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2001 HOUSE NATURAL RESOURCES

HB 1069

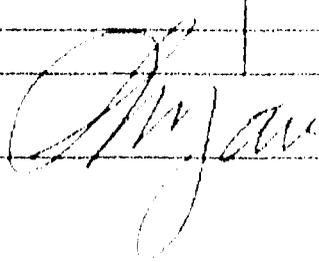
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO HB 1069

House Natural Resources Committee

Conference Committee

Hearing Date January 18, 2001

Tape Number	Side A	Side B	Meter #
1	x		0 to 695
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weller, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: Open the hearing on 1069 and our plan here is to take testimony, if there is anyone here that would like to testify on this bill. Then I am going to recess it until next week. We will reconvene on Jan. 25 at 9 a.m. A lot of people could not make it in today. The individual going to introduce the bill will be here next week. If anyone is here specifically to testify for this bill we will take your testimony now.

Pat Candrian - Cannonball Co.: We are an outfitting company and we do support this bill. I have some reservations, not because of my business which is upland game, but I have some concerns about carrying guns by waterfowl outfitters. Overall the bill is a good bill, we as outfitters would like to see the business cleaned up. There are illegal things going on out there, people not

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reporting taxes. My company, we do things on the up and up. I would like to see the whole industry cleaned up and this might be the first step. Any questions.

Chairman Rennerfeldt: You would be opposed to the part here where they can't carry firearms?

Candrian: I am not opposed to it, I have some reservations about it, like I said, the guys from Cannonball company do not carry firearms. It is a choice of companies, that this is the hunters hunt, if they can't hit a bird, it is there fault not ours. In support of gun control, it has always been our policy and this bill doesn't really affect me. I am talking about constituents that are in the business of guiding, especially when you talk about goose and ducks where you set blinds up and spread people out. If a guide is out there with him and all the birds are flying over him and they are doing a group type hunt, I have some reservations about it. My main point is the bill overall is good.

Chairman Rennerfeldt: Are there any questions on the committee? Rep. Galvin.

Rep. Galvin: What is the rationale for not carrying a gun, what would be the reason behind that?

Candrian: The reason we don't do it is because it is our hunters' hunt. Most of our guides use dogs, they have enough to do controlling dogs to retrieve the birds the hunters drop. It is a matter of professionalism, from my standpoint as an upland game guide.

Chairman Rennerfeldt: Rep. Porter

Rep. Porter: With your scenario of the water fowl hunters, wouldn't that put them in a situation where they are hunting illegally? If they are shooting other peoples game?

Candrian: Most guides now do possess a license for upland game. They buy that license. I can tell you sir that one of the first years I guided. I had a very good dog. I was out with three hunters. My dog caught the last bird. They had caught two of them that day and I said we got a hunting guide. They said we didn't shoot those two birds. I said you're right you didn't, so I

didn't even have a hunting license and so I speed all the way back to buy a license because they had shot two birds and I had two birds in my pack that my dog got and I didn't have a license. So I bought a license to cover my dog. I don't know where the state of ND stands on group hunting, if you have five hunters out there and they can shoot so many birds legally and when they hit their limit, quit.

Chairman Rennerfeldt: Any further questions? Rep. Nelson.

Vice Chair Nelson: Pat, in subsection 1 and 2 the certified guide section of the bill, currently we have the certified section and the section where we don't have to have the bond requirement, and the first aid training. Do you favor getting rid of that section where, so every guide and outfitter would have to have the bond and the first aid training, is that correct?

Candrian: I do support that, our company has all certified guides, we required, before legislation, our guides to have CPR training. The Legislature met last time and distinguished between certified guides and general guides. We did not have time to get all our guides certified and most our guides were not. As far as liability insurance our company has always carried and always will. It does cover the people working for my company.

Vice Chair Nelson: In your area, guides and outfitters are fairly prevalent. What is the mix of certified guides or non certified guides relating to this section?

Candrian: Of all the guides working for me this year, only one was certified.

Vice Chair Nelson: How about outside your company?

