

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2147

2007 SENATE NATURAL RESOURCES

SB 2147

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2147

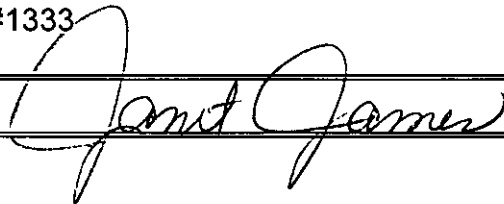
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number: #1333

Committee Clerk Signature



Minutes:

Senator Ben Tollefson, Vice Chairman of the Senate Natural Resources Committee brought the committee to order.

Attendance was taken indicating all members of the committee were present except for

Senator Stanley Lyson who returned to the committee later after testifying in another committee.

Senator Tollefson opened the hearing on SB 2147 relating to nonresidents hunting geese in Richland and Sargent counties during the early goose season.

Senator Joel Heitkamp from District 26 the primary sponsor of SB 2147 introduced the bill stating it results from action taken in Sargent County. In the winter the water stays open on the wildlife refuge resulting in the geese remaining in the area causing farm crop damage. Last session a bill was passed and proven successful when there was no other recourse available at the time. He further presented a situation concerning action taken by a farmer frustrated with the over population of geese and was charged with shooting geese out of season. He further stated there are other areas of the state wanting legislation to include them and said he was open to that concept although that decision remains with the North Dakota

Game and Fish Department. This bill will take the sunset off the bill passed into law during the last session.

Mike Donahue representing the United Sportsmen of North Dakota and the North Dakota Wildlife Federation testified in support of SB 2147 stating these organizations supported this bill last session and support the removal of the sunset clause this session.

Lance Hagen representing the North Dakota Hospitality Association testified the organization also supported passage of SB 2147.

Senator Tollefson asked for further testimony in support of SB 2147, for any testimony in opposition.

Senator Heitkamp added that the provisions of the bill have not been used a lot since its passage which is unfortunate, but it does take away the ability for those concerned saying there was no other option.

Senator Tollefson closed the hearing on SB 2147.

Senator Heitkamp made a motion for Do Pass of SB 2147.

Senator Layton Freborg second the motion.

Roll call vote for a Do Pass of SB 2147 was taken and then held open to allow **Senator Stanley Lyson** the opportunity to vote on the bill.

The final vote indicated 7 Yeas, 0 Nays and 0 absent or not voting.

Senator Heitkamp will carry SB 2147.

FISCAL NOTE
Requested by Legislative Council
01/10/2007

Bill/Resolution No.: SB 2147

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The law that hunting days for nonresidents hunting during the early September Canada goose season do not count against their 14 day waterfowl hunting limit is made permanent. There is no fiscal impact.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No fiscal impact.

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.*

No impact.

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.*

No impact.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No impact.

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/10/2007

Date: 1-18-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2147

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Heitkamp Seconded By Freborg

Senators	Yes	No	Senators	Yes	No
Sen. Stanley Lyson, Chairman	✓		Sen. Joel Heitkamp	✓	
Sen. Ben Tollefson, ViceChairman	✓		Sen. Jim Pomeroy	✓	
Sen. Layton Freborg	✓		Sen. Constance Triplett	✓	
Sen. Herbert Urlacher	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Heitkamp

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

REPORT OF STANDING COMMITTEE (410)
January 18, 2007 10:30 a.m.

Module No: SR-12-0730
Carrier: Heltkamp
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2147: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the
Eleventh order on the calendar.

2007 HOUSE NATURAL RESOURCES

SB 2147

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2147

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3690

Committee Clerk Signature

Shirley Oemsted

Minutes:

Chairman Porter opened the hearing on SB 2147 and asked the clerk to read the title.

Senator Joel Heitkamp came forward as a sponsor of SB 2147. He said this bill stems from the problems that have resulted on the wildlife refuge. They keep the water open and a lot of geese call it home for the winter. There are a lot of black geese coming off all year long and they come off into the fields and soon there are 20 to 30 acres of soy beans gone in a field. There was recognition of this from Game and Fish and they sat down to meet with the local farmers there. This was the result of an incident relating to two geese that wasn't handled in a legal manner. After that they decided to try to figure out a way to make this work the right way and maybe as recognition on behalf of the state's case that there was a problem here and decide how they were going to deal with this problem. They took the spring rules off when it comes to Sargent and Richland Counties. This was done on a trial basis and this year they said it worked and they got more pressure there than we had before. An exact license count is not available but in talking to farmers they said they did see some pressure out there. Now we would be taking the sunset off this.

Representative Drovdal asked if there was any problem with access down there. Are the farmers working with the hunters?

Senator Heitkamp said it begs the question as to whether they are going to get out there to hunt. When it comes to goose, the answer would be absolutely no problem. When it comes to pheasant, I think the answer would not be the same. I think people post their present land and are much more selective on who gets on their land. That is still a pretty good area to get on land. It depends on the season and deer is no different than all the other areas. When it comes to shooting waterfowl and especially geese, any and all will get access.

