

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1366

2005 HOUSE NATURAL RESOURCES

HB 1366

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1366

House Natural Resources Committee

Conference Committee

Hearing Date February 4, 2005

Tape Number	Side A	Side B	Meter #
1		x	2967-3806
Committee Clerk Signature <i>Laren Bonnet</i>			

Minutes:

**Chr. Nelson:** We will open the hearing on HB 1366. Rep. Nottestad absent at roll. Ask the clerk to read the title.

**Rep. Bob Hunskor, Dist. 6:** (Written testimony attached)

**Vice Chr. Porter:** Are there any questions of Rep. Hunskor?

**Rep. Clark:** Could this be a situation where a person is punished twice for the same crime, causing double jeopardy?

**Hunskor:** I don't follow you, how does double jeopardy fit it?

**Clark:** First of all, he paid his dues for his first offense. Now, he's punished again for the same offense.

**Hunskor:** I don't have an answer for that. Maybe someone skilled in the legal area could tell if that is double jeopardy or not.

**Vice Chr. Porter:** Are there further questions for Rep. Hunskor? Seeing none, thank you. Is there further support for HB 1366?

**Carter Medalen, Velva: (Written testimony attached)**

**Vice Chr. Porter:** Are there questions of Mr. Medalen? Seeing none, thank you. Is there further support of HB 1366?

**Mike Donahue, United Sportsmen and The ND Wildlife Federation: (Written testimony attached)**

**Vice Chr. Porter:** Are their questions of Mr. Donahue? Seeing none, thank you. Is there further support for HB 1366?

**Harold Neameyer, Cass County Wildlife Club: (Written testimony attached)**

**Vice Chr. Porter:** Are their questions of Mr. Neameyer? Seeing none, thank you. Is there further support for HB 1366?

**Curtis Blohm, ND Outdoor Heritage Coalition: (Written testimony attached)**

**Vice Chr. Porter:** Are their questions of Mr. Blohm? Seeing none, thank you. Is there further support for HB 1366?

**Bill Helphrey, ND Bow Hunters Association: Support the bill.**

**Vice Chr. Porter:** Are their questions of Mr. Helphrey? Seeing none, thank you. Is there further support for HB 1366? Seeing none, is there opposition to HB 1366? Seeing none, I will close the hearing on HB 1366.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1366

House Natural Resources Committee

Conference Committee

Hearing Date February 4, 2005

Tape Number	Side A	Side B	Meter #
2	x		2135-2622
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

**Chr. Nelson:** We'll re-open the hearing on HB 1366. What are the committee's wishes?

**Rep. Keiser:** I move a Do Pass on HB 1366.

**Chr. Nelson:** It has been moved by Rep. Keiser for a Do Pass motion. Is there a second?

**Rep. Porter:** Second

**Chr. Nelson:** Any further discussion?

**Rep. Hanson:** Question.

**Rep. DeKrey:** I have a question. If you have a juvenile who does this at age 16 or 1, will he be excluded for life, or does his juvenile record go away, like it does for other juvenile offenses, so he'll be able to hunt again when he's 18.

**Chr. Nelson:** It just talks about resident.

**Rep. Porter:** This would be a lifetime suspension no matter how old you are when you commit the crime. It wouldn't apply to double jeopardy because it's included in the original. It's more

like mandatory sentencing than double jeopardy because you're not being convicted on two of the same crimes. You're just having a mandated sentence that you're never allowed obtain one of these licenses again.

**Rep. Drovdal:** That's true on somebody that hasn't been convicted, yet. If you happen to have somebody who has been convicted in the last ten years, then they are imposing double jeopardy but I don't know if it matters here.

**Porter:** It probably could be called that.

**Rep. Charging:** They mentioned something about deer not being a part of this. Is there anything in the current law in ND that says just big game or is it selectively elk, moose and sheep?

**Chr. Nelson:** Yes, it's my understanding that it's elk, moose and sheep.

**Rep. DeKrey:** It's not selective for picking out three species. These are three species that are hard to get a license for.

**Rep. Hunskor:** I have a heart for young people. But at the same time if we exclude that particular group then in turn we're saying, it's o.k. if you do it if you're under 18. That doesn't seem right.

**Rep. Porter:** From the juvenile standpoint, we had an elk poaching case in Morton County a couple years ago. They shot an elk roaming through the area and so the father wouldn't be convicted in adult court, his 14-15 year old son stepped up and took the rap. Poaching is happening. If you're willing to take the ability of someone else away because you shot one and left it lay, they shouldn't have the right to be put in a drawing and get drawn again.

**Chr. Nelson:** Most people don't get a license in their lifetime without committing a crime.

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House Natural Resources Committee

Bill/Resolution Number HB 1366

Hearing Date February 4, 2005

**Rep. Hanson:** Question

**Chr. Nelson:** Question has been called on a Do Pass motion. I'll ask the clerk to call the roll.

**Do Pass Vote: 12-Ayes; 0-Nays; 2-Absent; CARRIER: Keiser**

5CRV

Date: 2/4/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. AB 1366 - *limits re convictions + hunting*

House NATURAL RESOURCES Committee

Check here for Conference Committee

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

Action Taken : Do Pass

Motion Made By : Keiser Seconded By : Porter

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

Total (Yes) 12 No 0

Absent 2

Floor Assignment Keiser

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



**REPORT OF STANDING COMMITTEE (410)**  
February 4, 2005 2:27 p.m.

**Module No: HR-23-1900**  
**Carrier: Kelser**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1366: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS**  
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1366 was placed on the  
Eleventh order on the calendar.