Candrian: Other companies, 90% of the people running the operation in regard to fee hunting down there are not even licensed, much less certified, or not certified.

Chairman Rennerfeldt: Any further questions for the committee. Thank you. Anyone else care to testify on this bill? IF not, we will recess the hearing on this bill 1069 until next week.

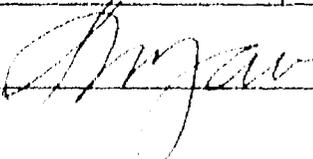
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1069

House Natural Resources Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	x		379 to 527
		x	1 to 527
3	x		1 to 1200
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will reopen the hearing on HB 1069.

Roger Rostvet - ND Game and Fish: (See written Testimony).

Rep. Galvin: I am not a hunter. Some people called me about Line 19, Section 5. The guide ought to be able to carry a gun, one reason is, if an animal charges or to save a wounded animal. Also to instruct hunters.

Rostvet: Other states allow carrying guns for that particular reason. In ND I don't know of any instances of hunters being charged by white tail deer or ducks. We have no dangerous game here. Having a person hunting and not watching what is going on may lead to increased loss of birds.

If you have an extra pair of eyes marking birds going down, you have less wounded game. The third part, hunter education, I think that is one of the concerns of clients. They would like to have someone instructional as opposed to hunting. From a safety standpoint, if you are keeping an eye on clients, you can make sure everyone is abiding by common safety rules. Many clients are relatively new, and the guides are new, we are up to 270, a substantial increase from last year.

Vice Chair Nelson: Is that 270 certified guides.

Rostvet: No, 270 hunting guides.

Vice Chair Nelson: I have never had any calls on section 4. Most of my objections are in section 5, these guides have purchased hunting licenses as well as everyone else in the state. Some objections have been that there are a lot of inexperienced hunters coming into the state and using the guides and outfitters. In some instances they are not the best shots. I would be very suspect of a guide leading the attack, so to speak. I think it comes from the second amendment freedom to carry firearms as a legal hunter.

Rostvet: That is a point that has been brought up. The guide at that time takes on two different hats, one as a business man and one as a hunter. There is some separation. There is not law that prohibits a licensed guide to hunt on his own. It only prohibits him from hunting during his conducting business. Many business don't allow people to hunt and do business at the same time. This bill distinguishes between hunting and running a guide and outfitting business.

Vice Chair Nelson: Comparing regulations in other states, are there more states that restrict firearms for guides and outfitters, or are there more states that don't restrict?

Rostvet: It's a toss up. Arizona allows pistols only. Montana totally prohibits hunting. Colorado prohibits hunting also. They don't say anything about firearms, they just restrict hunting. Wyoming has no regulations. Idaho has no regulations. About a fifty/fifty mix.

Vice Chair Nelson: How about the bird states. I think this is a pheasant issue. How about SD, Iowa and Kansas. The plains states?

Rostvet: I don't believe SD has one. The reason I concentrated on western states, is they have a long history or guides.

Rep. Weiler: I have a couple questions regarding section 5. Does this include just the Game and Fish Department controlled land? Or are all lands included?

Rostvet: This would be all lands.

Rep. Weiler: So what we are doing is telling a business man what he can and cannot do.

Rostvet: I am not quite sure...

Rep. Weiler: IF we are saying that you cannot carry a gun, aren't we telling him what he can and cannot do?

Rostvet: Certainly.

Rep. Weiler: My only concern is that - wouldn't it be better to leave it up to the people who hire the guide? Wouldn't it be better to leave it up to the people hiring the guide to tell them if they would like him to carry a gun?

Rostvet: That is true. The business part of it. However guides are ambassadors of ND, from the states standpoint, it would be better for someone to come in and not have to go through the sorting process, get burnt once or twice and never come back to ND because he did have a bad experience. The free market enterprise does work very well, but let the buyer beware in situations like this may not always be in the best interest of the state.

Rep. Droydal: I would like several areas of this bill clarified. First of all, you mentioned the access program. We have a problem with hunters and land owners, access seems to be fueling this. Our vision was that we could provide access to these areas. Our district has more public

land than all the other districts combined. Yet I have seen nothing in my district that this program has even been applied. What has been done in my district to address the access problem trying to get on this same Federal land?

