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DESCRIPTION

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10/16/03
Date

2003 HOUSE NATURAL RESOURCES

HB 1448

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1448

House Natural Resources Committee

Conference Committee

Hearing Date February ⁶7, 2003

Tape Number	Side A	Side B	Meter #
1		xx	3,000-end
2	xx		0-1297
Committee Clerk Signature <i>Geri Meyer</i>			

Minutes:

Chair Nelson called the meeting on HB 1448 relating to requirements for nonresident hunters and the governor's proclamation concerning hunting by nonresidents to order.

Chair Nelson asked the North Dakota Stockman's association to introduce HB 1448.

Jeff Dahl: Introduced HB 1448 and pointed out some clerical errors. This bill came out of the debate on resident, non-resident hunters. Resident hunters feel crowded out. The landowners and businesses feel that this is an economic development issue. HB 1448 places the landowner in charge of the resource on thier property to maintain hunting quality. Self capping rule for non-residents. Stops non-resident road hunting. Allowed managed growth of guides and outfitters. Allows a guarantee that sons and daughters may return to the state to hunt.

Rep. Porter: Landowners becoming responsible for the managing of the resource. How will they set limits?

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Page 2
House Natural Resources Committee
Bill/Resolution Number 1448
Hearing Date February 6, 2003

Jeff Dahl: This would not change the Game and Fish Department's ability to manage the number game taken. He would regulate the number of hunters on the land.

Rep. Porter: Isn't That the way it being done now?

Jeff Dahl: Yes

Rep. Porter: I am unaware that we have a road hunting problem in North Dakota.

Jeff Dahl: I am talking about someone driving down the road and seeing a duck and hunting it.

Rep. Porter: That is already illegal.

Jeff Dahl: But it still occurs.

Rep. Porter: You are looking at this to remove an already illegal practice then.

Jeff Dahl: This requires a contact within the state.

Rep. Johnson: How do you handle hunting ducks 5 miles down the road?

Jeff Dahl: They would be limited to thier land.

Rep. Nottestad: Youn represent the ranchers of the state. What do the other non-ranching landowners say?

Jeff Dahl: We have received many positive comments. It will not affect the lottery and non-resident hunters.

Harold Neameyer(4299): Testified in opposition to HB 1448. (See Attached Testimony)

Rep. Solberg: This is a bill I appologize for being a sponsor on. I agree with everything you said.

Chair Nelson: Committee I would remind you that in the effort for balance. This is one idea that is out there. This is meant to balance landowner rights in this. This is a serious bill with serious issues. This is another attempt to try and recognize them.

Page 3
House Natural Resources Committee
Bill/Resolution Number 1448
Hearing Date February 6, 2003

Rep. Solberg: I have recieved consituants concern on this bill.

Rep. DeKrey: I will not appologize for this bill. I have recieved considerable support from the landowners.

Roger Kaseman: Testified in opposition to HB 1448. (See Attached Testimony)

Chair Nelson: I can assure you that the sponsors of this bill are not in opposition with you. This is one way of working around those caps.

Roger Rosvitt: Tesitified on the details of the fiscal note on HB 1448. This is the cost of changing the liscensing system.

Rep. Keiser: This would create a new catagory of business. We could call them agents that would work for the hunter and the landowner. This would be a sort of travel agent. Would this be a form of guide.

Roger Rosvitt: Other states have a system like that.

Chair Nelson closes the hearing.

Rep. Clark: moves the amendment (See Attached)

Rep. Johnson seconds the amendment.

Rep. Keiser commented that the fiscal note goes up with the amendment.

Roger Rosvitt: Nonresidents would not be coming in with the restrictions. Therefore the fiscal note goes up.

Jeff Dahl: The intent of this bill is to help the cap and hunter pressure concept.

Chair Nelson: So you want the whole amendment.

Rep. Clark withdraws

Rep. Johnson withdraws.

Page 4
House Natural Resources Committee
Bill/Resolution Number 1448
Hearing Date February 6, 2003

Rep. DeKrey moves previous amendment

Rep. Klein: Seconds

Rep. Hanson: We have no control over non-residents if Federal is put into this legislation.

Rep. Keiser calls question.

The Amendment fails by a vote of 4-8-2.

Rep. Nottestad moves a **Do Not Pass** on HB 1448.

Rep. Solberg seconds.

The motion passes by a vote of 10-2-2. **Rep. Johnson** will carry.

