

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1062

2005 HOUSE NATURAL RESOURCES

HB 1062

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1062

House Natural Resources Committee

Conference Committee

Hearing Date January 6, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|---------------|
| 1 | | x | 0--4116 (End) |

Committee Clerk Signature

Loren Bonnet

Minutes: Chairman Nelson opened the hearing on HB 1062. Roll taken, Rep. Drovdal absent.

Bill was read aloud.

Rep. Porter, Dist. 34, Mandan: This bill has been placed for the third session. It was enacted two sessions ago. It came out of an agricultural committee at the time and allowed Game & Fish funds to be used to put up deer-proof hay yards on ranching operations where hay was stored, and also allowed the selling fee hunting. Last session we had this bill in front of us and the ND Stockmen's Assoc. was in opposition of it but did offer insight to make it better. We didn't amend the bill then but we did change it this time so that it is only those individuals that are doing big game. Last time the bill read any fee for hunting operation and was changed so as not to punish fee operations for pheasants because deer were eating hay in their yard.

Also, if someone is selling a deer hunt, they shouldn't be able to receive compensation for a deer-proof hay yard when that's part of their business. I think this bill corrects a previous bad

policy. Rep. DeKrey, a former adversarial vote on this bill has agreed to co-sponsor it this time with those changes. He also will have an amendment that we both agree to. Any questions?

Chr. Nelson: Are you speaking for the ND Stockmen's Assoc. in your testimony today?

Rep. Porter: Hardly.

Rep. Hanson: Will you prorate this if someone has the deer proof hay yard then five years later wants to get into fee hunting? Do they give the fence back or what happens then?

Rep. Porter: Originally the law was something like that. All that was taken out in Rep. Meyers bill three years ago. We didn't really look at that as we were doing it. We were looking at it from a year-to-year standpoint. Most of the fee hunting operations are already in place. If someone is now doing a cow-calf operation and three years down the road wants to get into fee hunting I think that the \$2,500 could have been eaten up by the deer in that short time period, so it doesn't seem necessary.

Chr. Nelson: Further questions for Rep. Porter?

Rep. Charging: Do you know how many landowners participate in this?

Rep. Porter: I don't. I do know that on the fiscal note that it's the minimal amount estimated by the Game & Fish that would be safe. We do a lot of things in this committee trying to set landowner and sportsman relationships. This is one that fits poorly in the minds of the sportsman because it's their money that's being put into a fee hunting operation to protect hay bales. If you want to know the answer to your question, we can ask Game & Fish for the numbers so far since the program has been enacted.

Chr. Nelson: We will ask that question. Any further questions?

Rep. Hunsakor: Do you have any idea of ranchers who allow hunting of big game in exchange for compensation and then afterwards want some help protecting hay with a deer-proof hay yard?

Rep. Porter: I don't have that information but maybe Game & Fish can help with that.

Chr. Nelson: Further questions? Is there further support of HB 1062?

Rep. DeKrey: Part of my district encompasses the city of Lincoln and this is an issue in that area. When Rep. Porter asked me to co-sponsor this I said, "...with an amendment." The amendment has to be fixed, **COPY OF PROPOSED AMENDMENT TO HB 1062**

ATTACHED. They would not only be charging for big game hunting, they would also be posting their land so they would be ineligible for the deer fence.

Chr. Nelson: If I understand your amendment, if anybody posts their land for big game and charging for fee hunts, they wouldn't be eligible for the fence.

Rep. Keiser: Rep. DeKrey, I don't think the amendment reads that way.

Rep. DeKrey: That "or" should be "and."

Rep. Keiser: But it says "or."

Rep. DeKrey: We have to exchange the word "or" for "and."

Chr. Nelson: How many people that have fee-hunting operations wouldn't post their land?

Rep. DeKrey: I don't think there are any.

Rep. Charging: If a neighbor ten miles down the road helps a neighbor with his fee hunting but doesn't offer fee hunting himself, would it affect his deer yard?

Rep. DeKrey: If a neighbor is helping his neighbor but isn't getting compensation for big game hunting it would have no effect on his deer yard if he wants one.

Chr. Nelson: I'm trying to recall the original bill (before this committee), in some situations, a fee hunting operation may charge and post land on a portion of their total operated acres and on another portion may leave it open for hunting. If they post or have a fee hunting operation on any part of their operation they would be exempt from the hay yard. Is that correct?

Rep. DeKrey: That's the way I read it too. I was having questions about it, but some ranch operations have land several miles apart and may have fee hunting in one area of the ranch but not in another. It may be an issue that needs to be explored.

Chr. Nelson: Any further questions? Is there further testimony in support of HB 1962?

Mike Donahue, ND Wildlife Federation & United Sportsmen of ND: In the past we were opposed to giving a free fence or hay yard fence to the person who was being compensated for hunting of deer. It was the principle of the thing; the dollar amount isn't that great. But we don't want our license fees supporting commercial operations. I give this example, a fee-hunting operation in the Upham/Willow City area advertised on Cabela's web page, bragging about the fact that it's near a federal refuge and that a lot of deer are being managed for big bucks, etc.

SEE ATTACHED TESTIMONY. Yet, on the local level there were requests for deer fences to keep them from eating hay. We support this bill. I'm not sure how you want to add it into the amendment.

Rep. DeKrey: Chr. Nelson, Mr. Donahue do you like the amendment to this bill?