Rostvet: Very little of the PLOTS program has been applied in your district because of the limited amount of dollars and because the program was centered on CRP. There has not been any CRP sign-up acres in your area. We identified that pheasant hunting was the number one priority as far as access currently. So we have focused and concentrated our agreements in those particular counties mainly to the south or north of you. It is a balancing act. As you have the largest public land base in the state, there are certain counties, such as Hettinger County, we have actually concentrated on those through that type of criteria.

Rep. Droydal: In general, section 4, I visited with the Forest Service which is in charge of the million plus acres of Federal land in my district. They indicate to me, whatever Game and Fish says as far as guide service is the rule. So, in fact, if we restrict guides and outfitters on state lands, we are in effect doing it on Federal lands. Are we just kinda wiping them out of business? Guides and Outfitters are starting to be an important business in our area, they service a lot of out of state business who pay a lot of dollars for a unique experience. Of course, it has to be on Federal land where we have the most of our land out there. This is a way of saying they can't guide on there anymore. Is that the attitude we have for outfitters?

Rostvet: I think you will notice that particular section is specific for state owned Game and Fish land. We don't mention state school land, however they choose to specify how they want those permits to be issued. Section 7 refers to proper permits, if the agency has a permitting system. State school land doesn't have any permitting right now.

Rep. Droydal: It says our other agreement, the reason that there is no guide service permit allowed is because of Game and Fish recommendation, so therein lies the problem there.

Rostvet: Federal regulation forest land prohibits the forest service from licensing guides and outfitters on public land if there is a private resource locally available. They don't want to go into competition with private land owners in the area. The Federal law that explains that is if there is an area locally with the availability to provide those services off of public land, they don't feel that is fair competition with private landowners. The service is being met off of public land.

Rep. Droydal: I have one other questions. The bill seems to be implying that we have problems with guides and outfitters in the field, shooting game for clients, guns in the field, stuff like that. Do we really have a problem with that?

Rostvet: I talked to one of our wardens yesterday who is clearing up a case where the specifics about carrying a firearm was a major part of the violations. An individual went undercover to hunt with them and the first statement was, the individual hunting asked the guy, "well, why aren't you shooting?" His reply was, "that limits for you guys." Directly stating, go ahead shoot over your limit, because my limit will cover you. Your overall comment about guides and outfitters, it is like any other business, there are 270 guide, I'm sure 95-99 % are running legitimate business and I think they want to have a feeling from the state that they are legit and up front. Human nature is that you need certain regulation for certain people.

Rep. DeKrey: If we are talking about the 5% sloth hunter here, if we pass another law, is it really going to make a difference?

Rostvet: You may talk about the 5%. One of the largest and most successful guiding operations in the state already do these things on there own, because they recognize the value of that.

Rep. DeKrey: That is my point. If the 95% is already doing this, why are we so worried about the 5% we can't do anything about anyway?

Rostvet: I think this will affect this 5%. I think it will also give public assurance to areas that have been leased or in place reserved for the general guy who goes out who has some access problems. Rather than competing with some commercial interest.

Rep. Galvin: Back to section 5. The guides I talked to, this is the only section of the bill they don't like. I remember the animal that could charge you is the buffalo. And the other thing is the white geese, wouldn't it be beneficial for the guide to shoot them in the process of guiding.

Rostvet: That is one that has been brought forward to us as being a contentious issue from the water fowl guides. Most of the upland game and deer hunters have found this to be a major concern. The water fowl guides have expressed a concern with section 5 of this. That may be something that needs to be considered.

Vice Chair Nelson: In the example you gave of the undercover warden. When the person shot over his bag limit, was that person charged?

Rostvet: Yes, it was just yesterday they closed out the case and it is at the State's Attorney office right now.

Vice Chair Nelson: So there are laws already on the books that would cover that situation. That would only make that possible by the guide being in the field. It could be stated that is covered under present law and we don't need to create a new law to fix that particular problem?

