

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1356

2005 HOUSE NATURAL RESOURCES

HB 1356

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1356

House Natural Resources Committee

Conference Committee

Hearing Date February 4, 2005

| Tape Number                                   | Side A | Side B | Meter # |
|---|--------|--------|---------|
| 1   | x      |        | 15-3920 |
|   |        |        |         |
|   |        |        |         |
| Committee Clerk Signature <i>Laura Bonnet</i> |        |        |         |

Minutes:

**Chr. Nelson:** Opened the hearing on HB 1356. Roll was taken, Rep. Nottestad absent. Bill was read aloud.

**Rep. LeRoy G. Bernstein, Dist. 45:** I'm introducing this because I believe in developing good rapport with the landowners. While hunting last fall, hunters asked if there was anything that could be done about party hunting. Last session, there was a generic bill. Much of this new bill came from a Wisconsin bill. It only applies to white tail, not mule deer. Without party hunting, I think it would be the end of deer hunting. ND has become a state with many elderly people. (It's more difficult for the elderly to hunt alone.) If passed, this bill would legitimize group hunting and keep older hunters hunting longer.

**Chr. Nelson:** Are there any questions of Rep. Bernstein? Seeing none, thank you. Is there further support for HB 1356?

**Rep. Ole Aarsvold, Dist. 20:** I'm here as co-sponsor of the bill. As sponsors, our preference was to call a this bill something like "family hunting bill," or "family values hunting bill" as it is a family activity. I have hunted for over 45 years in ND and been able to hunt most of those years in the company of my daughter, son, and wife. It have hunted alone, but it is more satisfying when I hunt with my family. The practice is widespread; let's take the onus off law enforcement.

**Chr. Nelson:** Are there any questions of Rep. Aarsvold?

**Rep. Drovdal:** I do hunt and fish with other people. I don't catch their fish, and they don't catch mine. I don't shoot their game and they don't shoot mine. I think there are a lot of true sportsmen out there who do that. What you just said was that we're going out for the kill, not for the pleasure of the hunt. I think that is where a lot of the problems with Game & Fish and hunting is. It's all about killing something, not about enjoying a day out chasing game, enjoying the challenge. Doesn't this bill pay into that?

**Aarsvold:** There is nothing in this bill would prevent the practice of your family and friends (while hunting).

**Chr. Nelson:** Are there further questions of Rep. Aarsvold?

**Rep. Porter:** I have a couple concerns on this legislation. If you have a situation where there are individuals carrying three or four doe tags that make them legal to hunt for more than just one animal. Then you have someone who has a buck tag, who says, "I'll let you shoot this buck since it's legal. You give me an extra couple hundred dollars for the chance to shoot a trophy buck. Even though you only have doe tags, go ahead and shoot the buck and take the horns." How would you stop that erosion of the sport?

**Aarsvold:** I think it is going on right now. I don't see anything here that changes that practice, that the party hunt does go on, the group hunt does go on.

**Chr. Nelson:** Any further questions for Rep. Aarsvold? Thank you for your testimony. Further testimony in support of HB 1356?

**Dennis Daniel: (Written testimony attached)**

**Chr. Nelson:** Are there questions for Mr. Daniel? Seeing none, Mr. Daniel, if you would provide the clerk a copy of your written testimony, it would be helpful for deliberations.

Further testimony in support of HB 1356?

**Harold Neameyer, Cass County Wildlife Club: (Written testimony attached)**

**Chr. Nelson:** Are there any questions of Mr. Neameyer?

**Rep. Norland:** I heard two or three times in testimony that 'we all know,' I don't know who "we" are. I don't know who "all" is. If you could cite me one case specifically where party hunting is going on, I would appreciate that.

**Neameyer:** I guess I would have to say it is a figure of speech. The previous representative who spoke made the same comment, that it's happening.

**Norland:** I realize that. I don't agree with that statement. I can't cite one case and I don't like those kinds of figures of speech. I just wanted to clarify that.

**Chr. Nelson:** Further questions of Mr. Neameyer? Seeing none, thank you, Harold. Is there further testimony in support of HB 1356.

