

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1377

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1377
2/9/2023

Relating to party hunting for deer, to hunting licenses and the taking of big game animals

9:13 AM

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Party hunting
- 2nd amendment
- Valid deer tags

In support:

Rep Donna Henderson, District 9B, introduced HB 1377, Testimony 20349
Glenn Moen, Grand Forks, Testimony 20047

In opposition:

Casey Anderson, Wildlife Division Chief, ND G&F, Testimony 19927
Bill Helphrey, ND Bowhunters Association, Testimony 20298
John Bradley, Executive Director, ND Wildlife Federation, Testimony 20258

Additional written testimony:

Evan Henderson, Testimony 19209
Jacob Henderson, Testimony 19235
Jerry Weeks, Testimony 19407
Scott Lindgren, Testimony 19669
Lyle Sinner, Testimony 19722
Mark Mazaheri, Testimony 19745
Bob Matthews, Testimony 19981
Dusty Backer, Testimony 20039

9:40 AM Chairman Porter closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1377
2/16/2023

Relating to party hunting for deer; and to hunting licenses and the take of big game animals
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9:09 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Committee action

Rep Heinert moved a Do Not Pass, seconded by Rep Olson.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	AB
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	N
Representative Andrew Marschall	N
Representative Anna S. Novak	N
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	N

9-4-1 Motion carried. Rep Hagert is carrier.

9:12 AM Chairman Porter closed the meeting.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1377: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB
1377 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1377

My name is Evan Henderson.

My wife and I have two little girls and another baby on the way. We both love to hunt and we want our kids to love the outdoors as well.

After my youth tags were not guaranteed anymore, I waited six years to get drawn for a deer gun tag. I am in favor of this bill HB 1377 because I do not want my kids to lose interest in hunting while waiting for a tag like I almost did!

Given the opportunity, I would rather my kids be able to shoot a deer and fill my tag if they were not able to get a tag themselves.

Party hunting is not about harvesting more deer; it is about keeping the tradition of hunting alive and installing the love of hunting in the next generation.

My name is Jacob Henderson

Asking you to support this bill.

North Dakota has many great traditions, one of the biggest is deer hunting. With population declining over the years, the number of tags has decreased dramatically.

Leaving the possibility of anyone going several years without receiving a deer tag, losing interest in the sport.

This bill simply allows several hunters to participate in harvesting one animal. Allowing more hunters to continue the tradition without changing the amount of harvested animals.

Please support this bill, and continue a long standing North Dakota tradition.

I reference to HB1377. I urge you to canael this bill. I believe it will legalize poaching. I recieve a Deer gun tag about every 7 or 8 years and this bill would increase the leangth of time between tags for individuals like me. After serving more than 20 years on active duty in the military, I look forward to Deer hunting. What is to prevent a person from basically selling Deer. If a person wants to eat Deer, then they should hunt it themselves. With this bill a person could have his family of up to 10 people apply and recieve tags and then 1 person kill all 10 Deer. That is not the spirit of the outdoors. So again I encourage you to crush this bill. Thank you. Jerry Weeks

Chairman Porter and Members of the Energy and Natural Resources Committee:

HB 1377

Please give HB 1377 a DO NOT PASS by your Committee.

It's hard enough to draw an antlered deer buck tag for ND Resident Hunters or any deer tag for that matter.

This bill will only make it more difficult. One deer hunter could get 9 other relatives or family members that don't even hunt to apply and then shoot all the deer for them. The non-hunters would only add to the total pool of applicants there by decreasing the odds for all other applicants.

Another example – 5 very good deer hunters could get 5 other non-hunters to apply with them and then shoot all the deer for the group thereby increasing the total deer kill success. This could result in less tags being issued for a unit the following year, hence less tags available and less odds for drawing tags for everyone else.

Expanding hunter numbers and potential hunting success when the deer have already experienced a very difficult winter will most likely result in not only higher winterkill survival but will also likely result in less fawn survival this year.

Please give HB 1377 a DO NOT PASS.

Thank you for your consideration,

Scott Lindgren

218 Seward Ave

Grand Forks, ND 58203

701-746-6867 – home

218-779-8249 - cell

Dear Committee members,

- I urge you to kill this bill. This bill does NOTHING but make it harder for the average hunter to get a deer tag. With the loss of habitat, and tough winters, it hard enough to draw a tag in ND. This bill will only make it harder. Please shut this bill down.

Chairman Porter, Vice Chair Anderson, and Members of the Committee:

I am requesting that you give **HB1377 a DO NOT PASS** vote. HB1377 would allow party hunting for deer, enabling a single hunter to shoot up to ten (10) deer – or even more in a single year.