Rostvet: It is currently illegal at that time for individuals to break that law, however, if we have an individual in a business encouraging people to do that, to promote his business, it cause quite an expenditure to enforce that and sometimes the least desirable tactics of undercover agents to detect those.

Chairman Rennerfeldt: Any other questions of the committee? Anyone else here in favor of HB 1069?

Mike Donahue - USND & NDWF: We support this bill in its entirety. We really like this bill. We looked at it as Game and Fish land would be there for all the hunters to use. That the guide business going on that land, we were in effect using our licensees to subsidize them. In talking with the representative from Guides and Outfitters they were not opposed to that portion of the bill. We believe the guy in the field with the client should not carry a gun. The business is to guide not to shoot. There are a number of things involved there, inexperienced clients, I am not familiar with how guides handle them when they first greet them. You would think they would be involved with gun handling, gun safety, how they are going to do things, safety practices, game identification and as far as wounded game, part of the fair chase. The hunter should be the one going to get it. We support subsection 8 to help insure that this state is seen as fair and honest in its business practice. The state regulates a lot of businesses. We believe that the guides in the field should not carry a gun. The client gets the shots. The other arguments, to help depopulate snow geese, that is fine, we are not saying the guide can't hunt, but it is the hunting cap versus the business cap. This law would help protect the guides and weed out those dirt bags that don't belong there.

Rep. Hanson: I am a member of both your organizations. The people from Jamestown are opposed to the bill. I thought with the second amendment we have the right to bear arms. I think a guide should be able to carry a gun. We passed an amendment to the ND Constitution that said we have a right to hunt. You can't hunt for anybody else anyway, that is already a law, why do we need another law?

Donahue: My interpretation as far as carrying a gun. The gun is part of the business, the clients gun. We are not saying you can't carry a gun or hunt, when you are hunting. This bill is saying when you have hunters in the field you are responsible for your business and to pay attention to them.

Vice Chair Nelson: The PLOTS program was developed by hunters in our state for public access, isn't it also true that the 25,000 nonresident licenses contribute to the program as well?

Donahue: I am sure. The client being guided is not only a nonresident. There are plenty of residents that pay for guides.

Vice Chair Nelson: But those fees that are paid by non residents include the habitat stamp and those funds contribute to the PLOTS program. There may be some misunderstanding as to who is creating those public lands, I think it is all hunters.

Donahue: I agree. We appreciate the non residents help.

Chairman Rennerfeldt: Is there anyone else here to testify in favor of HB 1069?

Steve Ohms - Fargo, ND: I am in favor of this bill in its entirety. My major reason for support is the restriction of access to otherwise public land by individuals which are receiving fees to guide individuals. I do a lot of hunting with my father and brother who are from Minnesota who purchase nonresident licenses. The concern is that when guides are leasing land, some 41,000 acres of land, it is restricted for use by their clients. That is fine until they are going to land that is public access and hunt those during the week. That is my biggest concern, when huge tracts of land are leased out and the people that have those lands leased are choosing to hunt the lands that should be accessible to those that can't afford to make that an equitable investment. They would like to have access to other lands. When those have been hunted hard, when the weekends come the guides revert back to their leased lands, which they have now pushed game onto. This

severely restricts the opportunities for the common hunter. Most of the guiding experiences I have had have been big game and on most of those occasions the guides did not have guns or it did not come out of their scabbard. They were taking the time to help the individual. I am in favor of the second amendment. However I realize there are limited dollars available for enforcement of game laws. There is no way that Game and Fish can put an adequate number of undercover hunters into hunting parties to properly enforce the laws. The best way to do that is to take the temptation away. The guide should be taking care of his clients.

Rep. Droydal: I am glad you brought up the thing about access. It is a very important issue to my area. We do have a section line law, saying you can't close off access through section lines. I perceive that this bill will actually drive landowners to allow hunting guides to lease their land in retaliation. You are not in fear of that at all?

