollover. A copy of the article and table is on file in the Legislative Council office.

Dr. Seth said the noise created by vehicles increases with higher speed limits. He said a person with average hearing can hear the semitrucks driving down the interstate from 10 miles away. He said the increase in the speed limit increases gas consumption. He said the state should not promote increased gas consumption considering the state of affairs in the Middle East.

Bill Draft of Fees and Points for Speeding

At the request of Chairman Delmore, committee counsel presented a bill draft to create a singular point and singular fee scale for driving in excess of the speed limit. He said the bill draft creates a fee of \$5 for each mile per hour over the limit. He said the bill draft increases the point violations in five-mile increments over the speed limit and the increments are numbers that end in zero or five miles an hour over the limit. He said the previous point schedules increased points when an individual drove one mile over an increment that ends in zero or five.

Representative Drovdal said he requested the bill draft to make the fee and point system logical and simple. He said this bill draft has nothing to do with the speed limit bill draft. He said his intent is not to increase penalties but to create consistent penalties. He said it does not matter what speed limit is posted; the fee and point schedules apply to all speed zones. He said the points may be higher for one particular speed zone than they were before the bill draft. He said a person must drive 6, 11, 16, 21, etc., miles an hour over the speed limit for the points to increase under present law. He said his bill makes the change at the 5- or 10-mile an hour increment.

Colonel Jim Hughes, Superintendent, Highway Patrol, provided testimony on the bill draft. He said he previously suggested changes in the fee and point system which are clear, consistent, and provide a deterrent. He said the bill draft meets all of these requirements. He provided information previously requested on fatal traffic crashes by light condition and alcohol-related vehicle fatalities. He provided

handouts on these subjects. A copy of these handouts is on file in the Legislative Council office.

Mr. Keith Magnusson, Director, Driver and Vehicle Services, Department of Transportation, provided testimony on the bill draft. He said the bill draft fits well within the study and is a move in the right direction.

RETENTION OF ELK

At the request of Chairman Delmore, committee counsel reviewed the work of the committee on the study of incentive programs for retaining elk in this state. He said the difficulty with hunting elk on public land used for ranching or on private land is that elk cause a major amount of damage to fences and other depredation. He said the committee has reviewed the use of excess elk in elk farms, diseases carried by elk, depredation caused by elk, the interest in hunting elk, other state incentive programs, and hunting in the Theodore Roosevelt National Park.

Representative Drovdal said he is considering proposing a resolution to urge Congress to allow guided hunts within the Theodore Roosevelt National Park. He said placing elk outside the park on public land would be detrimental to ranchers because the public land is intermixed with private land.

Representative Nelson said the Game and Fish Department is investigating congressional change to allow elk hunting in the Theodore Roosevelt National Park. He said the best solution for excess elk is hunting in the park.

Mr. Roger Rostvet, Deputy Director, Game and Fish Department, provided testimony on the elk study. He said the Game and Fish Department has spoken with congressional aides about congressional action to allow hunting within the Theodore Roosevelt National Park. He said there will be major opposition from environmental groups to such a proposal. He said the National Park Service would oppose hunting in the park as well.

Mr. Russ Johnson, Alliance to Manage Elk in North Dakota, West Fargo, presented written testimony on the elk study. He provided a petition with more signatures in opposition to the periodic exporting of wild elk from this state. He said the number of signatures in total that have been given to the committee exceeds 4,000. He said a reasonable number of elk should be located on public land outside the park and more hunting opportunities should be given to hunt elk. He said elk should be relocated in lower numbers more often and to places within this state. He suggested a survey of last year's resident deer hunters to see what they want done with excess elk. A copy of the petition signatures and his testimony is on file in the Legislative Council office.

Mr. Wes Tossett presented testimony on the elk study. He said this state received the elk from other states. He said this state should return the favor and provide elk to other states. He said it appears this

state is taking an isolationist stance when it does not export elk and limits nonresident hunters.

Senator Bercier said a bighorn sheep license recently brought \$32,000. He said elk hunting could produce sizable revenue. He said the state may need diversity in breeding and the sharing of elk with other states should not be prohibited.