Mike Donahue: It sounds good, but I'll have to take a look at it again, sometimes one or two words change the whole meaning. I concur with the protection they are trying to place. We urge Do Pass.

Chr. Nelson: Any questions for Mr. Donahue? It was my intention to move this bill today. If there are concerns about that, we will try to accommodate those concerns. Mike (Donahue) can you check with your folks about the amendment?

Mike Donahue: I need a copy of the amendment.

Chr. Nelson: Any further questions of Mr. Donahue? Is there further testimony in favor of HB 1062?

Bob Schaible: I also concur with the amendment as proposed and the Coalition also urges Do Pass by this committee because a lot of people complained two years ago when it was approved. Now it proposes to take out the people who hunt and charge fees. These people typically post their land so that hunters can't come on it, just for big bucks.

Chr. Nelson: Bob, are you aware of any operations that may be affected? Let's use this Cabela's example: They're selling big antlered deer in their advertisement. Is it possible that in some instances they would allow doe hunters to come in and hunt without fee and with permission? When deer come into somebody's hay yard, it isn't just the big bucks that are coming in, it's the whole herd.

Bob Schaible: The purpose of the hunt is big bucks, big horned, stuff like that. I did some research two years ago on hay yards. At that time, we had 324 hay yards from 294 landowners. Each hay yard costs between \$1,600-\$1,800. The Game & Fish Dept. typically issues a contract to a bidder in the local area. A lumber company, for example, could build the hay yards. Each hay yard takes approximately 1 ½ A. of land and the fences are 7-8 feet tall. There may be more hay yards now. The winter of 1996-97 was a big snow year, with 13 blizzards across the state of ND. We had 13 Governor's Proclamations concerning blizzards. Many deer died out. There

hasn't been much depredation from deer until this year because the northern part of the state has more snow than here in Bismarck. There are a lot of deer in that area so there probably will be more requests for hay yards across the state. I went to the Game & Fish Dept. a couple years ago which shows deer yards across the state. The central part of the state, in the triangle from Upham down to Stutsman Co. back to Grand Forks Co. is the area of biggest hay yards across the state. The Southwest has very few hay yards. I drove by two hay yards during my hunt this fall. They were open because the deer were not bothering the hay yards. But I know as soon as snow comes those deer are going to try to get hay. I think this is a good amendment and I urge Do Pass.

Rep. Keiser: One of the areas of concern I have is Line 12 where it reads "in exchange for compensation." I know what the intent is but it could be interpreted very broadly. If you allow me to hunt on your land and I say, "Boy, I really appreciate it, here's \$100. Thanks a lot." Is that compensation?

Mr. Schaible: Yes.

Chr. Nelson: Any further questions? Seeing none, is there further testimony in support of HB 1062?

Greg Link, ND Game & Fish Dept., Asst. Chief, Wildlife Div.: Urge DO PASS on HB 1062. Think it is a reasonable bill and a means to remedy some of the conflicts. **WRITTEN TESTIMONY ATTACHED.**

Chr. Nelson: Any questions of Mr. Link?

Rep. Nottestad: If I give you a scenario, how would you interpret it? Lets say we have a situation in south-central ND where we have a large fee hunting operation. Some ranchers within the area choose not to post their land. So they say to the fee hunters, use my land, then

know who is going to be on it. He doesn't receive compensation but the person who posted does receive compensation. Under this bill, would you or would you not approve a yard for that individual?

Greg Link: If good management is taking place there, we would look at each individual and who they are cooperating with and who signed the agreement and verify who is running a fee operation.

Rep. Nottestad: Would you compensate for a hay yard? It gets complicated.

Greg Link: It does get complicated.

Rep. Johnson: How many applications have you had for hay yards in the last few years by fee hunters?

Greg Link: The last time we heard this bill in 2003 there was probably five or six fee hunting operations. There are probably seven known fee operations. We're talking \$15,000.

Rep. Johnson: In comparison, how many are just farmers who have asked for hay yards?

Greg Link: We've probably added roughly 30-40 hay yards to the total.

Chr. Nelson: Any further questions for Greg? Seeing none, is there further support for HB 1062?

Harold Neameyer, Cass County Wildlife Club: In full support of HB 1062. We are also in support of the amendment. **WRITTEN TESTIMONY ATTACHED.**

Chr. Nelson: Any further questions? Any further testimony in support of HB 1062?

Roger Rostvet, would you come up to the podium, please? Rep. Hanson has a question for you.

Rep. Chanson: Roger, what was the old law on prorating the deer yard? Under this bill now, say that you put the deer yard in when you didn't have fee hunting, but the next year you went to

fee hunting. You got the deer yard and you don't have to give it back. How was it prorated before?

Roger Rostvet: I believe this goes back to 2001. At that time it was prorated over a rather short period of time then written off. We haven't worked with that for about five years. (Someone interjected that the prorated period was initially 10-20 years).

Chr. Nelson: Are there further questions? Further testimony in favor of HB 1062? Seeing none, opposing testimony of HB 1062?

Wade Moser, ND Stockmen's Assoc.: Oppose the bill. Over the last two or three sessions we have addressed this issue and view it as much as a public relations issue as a financial issue. The producers don't have sympathy for the department when they have \$24-25 million and they are complaining about a deer proof hay yard. There are people who get compensated when they don't ask for it. This should put them in violation. Did they receive compensation, as a gift certificate, cash? Are they advertising for fee hunting? Most of them don't. My understanding is it's two or three individuals and it's too bad that we have to legislate for two or three. We are also trying to encourage producers even though they have posting signs and lawsuits, that their gates be open for their own benefit for problems in the future, not only in depredation of the hay and forage, but we're also concerned with the disease issues that may be coming forward when you get a concentration of too many animals in some locations. This sends a signal that we don't necessarily need help there.