2005 SENATE NATURAL RESOURCES

HB 1366

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1366

Senate Natural Resources Committee

Conference Committee

Hearing Date March 4, 2005

Tape Number	Side A	Side B	Meter #
1		X	2.6 - 12.7
Committee Clerk Signature <i>Janet James</i>			

Minutes:

**Senator Lyson**, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1366 relating to limitations for individuals convicted of certain big game hunting violations.

All members of the committee were present.

**Representative Bob Hunsakor** of District 8, prime sponsor of HB 1366 introduced the bill (See attached testimony). He further told the committee of how a hunter had been convicted of moose poaching, later drew a moose license.

**Senator John Traynor** asked if this is true of a hunter who has been convicted in another state of hunting violations.

**Representative Hunsakor** admitted he had not thought of another state, but it certainly should be included in the bill.

**Senator Lyson** added that there is a compact between North Dakota and other states that a violation would fall back onto our state.

**Harold Neameyer** (6.3) representing the Cass County Wildlife Club testified in support of HB 1366 (see attached testimony).

**Jason DuBord** (6.9) representing the North Dakota Wildlife Federation testified they wanted to be on record as being in support of HB 1366.

**Senator Lyson** asked for testimony in opposition to HB 1366 and hearing non asked for testimony of the North Dakota State Game and Fish Department.

**Randy Kreil**, Chief of the Wildlife Division of the North Dakota State Game and Fish Department came forward.

**Senator Layton Freborg** asked what the present law says about poaching of these game species and what is the maximum sentence.

**Randy Kreil** answered he did know the maximum sentence and that it is up to the judge who may suspend hunting privileges. He will check this out.

**Senator Freborg** asked what was the department's position on sentences for poachers or violators.

**Randy Kreil** answered they follow century code in terms of suspension and do not have the ability to go beyond that. The century code would also determine if these violations are misdemeanors or felonies and the sentences applied to each. It is the judge and not the department that give the sentences. He further commented that the idea Senator Traynor presented in regard to the other state violators was good.

**Senator Lyson** confirmed that in the hunting pact with other states, it says that if the violation in the other state is the same as in North Dakota, it will follow through. If North Dakota does not have the same law as in another state, it will not be in this state.

**David Munsch** commented the laws from other states should be studied and then we should be equal with them.

**Senator Lyson** told the committee that there were approximately 19 states, many of the laws are the same but there are different ways of siting violations. If the violations are considered felonies or not does not make a difference, just the sentence is reciprocated.

**Senator Freborg** asked for clarification that if there is a violation in another state, then North Dakota "may" of "shall" take away privileges.

**Senator Lyson** confirmed North Dakota law says the state "shall" comply with the other states sentence because in order for it to be a compact, the sentences would need to be the same.

**Senator Lyson** closed the hearing on HB 1366.

**Senator Freborg** made a motion for Do Pass of HB 1366.

**Senator Rich Wardner** made second the motion.

Roll call vote for a Do Pass of HB 1366 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

**Senator Traynor** will carry HB 1366.

**Tape 1, Side B 32.0 -33.4**

**Randy Kreil**, Chief of the Wildlife Division of the North Dakota State Game and Fish Department

reported to the committee that he has checked with Chief Warden Bob Timium and that taking a moose, elk or sheep without a license or out of season is a class A misdemeanor with a maximum fine of \$2000.00 and/or one year in jail. There may be lose of hunting privileges of up to three years which is set in state law. There is also a civil penalty of \$3,000.00 for a elk and

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Senate Natural Resources Committee

Bill/Resolution Number HB 1366

Hearing Date 3-4-05

for a bull elk 2 ½ years or older, the fine can be as much as 50% higher. All this is up to the judge and rarely do they give the maximum.

Date: 3-4  
Roll Call Vote #:

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1346

Senate Senate Natural Resources Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Erberg Seconded By Wardner

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 0

Floor Assignment Wardner

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

**REPORT OF STANDING COMMITTEE (410)**  
March 4, 2005 11:39 a.m.

**Module No: SR-40-4166**  
**Carrier: Traynor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1366: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS**  
**(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1366 was placed on the**  
**Fourteenth order on the calendar.**



2005 TESTIMONY

HB 1366

GOOD MORNING CHAIRMAN NELSON AND MEMBERS OF THE HOUSE  
NATURAL RESOURCES COMMITTEE.

MY NAME IS REP. BOB HUNSKOR, AND I SERVE DISTRICT 6, WHICH  
INCLUDES BOTTINEAU, RENVILLE, AND PART OF WARD COUNTY.  
HB 1366 WOULD AMEND A PORTION OF THE CENTURY CODE RELATING TO  
THE HUNTING OF MOOSE, ELK, AND BIGHORN SHEEP.