Ohms: No, I don't think so. Most of the fee access hunting that I have been propositioned for is cash under the table. That's how they are doing it. I think it is getting out of control. If someone leases the land, the funds are paid in advance and they pay taxes on it, I don't have a problem with that. If that type of regulation is what it takes to bring this above boards, the reaction will be just opposite. Farmers will say, I want to help my neighbors, I want to make access to my land. The reactions from farmers I have approached is very positive.

Rep. Droydal: That is what we want happening out there. Just to go on record, regarding your comment about money under the table, I don't know which area you are coming from but I know landowners next to me that have not taking any money at all.

Ohms: Absolutely, the vast majority are just saying yes. I personally have seen situations which they are asking for cash.

Chairman Rennerfeldt: Anyone else in favor of this bill?

Ken Karls: I am a hunter and I am in favor of this bill in its entirety.

Chairman Rennerfeldt: Those in opposition to this bill?

James L. Nagel - ND Guide and Outfitters Association: I have three points I would like to make.

First, the Association has agreed to take a non-opposed position as to whether or not guides and outfitters should operate on land owners leased by ND Game and Fish. We are not opposed to that portion of the bill. The second point I would like clarification on is section 1, item 7. We would like to see that portion of the bill removed. It has to do with Fed land and we don't think the state of ND should be passing any legislation governing federal lands, there are federal rules to cover this. If this bill moves forward, we would like to see section 1, item 7 removed. On opposition to this bill, I want to clarify we are not really opposed to, as far as big game and upland game guides, to the concept of the guide carrying a firearm. Our waterfowl guides however, have a total different view, they are opposed to this issue.

Chairman Rennerfeldt: Any questions of the committee?

Paul Sherman - guide: Of all the hundreds of clients we run through our lodge, I always ask if they would like me to bring my firearm, our clients are put in the front row. If I see a cripple snow goose hanging behind, I will shoot that cripple. It doesn't go in their bag, it goes in my bag. I am always invited to join them as a part of their party. My game goes in my bag. I just don't understand this. Here in ND we want to be part of their party. I have never been refused to not carry a gun. I would like to keep that in. So I can hunt with my friends.

Chairman Rennerfeldt: Any questions of the committee?

Pete Ressler: Basically I feel there are three parts to this bill and I am opposed to this bill. The first portion about hunting on public lands - As an example, if we take two people who live across the street from each other in St. Cloud, Minnesota and one of them comes out here and

buys a license and he has a chance to hunt on this land, the next guy buys a license, but because he is hunting with me he can't hunt on this land. Something is wrong here. If they are both paying the same amount of money to hunt why is one guy getting discriminated against. How about the guys guiding fishers, are we going to pass a law that says they can't fish on the Missouri River? Where do we start, where do we stop? The second part of this bill that concerns me is not having any guns in the field. I know of no other job where you can't hunt while you are working, by state law. If an insurance salesman has a legal hunting license and sees a bird in the ditch, he wants to shoot that bird he has a right to do that. Unless his boss says he can't hunt during work there is not state law that says a man can't do it. All of a sudden we are going to have state law that says you can't do that. Something is seriously wrong here. This is just a minor point, but as far as snow geese are concerned, we have a spring season on Snow Geese, they have been crying for a long time that these birds are destroying the tundra. They are trying to figure out ways to get rid of these birds. We are trying to kill these birds, but if I go out next spring with my license and I guide something I can't go hunting that morning. Something's wrong. The Game and Fish will have you believe that they have a ton of complaints that the guides are shooting the birds for them, I would think that any hunter of reasonable intelligence if his guide shoots all his birds, would find another guide. We have laws against party hunting already. If the Game and Fish cannot enforce the laws we have now, why do we need more laws? About back up shooting, I have seen a lot of cripple geese fall a quarter mile away, what guide is going to go get that? If I can shoot a gun and drop the bird, that beats walking a half a mile to get that bird, clients expect you to do that. Why would it hurt to have a guide carrying a gun in the field. Another point, it says that the Director may require reports as deemed necessary. That is wide open. Years ago we used to turn in a report to the Game and Fish Department listing all of our

clients. How many people have businesses that require all their clients to be put on public record? We turned this in for many years and the question was why? You already know who has an out of state hunting license. The guy basically said, we don't. This year I have gotten calls from Game and Fish for a list of clients. So what they are saying is whatever the director deems necessary. If we are going have any records, they should be determined ahead of time. This bill does three things, it discriminates very seriously against out of state hunters, it discriminates against any guide in the state, I think it is giving too much power to the Director of Game and Fish.