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10/16/03
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FISCAL NOTE
Requested by Legislative Council
01/21/2003

Bill/Resolution No.: HB 1448

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$75,000		
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

As worded using "intends to hunt", this bill will have little or no impact on the number of licenses sold. Nonresident applicants can list either private or public land and may list either general or specific descriptions.

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.

No impact.

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.

It will cost about \$75,000 to initially set up this license on the Department's electronic licensing system. After this is set up, administrative costs will be minimal.

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.

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/21/2003

Date: 2/6/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1448

House House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment

Motion Made By DeKrey Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark		✓			
Rep. Duane DeKrey	✓				
Rep. David Drovdal		✓			
Rep. Lyle Hanson		✓			
Rep. Bob Hunsakor		✓			
Rep. Dennis Johnson		✓			
Rep. George Keiser		✓			
Rep. Scott Kelsh		✓			
Rep. Frank Klein	✓				
Rep. Mike Norland		✓			
Rep. Darrell Nottestad		✓			
Rep. Dorvan Solberg		✓			

Total (Yes) 4 No 8

Absent 2

Floor Assignment _____

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

Yes, Stockman's proposed Amendment.

La Costa Richardson 10/16/03
Operator's Signature Date

Date: 2/6/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1448

House House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Nottestad Seconded By Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓	✓			
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark	✓				
Rep. Duane DeKrey		✓			
Rep. David Drovdal					
Rep. Lyle Hanson	✓				
Rep. Bob Hunskor	✓				
Rep. Dennis Johnson	✓				
Rep. George Keiser	✓				
Rep. Scott Kelsh	✓				
Rep. Frank Klein	✓				
Rep. Mike Norland					
Rep. Darrell Nottestad	✓				
Rep. Dorvan Solberg	✓				

Total (Yes) 10 No 2

Absent 2

Floor Assignment Rep. Johnson

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

To Costa Richardson 10/16/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 6, 2003 6:07 p.m.

Module No: HR-23-1923
Carrier: D. Johnson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1448: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1448 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-23-1923

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2003 TESTIMONY

HB 1448

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Yolanda Richard
Operator's Signature

10/16/03
Date

LR



Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE
ON HB 1448, FEBRUARY 6, 2003

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club is opposed to HB 1448.

The intent of this bill is not clear. To what extent does the word "intend" apply? Does it mean that all nonresident hunters must stay on land they described on the application, for all types of non-lottery hunting?

The club is opposed to the statement that the governor cannot limit the number of nonresident hunters regardless of circumstances.

This bill appears to tend to drive nonresidents toward outfitters to simplify the requirement of identifying the land by description. It appears to create another workload item for game wardens.

This bill has the potential to push an even greater number of nonresident hunters onto public land.

We urge a "DO NOT PASS" on HB 1448.



Salvatore Riccardi
Operator's Signature

10/16/03
Date

Roger Kaseman
8120 17th Avenue South East
Linton, North Dakota
701-254-4857

On HB 1448
Opposed to Passage

I grew up on a farm in McIntosh county. My earliest memories are of sitting in a cornfield with my father in fog and drizzle waiting for ducks to fly in. I was 4 or 5, cold to the bone and I loved every second of it.

The longest wait in my life wasn't for Christmas, or for a driver's license, or for a car, it was the eternity I had to wait until I was old enough to buy my first hunting license.

I am one of those native sons that moved away to pursue a career. I was fortunate enough to land that career and that career that allowed me to retire at age 48. After 23 years away from North Dakota, I moved back to spend my retirement years, and my retirement check right here. I was shocked at the amount of wildlife I found when I settled in and looked around. The good old days are now.

I have a brother in California. He has a fifteen year old grandson that loves to hunt and fish. Last year I invited his grandson and his dad to come to North Dakota for some pheasant and duck hunting. Scheduling proved to be a problem and the trip never materialized.

I have two grandsons living in Colorado. In 2 years the oldest will be eligible to hunt in North Dakota; the youngest has a few years to wait, but believe me, he is waiting to go hunting with grandpa.

The way this state is moving to regulate nonresident hunters, I'm afraid hunting with my grandsons or my brother's grandson will be impossible.

My time away from North Dakota gave me a unique perspective on the state, its people, its laws and how people outside our borders perceive us.

I served in a law enforcement capacity in California. I was never shy about telling people about my roots. I got questions and observations about North Dakota and her people; some of them serious, some humorous.