THE DATA LISTED BELOW INDICATES THE NUMBER OF INDIVIDUALS  
WHO APPLIED FOR AND THE NUMBER WHO RECEIVED A LICENSE TO HUNT  
BIG GAME ANIMALS IN 2004.

	APPLICATIONS	ISSUED
MOOSE	13,224	135
ELK	12,052	201
BIGHORN SHEEP	8,338	4

SINCE VERY FEW NORTH DAKOTANS ARE FORTUNATE TO RECEIVE  
A LICENSE TO HUNT THESE ANIMALS IN THEIR LIFETIME, IT IS ONLY  
REASONABLE THAT AN INDIVIDUAL WHO HAS BEEN CONVICTED OF  
ILLEGALLY TAKING A MOOSE, ELK, OR BIGHORN SHEEP SHOULD NOT BE  
ELIGIBLE TO APPLY FOR ANY ONE OF THESE BIG GAME LICENSES  
FOLLOWING THEIR CONVICTION.

WHILE IT IS TRUE THERE HAVE BEEN FEW SITUATIONS IN WHICH AN  
INDIVIDUAL HAS RECEIVED ONE OF THESE LICENSES FOLLOWING A  
CONVICTION, IT IS ALSO TRUE THAT THIS LEGISLATION COULD BE  
DETERRENT TO AN INDIVIDUAL WHO WAS CONSIDERING THIS TYPE OF  
ACTION.

FOR THE ABOVE REASONS I RESPECTFULLY ASK THIS COMMITTEE  
TO GIVE HB 1366 A DO PASS RECOMMENDATION.

THANK YOU MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I  
WILL ANSWER ANY QUESTIONS YOU MAY HAVE.

By: Carter Medalen  
2/4/05

## Committee Hearing on House Bill # 1366

Ten years ago an individual from the Bottineau County area, illegally shot and killed a cow moose. The local game warden from the area looked into this incident and later received a confession from the individual involved. He was charged with the illegal harvest of a moose out of season and punished according to ND Game laws. This same individual received a moose license for the fall 2003, moose hunting season. Licenses for Moose, Elk and Bighorn Sheep in North Dakota are to be a once in a lifetime draw, with the exception of landowner permits. Being a resident of the area where this took place, I have heard a number of comments regarding the inconsistency of a lottery for a once in a lifetime moose permit that allows a convicted poacher of a moose to draw a permit twelve years later. A Moose, Elk or Bighorn Sheep permit in North Dakota is a privilege and in the event that any person in North Dakota poaches one of these big game species they should lose the right to draw a permit in the state for any of them. Passage of this amendment will penalize poachers properly and hopefully further protect our big game population in the years to come.

By: Mike Donahue

# United Sportsmen of North Dakota

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Bismarck, ND 58502

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## TESTIMONY REFERENCING

**HB 1366**

By Mike Donahue, Lobbyist #<sup>7</sup>215

**House Natural Resources Committee**

**February 4, 2005**

The United Sportsmen of North Dakota and the N.D. Wildlife Federation ask for a **Do Pass** for HB 1366.

We think this bill sends a strong signal.



**Cass County  
WILDLIFE CLUB**

**Box 336  
Casselton, ND 58012**

*By: Harold Neameyer*



**TESTIMONY OF HAROLD NEAMEYER  
CASS COUNTY WILDLIFE CLUB  
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE**

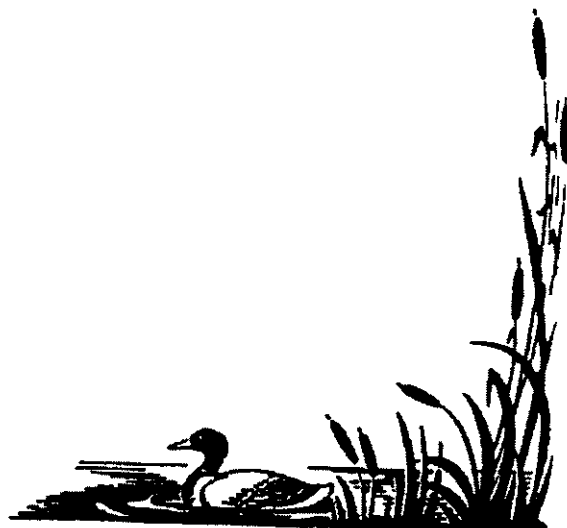
ON

**HB 1366**

February 4, 2005

Mr. Chairman and Members of the Committee:

The Club supports HB 1366 for the simple reason that once convicted of the killing of these animals, they should not be eligible for a license in the future.



**House Bill No. 1366**

**Reference: Makes those individuals convicted of illegally taking moose, elk or bighorn ineligible for license lotteries for those species.**

**House Natural Resources Committee**

**Hearing Date: February 4, 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 fully supports this bill and suggests to you a "Do Pass" recommendation from the Committee.**

**Thank You.**

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 1366**

March 4, 2005

Mr. Chairman and Members of the Committee:

The CCWC fully supports HB 1366 for the simple reason that once convicted of the killing of these animals, they should not be eligible for a license in the future.