RESIDENT AND NONRESIDENT HUNTING ISSUES

Review

Representative Delmore said there needs to be compromise and consensus to find what is best for North Dakota relating to resident and nonresident hunting issues. She provided copies of information given to her by wildlife groups. One copy is of a list of suggestions submitted by hunters to improve hunting opportunities in North Dakota, and another is a resolution of the Grand Forks County Wildlife Federation on nonresident hunting in this state. A copy of each handout is on file in the Legislative Council office.

Representative Drovdal said the No. 1 issue is access. He said ranchers need hunters to control the wildlife population and depredation. He said hunters need ranchers to feed the wildlife and provide habitat for the wildlife. He said the parties involved need to stop the rhetoric and focus on the access issues.

At the request of Chairman Delmore, committee counsel reviewed the work of the committee on the study of resident and nonresident hunting issues. He said House Bill No. 1269 requires a study of eight issues, including the number of licenses, the fees for licenses, the time periods for licenses, zones, effects on landowners, effects on guides, the economic impact, and bordering states' laws. He said the study was the result of controversies surrounding nonresident waterfowl hunting. He updated information in the background memorandum. He said there were approximately 30,000 nonresident waterfowl hunters in the state in 2001. He said 52 percent of these nonresidents were from Minnesota and 17 percent were from Wisconsin. He updated the survey of guides and outfitters on property controlled for hunting purposes. He said a response was received from a guide in Slope County with 12,000 acres, 5,000 owned and 7,000 leased, used for hunting upland game and big game. He said the previous survey of county recorders resulted in another response from Stutsman County. The response said that 15,532.52 acres had been transferred to nonresidents from 1997 to 2002 in Stutsman County. A copy of the response is on file in the Legislative Council office.

Committee counsel said the committee considered a bill draft requiring a written examination to test the proficiency of hunting guides and outfitters in state and federal laws on the hunting of wild game. He said no action had been taken by the committee on this bill draft. He said the committee considered a bill

draft to require guides and outfitters to provide an annual report of the names and addresses of clients for the preceding year to the Game and Fish Department. He said testimony from guides said the bill would require guides to turn over private information that is valuable to a guide business. He said the committee has not taken any action on this bill draft.

Committee counsel reviewed previous suggestions for legislation made at previous meetings. He said there were suggestions to:

1. Place a cap on the number of nonresident hunters.
2. Create more waterfowl zones.
3. Provide preferences for individuals who are born in this state if there is a cap.
4. Provide a percentage of nonresident hunting licenses to guides if there is a cap.
5. Have a lottery for each zone.
6. Restrict guides from using public land.
7. Increase habitat stamp price to provide for more access.
8. Cap the number of guide licenses.
9. Increase the annual guide license fee.
10. Require guides to have insurance and to know first aid and cardiopulmonary resuscitation.
11. Prohibit guides from carrying weapons.
12. Require more recordkeeping of guides.
13. Raise the penalty for guiding without a license to a three-year suspension of hunting privileges.
14. Test guides on game laws.
15. Limit guides in the amount of land guides may lease.
16. Increase taxation on land primarily used for hunting.
17. Increase the number of game wardens.
18. Limit upland game hunters to 14 days.
19. Impose sales tax on guide services.
20. Create a two or three 5-day period limitation for nonresident upland game hunters.

Land Ownership and Access Programs

Mr. Rostvet provided information on the number of guide licenses sold in this state and on land ownership in this state. He said there are 45 million acres of private land in this state. He said there are approximately 4.5 million acres of state and federally owned land in this state. He said 2.5 million acres of state and federally owned land are open to hunting. He said approximately 165,000 acres of private land are open to hunting because of the Game and Fish Department PLOTS program. His testimony was based on two handouts. A copy of each handout is on file in the Legislative Council office.

Mr. Rostvet said the Game and Fish Department intends to double the acres in the PLOTS program in the next three years and triple the acres in the program over eight years. He said the money for this

increase will come from the reserve fund. He said with 45 million acres of private land in North Dakota, access to hunting cannot be solved by Game and Fish Department programs.

