

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2230

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10/21/03  
Date

2003 SENATE NATURAL RESOURCES

SB 2230

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*Deanna Walsh*

Date

12/21/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2230

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-6-03

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 38.8
2		X	30.1 - 36.6
Committee Clerk Signature <i>Janet James</i>			

Minutes:

**Senator Thomas Fischer**, Chairman of the Senate Natural Resources opened the committee hearing on SB 2230, relating to gratis deer hunting licenses.

Attendance was taken indicating all members of the committee present.

**Senator Robert Erbele** of District 28 introduced SB 2230 (See attached testimony).

**Senator Joel Heitkamp** asked if the whole idea of gratis licenses was to reward the landowner for feeding the deer, etc. and wouldn't this be expanding the core premise of the idea and if this concern him.

**Senator Erbele** stated he did feel this way because the landowner has still done things to earn the tag and it doesn't matter who is doing the hunting.

**Senator Fischer** asked if it could be limited to just family members.

**Senator Erbele** stated that the issue of defining "family member" could be difficult or complicated to prove.

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Senate Natural Resources Committee  
Bill/Resolution Number SB 2230  
Hearing Date 2-6-03

Rep. James Kerzman of District 31 testified in support of SB 2230. He sees no reason as a landowner why he shouldn't be able to transfer the tag and has trust in the people of North Dakota that they would do the right thing and not be underhanded.

Tom Bodine (8.1) representing the North Dakota Farm Bureau testified in support of SB 2230. Their policies about landowner rights and the right to transfer a tag for reduction of deer population will give a basis for support.

Ron Wanner (9.8) rancher from western North Dakota testified in support of SB 2230. He stated there is an abundance of deer in North Dakota and giving a right to landowner to transfer his gratis tag is a very nice thing to do to show appreciation for his maintenance of the wildlife.

Senator Stanley Lyson asked about an amendment to allow only one gratis tag.

Ron Wanner didn't think it was an issue as much as the right to transfer.

Richard Volk (12.4) president of the L.A.N.D. testified in support of SB 2230. He stated this was a step in the right direction but that any fees from a sale of gratis tag should go to the landowner.

He also submitted testimony from his neighbor (attached).

Curt Wells (14.7) Wahpeton, testified in opposition to SB 2230 (See attached testimony).

Roger Rostvet (19.2) of the North Dakota Game & Fish Department testified in opposition to SB 2230 (See attached testimony).

Mike Donahue (25.3) representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in opposition to SB 2230 (See attached testimony).

Jack Olson (26.7) representing the North Dakota Bowhunters Association testified in opposition to SB 2230 (See attached testimony).

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Senate Natural Resources Committee  
Bill/Resolution Number SB 2230  
Hearing Date 2-6-03

Harold Neameyer representing the Cass county Wildlife Club testified in opposition to SB 2230

(See attached testimony).

Stacey Vojacek testified that he opposes SB 2230.

David Munch (35.3) testified in opposition to SB 2230. He stated game belongs to the people of North Dakota and landowners have the privilege to own the land and to get a gratis license.

Kendell Bauer testified in opposition to SB 2230 stating he opposed the selling of gratis licenses.

Chad Kunz testified in opposition to SB 2230 and urged a do not pass.

Senator Fischer asked for neutral testimony.

Senator Fischer closed the hearing of SB 2230.

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Senator Thomas Fischer opened the discussion on SB 2230 stating there was quit a list of opposition to SB 2230 and basically the concern was it would limit more hunting because of the ability to transfer the tag and possibility of it being sold. The intent of the bill was so that the tag could be passed along if it is not being used, therefore it would be the same deer taken. The opposition is that more deer could be taken because more gratis tags would be requested and selling them for large amounts of money.

Senator Ben Tollefson made a motion for a Do Not Pass of SB 2230.

Senator Layton Freborg second the motion.

Roll call vote was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Freborg will carry SB 2230.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/20/2003

Bill/Resolution No.: SB 2230

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$66,000		\$90,000
Expenditures				\$10,000		\$7,600
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill allows transfer of landowner no cost/gratis deer licenses to either residents or nonresidents upon payment of the appropriate license fee. Since the license holder is limited to the land listed on the license, use would be somewhat restricted. The Game and Fish has little data to assist in predicting use of this option. Numbers shown here are a best guess only.

