

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1257

2001 HOUSE AGRICULTURE

HB 1257

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1257

House Agriculture Committee

Conference Committee

Hearing Date 1-19-01

| Tape Number                                       | Side A | Side B | Meter #    |
|---|--------|--------|------------|
| ONE   | A      |        | 326 TO 738 |
|   |        |        |            |
|   |        |        |            |
| Committee Clerk Signature <i>William D. Ulfka</i> |        |        |            |

Minutes:

1A: 326 CHAIRMAN NICHOLAS: Chairman Nicholas opened on HB 1257.

REPRESENTATIVE FROELICH: Mr. Chairman if I may. This has been a contention in North Dakota for years that one quarter of land is not farmer, rancher friendly. One quarter is kind of a hobby farm. The law was intended for farmers and ranchers to get a gratis tag. I was not going to submit a Bill to the House of Representatives this year because. I'd like to delete the 160 acres and make it 640 acres.

1A:441 CHAIRMAN NICHOLAS: My question committee members is do we want to do something with this Bill. The gratis is really for immediate family that is living out there farming. We could change state law if we want but I just think that twenty dollars won't buy a round of drinks in most bars.

1A: REPRESENTATIVE FROELICH: Mr. Chairman, I would not pass this law as it is. I am not in favor of it. If its OK with the committee I will offer an amendment to the 640 acres.

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House Agriculture Committee

Bill/Resolution Number HB 1257

1-19-02

1A: CHAIRMANICHOLAS: I would say that there is going to be very little support on the floor for this. The Chair will entertain a motion for a DO NOT PASS. I don't think there is much support in this committee. Move was made to DO NOT PASS. The clerk took the roll and there was a do not pass. Representative Lloyd will carry the Bill.

====721 on tape ONE;====A=====

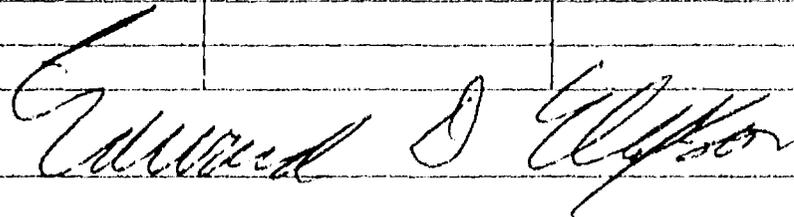
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1257

House Agriculture Committee

Conference Committee

Hearing Date 1-26-2001

| Tape Number   | Side A | Side B | Meter #    |
|---|--------|--------|------------|
| ONE   | A      |        | 00 TO 1415 |
| Committee Clerk Signature  |        |        |            |

Minutes:

1A:00 CHAIRMAN NICHOLAS: We will now open the meeting on HB 1257

1A: REPRESENTATIVE DELZER: Mr. chairman and members of the committee. My name is Jeff Delzer. I am a Representative from District Eight. Prepared text was presented and is attached to these minutes.

1A: REPRESENTATIVE BERG: Would siblings not living with them be able to count. Would out of state siblings be able to hunt.

1A: REPRESENTATIVE DELZER: Mr. Chairman and Representative Berg. I'm not sure legally if that would work or not but the Section starts with a resident yaw know, I would prefer that that it be residence.

1A:182 CHAIRMAN NICHOLAS: Any other questions Committee Members. Thank you Representative Delzer. I don't see any other Legislators that are sponsors on the Bill. I will

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House Agriculture Committee

Bill/Resolution Number hb 1257

Hearing Date 1-26-2001

take testimony from whoever else would like to give testimony on HB 1257. Anyone here to oppose HB1257.

1A:273 Roger Executive Director of the North Dakota Game and Fish Department:

CC: The above line. I'm not certain of Roger's title. Could not understand him.

HB1257 virtually no one disagrees a gratis license for farmers, ranchers and land owners are providing Deer habitat. Prepared text attached. Attached to these minutes.

