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CMB/RECORDS MANAGEMENT DIVISION

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2001 HOUSE NATURAL RESOURCES

HB 1069

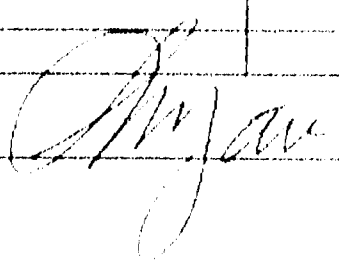
1999 HOUSE STANDING COMMITTEE MINUTES

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.

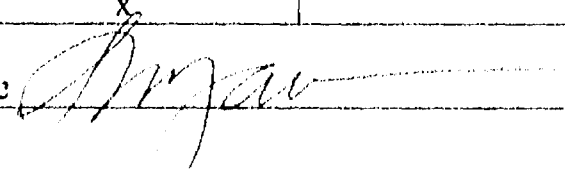
1999 HOUSE STANDING COMMITTEE MINUTES

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.