Chr. Nelson: Any questions of Mr. Moser? Further testimony in opposition of HB 1062?

Frank Klein: Southwest North Dakota rancher, in opposition of this bill, on behalf of area ranchers. The posted amendment makes it worse. Too many people misinterpret that posted thing. It doesn't mean you can't hunt if it's posted. All you have to do is come to my house. In our area we have never charged an instate hunter to hunt despite all the bad publicity. I don't have a fee hunting operation myself but I'm helping another person out. They are only charging out-of-state hunters. The local hunters are hunting for free. If a bill like this comes out, pretty soon they are going to get charged, too.

Chr. Nelson: Any questions for Frank? Is there further testimony in opposition of HB 1062?

Rep. Charging: In regards to adjacent landowners (of fee hunting operations), how would the Game & Fish handle that? Is it an administrative rule process or do they determine each individual to be eligible?

Chr. Nelson: My understanding would be that the Dept. makes those decisions from a departmental standpoint. They determine if the operation is fee hunting or not. Maybe Roger can answer that question better.

Roger Rostvet: The question was asked about a guy who gives \$100. That's a gift, not a fee. That's not a commercial operation. That's a gratuity. In the past, we've used a judgement process. We consider them commercial operations only if the guy is advertising.

Chr. Nelson: Rep. Charging, does that answer your question?

Rep. Charging: I guess money is money.

Rep. Keiser: This is a wonderful example of an administrative rule problem. It's the language, and I feel strongly that it should be changed. It says "compensation." It doesn't say fee hunting. If I give the guy a case of wine at \$100 a bottle, yes, it's a gift but it's also in compensation for

him allowing me to hunt there. It's not fee hunting and if we want to address that issue, we should. The language of the law as it now reads says, "in exchange for compensation." If I've been sending that gift for 20 years, does he expect it? I think so.

Roger Rostvet: That's a good point. Intent is one thing. In other bills from previous bills, we ask what is the intent? If the property was opened for formal activity, so be it. Expectation is one thing, but a friend gives it in good faith. If someone says, "Yes, you can hunt, but give me a \$100 bottle of wine." That's for compensation.

Chr. Nelson: Any further questions? It appears there are enough issues on this bill that we won't be able to act on this today. I think the sponsors have some amendments that they will draft. We will try to get that in an amended form and act on it tomorrow. Rep. Porter, would you like to explain some of the amendment possibilities that you are considering?

Rep. Porter: Sure can. With some of the things that have come up, one item is to have the department establish a prorated repayment system over a three or five-year period. I need to discuss it with Rep. Norland and Rep. DeKrey. The other thing, on Line 12, after "game" insert "on a majority of acres owned and operated" so that you take care of the concerns brought up. Then, in regard to Rep. Keiser's concerns, on Line 11, after the word "allows" insert the word "commercial" so that it is truly a commercial operation not just a hunter accepting a gratuity. When I meet with Reps. Norland and DeKrey those are the items I wrote down to work on.

Chr. Nelson: We'll try to get this in a different form. We should have an amended version by committee tomorrow. With that, we'll close the hearing on HB 1062.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1062

House Natural Resources Committee

Conference Committee

Hearing Date January 7, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|--------------|
| 1 | | x | 3,712 - 3927 |

Committee Clerk Signature *Karen Bonnet*

Minutes: Chr. Nelson opened the hearing on HB 1062. Roll was taken, Rep. Drovdal was absent. Bill was read.

Chr. Nelson: I will reopen the hearing on HB 1062 to take action. Are there any questions?

Rep. Porter: I met with Mr. Moser, ND Stockmens Assoc., who indicated that he wouldn't oppose the proposed amendments-**COPY ATTACHED**, if line 11 includes after "allows" an insertion of "commercial." I move Do Pass with amendments on HB 1062.

Rep. Keiser: Second.

Chr. Nelson: It has been moved by Rep. Porter and seconded by Rep. Keiser Do Pass on HB 1062. Is there discussion?

Rep. Hanson: Does it prohibit only deer hunting or all hunting?

Rep. DeKrey: It means specifically big game hunting. I would add "big game" after "prohibit" on Pg. 1, Line 12.

Rep. Porter: Mr. Chairman, I would accept Rep. DeKrey's wording.

Page 2
House Natural Resources Committee
Bill/Resolution Number HB 1062
Hearing Date January 7, 2005

Chr. Nelson: On the proposed amendments to HB 1062, Pg. 1, Line 12, after "prohibit" please insert the terms "big game." With that, I will ask for a voice vote. Ayes: 13; Nays: 0; Absent, 1.

Motion carried.

Rep. DeKrey: Motion for Do Pass as amended on HB 1062.

Rep. Solberg: Second.

Chr. Nelson: It is the intention of Rep. DeKrey to Do Pass on HB 1062, and second by Rep. Solberg. Is there any discussion? I will take a roll call vote on the amended version of HB 1062.