**Larry Clark, Riverdale:** I have hunted since the early 70's. Generally, I hunt on the prairies. When I get an opportunity to hunt in the woodlands, the majority is deer drives. They put a stander at the end and they shoot deer. A lot of people will tell them, take my deer, I want the

meat. I respect that some people hunt for the sport of it, the pleasure, and the camaraderie. But there are people who hunt for the meat. (Cites an examples). Party hunting does happen. If you want to deny it, come to my place and I will show it. We have an over population of deer right now. A higher percentage of kill rate would help cure that problem. It's another tool to control the deer. I'm in favor of this bill. We have turned good people into criminals (without it). Many states around us have group hunting.

**Chr. Nelson:** Are there questions of Mr. Clark?

**Rep. Hanson:** Would you support the bill if it was just for does?

**Clark:** Yes, I would.

**Chr. Nelson:** If I remember the argument from last session, I believe that the Game & Fish determined that they would not allow as many licenses because the kill success rate would be higher in a situation like this. If that's true, does that concern you?

**Clark:** I believe that if you sell the tag, you should be ready to have the animal harvested. I realize that not every tag is filled. But if you sell 20 tags, expect 20 kills.

**Chr. Nelson:** Further questions?

**Rep. Norland:** I understand that practice (group hunting) has been going on forever in that (river) area. It's not going to change.

**Clark:** There is a hard feeling amongst hunters. People value their land more than they did in the 70's, as far as who's on it. There is a lot of hard feelings when they see a group that fills 90-95% of their deer then have another group that struggles to fill 50% of it because they are afraid of being seen shooting a deer for somebody else.

**Chr. Nelson:** Is there further testimony in favor of HB 1356? Is there opposition to HB 1356?

**Curtis Blohm, ND Outdoor Heritage Coalition: (Written testimony attached)**

**Chr. Nelson:** Are there any questions of Mr. Blohm? Seeing none, thank you for your testimony. I will continue to take testimony in opposition to HB 1356.

**Leland Goodman, Diamond Bar Diamond Outfitters:** We teach children in hunter safety that we need to have integrity in the hunt. The lack of integrity in the hunt when you promote group hunting sends a signal that this is just a minor violation. What's next? Do we allow other things to continue simply because? I'm against it because we teach kids to be sportsmen. Heritage is supposed to be carried forward. This isn't going out to hunt just to kill. It's suppose to be an experience, a family affair. It should be limited. Integrity begins with the laws we have in place.

**Chr. Nelson:** Thank you, Mr. Goodman. Are their questions for Mr. Goodman. Seeing none, I will continue to take testimony in opposition to HB 1356.

**David Munsch:** When people were poor and poached deer, (that was one thing). I've hunted with groups. There have been extra deer shot and they don't know what to do with it. I've disposed of them for them. The law keeps the lid on this, and keeps some integrity in the hunt.

**Chr. Nelson:** Are there questions of Mr. Munsch? Seeing none, thank you for your testimony.

Any further testimony in opposition to HB 1356?

**Mike Donahue, United Sportsmen of ND and the ND Wildlife Federation: (Written testimony attached.)**

**Chr. Nelson:** Of the three examples that you cite, do feel clarification can ease your fears in those issues?

**Donahue:** I don't think there is time in this session to get to it, to put it into a subcommittee and start to wrangle the language. That's why we figured just don't pass it.

**Chr. Nelson:** Are there further questions for Mr. Donahue?

**Rep. Keiser:** Are you saying that no members of your organization has ever engaged in this activity?

**Donahue:** I don't know. I suppose some do.

**Keiser:** What would be your best guess of the number who do it?

**Donahue:** That I could not say. We are affiliated with clubs statewide.

**Chr. Nelson:** Seeing no further questions, thank you for your testimony. Is there further opposition to HB 1356? Does someone from the Department (G & F) want to testify, even in a neutral or information category?