In response to a question from Representative Delmore, Mr. Rostvet said there is only so much land that is available to be acquired for hunting access. He said the main lack of access is in certain areas popular with hunters.

In response to a question from Representative Nelson, Mr. Rostvet said the Game and Fish Department pays as much as possible upfront when they purchase access under the PLOTS program.

In response to a question from Senator Trenbeath, Mr. Rostvet said payments made to landowners under the PLOTS program are taxable.

In response to a question from Representative Nelson, Mr. Rostvet said the Game and Fish Department has been trying to increase access in recent years. He said there was a 12.2 percent increase in the last biennium's budget. He said most of this money went for access through the private lands initiative. He said the Game and Fish Department has developed new programs including the Coverlocks program.

In response to a question from Representative Thorpe, Mr. Rostvet said one of the primary programs is on conservation reserve program land in which the department pays up to one-half of the cost of seeding the conservation reserve program land.

In response to a question from Representative Drovdal, Mr. Rostvet said the program related to the conservation reserve program in which the department pays for the seed is mainly directed at new acres being signed up for the conservation reserve program.

In response to a question from Representative Thorpe, Mr. Rostvet said the Game and Fish Department does not indemnify people in the program but there is a special law that provides protections for landowners that open their land for recreational purposes.

Guides and Outfitters

Mr. Rostvet said over 100 guides have been certified for 2002. He said he attributes the increase from 43 certified guides in the previous year to the change in the law that allows for the issuance of white-tailed deer permits to certified guides.

In response to a question from Representative Drovdal, Mr. Rostvet said there is some difficulty in enforcing violations against persons who run guide businesses because they may continue to be in business, even if they have violations, by hiring guides without violations.

At the request of Chairman Delmore, committee counsel presented a memorandum entitled *Guides and Outfitters - Other States' Laws*. The memorandum provides information on the guide and

outfitter laws of Alaska, Colorado, Idaho, Montana, New Mexico, Oregon, South Dakota, and Wyoming. He said some states regulate outfitters and guides differently. He said some states require a guide to work for an outfitter that is a business entity. He said some states regulate guides and outfitters through a state agency and others through a self-governing board. He reviewed the qualifications and requirements of guides and outfitters in different states.

Mr. Fred Evans, Stanley, provided testimony on hunting issues. He said information on the regulation of guides and outfitters in Minnesota, Iowa, and Arkansas would be useful because those states have waterfowl hunting similar to that in this state.

Representative Nelson said some of the states in the memorandum have mountainous country and dangerous game. He said comparing their regulation of guides and outfitters to the regulation in this state is like comparing apples to oranges.

Mr. Eric Odegaard, North Dakota Sportsmen, Enderlin, presented testimony on hunting issues related to guides. He said there should be a cap on the number of guides. He said the license fee for guides should be \$3,000 to \$5,000. He said there should be more qualifications to be a guide. He said guides should be limited on the amount of land on which they may operate. He said guides should not be able to carry a firearm while with clients. He said guides should not be able to hunt on any public land.

Bill Draft on Guide and Outfitter Qualifications

At the request of Chairman Delmore, committee counsel presented a bill draft on licensure requirements for hunting guides and outfitters. He said the bill draft required all guides to have the qualifications of a certified guide. He said because all hunting guides would be subject to the same requirements, the term "hunting guide" was substituted for the term "certified guide."

Representative Porter said although he requested the bill draft, a more comprehensive approach is needed for the regulation of guides and outfitters. He said the law passed last session which provided the incentive for certified guides to receive white-tailed deer licenses had increased the number of certified guides. He said the law was working as intended. He recommended the committee not take any action on this bill draft.

Bill Draft on Limits on Nonresident Waterfowl Hunters

At the request of Chairman Delmore, committee counsel presented a bill draft requiring five or more zones for nonresident waterfowl hunting and placing a maximum number on the amount of nonresident waterfowl hunters at 15,000. He said the bill draft requires the Governor to specify the number of licenses to be issued in each zone.

Representative Hanson said he requested the bill draft as a starting point for discussion. He said he surveyed wildlife clubs and they requested caps between 8,000 and 20,000 nonresident hunters.