The VOTE is: Ayes- 13; Nays-0, Absent-1. Carrier: Rep. Clark

FISCAL NOTE
 Requested by Legislative Council
 01/11/2005

Amendment to: HB 1062

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.*

| | 2003-2005 Biennium | | 2005-2007 Biennium | | 2007-2009 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | (\$5,000) | (\$5,000) |
| Appropriations | | | | | | |

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

| 2003-2005 Biennium | | | 2005-2007 Biennium | | | 2007-2009 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 could result in one or two fewer deer proof hay yards being purchased by the ND Game and Fish Department each biennium. The average cost for the hay yard materials is \$2500 each.

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.*

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.*

An estimated \$5,000 in materials would not be purchased each biennium. This money could be used for habitat and access programs.

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 T. Schadewald
 Phone Number: 328-6328

Agency: ND Game and Fish Department
 Date Prepared: 01/12/2005

FISCAL NOTE
Requested by Legislative Council
12/20/2004

Bill/Resolution No.: HB 1062

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.*

| | 2003-2005 Biennium | | 2005-2007 Biennium | | 2007-2009 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |
| | | | | | (\$5,000) | (\$5,000) |

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

| 2003-2005 Biennium | | | 2005-2007 Biennium | | | 2007-2009 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 could result in one or two fewer deer proof hay yards being purchased by the ND Game and Fish Department each biennium. The average cost for the hay yard materials is \$2500 each.

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.*

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.*

An estimated \$5,000 in materials would not be purchased each biennium. This money could be used for habitat and access programs.

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
Phone Number: 328-6328

Agency: ND Game and Fish Department
Date: 12/22/2004
Prepared:

By: DeKrey

50276.0101
Title.

Prepared by the Legislative Council staff for
Representative DeKrey
January 6, 2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1062

Page 1, line 12, after "compensation" insert ^{and} "or who posts that person's land to prohibit hunting"

Renumber accordingly

By: Rep. Porter
1/7/05

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1062

Page 1, line 11, after "allows" insert "commercial"

Page 1, line 12, after "game" insert "on a majority of acres owned and operated"

Page 1, line 12, after "compensation" insert "and who posts that person's land to prohibit *big-game*
hunting"
^

Page 1, line 13, after the period insert "The department shall establish a pro-rated repayment system over a three year contract period."

Renumber accordingly

January 7, 2005

VR
1/7/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1062 Nat. Res. 1-10-05

Page 1, line 11, after "allows" insert "commercial"

Page 1, line 12, after "game" insert "on a majority of acres owned and operated" and after
"compensation" insert "and who posts that person's land to prohibit big game hunting"

Page 1, line 13, after "program" insert ". The department shall establish a prorated repayment
system over a three-year period"

Renumber accordingly

Date: *January 7, 2005*
Roll Call Vote #: *1*

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *1062*

House

NATURAL RESOURCES

Committee

Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : *On pass as amended*

Motion Made By : *Rep. DeKrey* Seconded By : *Rep. Solberg*

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

Total (Yes) *13* No *0*

Absent *1 - Rep. David Drovdal*

Floor Assignment *Rep. Donald L. Clark*

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

pg 1, line 12, add "big game" or prohibited hunting

REPORT OF STANDING COMMITTEE

HB 1062: Natural Resources Committee (Rep. Nelson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1062 was placed on the Sixth order on the calendar.

Page 1, line 11, after "allows" insert "commercial"

Page 1, line 12, after "game" insert "on a majority of acres owned and operated" and after "compensation" insert "and who posts that person's land to prohibit big game hunting"

Page 1, line 13, after "program" insert ". The department shall establish a prorated repayment system over a three-year period"

Renumber accordingly

2005 SENATE NATURAL RESOURCES

HB 1062

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1062

Senate Natural Resources Committee

Conference Committee

Hearing Date February 24, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|------------|
| 1 | X | | 1.1 - 19.2 |
| | | X | 1.6 - 2.1 |

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee brought the committee to order.

All members of the committee were present.

Senator Lyson opened the hearing on HB 1062 relating to eligibility to participate in the deerproof hay yard program.

Greg Link, Assistant Chief of the Wildlife Division of the North Dakota State Game and Fish Department testified in support of HB 1062 (See attached testimony).

Senator Michael Every asked how many landowners are effected.

Greg Link answered that since the law changed several sessions ago, there has been 4 or 5 commercial operations that have received the hay yard.

Representative Todd Porter of District 34 cosponsor of HB 1062 explained the bill has been in the hopper for several sessions to order to find a compromise to work for everybody. The bill will

define an active farming or ranching operation and an active fee hunting operation. There has been the perception that game and fish dollars are used for commercial type operations. The other problem has been that the commercial hunting operations not allowing hunting on their land and then claim there are too many deer when they are baited there in the beginning, but close off the hay yards once they finish hunting. With the majority acreage language, the posting of land issue and that some people will be allowed in to the area for hunting, this should be a good compromise and work. He also passed along to the committee the support of HB 1062 of

Representative Duane DeKrey.

Curtis Blohm (6.1) representing the North Dakota Outdoor Heritage Coalition testified in support of HB 1062 (See attached testimony).

Harold Neameyer (6.6) representing the Cass County Wildlife Club testified in support of HB 1062 (See attached testimony).

Mike Donahue representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in support of HB 1062 stating they do not want to see license fees support commercial operations.

The fiscal note was questioned and discussion was held to clarify that because there is less of an expenditure the note shows a negative amount.

Senator John Traynor questioned the word "compensation" in the bill.

Greg Link explained that compensation would be considered as fees paid as services.

Senator Lyson asked for opposing testimony of HB 1062.