**Roger Rostvet, Dep. Director, ND Game & Fish:** From the department standpoint, this bill is patterned after Wisconsin's group hunting law. There are some minor changes in it. However, because Wisconsin and ND are quite different in the issuance of license, etc., there are parts of this bill that if you proceed, need to be tweaked to better clarify it. Mr. Donahue brought up on Line 16, there's a need that it has to be a Unit license, or the case of a gratis holder on his own land. Wisconsin has a situation where they have unlimited white tail bucks statewide, where in ND we manage by units and zone. That would need clarification. The other part of the bill was addressed in Wisconsin. We have preferential pricing for non resident doe licenses, non resident buck licenses. Theoretically, under this bill a \$50 non resident doe license becomes a \$200 freebie for buck license if you can find somebody that you can hunt with that has a buck tag. Addressing that may be necessary. The question was asked, what about the number of licenses

that we do issue now? Currently, look at our doe tags. The percentage on those often exceed 80%. We have a feeling at the department, that if you hit 80%, just anybody who wants to harvest one is taking one. The area that might change significantly would be on the bucks. Now, we run from 60-70%, you would probably see a 5-10%, conservatively, increase in the harvest rate on bucks, meaning a corresponding drop in licenses issued. In ND, we have poor escape cover for bucks, so we have a a lower harvest rate. We actually restrict the number of bucks to at least put somewhat of an age structure into the population. The whole thing comes back to a question of ethics, fair chase. The department spends a lot of time trying to instill some of the values that several of the other speakers have talked about today. Under this bill, the people that we look for, so-called party hunting, would be the same people we would continue to look for. We look for the ones where the guy is not hunting, sitting in the pickup or back at camp, not actively engage in the operation. The same type of people would be illegal under this law.

**Chr. Nelson:** Any questions for Mr. Rostvet?

**Rep Keiser:** It's interesting that the standards change. You mention fair chase, I have a problem with that. To me, that's not a fair chase, yet they're legal. Does the department have any sense what percent of people are engaging in this practice, at varying times.

**Rostvet:** That's a difficult question because there are degrees of party hunting. There are those who only think of party hunting the last day, or weekend. Then there are a large majority of people that hunt alone in ND. It may be more prevalent in heavily wooded areas, like Wisconsin. Ethics change with time!

**Chr. Nelson:** Questions?

**Rep. Charging:** One of the questions brought up if this goes into law, if it is changed to doe, would that help the department to enable the sportsmen to reduce the numbers?

**Rostvet:** We have a very high success rate on does right now. You might get a few more percent. It appears that you reach a certain level of success. You have 4-5% of the people who never hunt, certain groups who never kill. The doe numbers seldom get over 85% even when the population is extremely high, so there is not much room to work with. If we want to increase the success rate on bucks, we could certainly use a bill like this.

**Rep. Charging:** Currently, the department bases their total allocation of tags. You know all of them won't be filled. Biologically, would it hurt the herd if every tag sold was filled?

**Rostvet:** If every tag was filled, we'd grossly over harvest. We anticipate in certain areas, 60% success on bucks. If we killed 100%, the next year, we'd have to reduce by 40%. We not issue with the expectation that we're going to fill every tag. We base tags on previous success rates.

**Chr. Nelson:** Further questions? Were you neutral or opposed?

**Rostvet:** Neutral, we do spend a lot of time looking at the ethics of a fair chase.

**Chr. Nelson:** Is there further testimony in opposition to HB 1356? Seeing none, I'll close the hearing on HB 1356.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1356

House Natural Resources Committee

Conference Committee

Hearing Date February 11, 2005

| Tape Number                                   | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 1   | x      |        | 4050-4865 |
|   |        |        |           |
|   |        |        |           |
| Committee Clerk Signature <i>Loren Bonnet</i> |        |        |           |

Minutes:

**Chr. Nelson:** Let's take up HB 1356. That is Rep. Bernstein's party-hunting bill. Was anyone not at the hearing?

**Rep. Nottestad:** Me.

**Chr. Nelson:** It was structured after Wisconsin's, basically. We show Harold Neameyer, Larry Clark and Dennis Daniel on the supporting side; and Curtis Blohm, Leon Goodman, David Munsch, and Mike Donahue opposed, and Roger Rostvet gave testimony. Does anyone have amendments for this?

**Rep. Norland: I move a Do Not Pass.**

**Rep. Solberg: Second.**

**Chr. Nelson:** Committee discussion.

**Rep. DeKrey:** I am going to vote for it this time. I resist the motion. We've talked a lot about fair chase this session. When you have the hundred-power spotting scopes and such, and we can

put a pile of grain out to bring the deer in so we can shoot them with a bow, I think we went away from fair chase a long time ago. All this bill does is make criminals out of the way most people are hunting anyway. So I'm going to change my vote this session.

