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Deanna Hallen
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10/22/03

Date

2003 SENATE NATURAL RESOURCES

SB 2382

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2382

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 2-6-03

Tape Number	Side A	Side B	Meter #
2	X		all
Committee Clerk Signature <i>Janet James</i>			

Minutes:

Senator Thomas Fischer, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2382 relating to nonresident deer bow hunting licenses.

All members of the committee were present.

Senator Russell Thane of District 25 cosponsor of SB 2382 introduced the bill stating it simply reduces from 15% to 8% of the total mule deer licenses for bow hunting. There is a lot of sentiment in his area about keeping some limits on the nonresident hunters. He is sympathetic about the landowner rights and understands the feelings of many in regards to nonresident hunters.

Curt Wells from Wahpeton testified in support of SB 2382 (See attached testimony).

Rep. David Droydal of District 39 testified in support of SB 2382 He submitted some testimony sent to him (See attached). He stated in was involved in a bill to reduce the number before in earlier sessions by using a formula to set hunter numbers. He understands western North Dakota

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Page 2
Senate Natural Resources Committee
Bill/Resolution Number SB 2382
Hearing Date 2-6-03

and the hunting opportunities and how to manage our natural resources. All hunters are welcome out there, there is not problem with access and there is plenty of game. He feels management of the out of state mule deer should be based on the game number and let the Game & Fish decide with their management skills. He submitted an amendment # 30749.0101 (See attached).

David Mutch testified on SB 2382 stating he thought it should restrict nonresidents.

Kendell Bauer testified in support of SB 2382 stated it is a access problem and if the number of licenses is increased it will make outfitter just lease up more land.

Dennis Daniel testified in support of SB 2382 stating the problem is access not the number of deer. If you want economic development help the farmer keep the land instead of it being bought for hunting. It is not helping us by big money coming into the state and buying up the land.

Mike Donahue (31.7) representing the Wildlife Federation testified in support of SB 2382.

Kyle Blanchfield president of the North Dakota Professional Guides and Outfitters Association testified in opposition to SB 2382 (See attached testimony).

Fred Evans a rancher and outfitter from New Town and Stanley area testified in opposition to SB 2382. It is a busy ranch and for extra income they are outfitters and why shouldn't they. It would be a great thing if this number could be increased for the enjoyment of hunting.

Bill Fredig from Dickinson testified in opposition to SB 2382 stating that mule deer are being killed and any white any antler tag and that could be changed so that the population could increase the numbers. He submitted a handout (attached).

Sue Mosser an outfitter from Medora, North Dakota testified in opposition to SB 2382. (See attached testimony).

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Senate Natural Resources Committee

Bill/Resolution Number SB 2382

Hearing Date 2-6-03

Ron Wanner a rancher testified in opposition to SB 2382. He has improved his ranch and offers hunting opportunities but is getting tired of the restrictions.

Jack Olson representing the North Dakota Bowhunters Association testified in neutral position to SB 2382 (See attached testimony).

Paul Shadewell the Chef of Administration Services of the North Dakota Game & Fish

Department addressed the fiscal note on SB 2382. He stated that of the 700 permits, 100 are successful in getting the mule deer bucks.

Senator Fischer closed the hearing on SB 2382.

Senator Thomas Fischer opened discussion on SB 2382 stated that if the bill is killed things will not change and it will stay at 15%.

Senator Michael Every made a motion for a Do Not Pass of SB 2382.

Senator Layton Freborg second the motion.

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

Senator Stanley Lyson will carry SB 2382.

FISCAL NOTE
Requested by Legislative Council
01/28/2003

Bill/Resolution No.: SB 2382

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				(\$100,000)		(\$100,000)
Expenditures						
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.

The average number of archery mule deer licenses under current law is about 700. This bill would reduce this number to about 370.

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.

Revenue reduction would be about \$50,000 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:	01/28/2003

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10/22/03
Date

Date: 2-6
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2382

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass + Amendment

Motion Made By Every Seconded By Freborg

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 Lyson

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

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Deanna Wallick 10/22/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 7, 2003 8:55 a.m.

Module No: SR-24-1944
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2382: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-24-1944

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10/22/03

Date

2003 TESTIMONY

SB 2382

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10/22/03
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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 2382.

First, I would like to make it clear that this bill is not prompted by competition with nonresident bowhunters. It has nothing whatsoever to do with how many mule deer are killed each year by nonresident bowhunters. In fact, I didn't bother to research the number of mule deer taken by out-of-state bowhunters because that's a statistic that is irrelevant.