Mindy Goodman (8.9) testified on behalf of Diamond Bar Diamond Outfitters, Inc. in opposition to HB 1062 (See attached testimony).

Senator Joel Heitkamp asked if the family is putting themselves out there as a big game outfitter, and now have the big game on their land they need to deal with it.

Mindy Goodman clarified that their hunting area and they cattle feeding area are 6 miles apart, but this does not stop the deer from coming over to the posted ranch area.

Senator Heitkamp asked if they do not post over 50% of their land, they would qualify for the North Dakota State Game and Fish Department hay yard program.

Senator John Traynor asked that this should be noted as the official position of the committee. Discussion was held as to the 50% + 1 acre of land being posted and the eligibility of the hay yard program. This is according to the language in the bill and the game and fish department will deal with it if it is the intent of the legislature.

Senator Traynor added that the bill would be more clear if the bill was amended to change Line 13 to read “ and who post a majority of acres owned or operated of that person’s land to prohibit big game hunting” to qualify on the posting also.

Wade Moser representing the North Dakota Stockman’s Association testified that there are several reasons for a landowner to post his property. He stated that HB 1062 needs to contain clear language so all understand the intent of the committee and there are no questions latter as to what is allowed as commercial, what is the majority of the land, what is posted and what is considered controlling one’s own property.

Senator Lyson closed the hearing on HB 1062.

Tape #1, Side B 1.6 - 2.1

Senator Stanley Lyson opened the committee work on HB 1062.

Senator John Traynor made a motion to amend HB 1062 on Line 13 after the word "posts" " a majority of the acres owned and operated by of that person's land".

Senator Joel Heitkamp second the motion.

Roll call vote #1 to adopt the amendment as proposed for HB 1062 was taken by voice vote indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Heitkamp made a motion for a Do Pass as Amended of HB 1062.

Senator Traynor second the motion.

Roll call vote #2 for a Do Pass as Amended of HB 1064 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Traynor will carry HB 1064.

Date: 2-24-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1062

Senate Senate Natural Resources

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Traynor Amendment*

Motion Made By *Traynor* Seconded By *Stut*

| Senators | | Yes | No | Senators | | Yes | No |
|-----------------------------------|--|-----|----|-----------------------|--|-----|----|
| Senator Stanley Lyson, Chairman | | | | Senator Joel Heitkamp | | | |
| Senator Ben Tollefson, Vice Chair | | | | Senator Michael Every | | | |
| Senator Layton Freborg | | | | | | | |
| Senator Rich Wardner | | | | | | | |
| Senator John Traynor | | | | | | | |



Total (Yes) No

Absent

Floor Assignment

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

Date: 2-24-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1862

Senate Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as Amended

Motion Made By Heitkamp Seconded By Traynor

| Senators | Yes | No | Senators | Yes | No |
|-----------------------------------|-----|----|-----------------------|-----|----|
| Senator Stanley Lyson, Chairman | ✓ | | Senator Joel Heitkamp | ✓ | |
| Senator Ben Tollefson, Vice Chair | ✓ | | Senator Michael Every | ✓ | |
| Senator Layton Freborg | ✓ | | | | |
| Senator Rich Wardner | ✓ | | | | |
| Senator John Traynor | ✓ | | | | |

Total (Yes) 7 No 0

Absent

Floor Assignment Traynor - 0

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

REPORT OF STANDING COMMITTEE (410)
February 25, 2005 8:18 a.m.

Module No: SR-35-3646
Carrier: Traynor
Insert LC: 50276.0201 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1062, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1062 was placed on the Sixth order on the calendar.

Page 1, line 13, after "posts" insert "a majority of the acres owned and operated by" and replace "person's land" with "person"

Renumber accordingly

2005 TESTIMONY

HB 1062


By: Mike Donahue

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here: North Dakota Trophy Whitetail Bowhunt .

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CE-51-6068 or
WBR-01-6203

North Dakota Trophy Whitetail Bowhunt



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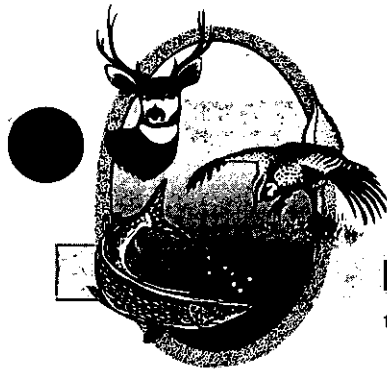


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By: Greg Link



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

TESTIMONY RELATED TO HB1062: DEER-PROOF HAY YARD PROGRAM

House Natural Resource Committee

January 6, 2005

The North Dakota Game and Fish Department has had a program since 1979 to help private livestock and feed producers prevent, minimize, and alleviate damage to their feed supplies caused by big game animals. The program has been very successful accomplishing these objectives using both short- and long-term methods to address these wildlife/producer conflicts. In short-term cases, the Department provides the producer with technical support, scaring/hazing devices, repellents, and temporary fencing to remedy the situation. In chronic or re-occurring cases, permanent deer-proof hay yards are prescribed as a long-term, cost-effective solution.