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 there would be about 200 transfers per year of licenses to nonresidents. This would be new revenue in most cases. Transfers to residents would most often not result in additional revenue. It would simply reduce revenue from the regular lottery licenses.

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.

Initially there would be some computer system changes to make. There would also be some ongoing administrative costs.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

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

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Date: 2-6  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2230

Senate Senate Natural Resources Committee

Check here for Conference Committee

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

Action Taken Do Not Pass & refer to app

Motion Made By Tollefson Seconded By Freyborg

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every	✓	
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp	✓	
Senator Layton Freborg	✓				
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Freyborg

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

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Deanna D. Walsh 12/21/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
February 7, 2003 8:52 a.m.

Module No: SR-24-1942  
Carrier: Freborg  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2230: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-24-1942

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10/21/03



2003 TESTIMONY

SB 2230

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Chairman Fischer and members of the Natural Resources Committee. For the record my name is Robert Erbele, Senator from District 28. I am here today to introduce SB2230 for your consideration.

Several of my constituents have requested that this matter be discussed. As you know we all have family and friends that have moved from this state but still love to come back and enjoy the hunting season. This bill would allow a land owner to transfer his or her gratis tag to another individual, providing they pay the appropriate license fee, whether they be residents or non residents. This money would be placed in the game and fish private land habitat and access improvement fund and used to promote hunting access.

I personally know many landowners that do not have a great passion for hunting, but will get a gratis permit "just in case" they may have a change of heart or an opportunity too good to pass up during the season. If this bill became law he could transfer the gratis tag to his son in Fargo, or his friend from Chicago. Collecting the license fee would be good for all hunters as it supports the goals of the Game and Fish Dept., and the Governor in providing more private land access. Also keep in mind the hunter using a gratis tag is confined only to the land described on the license, so it is not an issue of putting another hunter in the field competing for a place to hunt. I know there may be some opposition to this concept, but we need to remember this is a landowner Right, and would in fact improve hunter-landowner relationships by making the sportsman do their homework and develop a relationship with the landowner, if they were unsuccessful in the lottery. I believe this is a workable option and ask that you give SB2230 a do pass vote. Thank you.

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10/21/03  
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Testimony in favor of SB2230  
Dennis Miller  
9467 63 St NE  
Lawton, ND 58345

Chairman Fischer and members of the Senate Natural Resources Committee,

My name is Dennis Miller. I farm 30 miles NE of Devils Lake and allow friends and neighbors to hunt deer on my property.

SB2230 is a step in the right direction because it allows the transfer of a gratis hunting license. Any monies received from the sale of a gratis license, however, should go to the landowner. This financial reward would be an olive branch offered to landowners who have suffered financial loss due to deer depredation and who provide hospitality to sports people.

Thank you.

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Dennis Miller  
Operator's Signature

12/21/03  
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Tom Fischer, Chairman  
Ben Tollefson, Vice Chairman  
Michael Every  
Layton Freborg  
Joel Heitkamp  
Stanley Lyson  
John Traynor

Mr. Chairman and members of the committee,

My name is Curt Wells and I'm from Wahpeton. I would like to offer my views on Senate Bill 2230.

Of all the bills that have been introduced into this legislature, I consider this one to be the most dangerous. Allowing a landowner to transfer a gratis tag would create many very serious problems.

First and foremost, outfitters would line up to offer to pay landowners to transfer their gratis tag to their clients. Or the landowner would sell the license himself to anyone willing to pay top dollar.

In order to demand top dollar a landowner would be forced to close all of his land to all hunting. No relatives and friends, no deer hunters or even bird hunters. That's because he would be "raising" deer for their trophy status, which means he simply could not allow deer hunting of any kind. In fact, he would not likely allow any hunting because bird hunters would spook the big bucks from his land onto other property.

To make matters worse, outfitters would be soliciting landowners who do not now deer hunt or even obtain a gratis tag. Every landowner would be courted for their deer license, but most especially those with mule deer habitat. This would greatly increase the number of gratis licenses issued which would mean a significant decrease in the number of general deer licenses. It would also diminish the Game and Fish Dept.'s ability to manage deer populations because access to the deer population would be severely limited. The doe population would explode, which it has already done in some areas with limited access.