What matters here is really at the crux of all of our hunting problems and that's access. Because of the proliferation of outfitters in this state, and the high number of "any-deer" licenses available, there has been an explosion in the amount of prime mule deer habitat being leased or purchased. Outfitters are soliciting landowners with mule deer on their land and leasing entire ranches. Then, in an effort to make sure there are quality mule deer bucks on those ranches, the outfitters make sure no hunters of any kind are allowed on the ranch. Again, deer management becomes impossible and hunting opportunities for residents are reduced in favor of nonresidents.

In 1996, there was a fixed cap of 400 "any-deer" archery licenses available to nonresidents. Many thought, even at that time, that was too many and a bill was introduced to lower that number. Then, through the magic of legislation, a formula was somehow fabricated that set the number of "any-deer" licenses at 15% of the previous year's mule deer gun licenses. That did just the opposite of what was intended and the number of such licenses jumped to 735. This year there are 731 any-deer licenses, which is too many for our limited mule deer habitat, but again that's not our real problem. It's the leasing by outfitters catering to those nonresident bowhunters.

Lowering the percentage in the formula to 8% is not a complete fix to this problem. However, coupled with additional regulation of the outfitting industry, which we hope to see come out of HB 1050, this bill would help prevent this problem from growing to an intolerable level. You have to remember to look to the future. If this is a problem now, and it is, what will it be likely in five years? Or ten? Or two?

When considering any bill that has to do with curtailing the proliferation of outfitters, ask your constituents who have economic interests in hunters, such as small town businesses, which kind of hunter do they prefer? Do they want the guided hunter who spends his entire hunt in a lodge away from town? Or would they prefer the freelance nonresident and resident hunter that stays in motels, eats in cafes, parties in bars, buys gas and ammunition and supports the entire community?

You will hear the tired, worn out refrain from our opponents that resident hunters just have to "build relationships" with landowners. That's almost laughable. Resident hunters have been doing that for decades. They've become friends with many, many landowners, some even marrying into the family. But when the outfitter lays the money down on the kitchen table, that relationship is over - finished. That's because the outfitter assumes control of access and those relationships mean nothing to him. There are countless stories from resident hunters who've lost access to land they've hunted for twenty years. Don't tell them all they have to do is build relationships.

I have nothing against outfitters. I have hunted with outfitters in many states and North Dakota needs outfitters. But outfitters are like a cold beer on a warm summer day. One or two won't hurt you, but a twelve pack can be serious trouble. We must not allow this industry to overrun the state of North Dakota because we know one thing for sure, there's no going back.

Again, I have to use the word "legacy." What legacy will this legislative session leave the residents of North Dakota who live and work here, in large part, for the privilege of experiencing her outdoors?

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10/22/03

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North Dakota Professional Guides and Outfitters Association

Senate Natural Resource Committee

2-6-03

Subject: Senate Bill 2382

NDPGOA urges the Senate Natural Resource Committee for a DO NOT PASS recommendation on Senate Bill 2382. This bill is purely punitive and damaging. This legislation goes against founded compromise between ranches and outfitters and the hunting and sporting organizations of past legislative sessions.

Today you will read and listen to testimony from folks that work hard at carving out a living in our beautiful western North Dakota. A living that includes outfitting nonresident hunters in pursuit of bow hunting challenges our state has to offer.

History will prove that guides and outfitters have already sacrificed potential growth in the Mule deer bow hunting arena. Please don't take away an already very limited opportunity that is vitally needed in one of the states most economically challenged areas. Doing so will not increase access, in fact it will only provide yet another dividing issue to fuel a fire that is already burning out of control.

The current system is fair and balanced and provides compromise. The percentage allowed for mule deer nonresident bow hunting should not be lowered. Please support a DO NOT PASS recommendation. Thank you for your careful consideration of this very important issue.

**Kyle Blanchfield
President, NDPGOA**

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Dennis Ballantyne
Operator's signature

10/22/03
Date

**Testimony of Sue Mosser
Owner of Elkhorn Outfitters
on Senate bill 2382
February 6, 2003**

Mr. Chairman and members of the Senate Natural Resources committee. My name is Sue Mosser and with my husband Randy, are owners of Elkhorn Outfitters. We have a ranch 35 miles north of Medora. We have welcomed bowhunters on our land for the past 10 years. We are members of North Dakota Bowhunters and ND Professional Outfitters & Guides. We pay Sales Tax, have a one million dollar, per occurrence liability insurance policy, pay income tax on the money and we are registered with the state as a limited liability corporation. Since most of our customers are from out of state we are testifying against Senate Bill 2382.