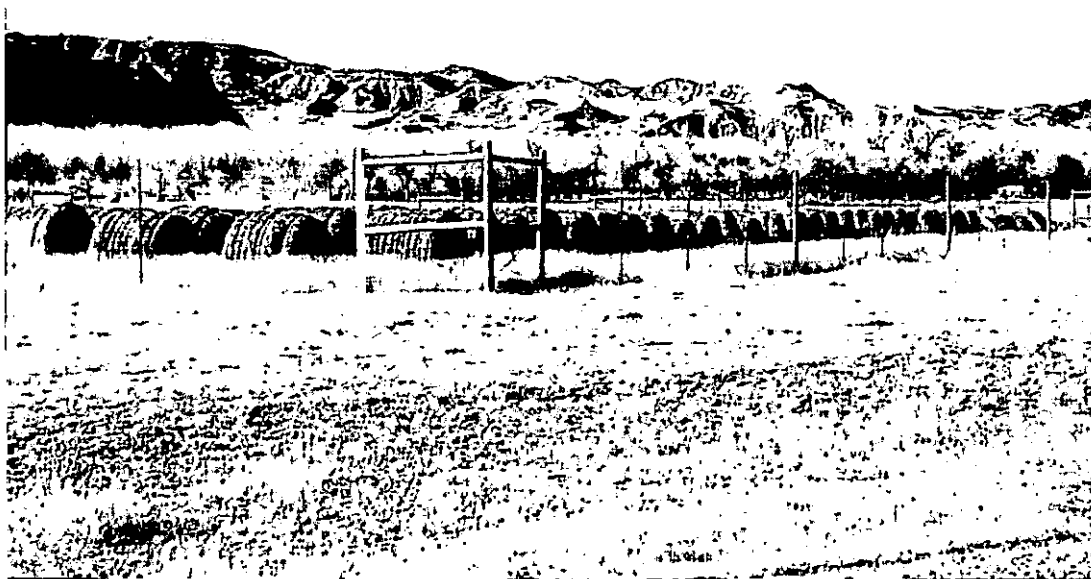
Hay yards have been determined to be the most economical and effective tool to prevent significant future losses to producers experiencing repeated depredation, as well as reducing future expenditures by the Department. As a remedy for these situations, the Department provides to the producer all the materials necessary for a deer-proof yard if he/she agrees to construct and maintain the fence. The standard deer-proof hay yard averages 2.5 acres in size, is over 7 feet in height, and costs approximately \$2,000 per yard. The Department has provided over 400 hay yards to approximately 370 landowners since 1979. The depredation program, including both short- and long-term solutions, routinely incurs expenses of \$150,000 annually and expenditures have reached as high as \$1 million in extremely harsh winters. The entire depredation program, including the hay yard program, is funded solely with sportsmen-generated dollars.

HB 1062 mandates landowners involved in a fee-hunting operation shall be ineligible to participate in the Department's deer-proof hay yard program. The Department believes this is a reasonable and responsible restriction for the following reasons:

- The success of a big game fee-hunting operation directly benefits from maintaining a high local big game population. Therefore, these operations support, encourage, and often attract high local population densities, which can significantly contribute to the depredation problems on the respective property, as well as on neighboring land.
- In an effort to meet the clientele demand for animals of preferred gender and quality, fee-hunting operations focus harvests toward select trophy animals, rather than a broad non-selective harvest necessary for effective population management.
- Adequate total herd harvests, as prescribed by the Department to reduce high densities and the likelihood of future depredation in an area, often conflict with the objectives of fee-hunting operations and their clientele.
- Providing depredation assistance to fee-hunting operations using sportsmen-generated funds gives sportsmen the perception that their dollars are subsidizing a free enterprise business that should be capable of financing itself.
- Other laws dealing with similar funds in the Department's private lands program, such as NDCC sec. 20.1-02-27 subsection 3, do not allow the Director to "structure a program in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program".

As a means to remedy these conflicts, the Department supports a **DO PASS** on HB1062.