In response to a question from Senator Trenbeath, Representative Hanson said he did not survey the general population of North Dakota.

In response to a question from Representative Nelson, Representative Hanson said he did not survey any groups in the Devils Lake Basin.

Mr. Ammeus Meester, Fargo, provided testimony on hunting issues. He said he supports a limit on nonresident hunters of 15,000 to 25,000. He said licenses should be issued on a lottery basis. He said there should be a background check of all nonresident applicants. He provided written testimony on the regulation of guides, resident licenses, nonresident licenses, the posting of land, the computerizing of the licensing system, and fish limits. A copy of his testimony is on file in the Legislative Council office.

Senator Fischer said this state is in a compact with 13 other states to check applicants. He said if there is a violation in any of those other states, a person is not allowed to hunt in this state.

In response to a question from Representative Thorpe, Mr. Meester said Minnesota does not limit the fishing licenses issued to nonresidents and the lakes in Minnesota are fished out.

In response to a question from Senator Bercier, Representative Hanson said the law would apply to a nonresident that owned land in this state.

Mr. Bobby Cox, North Dakota Sportsmen's Alliance, Jamestown, provided written testimony on a survey assessing attitudes of North Dakota resident hunters. He said the survey showed that approximately 66 percent of North Dakota hunters favor a cap on nonresident waterfowl hunters. He said North Dakota hunters suggested a cap of approximately 10,000 nonresident hunters. He said there must be a cap placed on nonresident waterfowl hunters. A copy of his testimony is on file in the Legislative Council office.

Representative Nelson said if sportsmen place a cap on nonresident hunters, landowners may retaliate by posting all land.

In response to a question from Representative Nelson, Mr. Cox said it is regrettable that a cap on nonresident hunters will limit a market for landowners.

Representative Nelson said landowners hold the biggest hammer when it comes to hunting issues.

Mr. Randy Frost, Devils Lake Chamber of Commerce, Devils Lake, provided testimony on hunting issues. He said the bill draft presented was not a new idea. He said the survey results presented by Mr. Cox were questionable because the survey was taken during the negative media campaign related to pheasants. He said that 66 percent of resident hunters want a cap on nonresident waterfowl

hunters appears to be a low percentage considering the group surveyed.

Mr. Frost recommended legislation that would reduce the concentration of nonresident hunters by 50 percent in the first two weeks without creating zones and while keeping 30,000 nonresident waterfowl hunters in this state. He said the month of October could be divided into four weeks and 7,500 nonresident hunters per week could be allowed to hunt in this state. He said November could be used as an incentive to get nonresidents back into the state to hunt.

In response to a question from Representative Delmore, Mr. Frost said his idea would produce less pressure in the best hunting times.

In response to a question from Representative Porter, Mr. Frost said his plan would require a seven-day license.

In response to a question from Senator Trenbeath, Mr. Frost said lengthening the season as it gets later in October would be a good idea. He said this would provide an incentive for nonresident hunters to come to this state in quieter times.

In response to a question from Representative Delmore, Mr. Frost said he is in support of a \$25 access fee for all nonresidents to be used for access programs.

Other Testimony

Mr. Mark Resner, Mott, provided written testimony on commercial hunting in southwestern North Dakota. He proposed a 10-day season, split into 5-day periods, for nonresident small game licenses. He proposed an access wildlife program that would be financed through a \$50 increase in nonresident small game licenses. He said the money raised from the program would be used to purchase access. He said contracts for access would be negotiated on an individual basis and renewed annually. He said access would be controlled as per contract for each parcel of land. He proposed licensing outfitters as a business. He said guides should be licensed separately from outfitters and should be required to operate under a licensed outfitter. A copy of his testimony is on file in the Legislative Council office.

In response to a question from Representative Nelson, Mr. Resner said he does not advocate limits on nonresident hunters; however, sportsmen have reached their tolerance limit. He said 2001 was the first year in which nonresident small game licenses exceeded resident small game licenses.

In response to a question from Representative Nelson, Mr. Resner said there may be too many rooster pheasants in southwest North Dakota; however, the number will decline sometime in the future. He said the high populations are a result of the conservation reserve program, mild winters, and limited access because of fee hunting.

