

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1272

2001 HOUSE AGRICULTURE

HB 1272

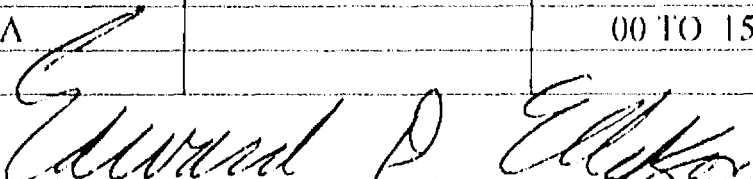
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1272

House Agriculture Committee

☐ Conference Committee

Hearing Date 2--1--01

Tape Number	Side A	Side B	Meter #
ONE	A		5100 TO 6253
TWO	A		00 TO 1501
Committee Clerk Signature 			

Minutes:

1A:5100 CHAIRMAN NICHOLAS: We will open the hearing on HB 1272.

REPRESENTATIVE DEKREY: I have an amendment for this Bill. What it would do is set up two grate's. Please see attached printed testimony. We would be dealing with 1,000 acres.

The bill relates to gratis licenses to hunt deer. The farmer support the deer. They raise them.

The farmer for the most part raised all of that. They think as a very small token of appreciation the hunting should give them at least one hunting license.

This Bill keeps coming back every year.

Representative Mueller: What happens when someone living out of state but own one thousand acres. Can that individual come in and take advantage of the gratis license.

DEKRAY: They can under the current law.

If you own land in more then one unit, you have to choose the unit.

What I am trying to do is get a bill passed that will do some of what I want to do.

CHAIRMAN NICHOLAS: Any other questions on HB 1272. Any more support.

LARRY SHEMER?? Appeared in support of this Bill

I am sure game and fish has some reservations about it, but it is a good bill.

CHAIRMAN NICHOLAS: Any more support for this Bill. Any opposition to this Bill.

ROGER ROSTVET: I am with the North Dakota Game and Fish Department. Printed testimony is attached. Please see. Also amendments are attached to minutes.

THE GAME AND FISH DEPARTMENT URGES A DO NOT PASS.

REPRESENTATIVE LEMIEUX: People think they own that deer out there on my land.

There is a lot of animosity out there. Roger, how many gratis licenses are granted in one year?

Roger: 10,650 and there are 80 to 90,000 deer licenses issued.

Rep. Lemieux: How many gratis licenses are granted to non farmers.

Roger: I'm not certain. Agricultural Statistics has some information but I don't know.

There are not very many people taking advantage of it.

Representative Mueller: Do you get a lot of complaints about twenty dollars. from land owners.

Roger: There is an issue about this Bill. It is all about the twenty bucks. That is really what it come down to in my opinion. We hear a lot from land owners, it is negative.

Representative Lemieux: Mr Chairman. If we excluded the highly desirable mule deer areas in the state, then there would be less objection from the sportsman about this.

Roger: The gratis license is good for the mule deer as well as others. There is a one to two year wait to get a white tail license etc.

Where ever you own land you can hunt. This bill would be more restrictive.

Page 3
House Agriculture Committee
Bill/Resolution Number HIB 1272
Hearing Date 2--1--01

REPRESENTATIVE SANDVIG: Is there a problem matter of cost as to these licenses.

Response: We issue those license now at no charge. There would be a fiscal note to this.

Right now a lot of the farmers are we are pretty flexible as to the way we issue gratis licenses.

Meaning that people can go through the regular lotteries and if they don't get a license they can come back later. If they are unsuccessful in the lottery, we hold licenses back and then issue them as gratis. I think the fiscal note is around \$300,000.00 per biennium.

1A:1423 CHAIRMAN NICHOLAS: Any one else offering testimony on this Bill. Any other opposition to this Bill.

WE WILL CLOSE THE HEARING ON HIB 1272.

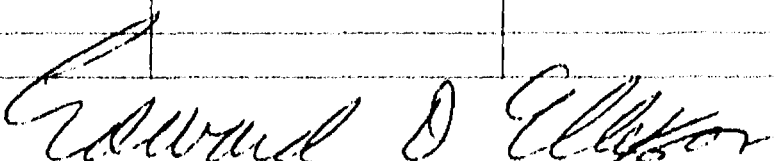
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1272 A

House Agriculture Committee

☐ Conference Committee

Hearing Date 2--1--01

Tape Number	Side A	Side B	Meter #
TWO	A		3000 TO 4989
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: Committee Members we will open on HB 1272.

Representative Froehlich: Any time we can help the farmer out there, I will go for it all the way.

Rep. Brandenburg: The fish and game says we may have a loss of money here. But, The licenses that are being issued out. Are they going to issue more licenses or cut back. What are they doing? There is no shortage of deer.

Representative DeKrey: I have some hopes that in the Agr. Committee that you will put an amendment to it and it will go to the floor with a DO PASS.

REPRESENTATIVE ONSTAD: The Game and Fish put a \$300.00 dollar value on a deer that is hit by an automobile. Where do they get that value?

Representative DeKray: We have to get the message out there that there are a lot of deer out there. The deer are going to die out there. Then we hit them with our plows.

Page 2

House Agriculture Committee

Bill/Resolution Number hb 1272 A

Hearing Date 2--01--01

Mr. Chairman, I move for a DO PASS ON THE AMENDMENTS.