Rep. Hanson: I agree with you on every part except the last where you said about chapter 17. That is present law.

Rep. Porter: How many guides do you employ?

Ressler: We have at maximum 5 guide. They are thinking why would I want to come up and work for you, if I can't shoot a gun. I have a right to have a limit if my clients don't complain, what is the problem with that?

Rep. Porter: Are your guides certified, or not certified?

Ressler: Most of them are not certified. They all have insurance, the things they don't have are CPR and first aid.

Rep. Porter: Are you certified? Or not?

Ressler: NO, I am not certified.

Chairman Rennerfeldt: Anyone else opposed?

Brett Behm: I am a hunting guide. As far as guides being able to carry guns, the big concern is safety. Hunters out there watch what they are doing. As far as not being able to go on hunting lands, I don't take anyone out on public lands, I believe once a person buys a hunting license, if

they are with a guide or not, they should be able to go on that land. I would be more in favor of a guide buying a permit to go on that land.

Chairman Rennerfeldt: Questions?

Sheldon Schlecht: I oppose HB 1069 for various reasons. I would like to address me carrying a gun while I guide. A lot of our clients are friends, I feel that having a license I should be able to hunt with my clients. I ask my clients up front if they want me to carry a gun.

Chairman Rennerfeldt: Questions of the committee?

Jim Schuster - Mouse River Outfitters: I am opposed to this bill. The only thing is the safety issue. I was in a field hunting and up behind me came a dog. NO one else saw him. If I had my gun I had the option to protect my clients if that dog was there for any other reason than to be friendly. Another time a skunk came very close and I don't know if he was rabid, but I still feel I would like to have the option to carry a gun to protect my clients.

Chairman Rennerfeldt: Any questions? I would like to close the hearing on HB 1069.

COMMITTEE WORK:

Chairman Rennerfeldt: Okay we will take action on HB 1069.

Rep. Porter: While I agree whole heartedly with this bill in its written form right now, I do understand the controversies that exist and I would like to move an amendment so that we remove the controversy and have a favorable outcome on the committee. I would make a motion to strike line 19, 20, and 21 of Section 1, subsection 5.

Rep. Galvin: I second that motion.

Chairman Rennerfeldt: Any further discussion on that amendment? All those in favor of that amendment signify by saying Aye. Opposed? Ayes carry.

Rep. DeKrey: I make a motion for a Do Not Pass as amended. I don't think the bill is necessary, I think we are getting into other peoples business. I don't see a need for it.

Rep. Droydal: I second it.

Rep. Porter: This bill as amended is a very important piece of legislation. We spend a considerable amount of money getting access to people to hunt through out general habitat, through our Game and Fish money that has nothing to do with the general fund. When you have professional guides and outfitters working out there, using these lands to strip the game off unto private lands that only they have access to, it creates a real problem for people. Now they have access, but there is not game on the land they have access to. I personally watch guides down in the Mott/Hettinger area, 10 to 12 people abreast, walking quarters of land that would then be PLOTS program, push them unto the posted land that they have restricted by buying the hunting rights to, so that the average citizen who can't afford to fee hunt can walk this land for their exercise but there is no game left on it. I think that we need to make a statement that these lands we are creating for public access are for the people who aren't out there buying guide services and having the burden removed from them. I would urge that we would defeat this motion and pass this thing out of here with a Do Pass.