Deer-Proof Hay Yards

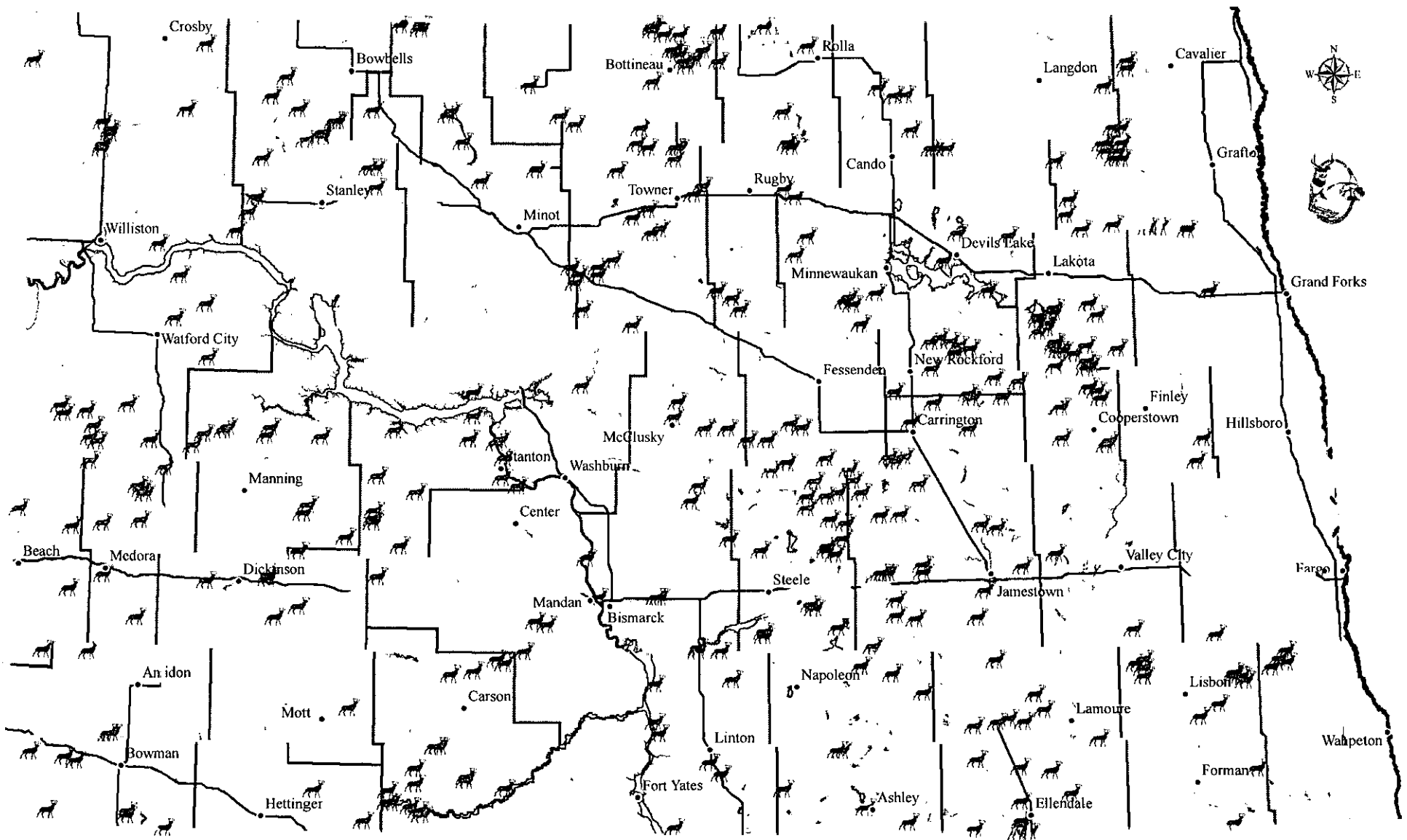



Years 1979 - 2005

Total Number of Hay Yards = 402

Total Number of Landowners = 370

North Dakota Game & Fish Hay Yard Locations



 Hay Yards



Cass County WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON
HB 1062
JANUARY 6, 2005

Mr. Chairman and Members of the Committee:

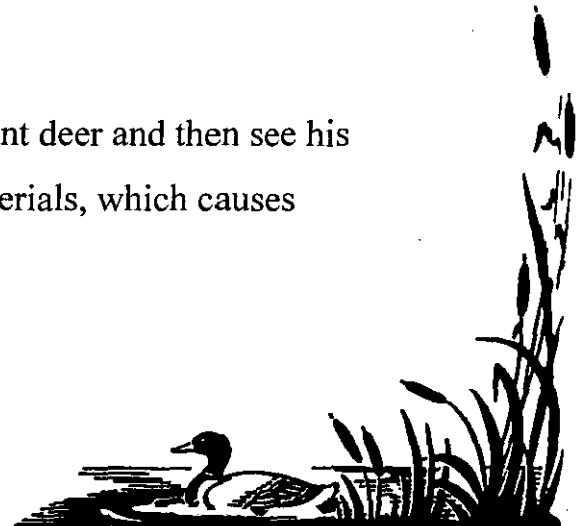
I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club, an organization of over 200 sportspeople organized to promote conservation of wildlife, to promote sportsmanship in hunting and fishing and to support the proper management of these resources.

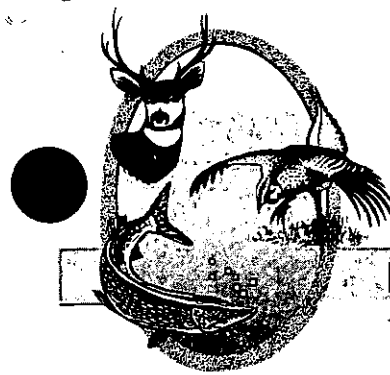
The Cass County Wildlife Club strongly supports HB 1062 that would make landowners not eligible for hay yard programs if they charge for hunting.

Hunting is the best-used method for managing the deer population. Charging probably reduces the number of hunters who hunt these problem areas and thus increases depredation.

The sportsman seems to be asked to pay to hunt deer and then see his or her sportman's dollars go to pay for hay yard materials, which causes them to pay twice.

We urge support of HB 1062.





"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

TESTIMONY RELATED TO HB1062: DEER-PROOF HAY YARD PROGRAM

Senate Natural Resource Committee

February 24, 2005

The North Dakota Game and Fish Department has had a program since 1979 to help private livestock and feed producers prevent, minimize, and alleviate damage to their feed supplies caused by big game animals. The program has been very successful accomplishing these objectives using both short- and long-term methods to address these wildlife/producer conflicts. In short-term cases, the Department provides the producer with technical support, scaring/hazing devices, repellents, and temporary fencing to remedy the situation. In chronic or re-occurring cases, permanent deer-proof hay yards are prescribed as a long-term, cost-effective solution.

Hay yards have been determined to be the most economical and effective tool to prevent significant future losses to producers experiencing repeated depredation, as well as reducing future expenditures by the Department. As a remedy for these situations, the Department provides to the producer all the materials necessary for a deer-proof yard if he/she agrees to construct and maintain the fence. The standard deer-proof hay yard averages 1.5 acres in size, is over 7 feet in height, and costs approximately \$2,000 per yard. The Department has provided over 400 hay yards to approximately 370 landowners since 1979. The depredation program, including both short- and long-term solutions, routinely incurs expenses of \$150,000 annually and expenditures have reached as high as \$1 million in extremely harsh winters. The entire depredation program, including the hay yard program, is funded solely with sportsmen-generated dollars.