CHAIRMAN NICHOLAS: I will entertain a motion for a DO PASS WITH THE

AMENDMENTS. The clerk took the Roll. *****12 YES*****2 NO*****1 ABSENT

REPRESENTATIVE SANDVIG WILL CARRY HB 1272.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1272

House Agriculture Committee

☐ Conference Committee

Hearing Date February 15, 2001

Tape Number	Side A	Side B	Meter #
1	x		1966 to 2704
Committee Clerk Signature <i>Edward D. Elger</i>			

Minutes:

Chairman Nicholas: Rep. Froelich is handing out his amendment for HB 1272.

Rep. Froelich: This amendment here is actually Rep. DeKrey' amendment. This would take the fiscal note out of it. Basically what this does is says if you want that right, you will pay that fee requirement for residents big game license. There will no longer a fiscal note attached to this. It would be revenue neutral. I think it is self explanatory.

Rep. Renner: The 1000 acre requirement. Since they are going to have to pay the \$20 for the license anyway and I think there are a lot of legitimate farmers out there that we could make happy. I think there are a lot of people who own $\frac{1}{2}$ or $\frac{1}{4}$ sections who are deserving of this treatment as much as someone with a 1000 acres. I hate to put an acreage thing into it, because we are going to make some people mad. If we didn't put that in there, would it be anyone who owns a $\frac{1}{4}$ or $\frac{1}{2}$, what is the gratis now.

Rep. Froelich: 160 acres. That was moved to amend the amendment to strike that language and let it be, same as the other gratis license.

Chairman Nicholas: Is there a second? Second by Rep. Renner. All those in favor of the amendments signify by saying aye. All opposed? Motion is carried. The chair will entertain an motion on Rep. Froelichs amendments.

Rep. Froelich: I move.

Rep. Lemieux: I second.

Chairman Nicholas: All those in favor signify by saying aye. Opposed? Okay we have HB 1272 with amendments. The chair will entertain a motion on 1272 as amended.

Rep. Wrangham: I move a Do Pass.

Rep. Froelich: I second.

Chairman Nicholas: Any discussion? What this is going to do is give us two classes of gratis licenses. It is going to give us one class which is free and another class where the farmers apply for and pay \$20 and be assured of getting a license.

_____ : They pay for the license but they can hunt the entire unit on which their property is located.

Chairman Nicholas: That is correct.

_____ : Is that the majority of the property ownership or anywhere, you make the choice?

Chairman Nicholas: No, he can hunt the whole unit. He will be able to get a license now. As a landowner he is automatically qualified. He can pay the \$20 and hunt the whole unit, including his own where he can get the gratis license for.

_____: Let's say his land is in two different units. Right on the boundary. Does he has the choose the unit? Does it go with where he owns the most land? Or can he pick a unit?

Chairman Nicholas: It goes with the unit he picks.

Rep. Mueller: What I think we are doing on HB 1272 is we are doing two things. We are serving the guy the license which is a gratis situation currently. And we are also assuring him either a buck or a doe in that unit.

Chairman Nicholas: Any other discussion? The question has been called. Clerk will take the roll.

Rep. Lemieux: Can I ask one question? So really we are assuring that landowner will get a license, then the gratis license allows them to take any deer, buck or doe, versus the lottery where you are assigned a certain animal.

Rep. Berg: This one here is another gratis tag, you are still allowed anything, but you have to pay the \$20 fee.

_____: The difference would be the other people in the lottery, they would have to take a particular buck or doe. I guess the question is, I am assuming Game and Fish would say this would have a bigger impact on the unit because people will be taking bucks in a bigger area than before.

Chairman Nicholas: Any other questions? The clerk will take the roll.

MOTION FOR A DO PASS

YES, 14 NO, 0

1 ABSENT AND NOT VOTING

CARRIED BY REP. KINGSBURY

FISCAL NOTE

Requested by Legislative Council
02/20/2001

Bill/Resolution No.:

Amendment to: HB 1272

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				\$160,000		\$200,000
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.*

It is difficult to estimate the number of gratis license applicants will use this option to get a unit wide license. 4000 per year for the 2001-2003 biennium and 5,000 per year for 2003-2005 is our estimate. Additional hunters will utilize this option to avoid having to be in the license lottery. Costs for them and Game and Fish revenue will not change, since they are already purchasing a license.

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.*

Some hunters who have been getting gratis/no charge licenses will purchase licenses. They will then be able to hunt off of their land and in the entire unit where their land is located. This will result in additional revenue for the Game and Fish Fund.

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.*

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 Schadowald	Agency:	ND Game and Fish
Phone Number:	328-6328	Date Prepared:	02/20/2001

FISCAL NOTE
Requested by Legislative Council
01/18/2001

Bill/Resolution No.: HB 1272

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				(\$280,000)		(\$300,000)
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.*

Currently many landowners purchase regular deer lottery hunting licenses because they want to hunt in more places than just their land. With this bill they would get the unit license at no cost. This would reduce the number of licenses available for purchase in the lottery. It is very difficult to estimate the number of licenses that this would involve. As more people learn about this, more landowner licenses will be issued. This will be especially popular in the mule deer hunting units where 6 or 7 people are applying for each license. It will significantly reduce the number of licenses that are available to hunters who are not landowners.