Rep. DeKrey: I think Mr. Chairman, I would like to further say that in this committee we heard a lot of noise about there's not any place to hunt anymore. When I flew to Washington DC And we visited briefly. If he wasn't hunting on my land, he was hunting pretty close. The reason I bring that up is because earlier this session Rep. Hanson showed me a sheet where the county that I live has the most out of state hunters in the state coming to hunt. This guy told me he loves to come here because it was strange to see another hunter out there. So if I am from the county that has the most non resident hunters coming and this guy from Washington DC Says he doesn't see

any other hunters I think we are trying to solve a problem that doesn't exist. I think a lot of in state hunters don't take the time to do their homework and actually ask someone if they can hunt there. If there are only 9 certified guides and outfitters in this state, why are we making this a super class.

Rep. Nottestad: I think we need to draw the line on what we are talking about here. This is a bill about safe pheasant land. Like Rep. Porter says, I am from the Mott area and these guys come and sweep the land on Fridays and there is no game for the weekends. When talking about water fowl areas, this bill would have no effect on that whatsoever, but it certainly would in the pheasant habitat area.

Rep. Hanson: In section 4, on public leased land by Game and Fish Department, everyone buys a license, out of that license is a \$6 conservation fee which is used to rent that land. What is happening is, you are going to charge those guys \$6 but say you can't hunt. It doesn't make a difference to me one way or the other how section 4 goes, but they are paying \$6 and cannot hunt.

Vice Chair Nelson: I have a difficult time with this issue because I have a problem restricting people that pay for a license and pay for the same as we do, whether we are non residents or residents. In this case we are not talking about non residents that come into this state that do not use a guide or outfitter. We are talking about people that come into the state and hire somebody to guide them in their hunt, although it does rub me the wrong way from one sense. In our area we don't have PLOTS acres up there. The money extended in the PLOTS doesn't stretch that far into water fowl hunting. It is almost entirely used in South and Southwestern ND. As much as I hate to say it, I think I am going to vote no on the Do Not Pass.

Rep. Keiser: I support a Do Not Pass, but for very different reasons. I see 100% of the argument that all of the people that buy a license are paying into the fund that has created these lands. As a result they should have equal access. What is frustrating is that I support the concept that as a state we should have some way to provide an opportunity for our citizens to hunt. But this is a weird kind of discrimination that doesn't really achieve that. I ask you to look carefully at subsection 4 in section 1 and all of the instances that have been identified, if this bill was passed and signed into law I would argue that on Thursday and Friday those same people would be doing the same thing. However they would not be guiding. I don't think you are going to solve the problem. I would like to find a real solution to the problem, I think ND people should have some access. But I don't think that this is the way to do it.

Rep. Droydal: I sympathize with the presenters of the bill, there is obviously a problem. I think we should look for a solution, but this is an umbrella, it doesn't cover just pheasant hunting, it covers every type of hunting out there, and adding two words land "and sea" and we would wipe out all of our recreational guide industry. That's not in there. I would like to see some solutions for pheasant hunters, we will be facing that on other type of hunting bills. But this bill is just too far. Section on the second page, there was a good point brought up about Federal Lands. "Utilize land under the control of the United States government before obtaining proper permits." Which would be from the government, I don't know if you are aware it but Fed Forest service will not issue a guide license in ND for any reason because Game and Fish told them they couldn't. So there fore there would be no hunting or guiding on Federal land. Its a policy that Game and Fish has set forth. The only person that has a license was grandfathered in and they are trying to take his permit away too. So we would effectively kill the bed and breakfast guide service in Western ND. We are going to be facing an access problem in Western ND further down the road and we

need to get on board and figure out how to do it, but this is too broad. We already have laws against group hunting. This industry has been bringing in lots of business in ND and has been growing. If we could help develop this, there is plenty of hunting out there for residents. We don't want to kill a potential business. I hope we do send out a Do Not Pass.

Rep. Hanson: I think we should go to the guide association and let them clean their act up. Putting it in law, I wouldn't do that, if the association would get together and say we gotta clean our act up, and quit going off public land. If you coming in from Wisconsin to hunt, I don't think you want to hire someone who is going on public land which doesn't have a lot of game on it anymore anyway.

Chairman Rennerfeldt: Any further discussion? We have a Do Not Pass by Rep. DeKrey and a second by Rep. Droydal. Call the roll on a Do Not Pass.