Even if this bill were amended to allow the transfer to immediate family members it would still mean a large increase in gratis licenses which would reduce licenses for the general public. The purpose of the gratis license is to reward the landowner for putting up with deer year around. Transferring that license would reward the wrong person and negatively impact the resident hunters of North Dakota.

The section of this bill that would allocate fees paid by gratis license holders to the private land habitat and access fund is really quite amusing. If this bill were passed there wouldn't be a landowner out there that would enroll land in a state program when he could sell his deer tag for big dollars every year.

You will hear some claim this is a landowner rights issue. If you listen closely you'll discover that claim is mostly coming from outfitters and others who want to profit from hunting. This is not a landowner rights issue. Landowners are free to do what they want with their land when it comes to allowing hunting access. No one is taking that away.

However, as taxpayers we are already doing what we can to make farming and ranching

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profitable. I know it's not enough. I would dearly love to see \$5 wheat or high cattle prices, and believe we should worry about disaster payments to our producers before we send money overseas. I would much rather see our farmers and ranchers making a profit rather than struggling against stacked odds.

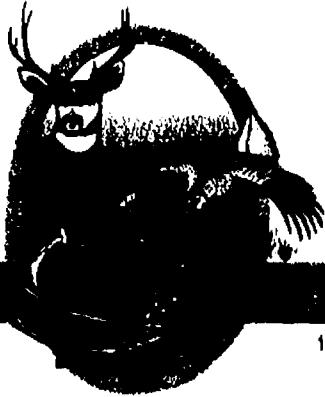
But, as citizens of North Dakota are we now obligated to bastardize a public resource, open the gates to unlimited out-of-state hunters, and take other measures to ensure a landowner or outfitter can make a profit on hunting? It is not our responsibility, nor the responsibility of the Game and Fish Dept., to provide an unending stream of customers to those who would sell North Dakota's outdoors to the highest bidder.

This bill is merely an attempt by outfitters to find some way to offer deer gun licenses to nonresident hunters. It is commercial hunting in a poor disguise. The effects of SB 2230 would be devastating and would contribute greatly to our fundamental problem of too many hunters on too little land. **No bill to be considered here in Bismarck would leave a more negative legacy on the face of hunting in North Dakota. Please give it a DO-NOT-PASS recommendation.** Thank you for your time.

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"VARIETY IN HUNTING AND FISHING"

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-0095 PHONE 701-328-6300 FAX 701-328-6352

**SB 2230  
SENATE NATURAL RESOURCES COMMITTEE  
FEBRUARY 6, 2002**

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, gratis eligibility may be transferred to a family member customarily residing with the land owner or lessee. The licence is valid only to hunt upon the land that qualifies them for the gratis license. Recent legislation has allowed relatives with gratis licenses to hunt as on each others property. The Department has been relatively liberal in accommodating gratis licence applicants, in an effort to recognize landowners contribution to wildlife resources and to promote better relations.

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. 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 85% of lottery applicants first choice is for a buck. 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 quite well. This bill would significantly increase the demand for gratis licenses, which would reduce the number of licenses

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for the lottery. Eliminating a significant portion of the buck licenses available to sportsman without gratis license connections, certainly will affect this balance.

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.

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 system and deer management.

Under the current requirements the number of gratis deer licenses has increased more than 39 percent in the last 5 years to its current level of 11,270, even though the number of farmers and ranchers are decreasing. It is hard to estimate the increase in gratis license applications if this bill passes, but we believe it would be significant. We lack of specific information on how many individual owners and lessees there are of the 270,000 quarter sections of land in North Dakota and how many more of these landowners or lessee would transfer there eligibility to others.

There certainly would be a significant incentive for individual sportsmen to have landowner get them the best possible license available. This would especially be true after being unsuccessful in the regular lottery. A license to take any species and sex of deer on an specific piece of property is certainly better than no license at all.

Most individuals immediately focus their concerns on badlands mule deer units where the impacts would be dramatic as some units have seen as much as a 62 percent increase in gratis

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permits since 1980. However the reality is that the largest group of hunters affected would be white-tail buck hunters statewide. Currently in 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.