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.*

It is estimated that about 5,000 individuals would utilize this option. Note that it is very difficult to estimate this number. This would result in a reduction of revenue of \$140,000 to \$150,000 per year.

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.*

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:	01/17/2001

YK
2/1/01

HOUSE AMENDMENTS TO HB 1272 HOUSE AGR. 2-1-01
Page 1, line 13, remove the overstrike over "~~and may be used~~" and remove ". A lessee may use"

Page 1, line 14, remove "the license"

Page 1, line 15, replace the first "the" with "at least one thousand acres [404.69 hectares] of"

Page 1, line 16, after the underscored period Insert "A license used to hunt deer unitwide is not transferable."

Page 1, line 17, after the first "unit" Insert "qualifying that person for a unitwide license" and after "hunt" Insert ". A person who obtains a unitwide license is not eligible to receive any other license under this subsection"

Page 1, line 24, overstrike "A" and Insert immediately thereafter "Except as otherwise provided in this subsection, a"

Renumber accordingly

[Handwritten notes and signatures]

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Amendment

2-1-01

Date:
Roll Call Vote #:

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

HB 1272

House AGRICULTURE

Committee

- ☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 10534 . 0101

Action Taken DO PASS WITH AMENDMENTS

Motion Made By LEMIEUX Seconded By FROELICH

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

Total (Yes) 12

No 2

Absent 1

Floor Assignment

REP SANDVIG

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

2-1-01

Date:
Roll Call Vote #:2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

HB 1272

House AGRICULTURE

Committee

☐ Subcommittee on _____

or

☐ Conference CommitteeLegislative Council Amendment Number 10534. 0101

Action Taken

DO PASS WITH AMENDMENTS

Motion Made By

FROELICH

Seconded By

LEMIEUX

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

Total (Yes)

12

No

2

Absent

1

Floor Assignment

REP SANDVIG

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

REPORT OF STANDING COMMITTEE

HB 1272: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~and may be used~~" and remove "A lessee may use"

Page 1, line 14, remove "the license"

Page 1, line 15, replace the first "the" with "at least one thousand acres [404.69 hectares] of"

Page 1, line 16, after the underscored period insert "A license used to hunt deer unitwide is not transferable."

Page 1, line 17, after the first "unit" insert "qualifying that person for a unitwide license" and after "hunt" insert ", A person who obtains a unitwide license is not eligible to receive any other license under this subsection"

Page 1, line 24, overstrike "A" and insert immediately thereafter "Except as otherwise provided in this subsection, a"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1272

Page 1, line 13, remove the overstrike over "~~and may be used~~" and remove ". A lessee may use"

Page 1, line 14, remove "the license" and after the second underscored comma insert "upon payment of the fee requirement for a resident big game license"

Page 1, line 15, replace the first "the" with "at least one thousand acres (404.69 hectares) of"

Page 1, line 16, after the underscored period insert "A license used to hunt deer unitwide is not transferable."

Page 1, line 17, after the first "unit" insert "qualifying that person for a unitwide license" and after "hunt" insert ". A person who obtains a unitwide license is not eligible to receive any other license under this subsection"

Page 1, line 24, overstrike "A" and insert immediately thereafter "Except as otherwise provided in this subsection, a"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1272

Page 1, line 13, remove the overstrike over "~~and may be used~~" and remove ". A lessee may use"

Page 1, line 14, remove "the license" and after the second underscored comma insert "upon payment of the fee requirement for a resident big game license"

Page 1, line 15, replace the first "the" with "at least one thousand acres (104.60 hectares) of" ^{160 / CC}

Page 1, line 16, after the underscored period insert "A license used to hunt deer unitwide is not transferable."

Page 1, line 17, after the first "unit" insert "qualifying that person for a unitwide license" and after "hunt" insert ". A person who obtains a unitwide license is not eligible to receive any other license under this subsection"

Page 1, line 24, overstrike "A" and insert immediately thereafter "Except as otherwise provided in this subsection, a"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1272

Page 1, line 13, remove the overstrike over "~~and may be used~~" and remove "A lessee may use"

Page 1, line 14, ^(U/S) replace the first comma with a semicolon ^(U/S) and after the second underscored comma insert "upon payment of the fee requirement for a resident big game license"

Page 1, line 15, replace the first "the" with "at least one hundred sixty acres [64.75 hectares] of"

Page 1, line 16, after the underscored period insert "A license used to hunt deer unitwide is not transferable."

Page 1, line 17, after the first "unit" insert "qualifying that person for a unitwide license" and after "hunt" insert ", A person who obtains a unitwide license is not eligible to receive any other license under this subsection"

Page 1, line 24, overstrike "A" and insert immediately thereafter "Except as otherwise provided in this subsection, a"

Renumber accordingly

2-15-01

Date:
Roll Call Vote #:

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

178 1272

House AGRICULTURE

Committee

☐ Subcommittee on _____

or

☐ Conference Committee

FROELICH -

Legislative Council Amendment Number

WITH Additional Amend

Action Taken

DO PASS

Motion Made By

WRANGHAM

Seconded By

RENNER

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

Total (Yes)

14

No

Absent

1

Floor Assignment

Standvig

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

REPORT OF STANDING COMMITTEE

HB 1272: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~and may be used~~" and remove ". A lessee may use'

Page 1, line 14, remove "the license", replace the first underscored comma with an underscored semicolon, and after the second underscored comma insert "upon payment of the fee requirement for a resident big game license."