HB 1062 mandates landowners involved in a fee-hunting operation shall be ineligible to participate in the Department's deer-proof hay yard program. The Department believes this is a reasonable and responsible restriction for the following reasons:

- The success of a big game fee-hunting operation directly benefits from maintaining a high local big game population. Therefore, these operations support, encourage, and often attract high local population densities, which can significantly contribute to the depredation problems on the respective property, as well as on neighboring land.
- In an effort to meet the clientele demand for animals of preferred gender and quality, fee-hunting operations focus harvests toward select trophy animals, rather than a broad non-selective harvest necessary for effective population management.
- Adequate total herd harvests, as prescribed by the Department to reduce high densities and the likelihood of future depredation in an area, often conflict with the objectives of fee-hunting operations and their clientele.
- Providing depredation assistance to fee-hunting operations using sportsmen-generated funds gives sportsmen the perception that their dollars are subsidizing a free enterprise business that should be capable of financing itself.
- Other laws dealing with similar funds in the Department's private lands program, such as NDCC sec. 20.1-02-27 subsection 3, do not allow the Director to "structure a program in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program".

As a means to remedy these conflicts, the Department supports a **DO PASS** on HB1062.

House Bill No. 1062

**Reference: Relating to eligibility to participate in the deer proof
hay yard program**

Senate Natural Resources Committee

Hearing Date: February 24, 2005

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

The ND Outdoor Heritage Coalition is very much in support of the content of this bill and strongly recommends to the Committee to vote a "DO PASS" recommendation.

Thank You.

MISSION STATEMENT NORTH DAKOTA OUTDOOR HERITAGE COALITION

The North Dakota Outdoor Heritage Coalition was founded out of the need to have representation of North Dakota citizens concerned with the preservation of their unique recreational heritage. Its members believe and support the following:

- a. The necessity of preserving and fostering the underlying principals of the Public Trust Doctrine and in preserving high quality outdoor recreational opportunities.
- b. The belief that North Dakota's fish and wildlife resources must be kept as publicly held resources, owned and managed by the State of North Dakota for the long-term benefit and enjoyment of its citizens.
- c. To work to create and maintain a fair distribution of our outdoor recreational opportunities, giving preference to our resident sportsmen.
- d. To seek to minimize the affect of commercial operations on our publicly held resources and recreational opportunities by limiting the number of commercial operations and the amount of land under their control.
- e. We support programs that open private land to access for outdoor recreation especially those that are community-based because of the associated economic benefit.
- f. We support the increased acquisition of public use lands for outdoor recreation such as the PLOTS program.
- g. Be an advocate for restrictions on the use of North Dakota's resources which serve to guarantee that all participants have satisfying quality outdoor experiences well into the future.

The North Dakota Outdoor Heritage Coalition believes that the State's fish and wildlife resources must be kept a publicly held resource, owned and managed by the State, for the long-term benefit and enjoyment of its citizens.



Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE
ON

HB 1062
February 24, 2005

Mr. Chairman and Members of the Committee:

The CCW Club supports the passage of HB 1062. Permitting landowners who allow commercial hunting for big game on their land to participate in the deer proof hay yard should NOT be allowed.

Hunting is the best method for managing the deer population. If the landowner chooses to charge a fee to hunt deer, then they should be responsible for depredation problems.

Please **support** this bill.



Diamond Bar Diamond Outfitters, Inc.

Leland and Barbara Goodman

802 77th St. NE

Willow City, ND 58384

February 24, 2005

Senate Natural Resource Committee
House Bill 1062

Committee Members:

I am speaking in opposition of House Bill 1062 dealing with the deer proof hay yard program that would not allow guides and outfitters to receive this benefit.

My family has been active ranchers for 30 plus years and ranching continues to be our main source of income. Becoming guides and outfitters was a sustainable agricultural business we built to compensate for overland flooding that reduced our ability to utilize much of our land area for a number of years. The deer do not winter on our property because we are guides and outfitters it is because of the feed source we have brought in for our cattle. When there is a hard winter the deer gather in areas where there is feed, meaning in ranchers feed lots. The only protection of our feed sources is deer proof feed yards. You are not saying you are not funding deer proof yards only you will not fund these lots to ranchers who have guide or outfitter licenses. Ranchers who are guides and outfitters are of course in heavily deer populated areas or they wouldn't be guides or outfitters. These ranchers need their feed sources protected as well as the ones who do not have guide and outfitter licenses.

Each legislative session we hear about growing the North Dakota economy but bills such as House Bill 1062 tell us that because we work at building a sustainable agricultural business so we can continue to work our ranches and raise our families on the prairie we can not have the same benefits as the rancher who chooses not to be a guide but posts his land to no hunting. I feel my feed resources are as important as the next rancher and should not be singled out. All ranchers are stewards of the North Dakota environment and wild life resources and all need to be treated equally.

We ask that you help keep the playing field level for all ranchers no matter if they have guide licenses or not. We would ask you to recommend a DO NOT PASS on House Bill 1062.

Diamond Bar Diamond Outfitters, Inc
Presented by Mindy Goodman, Guide