Six years ago the Game & Fish stated that they would have to sell more than 1500 non resident tags for mule deer bow before it would become a biological factor. It is less than half that now at 15%. Resident bowhunters are unlimited as to the number of licenses sold and there is no distinction between any deer tag or whitetail. Our non resident customers are only here for a limited time. Lets keep in mind the success rate for first time bowhunters to ND is extremely low because of new terrain and habits of the mule Deer.

We hear a lot about the out migration of people from North Dakota and how we have to promote more tourism and other business ventures into North Dakota. Yet when people try and establish a small business like ours, we meet with nothing but resistance, and restrictions placed on our business every time the legislature meets.

Non-residence hunters are the only group willing to pay the segment of society that raises the wildlife for access; and that is the landowner.

It seems that if the state was truly interested in promoting tourism and creating small businesses the cap of 15% would not be lowered, but raised to 20 or 25%.

Testimony of Sue Mosser in opposition of SB 2382

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Sue Mosser
Operator's Signature

10/22/03

Date

Testimony - SB 2382
Thursday, February 4, 2003

Jack Olson, representing the North Dakota Bowhunters Association

Mr. Chairman, members of the Senate Natural Resources Committee,

We are not aware of any biological studies that substantiate that either 15 or 8 percent is the appropriate figure for the basis of determining the number of mule deer licenses made available to non-resident hunters. Considering the lack of biological data to either substantiate or refute the percent used to calculate the number of mule deer licenses available to non-residents, the North Dakota Bowhunter Association has adopted a neutral position on Senate Bill 2382. However, any attempt to raise the percent used to calculate the number of mule deer licenses available for non-residents is vigorously opposed since a higher percentage of non-resident mule deer hunters cannot be biologically substantiated and will further exacerbate the issue of private land access for resident rifle and bow hunters.

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Good Morning Chairman and good morning to you our committee members and peers.

I come to you this morning with a heavy heart, for what I see is the demise of our great state. Every day I ask myself what more we can do to open the doors of this great state. Every day I see those who want to close the doors of our great State of North Dakota to vacationers and further the demise of a struggling North Dakota economy.

I have spent my life to build a future for my family and for North Dakota. I have a vision, this vision is new jobs created by positive thinking. Positive thinking that keeps our doors open to vacationers. Vacationers who bring New dollars into our struggling economy. New dollars that our economy already depends on. New dollars that create new jobs for our youth so that they can stay in North Dakota and raise their families and build a life for future generations, here in our great state of North Dakota. I hate negative thinking that closes the doors of our state and it pushes our children out of North Dakota to seek and find a better life. Why, with all the resources that we have here in North Dakota do we want to continue to push our children to leave?

It is interesting how much different we are from our partner state of South Dakota. A state that is Pro-Tourism. We are trying to change North Dakota to Pro-Tourism. The agricultural people of North Dakota are living in a starving economy and in their struggles to survive they have keyed onto Tourism as a way to survive, so that they can stay in the homeland of their ancestors. The agricultural people of North Dakota are using the power of positive thinking to keep food on the table and the wolf away from the door and are living with a dream of a better North Dakota where their children can stay home and or return home to raise their families and build a dream of a better North Dakota. Any legislation that would limit Vacationers from coming into our great state of North Dakota is truly Anti-Tourism and Anti-economic Development and negative thinking. Our brother state of South Dakota does not limit non-resident bow licenses. They manage their deer herd at much greater numbers than North Dakota in the same land mass and they open their doors to Tourism. North Dakotans have a misperception that mule deer can only live on the western border in the badlands. They are a plains animal that can live and would repopulate to the eastern boundary of North Dakota given an opportunity to do so. Today mule deer are fair game on whitetail rifle tags from Belfield all the way to our eastern North Dakota border and so what has happened over long years is that mule deer have not had an opportunity to repopulate across our state to our eastern boundary. With positive thinking we can rebuild our mule deer herd to the eastern boundary of North Dakota. This is the change we need. Whitetail can be removed and mule deer can take their place.

Please, do not further limit the non-resident bow tags. Please support our agricultural community in their efforts to survive and help them with positive thinking and positive Pro-Tourism Legislation to support and to build a better North Dakota for their children and for future generations.