Page 1, line 15, replace the first "the" with "at least one hundred sixty acres [64.75 hectares] of"

Page 1, line 16, after the underscored period insert "A license used to hunt deer unitwide is not transferable."

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Page 1, line 24, overstrike "A" and insert immediately thereafter "Except as otherwise provided in this subsection, a"

Renumber accordingly

2001 SENATE AGRICULTURE

HB 1272

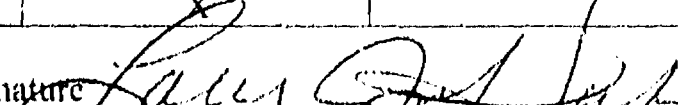
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1272

Senate Agriculture Committee

☐ Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
March 15 1	X		51.4 - End
		X	0.0 - 29.3
March 16	X		30.2 - 40.2
March 22 3	X		0.0 - 8.5
Committee Clerk Signature 			

Minutes:

March 15, 2001

REP. DEKREY; Sponsor, introduced the bill to the committee. With the amendment I handed out, what it would do is make another gratis license in white tail deer for landowners. To qualify for this license a person would have to own and operate at least 640 acres, the reason for that is we don't want to set up a system where out of state people can come in and buy land. We felt that 640 acres would be enough land and expense to prevent people from buying land just to be guaranteed a gratis deer license. They could have to choose between this preferential gratis license or the old style gratis license. This guarantees them a white tail gratis license and lets them hunt unit wide in the unit they choose. If they have land in two units they have to choose one unit to hunt in and they would have to pay the license fee. The other problem with the bill is there are no provisions for mule deer. The way this is written you would be eligible for mule deer. The amendment would take mule deer out of the bill.

SENATOR WANZEK; I see this as a privilege and who actively farms is more important than ownership of land. There are a lot of young farmers that don't own a lot of land but farm a lot of absentee land, who are distributing to the deer food supply.

REP. DEKREY; We worked with the hunting groups. They are leery of someone coming in just for the purpose of hunting. There are a lot people who have hunting leases.

SENATOR URLACHER; Do that mean to farm or ranch?

REP. DEKREY; Yes, it is farm and ranch. This will not take effect until 2002 deer gun season.

SENATOR ERBELE; In the old gratis license you could shot a white tail of any sex, what about this one?

REP. DEKREY; It is a lottery, you have to put down your preference.

SENATOR KROEPLIN; Does this bill guarantee you a license as amended?

REP. DEKREY; As amended you are still guaranteed a license. As a land owner the only thing you get out of this is you would be guarantee a license in the lottery and you would also be able to hunt unit wide. The price you pay for that is \$20 and you can't put in for the other gratis if you don't like the tag you get.

SENATOR WANZEK; Are you guaranteed to get a buck license?

REP. DEKREY; No, you are going to be in the lottery like everyone else.

ROGER RESTUET; ND Game and Fish Dept., testified in opposition to the bill. See attached testimony.

SENATOR KLEIN; Do these amendments address your concerns

ROGER RESTUET; I don't believe that they address my concerns. There would have to be additional language for us to carry this out.

SENATOR KLEIN; I think the intent is to include those in there, maybe that is an area we could work through.

ROGER RESTUET; The intent may have been there but it is not in the amendment as it is written.

SENATOR WANZEL; The amendments make a significant change going from 160 to 640 acres and adding the words actively farms or ranches the land, taking care of the fear that absentee land owners are not going to come in and buy a quarter of land to get a license.

ROGER RESTUET; That would definitely change the overall pool. The concern under the original 160 acres non farmer type, is that there is a tremendous pool out there of individuals that own 160 acres of land. The 640 acres would significantly reduce that number.

MICHEAL DONAHUE; ND Wildlife Federation / United Sportsmen of ND, testified in opposition to this bill. See attached testimony.

CURT DECKER; testified in support of this bill. Initially the way the bill was wrote, I was against it. It was taking away from my opportunities and I was afraid it was going to start the deterioration of landowner sportsmen relations. The initial intent of the bill was to compensate the agriculturists, the rancher and the farmer who were putting up with the sportsmen and the wildlife. This has gone overboard as far as absentee land owners. We are seeing a lot of abuse of this from people in the eastern part of the state coming to the western part, where they own a quarter section of land, to hunt. Application deadlines are another loop hole that absentee landowners have found. They are applying for the standard drawing, if they don't get then they are going back to the Game and Fish and saying they want their gratis permit. This is taking away from others opportunity to draw a gratis permit. We need a mandatory deadline and only put in for one of the permits, not both.

LARRY KNOBLICH; ND Sportsmen, testified in opposition of this bill.

DAVID MCCOWAN; testified in support of this bill. See attached testimony.

The hearing was closed.

March 16, 2001

Discussion was held.

March 22, 2001 - (0.0 - 12.9) Discussion resumed in the afternoon.

SENATOR ERBELE moved for a DO NOT PASS.

SENATOR KROEPLIN seconded the motion

Roll call vote: 4 Yeas, 2 No, 0 Absent and Not Voting.

SENATOR ERBELE will carry the bill.