Following his prepared testimony. Roger requested a DO NOT PASS, and asked for questions.

1A:438 CHAIRMAN NICHOLAS: Clarify once for me. The century says immediate family and we are doing an overstrike and adding an immediate family member.

1A:ROGER: It says immediate family members customarily residing. That narrows it down to immediate family members living on the farm.

1A:668: REPRESENTATIVE WRANGHAM: If a rancher has the title to several sections of land can he divide that up and get more than one gratis permit? Or is this one per land owner.

1A:ROGER: It all depends on if he has a son coming into the business so to speak that's he's coming on, they would both qualify. If he is just a sole proprietor he can transfer that to his kids I think the thought behind this is that the guy's are already getting gratis for farmers and ranchers.

When you get into the 160 acres the gratis permits would dramatically increase.

1A:770 REPRESENTATIVE BERG: The gratis really dose two things. Number one, it guarantees that you get a license. Number two you don't have to pay a fee for that.

It has to be used on land that is owned or leased?

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House Agriculture Committee  
Bill/Resolution Number hb 1257  
Hearing Date 1-26-2001

Just so I am clear on this? When you first receive the gratis license, they can hunt anywhere in that unit or do they have to hunt on the land where they received the gratis tag?

1A:ROGER: The qualifying land for the gratis only.

1A: REPRESENTATIVE FROELICH: Is there anyway you can probably come up with data. How many people are applying for a gratis license that own 160 acres?

1A:ROGER: We can do a sampling of it. I could take a random sample of the numbers just to give you some kind of an idea.

1A:960 CHAIRMAN NICHOLAS: Anyone else. O.K. Anyone else wishing to appear in opposition to this BILL?

1A:978 MIKE DONAHUE: I'm here to represent the NORTH DAKOTA WILD LIFE ASSOCIATION. We are apposed to the Bill for a lot of the reasons stated by the Game and Fish Department. This would affect the first lottery.

1A:REPRESENTATIVE LEMIEUX: If we increased the acreage. What would your thought be on that.

1A:MIKE DONAHUE: I think if it went from 160 acres to 640 my personal opinion is I think we should do that. It would have to be in the same unit.

I do think that increasing the acreage would help.

1A: CHAIRMAN NICHOLAS: Thank you. Anyone else wishing to appear in opposition to this BILL? HB 1257 WE WILL CLOSE THE HEARING ON HB1257

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1257

House Agriculture Committee

Conference Committee

Hearing Date 2-26-01

| Tape Number               | Side A | Side B | Meter #      |
|---------------------------|--------|--------|--------------|
| ONE                       | A      |        | 6160 TO 6254 |
|                           |        |        |              |
|                           |        |        |              |
| Committee Clerk Signature |        |        |              |

Minutes:

1A: CHAIRMAN NICHOLAS: O,K. Committee members HB 1257. What is your feelings on 1257? The Chair will entertain a motion.

Representative Lloyd made a motion for a DO NOT PASS, Seconded by Representative Renner.

The Roll was taken. There were 13 yes, 1 no and 1 absent. Representative Lloyd has the Floor Assignment.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/16/2001

**REVISION**

Bill/Resolution No.: HB 1257

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 |
| <b>Revenues</b>       |                    |             |                    | (\$120,000) |                    | (\$120,000) |
| <b>Expenditures</b>   |                    |             |                    |             |                    |             |
| <b>Appropriations</b> |                    |             |                    |             |                    |             |

**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.*

It is estimated that at least 3,000 additional gratis licenses will be issued if this law is implemented. These are licenses that would be sold under the current law. The reduction of revenue for the Game and Fish Department would be about \$60,000 per year or \$120,000 per biennium.

**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.*

ND Game and Fish Department revenue would be reduced by \$120,000 per biennium.