**Chr. Nelson:** Further discussion?

**Rep. Norland:** The one major obstacle that I see, and I won't dispute words like "we all know what's going on and we all know what's being done." I have no idea, that might be true. There are two philosophies to hunting, you either hunt to kill or kill to hunt. If you're one of those who've killed to have hunted, you just want to kill, there is nothing else to it. That's why there are laws. People go out there and shoot a dozen pheasants or shoot every deer that they get a chance to. If you can party hunt and you could hunt every day of the season, link up with a party, and shoot all their deer, then hook up with another party and shoot all their deer. If you have the time and can get together with the parties, then you can shoot as many deer as you want during the season. Maybe that's what the bill lends it to do. I don't think so. The Game and Fish did say in their testimony that if there's a party out there hunting and they are all together, they leave them alone. I think Roger (Rostvet) said that it's just that when they stop somebody and the guy's got the tag on the deer, and the other guy's back in camp or in town, then there's a problem. I also see it giving the slob hunter a chance to buy more shells.

**Chr. Nelson:** Any further discussion?

**Rep. Nottestad:** I think the only other argument used is if this passes, the number of buck licenses being issued for mule deer and white tail will have to be reduced, because the percentage of kill is going to go up. In the woods of Minnesota, that isn't a problem, but in the prairie

Page 3

House Natural Resources Committee

Bill/Resolution Number HB 1356

Hearing Date February 11, 2005

regions that we have here, with this type of hunting the numbers (that they can issue) will go down. That will (affect) every person who is trying to get a mule deer buck or a white tail buck.

**Rep. Hanson:** There are no mule deer in this (bill).

**Chr. Nelson:** Seeing no further committee discussion, I'll ask the clerk to call the roll on a

**DO NOT PASS motion,**

**VOTE: 13-Yeas; 1-Nay; 0-Absent; CARRIER: Charging**

*centered*

Date: 2/11/05  
Roll Call Vote #: 1

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB1356 - group deer hunting** ✓

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken : Do Not Pass

Motion Made By : Norland Seconded By : Solberg

| Representatives               | Yes | No | Representatives     | Yes | No |
|-------------------------------|-----|----|---------------------|-----|----|
| Chairman - Rep. Jon O. Nelson | ✓   |    | Rep. Lyle Hanson    | ✓   |    |
| Vice Chairman - Todd Porter   | ✓   |    | Rep. Bob Hunskor    | ✓   |    |
| Rep. Dawn Marie Charging      | ✓   |    | Rep. Scot Kelsh     | ✓   |    |
| Rep. Donald L. Clark          | ✓   |    | Rep. Dorvan Solberg | ✓   |    |
| Rep. Duane DeKrey             |     | ✓  |                     |     |    |
| Rep. David Drovdal            | ✓   |    |                     |     |    |
| Rep. Dennis Johnson           | ✓   |    |                     |     |    |
| Rep. George J. Keiser         | ✓   |    |                     |     |    |
| Rep. Mike Norland             | ✓   |    |                     |     |    |
| Rep. Darrell D. Nottestad     | ✓   |    |                     |     |    |
|                               |     |    |                     |     |    |
|                               |     |    |                     |     |    |
|                               |     |    |                     |     |    |
|                               |     |    |                     |     |    |

Total (Yes) 13 No 0

Absent 0

Floor Assignment Charging ✓

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

**REPORT OF STANDING COMMITTEE (410)**  
February 11, 2005 2:45 p.m.

**Module No: HR-28-2614**  
**Carrier: Charging**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1356: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Eleventh order on the calendar.**

2005 TESTIMONY

HB 1356

I Rise in support of House Bill # 1356 with mixed emotions & only speak for it as a means to accomplish a system to place Identity tags on all Hunters

(By: Dennis Daniel, 2/4/05)  
Re: HB1356

The DRE Several Reasons To use an identity tag on each hunter

The tragic incident in Wisconsin was helped to come to a quick arrest as a result of the tag being worn.

Some Gradis tag DRE being abused as people are hunting off of the land that is described on the application, One example is hunting on State and Federal land.