Due to declining habitat, disease, and weather, maintaining a stable deer herd and deer license numbers are already considerable challenges. HB1377 will put even more pressure on the resource by increasing success rates, which will further decrease the number of licenses available. The problem will continue to compound itself. Most hunters will find it takes even longer to draw a tag as greedy deer killers scheme to acquire more tags through non-hunting relatives and friends.

HB1377 is not about keeping kids interested in hunting. I grew up with the lottery and understand it. I didn't lose interest in hunting because it took a few years to draw a tag. My son is 32 and the same can be said for him. Last round, we went six years without drawing a tag and still feel the current system is very fair. In most units, doe tags are an easy draw. If I just want to shoot a deer, I could change my outlook and go doe hunting. There's nothing wrong with that.

HB1377 is about a few greedy hunters wanting to kill more deer. It's about bragging rights, not hunting heritage. Our hunting heritage is about individualism and determination. I will never let someone else shoot my deer, nor will I shoot theirs. I will never have my parents or non-hunting spouse deprive another true hunter of a license, just so I can shoot more deer. Unfortunately, if this bill passes, a lot of people will do just that.

The success of a hunt should not be measured by the kill. It should be measured by the experience of being in the field with family and friends. Success is not a facebook post of a guy standing over a pile of 10 dead bucks. We don't need to change our party hunting law. People need to change their perception of success.

Please help preserve the integrity of our hunting heritage and our resources by giving **HB1377 a DO NOT PASS** recommendation.

Your time and consideration are appreciated.

Mark Mazaheri

2709 N 10th St

Fargo

701-799-2525



House Energy and Natural Resources Committee
Testimony on HB 1377

North Dakota Game and Fish Department
Casey Anderson, Wildlife Division Chief
February 9, 2023

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Casey Anderson, Wildlife Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in opposition of HB 1377.

Party hunting is the act of harvesting deer for a certain number of individuals hunting together where anyone can shoot the deer as long as someone in the party has an unfilled tag for that deer. This practice is implemented in other states to increase harvest and because it has become the culture of hunting in that state. Most states which allow party hunting issue deer tags through an ‘over the counter’ process where everyone can receive a tag. In North Dakota, our culture, including the approach to deer management, is much different than these other states. We have a lottery for deer gun tags and in most years, supply does not meet demand. For example, in 2022, we had 64,200 licenses available of which 11,971 went to gratis (landowner), leaving 52,229 lottery deer licenses available for 73,654 applicants. Drawing a lottery tag in some units is already extremely difficult and allowing party hunting would undoubtedly increase the number of individuals who would apply. Party hunting would also increase the overall harvest success as more people (hunters) would be more apt to be in the right place at the right time. Over time, the Department would likely have to issue fewer licenses to make up for the increase in harvest rates caused by party hunting. In the end, this would create a general loss in hunting opportunity. Party hunting also has the potential to increase the odds of wanton waste by over harvesting for the number of tags available because all members won’t necessarily know if a deer has been harvested or not. North Dakota’s deer population is in a rebuilding mode, with pressures from disease and winter as well as reduced habitat. Party hunting would only add to these pressures on an already limited opportunity.

Also, this bill, as written, does not exclude archery hunters and youth hunters from using party hunting with their license. It also requires a valid “combination license” to party hunt. I am not sure on the intent of this language, but currently you only need a certificate and general game and habitat license along with a deer tag to legally hunt deer in ND. Finally, this bill does not define “member” of the party or what “participating” entails.

For these reasons the Department would ask for a do not pass recommendation from this committee.



Attn: House Committee on Energy & Natural Resources
Re: House Bill 1377 – Party Hunting
Date: February 8, 2023
Position: Oppose

Honorable Members of the House Committee on Energy & Natural Resources,

I write you today on behalf of the Congressional Sportsmen's Foundation in opposition to House Bill 1377. Allowing party hunting in North Dakota would potentially increase the already-limited draw pool in that it would likely increase deer harvest, which in turn would require the Game and Fish Department to reduce the number of deer tags available to be drawn. I respectfully urge the members of this Committee to oppose the passage of this bill.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

The language of this bill is vague and does not define what constitutes a hunting party or who qualifies as a participating member of a party. Without these clear definitions, this law would be virtually impossible to enforce. Additionally, this bill would have significant consequences on the existing draw system. Allowing party hunting in North Dakota, which only issues deer tags through a lottery system, would allow a single hunter to recruit nine friends to apply for tags which that single hunter would intend to fill. Dramatically increasing the number of draw applicants makes it less likely for North Dakotan sportsmen and women to successfully receive a tag, discouraging hunters, and detracting from participation of a time-honored state tradition.