The sale, barter, or trade of these license would further increase management challenges such as under harvest, parceling of land to get more permits, and depredation. In order to increase the value of these licenses, practices such as limited and selective harvest would be employed as well as short-term baiting and other practices that are not conducive to overall good deer management.

For these reasons the North Dakota Game and Fish Department urges a **DO NOT PASS** recommendation on SB 2230.

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**TESTIMONY REFERENCING SB 2230**  
**By Mike Donahue, Lobbyist #215**  
**February 6, 2003**

**Senate Natural Resources Committee**

The United Sportsmen of North Dakota and the N.D. Wildlife Federation ask for a DO NOT PASS for SB 2230.

Our concerns are well stated in the attached original message from Mr. Curt Wells.

We see this bill as a good way to get by the current nonresident one percent rule in the NDCC. The resident hunters quest for <sup>an antler</sup> ~~another~~ tag will suffer greatly.

Please, DO NOT PASS.

(1 attachment)

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10/21/03  
Date

ndwf@ndwf.org

From: REMONSON <kdfarms@daktel.com>  
 To: NDWF <ndwf@ndwf.org>  
 Sent: Saturday, January 25, 2003 11:51 AM  
 Subject: Fw: SB 2230

----- Original Message -----

From: Curt Wells  
 To: ddekrey@state.nd.us ; rtaylor@state.nd.us ; ffischer@state.nd.us ; rrebele@state.nd.us ; lkerzman@state.nd.us ;  
 cheadland@state.nd.us  
 Sent: Thursday, January 23, 2003 4:03 PM  
 Subject: SB 2230

Gentlemen,

I have some grave concerns about your Senate Bill 2230. As written I consider this to be one of the most dangerous bill I have seen introduced thus far. At least with respect to the future of hunting in North Dakota.

I am not sure what the true purpose of this bill is, but here is what will happen should this bill pass as written.

First, outfitters will go to landowners who have good deer hunting habitat and will offer to pay them to "transfer" their gratis license to their potential clients. That client, most likely a nonresident, will then hunt deer on the landowner's land with the primary purpose of shooting a trophy buck.

As a consequence, landowners will "save" their gratis tag for those high-dollar clients. In order to demand the most money for such licenses, landowners will have to produce large, trophy bucks, which means allow them to mature to 4 and 5 years old and more. To do that, landowners will be forced to close their land to ALL hunting. No other deer hunting will be allowed on those farms, especially for bucks, and no waterfowl or pheasant hunting will be allowed either because those hunters would spook the big bucks off the property. A large number of landowners would take advantage of this law and it would result in highly expensive deer hunts for the exclusive use of wealthy hunters. This would be a huge problem in whitetail country, but it would take off first in mule deer country where muley bucks are highly prized by resident gun hunters. Deer hunting in North Dakota would change forever.

This law would also hamstring deer management because the Game and Fish Dept. would not be able to "manage" the deer on those acres because there would be no access. Doe populations would explode and buck-to-doe ratios would become skewed. That is already happening in the areas north of Bismarck along the Missouri River. Landowners there are begging hunters to shoot does.

The transfer of licenses is an extremely slippery slope and most states are avoiding it like the plague. Kansas allows it and they (the biologists I have interviewed) have regretted it ever since.

Now, if the purpose is to allow a landowner to transfer his gratis tag to his son or daughter

Deanna D. Wells  
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12/21/03  
 Date

who is a nonresident who wants to come home to hunt the farm, I see no problem with that. <sup>Page 2 of 2</sup>  
fact, that would be welcomed by many landowners who no longer hunt but have out-of-  
state children who do.

If this bill were amended to read, ".....could transfer the license to an immediate family  
member (son, daughter, brother, sister, mother, father), it would be something that might  
receive lots of support. However, as written, this bill would severely damage hunting in North  
Dakota and it must be killed. Thank you for your time and consideration of my opinion. Take  
care.