To allow land owners and other hunter to report violations with a better chance to identify the person committing the violation

To allow the party hunter to readily identify each other and if I as a Regular Hunter see's a Hunter shootig MORE than two or more deer at a time He will know that this is legal and wont be calling the R & F or the local SHERIFF dept. to complain or report a violation that turn out to be not a violation

With that said. I must say that I am 100% against the concept of a party hunt.

and the only reason that I support this Bill was to use it as an instrument to amend and to interaduse the concept of

the Hunter identity tag.

- 1  
2  
3  
4
6. The individual taking the deer may not leave the deer unattended until after the deer is tagged and the locking seal is validated according to the locking seal instructions. An individual is considered to be attending the deer if that individual has visual sight of the deer.

7 All big game hunters shall wear on the back of the outer garment a tag with the Hunter's Identity numbers in 2" high numbers, this tag will be furnished by the Game and Fish Dept.

8 this tag shall be worn at all times while afield in the process of hunting Big Game

9 these tag shall be colored coded to represent  
1. Gno's tag one color

2. General issue tag another color

3 Party hunters blaze orange

All Big Game Hunters shall wear on the Back of top of the outer Garment a tag with the Hunter Lic # number in 2" High numbers to be furnished by the Game Fish Dept with the Gun tag that is used to tag the Big Game. This tag is to be worn at all times when in the field in the process of hunting Big Game.

These tags shall be color coded to represent Youth tags one color, Regular season another color and Party Hunter Blue Orange.

There are 4 reasons to use a identify # on each Hunter. The topic involved in Wisconsin was helped to come to a quick arrest as a result of the tags. The color codes will allow Hunter to identify if #3's tags are being abused as I believe they are on I.F. Hunter on State & Federal lands and some Private lands.

#3 to allow Land owners and other Hunter to report violators much easier.

#4 to allow Party Hunter to more easily keep track of each other if they get separated and to prevent other Hunters and the Public who might observe some hunters one or more than one deer from filing a complaint. This would take valuable time from Law enforcement.

In closing I would ask that this Committee would amend this bill to accomplish this and in the end would not allow legal party planting

By: Harold Neameyer

**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 1356**

February 4, 2005

Mr. Chairman and Members of the Committee:

The Club supports this bill, however it needs clarification. We all know that group hunting is happening now and its difficult to enforce. We also know that many groups are family members who hunt as a social event.

The bill states that each member of the group must agree in advance, which makes it voluntary.

There is a need to clarify what a valid license is and where it can be used.



North Dakota  
Outdoor Heritage  
Coalition

Curt Blohm  
(701) 258-7056

---

**House Bill No. 1356**

**Reference: Relates to group deer hunting**

**House Natural Resources Committee**

**Hearing Date: February 4, 2005**

**Good Morning, Mr. Chairman and Committee members. My name is Curtis Blohm. I appear before you today representing the North Dakota Outdoor Heritage Coalition. This coalition was founded out of the need for representation before the legislative committee by North Dakota citizens concerned for the preservation of our unique outdoor recreational heritage.**

**The ND Outdoor Heritage Coalition does not support the content of this bill. While we understand the positive social aspects of group hunting as a part of our heritage, we cannot support the potential increased harvest of white tailed bucks that would certainly occur if this bill were passed into law. The cherished tradition of the "fair chase" for game hunting in North Dakota should always have precedence over an emphasis of number of tags filled.**

**Thank You.**

# United Sportsmen of North Dakota

Post Office Box 272

Bismarck, ND 58502

www.unitedsportsmen-nd.org

E-mail: info@unitedsportsmen-nd.org



## TESTIMONY REFERENCING

### HB 1356

By Mike Donahue, Lobbyist #215

House Natural Resources Committee

February 4, 2005

The United Sportsmen of North Dakota and the N.D. Wildlife Federation ask for a **Do Not Pass** for HB 1356.

Group hunt is just a new term for party hunt and party hunt is not legal. The reason it is not legal is because it goes directly against good hunting ethics and giving the animal a fair chase.

Beyond that, the bill is very poorly written and doesn't deserve the time to try and take out various possibilities.

For example, at line 16 what is a "valid" license? At line 19 does "voice" include electronic assist? At line 19 does visual include optics? At line 21 what is a reasonable period of time? For that matter, what would be unreasonable?

Please, **Do Not Pass**.