**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.

|                      |                 |                       |                             |
|----------------------|-----------------|-----------------------|-----------------------------|
| <b>Name:</b>         | Paul Schadewald | <b>Agency:</b>        | ND Game and Fish Department |
| <b>Phone Number:</b> | 328-6328        | <b>Date Prepared:</b> | 01/16/2001                  |

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/15/2001

Bill/Resolution No.: HB 1257

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.*

None.

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.

|              |                 |                |                             |
|--------------|-----------------|----------------|-----------------------------|
| <b>Name:</b> | Paul Schadewald | <b>Agency:</b> | ND Game and Fish Department |
|--------------|-----------------|----------------|-----------------------------|

Phone Number: 328-6328

Date Prepared: 01/16/2001

Date: 1 - 19  
 Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1000

House AGRICULTURE Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

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

Action Taken do

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

| Representatives                   | Yes | No | Representatives   | Yes | No |
|-----------------------------------|-----|----|-------------------|-----|----|
| Eugene Nicholas, Chairman         | ✓   |    | Rod Froelich      | ✓   |    |
| Dennis E. Johnson - Vice Chairman | ✓   |    | Doug Lemieux      | ✓   |    |
| Riek Berg                         | ✓   |    | Philip Mueller    | ✓   |    |
| Michael Brandenburg               | ✓   |    | Kenton Onstad     | ✓   |    |
| Joyce Kingsbury                   |     |    | Sally M. Slandvig | ✓   |    |
| Myron Koppang                     | ✓   |    | Dennis J. Renner  | ✓   |    |
| Edward H. Lloyd                   | ✓   |    | Dwight Wrangham   |     | ✓  |
| Bill Pietsch                      | ✓   |    |                   |     |    |
|                                   |     |    |                   |     |    |
|                                   |     |    |                   |     |    |
|                                   |     |    |                   |     |    |
|                                   |     |    |                   |     |    |
|                                   |     |    |                   |     |    |

Total (Yes) 13 No 1

Absent 1

Floor Assignment Lloyd

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

REPORT OF STANDING COMMITTEE (410)  
January 26, 2001 12:52 p.m.

Module No: HR-13-1728  
Carrier: Lloyd  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1257: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO NOT PASS**  
(13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1257 was placed on the  
Eleventh order on the calendar.

2001 TESTIMONY

HB 1257

Mr. Chairman and members of the committee,

For the record my name is Jeff Delzer, Representative from dist 8, which consists of parts of Melean and Burliegh Counties. I introduced 1257 at the request of a constituent. This past fall he called the game and fish to find out how to transfer his gratis eligibility to his brother and was told it was against the law. When he told me this I myself was quite surprised since transferring of land for gratis does happen in the real world.

The bill as introduced will remove language limiting it to a spouse or legal dependent residing with the landowner to an immediate family member.

I felt this was a subject that deserved legislative debate. My feelings as I put this issue forward was that a immediate family would be parents, siblings and children. I feel that gratis lisenec recipients should only be residents of North Dakota. Attached is a e-mail of issues from a revue at the AG's office. I put this in for your consideration.

Mr chairman this issue is here for your consideration and I am sure this committee will do a good job of looking into the issue.



"Germolus, Paul C."  
<pgermolu@state.nd.us>

01/22/2001 09:37 PM

To: "Delzer, Jeff W." <jdelzer@state.nd.us>  
cc:  
Subject: HB 1257 - Gratis Deer Licenses

Representative Delzer,

As the sponsor of HB 1257, I wanted to advise you of the issues I pointed out on my bill review form to the Attorney General. This office will not take a position or testify, but the Attorney General asked me to contact you about providing technical assistance.