In response to a question from Representative Nelson, Mr. Resner said landowners do a wonderful job of creating and maintaining the habitat for wildlife.

Mr. Mike Donahue, North Dakota Wildlife Federation and United Sportsmen of North Dakota, Bismarck, presented written testimony on hunting issues. He gave recommendations on access, caps on licenses, guides and outfitters, and other items. A copy of his testimony is on file in the Legislative Council office.

In response to a question from Senator Bercier, Mr. Donahue said the United Sportsmen of North Dakota, the North Dakota Wildlife Federation, and the Sportsmen's Alliance met and agreed on the recommendations in his testimony. He said one of the group's recommendations was to prohibit a foreign corporation from operating as a guide or outfitter in North Dakota. He said the law would operate the same as it does for gaming organizations.

In response to a question from Representative Drovdal, Mr. Donahue said maybe there should be an increase in the acreage required to get a gratis license.

Mr. Gordon Bischoff, North Dakota Farm Bureau, Jamestown, presented testimony on hunting issues. He said he has donated approximately \$100,000 over the last 10 years to feed wild game. He said private landowners need to be compensated for their management of wild game.

Mr. James A. Erickson, Hunting for Humanity, New England, presented testimony on hunting issues. He said Hunting for Humanity is a program in which the profits of fee hunting go to charity. He said landowners have a right to own and operate a business on their land. He said survey results showing that resident hunters are in favor of a cap on nonresident hunters is like surveying people who eat to see if they would like free food. He said he bought land at \$400 per acre in the 1970s and it has not surpassed that amount in 23 years. He said the interest in land for hunting purposes has recently brought \$500 per acre for land in his area. He said this makes his bottom line look better to bankers and increases the value of his property on paper.

Mr. Fred F. Heer, Bismarck, provided testimony on hunting issues. He said this state charges too little for licenses. He said the licenses for elk in Montana have greatly increased in amount to \$638. He said this money is used for the block management program which provides 8.6 million acres of access in Montana. He said caps are required even if there are access programs.

Mr. Kyle Blanchfield, North Dakota Guides and Outfitters Association, Devils Lake, presented testimony on hunting issues. He said North Dakota is the No. 2 most regulated state for waterfowl hunting. He said Mr. Frost's idea is good. He said fees for nonresident hunters should not be raised so high as to prohibit average-income people from hunting. He

said the Guides and Outfitters Association supports access programs. He said any increase in guide license fees should go to habitat programs. He said this would allow guides and outfitters to give something back to the resource they use. He said if there is a cap on nonresident waterfowl hunters, there will be a reduction in the amount of money the Game and Fish Department has to spend on access programs. He said he is leery of in-house surveys like that done by Mr. Cox.

Mr. Blanchfield said it would be interesting to find out the regulation of guides and outfitters in the central and Mississippi flyways.

Mr. Evans presented testimony on hunting issues. He said keeping people in rural North Dakota through using hunting as economic development is a good idea. He said regular local input is required to develop policies for the regulation of hunting. He said most of the hunting controversy is based on self-interest.

Mr. Brian Kramer, North Dakota Farm Bureau, Bismarck, presented written testimony to the committee. He said his organization wants to work on hunting issues from the perspective of the landowner. He said his organization is for coming to a consensus. A copy of his testimony is on file in the Legislative Council office.

Representative Drovdal said he has constituents who want gratis licenses for deer hunting which allow the licensee to hunt within the entire unit in which the licensee's land is located.

In response to a question from Representative Drovdal, Representative Hanson said the reason gratis licenses are limited to the land owned by the licensee is so that a person with a quarter of land that is not very good for hunting cannot hunt someplace else in the same unit which has good hunting. He said Representative Drovdal's idea would encourage people to buy a quarter of low-value land in a unit in which there is good hunting.

Representative Drovdal said there is always a worst case scenario. He said he refuses to take the one bad hunter he gets each year and not let other hunters hunt.

No further business appearing, Chairman Delmore adjourned the meeting at 3:15 p.m.

Timothy J. Dawson
Committee Counsel

ATTACH:1