SENATOR ERBELE moved to reconsider previous action.

SENATOR KLEIN seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR KLEIN moved the amendments 10534.0301.

SENATOR KROEPLIN seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR ERBELE moved for a DO NOT PASS.

SENATOR KROEPLIN seconded the motion.

Roll call vote: 3 Yeas, 3 No, 0 Absent and Not voting.

Page 5

Senate Agriculture Committee

Bill/Resolution Number HB 1272

Hearing Date March 15, 2001

SENATOR KLEIN moved for a DO PASS.

SENATOR URLACHER seconded the motion.

Roll call vote: 3 Yeas, 3 No, 0 Absent and Not voting.

SENATOR NICHOLS moved for NO COMMITTEE RECOMMENDATION.

SENATOR KLEIN seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR ERBELE will carry the bill.

Date: 3-22-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1272

Senate Agriculture Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Sen. Erbele Seconded By Sen. Kroeplin

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman		✓	Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein		✓			
Senator Urlacher	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Erbele

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

Date: 3-22-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1272

Senate Agriculture Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken reconsider

Motion Made By Sen. Erbele Seconded By Sen. Klein

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroepflin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1272

Page 1, line 2, after "deer" insert "; and to provide an effective date"

Page 1, line 15, replace "one hundred sixty" with "six hundred forty"

Page 1, line 16, replace "64.75" with "259", after the first "land" insert "and who actively farms or ranches that land", and after "may" insert "participate in and, except as otherwise provided in this subsection, is entitled to receive a license through the lottery for deer hunting licenses. The license must be used to"

Page 1, line 20, after "license" insert "through the lottery for deer hunting licenses"

Page 1, line 21, after "subsection" insert "and may not use the license to hunt mule deer"

Page 2, after line 11, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on February 1, 2002."

Renumber accordingly

Date: 3-22-01
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1272

Senate Agriculture Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 10534.0301

Action Taken No Pass

Motion Made By Sen. Klein Seconded By Sen. Kropf

[illegible]

Total (Yes) 6 No 0

Absent	0			
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Floor Assignment _____

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

Roll Call Vote #: 4

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1272

Senate Agriculture Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass - as amended

Motion Made By Sen. Erbe Seconded By Sen. Kroplin

[illegible]

Total (Yes) 3 No 3

Absent 0

Floor Assignment _____

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

Date: 3-22-01
Roll Call Vote #: 5

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1272

Senate	Agriculture	Committee
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☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Sen. Klein Seconded By Sen. Ureacher

[illegible]

Total (Yes) 3 No 3

Absent 0

Floor Assignment

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

Date: 3-22-01

Roll Call Vote #: 6

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1272

Senate Agriculture Committee

☐ Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken No committee recommendation

Motion Made By Sen. Nichols Seconded By Sen. Klein

[illegible]

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Erskine

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

REPORT OF STANDING COMMITTEE

HB 1272, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 2, after "deer" Insert "; and to provide an effective date"

Page 1, line 15, replace "one hundred sixty" with "six hundred forty"

Page 1, line 16, replace "64.75" with "250", after the first "land" Insert "and who actively farms or ranches that land", and after "may" Insert "participate in and, except as otherwise provided in this subsection, is entitled to receive a license through the lottery for deer hunting licenses. The license must be used to"

Page 1, line 20, after "license" Insert "through the lottery for deer hunting licenses"

Page 1, line 21, after "subsection" Insert "and may not use the license to hunt mule deer"

Page 2, after line 11, Insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on February 1, 2002."

Renumber accordingly

2001 TESTIMONY

HB 1272

**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT
HB: 1272 GRATIS UNIT LICENSE
HOUSE AGRICULTURE COMMITTEE
FEBRUARY 1, 2001**

The concept of allowing the use of a gratis deer license for the entire unit is not a new idea. Numerous variations of this concept have been studied by interim agriculture committee studies on the gratis license system in years past. Virtually no one totally disagrees with gratis licenses for farmers/ranchers and landowners as a reward for providing deer habitat on land they own or lease for agricultural purposes. Currently individuals who are eligible for a gratis deer license must hunt upon land that qualifies them for their gratis deer license, except that recent legislation has allowed relatives with gratis licenses to hunt as a group on each others property.

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. It is hard to estimate the increase in gratis license applications because of lack of specific information on how many individual owners there are of the 270,000 quarter sections of land in North Dakota. What ever the number is, their certainly would be an incentive for both resident and nonresident landowners with little or no deer habitat to become part of the gratis license system, and enjoy the flexibility of taking a deer of any species or sex. Such an expansion would tax the limits of our current deer license allocation system, especially in areas where certain types of licenses are currently in high demand. This type of action would undermine the concept that gratis deer licenses are based on deer habitat and production agriculture and not simply an advantage afforded landownership regardless of size.