- Page 1, line 22-23 refers to "an immediate family member". The phrase is not defined in Title 20.1 and may be subject to varying interpretations by the regulated community and the agency charged with its administration. The phrase "immediate family" is defined elsewhere in the Code, but that definition is not controlling here. We suggest its meaning within the bill.
- NDCC section 50-10.2-01(4) defines "immediate family" as "husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchild, uncle, aunt, niece, nephew, or grandchild." This list may be more expansive than you intended, but is conclusive when the agency reviews the relationship of transferred eligibility for a gratis license.
- Since the new language being proposed appears more expansive than existing law, a second set of issues is also present.
  - Does the "immediate family member" have to reside with the person transferring the gratis?
  - Does the "immediate family member" have to reside in North Dakota, or may a nonresident family member also qualify?
  - If the intent was to allow a nonresident family member to receive the gratis, does the non-resident have to pay the fee required for a nonresident big game license (similar to a nonresident landowner)?

Please let me know if you would like this office to provide any technical assistance in drafting amendments. If you care to discuss this matter further, please contact me at 328-3640.

Paul C. Germolus  
Office of Attorney General  
900 East Boulevard Avenue  
Bismarck, ND 58505-0041  
Tel. 701-328-3640  
Fax. 701-328-4300  
<pgermolu@state.nd.us>

**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT  
HB: 1257 GRATIS FOR IMMEDIATE FAMILY  
HOUSE NATURAL RESOURCE COMMITTEE  
JANUARY 26, 2001**

Virtually no one totally disagrees with gratis licenses for farmers/ranchers and landowners as a reward for providing deer habitat. Currently individuals who are eligible for a gratis license may transfer these license to a spouse or legal dependent residing customarily with that person. The question concerning HB1257 is, "is being a relative of someone owning land or farming/ranching a reasonable expectation to receive a gratis deer licence."

Under the current requirements the number of gratis deer licenses has increased over 17 percent in the last 5 years to its current level of 10,650, even though the number of farmers and rancher is decreasing. The definition of immediate family is very broad under state law and would qualify tens of thousands of individuals. I personally would qualify for a license for a large number of farms in several counties.

Even if the number of relatives in the list of immediate family were reduced, it would tax the limits of our current deer license allocation system, especially in areas where certain type of licenses are currently in high demand.

For these reasons the North Dakota Game and Fish Department urges a **DO NOT PASS** recommendation on HB 1257.

HB 1257

RIGHTS OF HEALTH CARE FACILITY RESIDENTS 50-10.2-01

Source: S.L. 1983, ch. 524, § 6; 1985, ch. 524, § 4; 1987, ch. 576, § 3.

50-10.1-07. Confidentiality and disclosure of records and files. Those records and files of the state and regional ombudsman, and their authorized agents, which relate to, or identify any resident of a long-term care facility or a complainant, are confidential and may not be disclosed unless:

- 1. A resident, or a legal guardian or attorney-in-fact, consents in writing to the release of the information and designates to whom the information must be disclosed;
2. The ombudsman authorizes a disclosure which does not reveal the identity of any complainant or resident; or
3. A court of competent jurisdiction orders the disclosure.

Source: S.L. 1983, ch. 524, § 7; 1985, ch. 524, § 5.

CHAPTER 50-10.2

RIGHTS OF HEALTH CARE FACILITY RESIDENTS

Table with 2 columns: Section and description. Row 1: 50-10.2-01. Definitions. Row 2: 50-10.2-02. Residents' rights -- Implementation. Row 3: 50-10.2-03. Rulemaking authority of department. Row 4: 50-10.2-04. Enforcement -- Injunction.

50-10.2-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

- 1. "Conflict of interest" means any type of ownership in a facility or membership on the governing body of a facility by a provider of goods or services to that facility or by a member of that person's immediate family.
2. "Department" means the department of human services.
3. "Facility" means a skilled nursing care facility, intermediate care facility, basic care facility, boardinghouse, or swing bed hospital approved to furnish long-term care services.
4. "Immediate family" means husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchild, uncle, aunt, niece, nephew, or grandchild.
5. "Remodeling" means any alteration in structure, refurbishing, or repair that would:
a. Prevent the facility staff from providing customary and required care; or
b. Seriously endanger or inconvenience any resident with noise, dust, fumes, inoperative equipment, or the presence of workmen.
6. "Resident" means a person residing in a facility.



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