DO NOT PASS

YES, 10 NO, 5

CARRIED BY DROYDAL

FISCAL NOTE
 Requested by Legislative Council
 12/15/2000

Bill/Resolution No.: HB 1069

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

No fiscal impact.

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.*

None

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.*

None

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

None

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	12/22/2000

18082.0102
Title.0200

Adopted by the Natural Resources
Committee

February 6, 2001

VR
2/6/01

AMENDMENTS TO HB 1069
Page 1, remove lines 19 through 21

HOUSE NATURAL RESOURCES

02/06/01

Page 1, line 22, replace "6" with "5"

AMENDMENTS TO HB 1069
Page 2, line 1, replace "Z" with "6"

HOUSE NATURAL RESOURCES

02/06/01

Page 2, line 4, replace "8" with "Z"

Renumber accordingly

Date: 1-25-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1069

House Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS as Amended

Motion Made By DeKrey Seconded By Drovdal

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman		✓	Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin		✓			
George Keiser	✓				
Frank Klein		✓			
Darrell D. Nottestad		✓			
Todd Porter		✓			
Dave Weiler	✓				

Total (Yes) 10 No 5

Absent _____

Floor Assignment Rep. Drovdal

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

REPORT OF STANDING COMMITTEE (410)
February 6, 2001 10:40 a.m.

Module No: HR-21-2454
Carrier: Drovdal
Insert LC: 18082.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1069: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 5 NAYS, ABSENT AND NOT VOTING). HB 1069 was placed on the Sixth order on the calendar.

Page 1, remove lines 19 through 21

Page 1, line 22, replace "6" with "5"

Page 2, line 1, replace "Z" with "6"

Page 2, line 4, replace "8" with "Z"

Renumber accordingly

2001 TESTIMONY

HB 1069

**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT
HB 1069: HUNTING GUIDES ON GAME AND FISH LANDS
HOUSE NATURAL RESOURCES COMMITTEE
JANUARY 25, 2001**

The North Dakota Game and Fish Department proposed this legislation to address two major concerns of North Dakota citizen. The first is that Game and Fish owned or leased lands fulfill the need and desire for increased public access for hunting, the second that guides and outfitter regulations compliment current regulations to ensure compliance with hunting laws and contemporary ethics and the assurance of appropriate client attention.

The demand for hunting access has dramatically increased over the past decade for a variety of reasons, including competition by individuals, and guides and outfitters buying and leasing hunting lands for exclusive use for themselves or clients. In response to this demand, the 1997 legislature enacted legislation, (HB 1069) which directed the Game and Fish Department to develop a private lands access program, which was to be funded in part by the interest received from the Department's reserve funds and an increase of two dollars on each hunters habitat stamp.

The Department has developed a very successful access program, Private Lands Open to Sportsmen (PLOTS) using this direction and funding. It has been brought to our attention numerous time that the intent of this program as well as other department owned and leased lands are being used or have the potential to be used contrary to the original intent of increased public access. Based on continued need and demand for public access to offset the change economics of hunting, the department intends to increase expenditure to landowners for quality hunting

access. The inclusion of commercial activities will decrease the intended results and benefits of these lands.

HB1069 also address current law enforcement concerns expressed by our enforcement division and member of the public. These concerns center around guides and outfitters hunting while guiding. The concern is that this provides a loophole to provide clients with an extra limit or in other cases facilitates the guide harvesting game for the client. Guides and outfitters do provide clients with valuable services and many of the most successful and reputable guides currently do not hunt while guiding as they have recognized the value of personal attention to clients for dog handling, game retrieval and safety purposes.

Many western states that have extensive long term experience with guiding and outfitting recognized the value of this type of regulation and have enacted variations of this type of regulation, the most notable variations are the permitting the carrying of handgun or other firearms for protection of clients when hunting dangerous big game such as bears and mountain lions.

In summary it is believed that this bill will ensure the maximum benefit of department access programs to the average sportsman and provide acceptable regulations for guides and outfitters.

The North Dakota Game and Fish Department urges a **DO PASS** recommendation on HB1069.