For these reasons the North Dakota Game and Fish Department urges a **DO NOT PASS** recommendation on HB 1272.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1272

Page 1, line 2, after "deer" insert "; and to provide an effective date"

Page 1, line 7, overstrike "and who actively farms or ranches that land"

Page 1, line 8, after "land" insert "and who actively farms or ranches that land"

Page 1, line 14, "however" replace with ". A gratis application must be received before the first lottery for deer hunting licenses. However"

Page 1, line 15, replace "person" with "resident" and replace "one hundred sixty" with "six hundred forty"

Page 1, line 16, replace "64.75" with "250", after the first "land" insert "and who actively farms or ranches that land", and after "may" insert "participate in and, except as otherwise provided in this subsection, is entitled to receive a license of the type applied for before the lottery for deer hunting licenses. The license must be used to"

Page 1, line 19, after "license" insert "in each district or unit"

Page 1, line 20, after "license" insert "from the lottery quota for deer hunting licenses"

Page 1, line 21, after "subsection" insert "and may not be issued a license to hunt mule deer" and underscore the period

Page 2, after line 11, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on February 1, 2002."

Renumber accordingly

**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT
HB 1272 GRATIS UNIT LICENSE
SENATE AGRICULTURE COMMITTEE
MARCH 15, 2001**

The concept of allowing the use of a gratis deer license for the entire unit is not a new idea. Numerous variations of this concept have been studied by interim agriculture committee studies on the gratis license system in years past. Virtually no one totally disagrees with the philosophy of issuing gratis licenses to farmers/ranchers and landowners as a reward for providing deer habitat on land they own or lease for agricultural purposes. Currently individuals who are eligible for a gratis deer license must hunt upon land that qualifies them for their gratis deer license, except that recent legislation has allowed relatives with gratis licenses to hunt as a group on each others property. The Department has been relatively liberal in accommodating gratis licence applicants.

At first glance this bill would appear to be a winner for both the department and landowners. The fiscal note is revenue positive to the department. The landowner would automatically get a license for the entire unit without going through the lottery and that license would be a better license than the regular lottery because it would be good for any sex or species. It could even be reasoned that landowners would be more likely not to post their land or allow increased access because they would not have to hunt only on their own land, however the devil is in the details.

Landowner sportsmen relations are always a precarious balancing act when it comes to dividing up a limited resource, and buck deer can certainly be considered a limited resource. The lottery system for license allocation and the gratis system have developed together over the years. At the present time this balance seems to be working. Eliminating a significant portion of the buck licenses available to sportsman certainly will affect this balance. Under the current requirements the number of gratis deer licenses has increased more than 17 percent in the last 5 years to its

current level of 10,650, even though the number of farmers and rancher are decreasing. It is hard to estimate the increase in gratis license applications if this bill passes because of the lack of specific information on how many individual owners there are of the 270,000 quarter sections of land in North Dakota. Whatever the number is, there certainly would be a significant incentive for individual landowners to avoid the lottery and get the best possible license available, this would especially be true of absentee landowners with little or no deer habitat who currently participate in the lottery. Currently there is no overall shortage of deer or total deer licenses in North Dakota, the concern is that the majority of sportsmen and landowners have a definite preference as to what type deer they want to hunt, that preference is for a buck. In fact when given the choice to take either a buck or a doe as the current gratis system allows 75% of gratis license holders harvest a buck. The application rate for the regular lottery confirms this preference as 77% of lottery applicants first choice is for a buck. Increasing the number of gratis/preferential licenses will decrease the odds of drawing a buck license in the lottery. A statistical analysis based on current application rates and gratis issuance reveals that a 1% proportional increase in gratis licenses for a deer unit equates to .9% decrease in the odds of drawing a buck license. Most individuals immediately focus their concerns on badlands mule deer units, but the reality is that the largest group of hunters affected would be white-tail buck hunters statewide, currently some white-tail units such as 2J1 the average chance of getting a white-tail buck license is once every three years. Such an expansion would tax the limits of our current deer license allocation system, especially in areas where certain types of licenses are currently in high demand.

From a resource management standpoint this law would confront the Department with significant challenges. We would have to immediately withhold an additional number of buck tags from each unit prior to the lottery, not only to accommodate an increase in landowner preference licenses but to accommodate gratis and landowner preferential licenses applied for after the regular lottery deadline.

This Law would require that the department either close the mule deer season most years and at a minimum issue no license in the regular lottery in 10 hunting units(3B 1-3, 3C, 3D 1&2, 3E 1&2, and 3F 1&2) along the Missouri river and Missouri slope as there would be more licenses valid for mule deer than total number of mule deer alive. We have been able to manage these areas for mule deer because mule deer are confined to limited geographic areas and only limited sportsmen licenses are issued, only the landowner with mule deer on their land can harvest one.