Thank you!

To: Members of the 2003 Legislative Session
From: John R. Hanson- Logging Camp Ranch

My family and I were part of the founding of the present landowner-outfitter guide land use methods in 1984. Since that time we have accumulated relationships, experiences, knowledge, and opinions. Given the nature of the debate regarding natural resources and hunting issues, the time has come to express some of those opinions and I appreciate the interest you have in reviewing them.

For the past 6 Legislative Sessions, there has been a vigorous discussion between the various interest groups on hunting matters with the purpose of establishing the rationale for each side in terms of preservation or expansion of each side and its interest. Every session has been used without much success to correct what is perceived to have been wrong with the status quo in wildlife management philosophy. Each session has required that the rural business interest present itself to the legislature and defend what has become a vital part of both the rural economy and the growing role of landowners in improving and increasing the total numbers of wildlife available to hunters and non-hunters. These presentations, debates, and discussions have yielded more frustration and fear rather than abating it. This in turn has resulted in more aggressive political agendas from resident hunters. Most of the bills regarding non resident hunters, outfitter-guides, and all related topics reflect what is in my opinion, a short term strategy designed to disrupt, harm, and discredit the business of hosting hunters for the purpose of creating profit from the management of wildlife resources and the access to it.

I believe that the right of landowners to do this is almost sacred. I believe that the right of entrepreneurs and innovators regarding this is almost sacred. I believe the conservation ethics and values resulting from this sensitivity to wildlife interests is almost sacred. I believe that the preservation of opportunity to young people on farms and ranches is almost sacred. I believe that the traditions of being on the land are almost sacred.

Resident hunters also believe that their traditions are almost sacred. Their fear, as is ours, is very real. My fear is that the status quo philosophies used up to now will dominate the "how do we resolve this conflict?" debate.

The time for new and innovative thinking is here. We need to find ways to work together. We need to create new alliances and coalitions that are designed to make fear go away. We need to create a mechanism that preserves and improves the traditions of both interests. We need a long-term strategy that is enabling to all interests.

This is where I believe the intellectual capabilities of the North Dakota Legislature should be focused. Leadership on this particular matter will be difficult and challenging, but if successful, will leave a legacy of vast importance to all North Dakotans.