Make no mistake about it, people outside this state have a concept of North Dakota and its people. North Dakota is flat, cold and barren, but her people are anything but.

Californians perceived North Dakotans as warm, friendly, fun loving, frugal, helpful, and more than a little cautious. I put cautious on the list based on a fraud case I worked involving a gas station owner who did unnecessary repairs on cars that stopped for gas. During the undercover operation, the station owner bragged to the investigator wearing a wire, that he could sell anything, to anyone, except the damned people from North Dakota. That's a quote. He had yet to pull his first fraud on one of them. The people from North Dakota shrugged, paid for their gas and drove off.

Californians who actually traveled through North Dakota found the landscape forbidding, but they loved the people. Again, they perceived North Dakotans as warm, friendly and helpful.

Lo Costa Richard 10/16/03
Operator's Signature Date

The message the law under consideration sends to nonresidents who want to hunt this state is, stay away. If you want to come, here are the hoops we're going to make you jump through. That's what the law under consideration is; a hoop.

Have the people of this state suddenly developed a miserly, unfriendly attitude? We're better people than that.

Imagine the hassle a nonresident hunter a thousand miles away will have to go through trying to track down land owners to get permission so he can inform a bureaucrat in North Dakota what particular piece of ground he will be hunting when he gets here.

I think the people that can afford to come here to hunt are smart enough to find a farm, drive in and ask permission to hunt, without help from the state.

The law under consideration here today, makes no sense, except as a barrier to keep people out of the state. If that's what you want to do, this is the perfect law.

There is a segment of the electorate that wants to turn the state into a giant, pay to shoot hunting preserve. They want to throw a wall around the state and put up signs that say, no hunting. To do that, they need a backdoor trespass law aimed at nonresidents. That's what this law is; a back door trespass law. Resident hunters will think it doesn't concern me, it concerns nonresidents. Let the law pass.

Knowing the incremental approach to legislating certain agendas, I have no doubt the law will eventually expand to include residents. That will kill hunting the way we know it.

If that happens, this legislative body better be ready with tax subsidies to keep commercial hunting operators afloat. One bad winter, wildlife dies, out of state hunters dry up, and so does the commercial operator's cash flow. Mark my words, they will be here at this podium asking for disaster relief, a disaster that this legislative body is helping to create with this law.

I spent 22 years working in government. I know about the law of unintended consequences. This law has unintended consequences written into its DNA.

One bad winter—and it's a matter of time—and commercial hunting operators will be asking the state to pen raised pheasants for release into the wild so the out of state dollars continue to flow.

I have no objection to commercial hunting operation. More power to them. But we need a mix of do-it-yourself out of state hunters to balance the commercial operators that cater to hunters who want the luxury of a guide to show them around. This bill kills that balance by closing all land to out of state hunters.

I want my grandsons to come to North Dakota to hunt with grandpa. I want my brother's grandson to come here to hunt with me. I don't want to inform a bureaucrat where I will take these nonresident hunters. Frankly, it's none of the government's business. It concerns me and the land owner and not the state. Most land owners I know allow hunters on their land or keep them off, as they see fit. They don't need help or hindrance from the state.

If this bill passes into law, it will have the following negative effects:

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First, HB 1448 will cause nonresident hunters coming here to hunt to go to a pay to a commercial hunting operation to avoid the hassle of tracking down permission from individual land owners. That will shift hunting pressure to established operations in concentrated areas causing overkill in these areas.

Second, the overkill will put pressure on Fish and Game to do something to increase the declining populations of game in these areas. Declining game populations means unhappy customers and unhappy customers will not come back.

Third, HB 1448 will shift paying customers away from areas that don't have commercial hunting operations and cause the abandoned small towns financial harm. Some of these small towns will suffer serious financial harm. (Every year I run into several out of state hunters in the field or meet them in cafés. They come back to the same area year after year. They don't pay a commercial operation to hunt, but they spend money at the local motel, café and bar. That money will dry up and hurt the small towns.)

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TESTIMONY REFERENCING HB 1448
By Mike Donahue, Lobbyist #215
February 6, 2003

House Natural Resources Committee

United Sportsmen of North Dakota and the N.D. Wildlife Federation ask for a DO NOT PASS for HB 1448.

At line 9, use of the word "intends" takes away the ability to hold the applicant accountable.

Why are licenses issued by lottery (line 12) exempt?

Lines 15, 16 and 17 must be deleted. With the current debates on controlling pressure on the resources, lines 15, 16 and 17 are really poor language.