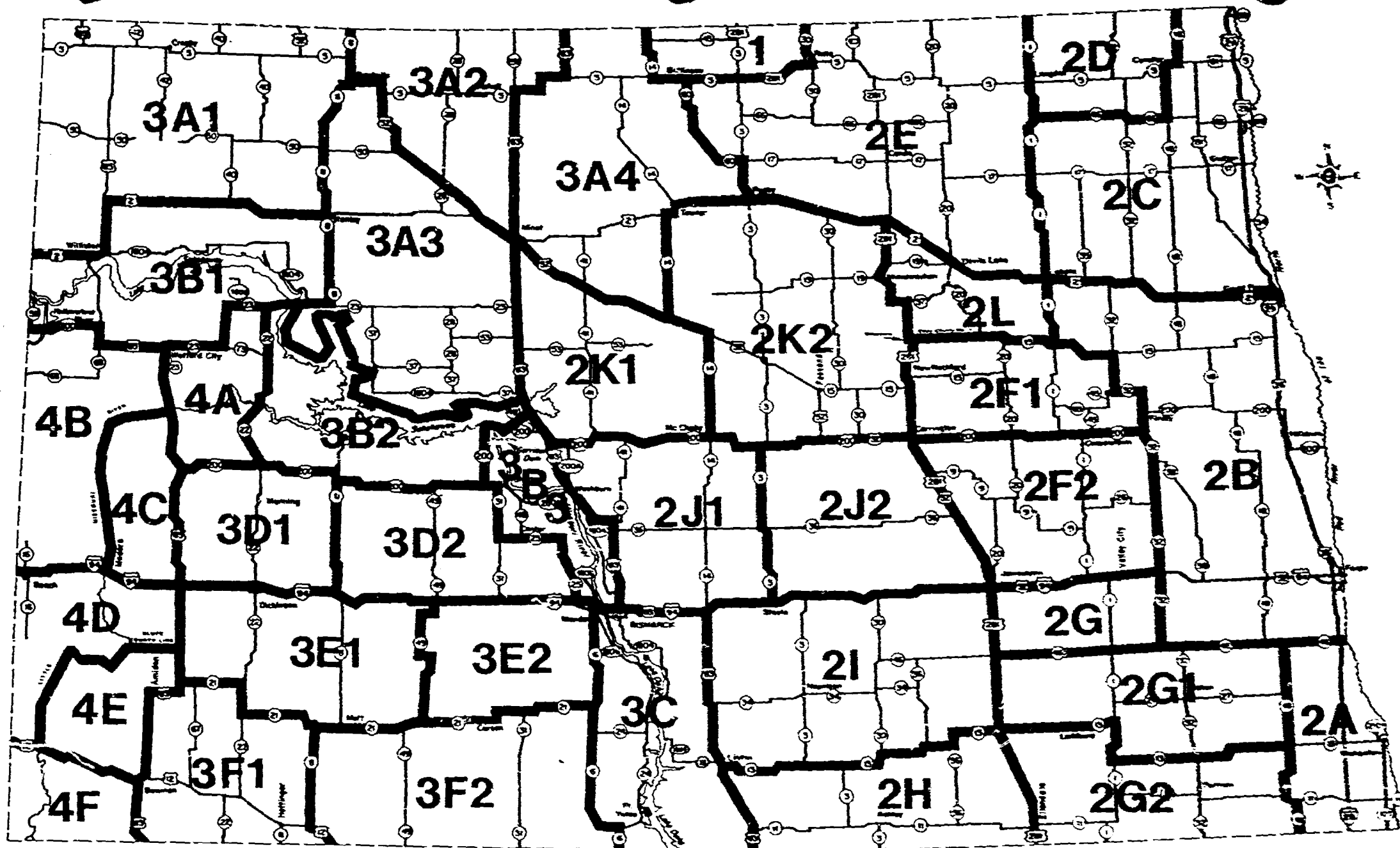
In conclusion, the thought behind this bill may have been to reward production agriculture, but the greatest benefit will be for the individual who is the absentee landowner. This type of action would undermine the concept that gratis deer licenses are based on deer habitat and production agriculture and not simply an advantage afforded landownership. Individuals in production agriculture could be view by non landowners in the same light as absentee landowners, as having an unreasonable advantage over that individual in receiving a deer license of their preference. Real challenges would be created for the department in the allocation of licenses type and numbers (deer sex and or species), implementation dates, application deadlines, overloading of the lottery preference preference system and deer management.

For these reasons the North Dakota Game and Fish Department urges a **DO NOT PASS** recommendation on HB 1272.

Table 1. Percent of applicants who received their first choice of license in the 2000 deer drawing.

% DRAWING			
HUNTING UNIT	LICENSE TYPE	FIRST CHOICE	GRATIS % of Total Licensees
1	ANY BUCK	68.7	9.7%
2A	ANY BUCK	60.6	18.2%
2B E	ANY BUCK	91.8	7.6%
2B L	ANY BUCK	100	
2C	ANY BUCK	80.7	9.4%
2D	ANY BUCK	100	3.8%
2E	ANY BUCK	94.1	9.8%
2F1	ANY BUCK	100	6.8%
2F2	ANY BUCK	76.7	11.2%
2G	ANY BUCK	78.1	11.2%
2G1	ANY BUCK	84.8	10.0%
2G2	ANY BUCK	100	6.6%
2H	ANY BUCK	82.7	16.0%
2I	ANY BUCK	52.8	21.6%
2J1	ANY BUCK	34.3	46.8%
2J2	ANY BUCK	100	8.1%
2K1	ANY BUCK	82.6	18.6%
2K2	ANY BUCK	73.1	12.2%
2L	ANY BUCK	100	3.9%
3A1	ANY BUCK	74.8	9.1%
3A2	ANY BUCK	79.7	9.3%
3A3	ANY BUCK	69.8	19.6%
3A4	ANY BUCK	70.7	13.0%
3B1	WT BUCK	46.3	19.0%
3B1	MD BUCK	34.3	
3B2	WT BUCK	46.3	57.8%
3B2	MD BUCK	21.9	
3B3	ANY BUCK	19.9	10.0%
3B3	WT BUCK	99.2	
3C E	ANY BUCK	27.7	16.1%
3C L	ANY BUCK	26.8	
3C E	WT BUCK	98.6	
3C L	WT BUCK	83.1	
3D1	ANY BUCK	22.2	29.2%
3D1	WT BUCK	95.3	
3D2	ANY BUCK	27.9	28.2%
3D2	WT BUCK	98.3	
3E1	ANY BUCK	19	36.2%
3E1	WT BUCK	71.9	
3E2	ANY BUCK	34.8	22.3%
3E2	WT BUCK	100	
3F1	ANY BUCK	11.6	14.3%
3F1	WT BUCK	97.1	
3F2	ANY BUCK	14.9	21.1%
3F2	WT BUCK	95.3	
4A	WT BUCK	55.4	17.9%
4A	MD BUCK	22.3	
4B	WT BUCK	93.1	10.7%
4B	MD BUCK	18.3	
4C	WT BUCK	92	19.0%
4C	MD BUCK	14	
4D	WT BUCK	99.1	12.2%
4D	MD BUCK	15	
4E	WT BUCK	97.8	9.2%
4E	MD BUCK	23.9	
4F	WT BUCK	100	5.3%
4F	MD BUCK	41.7	