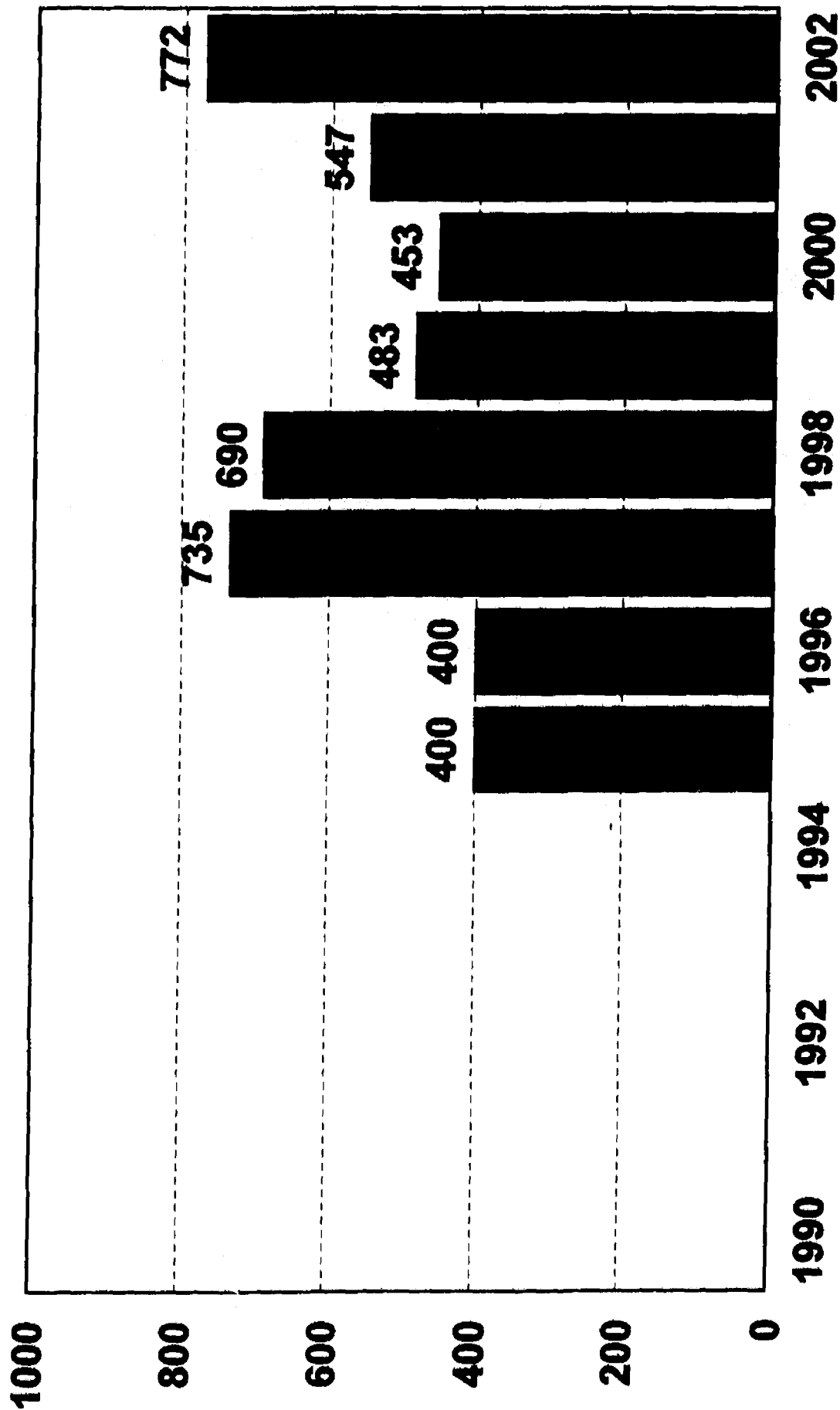
John R. Hanson

Operator's Signature

10/22/03

Date

NONRESIDENT ARCHERY "ANY DEER" LICENSES AVAILABLE



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10/22/03

Date



"Ron Hartman Rock
Creek Outdoor
Adventures"
<roos@pop.ctotel.com>
>

To: <"Undisclosed-Recipient;"@pop.ctotel.com>
cc:
Subject: SB#2382

02/01/2003 02:23 PM

Subject: SB#2382

This bill would reduce the number of nonresident any deer archery licenses from 15% to 8% of the previous years mule deer rifle licenses.

I live, ranch and guide archery hunters in the western part of North Dakota. I honestly do not see what the reason is for this change. If the reason is to conserve the resource, in this case mule deer, consider this. It is my opinion that the nonresident hunter numbers for mule deer archery is already highly restricted at 15%. Last year the total number of nonresident any deer tags was 772. It is my finding after 4 years of guiding nonresident archery hunters that a 25% success rate is high for this area. That means that of the 772 hunters they may have harvested 193 deer. It has also been my experience that at least 25% of these hunters may end up taking a whitetail deer. That means non-residents may end up harvesting 145 mule deer. By decreasing the number of licenses available to 8%, last year you would have seen approximately 65 less mule deer harvested. If you spread that number of deer out over the total mule deer range it would not have a noticeable impact on the mule deer population.

The reason for the reduction should not be access. With hundreds of thousands of acres of public lands in western North Dakota, which is the primary range for mule deer, no hunter can claim to be overcrowded or have trouble finding a quality place to archery hunt mule deer.

If the examples I have mentioned are not the reasons for this change, the only other reason I can think of is an attempt to make things harder for landowners and outfitters in western North Dakota. For some reason people think of landowners and outfitters as being two separate people. In many cases in my part of the state they are one in the same. Western North Dakota is a very rural and dry area. We are very limited in our options for diversification. Many people live many miles from a town so the opportunities to hold a job that pays enough to cover the driving is limited. Our agriculture option as far as specialty crops is very limited due to our weather and soil conditions. Guiding hunters or leasing lodging or access are some of our few options to add income to our ranches. When I prepared my taxes last week I went from a loss on my ranch to paying income tax because of my hunting operation. Why is this a bad thing?

I would ask that you would consider this bill very carefully before making a decision. In my case it is very important as to my abilities to stay on my ranch. Thank you for you time and consideration.

Ron Hartman

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Deanna Waller

10/22/03

Date

30749.0101
Title.

Prepared by the Legislative Council staff for
Representative Drovdal
January 31, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 2382

Page 1, line 6, replace "Eight" with "Twenty"

Renumber accordingly

Page No. 1

30749.0101

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