Chairman Porter said that he was surprised this bill had not been amended into another bill.

Senator Heitkamp said it didn't matter to him if there was another vehicle, but he just wanted the sunset removed.

Representative Pam Gulleon also supported this bill. This is a bill that came from the people. As you will remember two years ago we came to you with a binder full of pictures and evidence of the destruction from the goose population in our corner. Some of that has been remedied every so slightly, but the problem continues. This is one piece of the solution that I think has been pretty effective. We are landowners and we allow all access for goose hunters. We only ask that they stay away from our cattle, but beyond that we would never deny access.

Mr. Clarence Bina with the ND Wildlife Federation came forward in support of SB 2147 as it is written.

Mr. Paul Schadewald of the ND Game and Fish came forward. Game and Fish has had a good experience with this the last couple of years. There have been no complaints about the season and it seems to have worked well. There has not been a lot of participation but there is some and as testified earlier it gives the landowners the idea that people are trying to help out in this situation and we would encourage you to continue this.

Chairman Porter asked for an estimate on license counts.

Mr. Schadewald indicated he did not but I do know that the number is small. These do not count against the season and we really do not have a good way to determine how many there are.

Representative Hofstad asked if they had one surveys or looked at this problem in other parts of the state.

Mr. Schadewald said they do surveys every year on harvest and work with landowners all over the state and we have not done anything specifically on depravation.

Representative Hofstad said he knows in his area some of those instances are happening there as well. This population is ever increasing and the depravation is increasing. I was just wondering if you have any statistical information on the increases that we are seeing in the state.

Mr. Schadewald said they certainly do have statistics on that and he would supply him with some population information on Canadian geese in North Dakota. A lot has happened in the last few years with this.

Chairman Porter asked for any further support on SB 2147. Hearing none, he asked for opposition to SB 2147. Hearing none, the hearing was closed on SB 2147.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2147

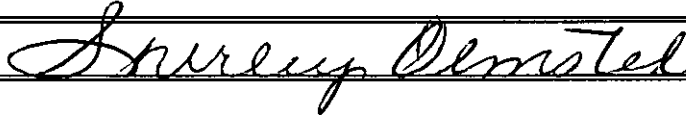
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3695

Committee Clerk Signature



Minutes:

Chairman Porter asked the committee to address SB 2147.

Representative Keiser said as a point of discussion he was not familiar enough with the issues in Sargent and Richland Counties. Representative Clark raised a very important point.

There are other areas that are having depravation and the question is whether or not this bill should be amended giving Game and Fish the authority in areas where depravation is an issue the authority to create this opportunity. This is a very specific area and I am not sure how great a problem it is but it seems like from a policy standpoint we might look at the bigger picture.

Chairman Porter said when this bill was originally in front of us the Game and Fish came in and had numerous documented complaints and photographs and were having an extremely difficult time in managing because of this one waterfowl production area that is in this area. This was their solution to the number of complaints. I am not sure if they have any area where they have that number of complaints that it hasn't been taken care of to this point.

Representative Hofstad said that as we go down this road we will see this problem probably escalating in the state. I know in my area the problem is becoming more and more of an issue.

I think we need to monitor the situation as we go and watch the population as it increases so that we can provide a solution for depravation.

Chairman Porter said this got our attention because of the crops in that part of the state.

Representative Hofstad said the problem that we see as farmers are trying to deviate from this problem, they are out there doing things that they are not supposed to do. As we go down this road, we have to readdress this.

Representative Hanson said that the feds already regulate this by allowing the farmers to kill so many geese in the spring and break up so many nests or whatever they want to do to handle this problem. They are trying to hit it before they reproduce.

Representative Hofstad said it is not an easy process to go to the feds and get a permit.

Representative Hunskor asked if the Game and Fish would have any insight into any other parts of the state that are having a problem.

Chairman Porter said that during the testimony there wasn't anything on the radar screen.

Representative Meyer made a motion for a do pass on SB 2147.

Representative Hanson seconded the motion.

Chairman Porter asked for discussion.

Representative Damschen said he wanted to concur with Representative Hofstad's concerns. There is going to be more soy beans and those kinds of crops raised in our area and there are a lot of geese as well. He said there are lots of geese that have been shot in the fields. They can do serious damage.

Chairman Porter ask the clerk to call the roll on a do pass on SB 2147. Let the record show 12 yes, 0 no with 2 absent.

Representative Hanson will carry this bill to the floor.

Date: 2-22-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2147

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Meyer

Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson	✓	
Vice-Chairman - Rep Damschen	✓		Rep. Hunskor	✓	
Rep. Charging			Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Meyer	✓	
Rep. DeKrey			Rep. Solberg	✓	
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad	✓				

Total Yes 12 No 0

Absent 2

Floor Assignment Hanson

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

REPORT OF STANDING COMMITTEE

SB 2147: Natural Resources Committee (Rep. Porter, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2147 was placed on the
Eleventh order on the calendar.