2000 DEER GUNHUNTING UNITS



ALL UNITS ARE BOUNDED BY INTERSTATE HIGHWAYS, US HIGHWAYS OR NORTH DAKOTA STATE HIGHWAYS AS NOTED ON THE MAP, WITH THE FOLLOWING EXCEPTIONS:

- Western half of boundary between units 2F1 and 2L - Eddy County No. 1 heading east from its junction with US Highway 281 at Sheyenne to its junction with ND No. 20.
- Boundary between units 3B2 and 3B3 - South shore of Lake Sakakawea heading west from US Highway 83 to a point on the shore directly north of where ND No. 200 turns southward (west of Pick City), then south to ND No. 260. Mallard Island is part of unit 3B3.
- Boundary between units 4D and 4E - The northern Slope County line heading west from its junction with US Highway 85 to the Little Missouri River, then south on the Little Missouri River to US Highway 17.
- Boundary between units 2F1 and 2L - Eddy County No. 1 heading east from its junction with US Highway 281 at Sheyenne to its junction with ND No. 20.

★ DEER HIDES HAVE VALUE ★
Contribute your deer hide to a local collection point for the charity of your choice

The North Dakota Game and Fish Department does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

TESTIMONY OPPOSING HB 1272

By Mike Donahue

March 13, 2001

Senate Agriculture Committee

Engrossed HB 1272 is not about gratis (free). At lines 14 through 21 of page one, the language is about preference (a preferential license?) and exclusivity (a license reserved for landowners).

It is not totally friendly to the actively farming or ranching person; whether owning or leasing. Note that lease holders actively farming or ranching are not mentioned in lines 14-21.

All that is needed is to own land. The sidewalk (city dweller) farmer qualifies for this preferential license.

In the year 2000 season there were 10,650 gratis tags. The exponentiation effect of this bill is unknown. Will it be to the second power? Maybe, the fourth power! No one knows – we at this hearing can only speculate.

The lottery system, in particular the first lottery (i.e. buck tags), will be unfair to all who apply. Some units may become doe only for those sportsmen and women that only have the lottery to obtain a buck license. Resource management (the deer) may well become unmanageable.

HB 1272 is unfair to all of us and to the resource. And, this is the wrong setting in which to try quick-fix amendments to make the bill seem fair.

The N.D. Wildlife Federation and the United Sportsmen of ND ask for a Do Not Pass for amendments and for the engrossed bill.

Thank you.



Mike Donahue
Lobbyist #258

Good morning Mr. Chairman and members of the Senate Agriculture Committee, my name is David R. McCowan from Mandan, North Dakota. I am opposed to House Bill No. 1272 because of loop hole that will be created by the wording of the bill that will allow people who own small amounts of land (160 acres) to lock up hard to get mule deer buck permits. I as a landowner of 320 acres in Morton County could list that on my gratis permit, purchase 1 acre of land in the Badlands and then list that as unit of choice to hunt in. I then would have a lifetime permit to hunt antlered mule deer in the badlands. I want to give you an example of current permit numbers in unit 4C. This unit is known to produce the biggest mule deer bucks within the State of North Dakota. In the deer gun draw for the year 2000 there were 350 antlered mule deer license's available. One percent of those are awarded to non-residents, so that takes the number of licenses to 347, there were then 109 gratis applications, so that then takes the number down to 138 available licenses. There were 2,135 people who then applied for the 138 tags that were left. That gives you

less than 1% chance of drawing a tag. Your odds do go up every year that you apply and get turned down because you accumulate bonus points. On average you should get drawn every 4-6 years using the current system. I feel that the current number of gratis tags of 109 for unit 4C is really high for the number of ranches that you see in this unit. I suspect there are already a number of 160-acre plots of land that have been purchased by people who have money to get a gratis license in that unit. If this bill passes I will be the first person to jump on the bandwagon and purchase 1 acre of land in unit 4C thus giving myself a lifetime license to hunt an antlered buck in the badlands. There will no longer be any reason to apply for this unit if you don't own land there because all available tags will be issued to gratis owners. Mr. Chairman and committee members I thank you for your time and am willing to answer any questions that you have of me at this time.