Curt Wells  
Outdoor Writer  
Dakota Country  
Outdoor News  
Wahpeton Daily News  
BOWHUNTER Magazine  
735 Richland St.  
Wahpeton, ND 58075  
701-642-9397

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Testimony - SB 2230  
Thursday, February 4, 2003

Jack Olson, representing the North Dakota Bowhunters Association

Mr. Chairman, members of the Senate Natural Resources Committee, among the various sportsmen and sportswomen organizations of North Dakota, Senate Bill 2230 is commonly referred to as the most single dangerous piece of legislation to be introduced during the 58<sup>th</sup> Legislative Assembly. The primary reason for this concern is what this bill will do to make accessing private lands even more difficult than it already is. If this bill is passed, outfitters will seek out and solicit landowners to obtain gratis deer tags which they will then pay to have transferred to their clients. If this is allowed to take place, hunting as we know it in North Dakota will be irreversibly changed for the worst, forever. In an effort to maintain a trophy deer population, which will increase the monetary value of the transferred gratis license, many landowners will post their land and not allow hunters access. Even upland and waterfowl hunters could be locked out for fear they will drive trophy bucks off the land. Another effect will be a huge increase in the number of gratis deer licenses issued. That's because landowners who do not hunt deer will be solicited by outfitters, resulting in more gratis tags being issued. The net effect will be to reduce the number of licenses available to resident hunters in the general deer lottery.

Gratis tags were originally, and should always be intended to reward a landowner for providing food and habitat for deer. The definition of "gratis" is, "without charge, out of kindness." To pass a bill that will allow gratis tags to be transferred for profit is indirect conflict with the intent and definition of the term "gratis."

This bill has nothing to do with having native sons and daughters coming home to hunt. It's only purpose is to create customers and income for outfitters. Above all, Senate Bill 2230 represents another attempt to reduce North Dakota's proud hunting tradition to a business where highest bidder wins and the average North Dakota sportsmen and sportswomen lose. I respectfully ask this committee to give Senate Bill 2230 a do-not-pass recommendation.

Thank You!

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Cass County  
**WILDLIFE CLUB**

Box 336  
Casselton, ND 58012



**TESTIMONY OF HAROLD NEAMEYER**  
**CASS COUNTY WILDLIFE CLUB**  
PRESENTED TO THE SENATE NATURAL RESOURCE COMMITTEE  
ON SB 2230, FEBRUARY 6, 2003

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club is strongly opposed to SB 2230.

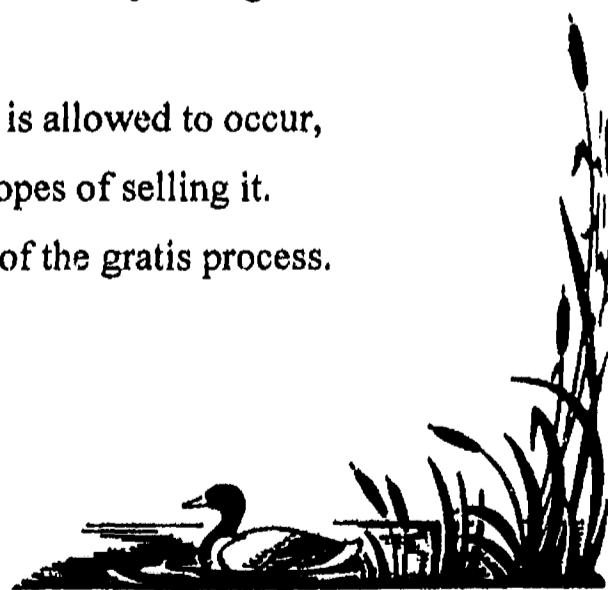
The result of this bill, if passed, would allow the gratis license to be compromised, and the original intent of the gratis license would be destroyed.

Lines 4 and 5 of Page 2 state that the gratis license can be transferred to another individual. This means that gratis licenses can be sold to the highest bidder. This also means that the biggest bucks can go to the highest bidder, which may well be nonresidents.

It could mean that large landowners might subdivide just to get more gratis licenses.

If transfer or sale of gratis licenses to anyone is allowed to occur, more landowners will apply for a gratis tag in the hopes of selling it.

We oppose this bill to tamper with the intent of the gratis process.



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Dean W. Waller  
Operator's Signature

10/21/03  
Date