State fish and wildlife management agencies are the entities best equipped to make science-based wildlife management decisions. By statutorily authorizing this activity, House Bill 1377 usurps the management authority of the Game and Fish Department's professional biologists and their ability to adaptively manage species (including hunting practices related thereto) using the best available, and at times rapidly changing, science.

Your Inside Connection to Outdoor Legislation

In light of the above considerations, I respectfully urge the members of this Committee to oppose the passage of House Bill 1377. I thank you for the opportunity to provide testimony on this matter and welcome any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Matthews". The signature is written in a cursive style with a clear, legible font.

Robert Matthews

Senior Coordinator, Upper Midwestern States

Congressional Sportsmen's Foundation

rmatthews@congressionalsportsmen.org | 517-210-2890

House Energy and Natural Resource Committee:

RE: HB 1377- Opposition

Coming from a different state and witnessing the damage of the over issuance of deer tags, I can appreciate the methods of the NDG&F as it pertains to the present lottery system of deer tags.

These past few years of EHD, habitat loss and landscape strain from the recent drought years, have stressed the deer population and we seem to need a recovery period.

Thank you for your consideration.

Dusty Backer
Center, ND

HB 1377

Mr. Chairman and members of Energy and Natural Resources

I am Glenn Moen from Grand Forks; I enthusiastically support this bill.

I didn't grow up in a hunting family. So, after getting married my brother-in-law invited me to join his party. That was the fall of 1983, I have been hooked ever since. So, the first thing I put on my Microsoft lookout calendar every year is the opening day of hunting season.

Since I started hunting, I have hunted with a variety of parties over the years. My party has evolved into a family affair, kind of like a family reunion every fall. I talking to friends and acquaintances when hunting season comes around almost every one, I have talked to hunts in a party of family or friends.

So as a kid me and my brothers & cousins all spent our summers living with my aunt and uncle working on the "FARM". My cousins are now the farmers.

So, every fall our party gather at the farm for this family affair called hunting. We know the area and the neighbors that are still living on their farms. Over the years our party has expanded from myself, brother and cousin to included my step brother, nephew and son-in-law. I am looking forward to when my grand son can join us. My son-in-law says he just loves deer sausage. One of the reason our party hunts is so we can drop off our deer each year at Weber's Meats to have the smoked polish sausage made.

In all my years of hunting I have talked every year with fellow hunters and everyone but two hunt in a party. Both people who don't party hunt own prime hunting land and sit in a deer stand and wait for one to walk under the stand. Party hunting is a way of life for almost all hunters. In our party we share equally the fruits of our labor.

As some us are getting older its getting harder to walk through the cattails, so the old guys end up being the posters at the end of the cattails were the deer run out.

I get called by headhunters several times a year. I have chosen to stay in North Dakota over the years and one of the reasons is gathering with my hunting party every fall. I mentions this as I am hearing and reading all the efforts the state is making to retain and try attract people to the state. So, by passing this bill you will make hunting even more attractive to those considering leaving or coming.

A party hunting bill comes up about every three sessions. So when those opposing the bill come in after the supports to speak some of them will be game and fish telling why this great North Dakota hunting tradition is so bad. They will be making up what if stories that don't make any sense.

1-Party hunting will limit opportunities for other to get licenses, but the license is issued by a lottery system. So, you can't get license if you don't get drawn.

2-If party hunting is so bad why does Minnesota still doing it. Since I live in a border town. I have a lot of friends and co-workers that hunt in Minnesota who all love legal party hunting.

3-Game and fish use hunting as a game management tool to control deer populations. SO, say after the surveys they figure they need to harvest 75,000 deer. They will likely lottery off 100,000 licenses. Since North Dakota used to have about a 75% success rate. The 75% is in the range of the average hunter

success rate of all the parties hunting in North Dakota. I don't accept their story that party hunting limits opportunities.

4-They will likely say something like some of the party members can sit at home and not be out with the party hunting and I agree this should be addressed. I seem to recall in past party hunting bills the bills said something like the party must be in close proximity to each other. I suggest you modify this bill to add this.

I request you give this bill a do pass.

Thank you for your time. I will attempt to answer any questions you may have.



NORTH DAKOTA WILDLIFE FEDERATION

**TESTIMONY OF JOHN BRADLEY
NORTH DAKOTA WILDLIFE FEDERATION
HOUSE BILL 1377
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
FEBRUARY 3, 2023**

Chairman Porter and members of the House Energy and Natural Resources Committee:

For the record, I am John Bradley, executive director of the North Dakota Wildlife Federation. I'm here today representing our thousands of members in 15 affiliated wildlife and sportsmen's clubs across North Dakota that make up the North Dakota Wildlife Federation.

The North Dakota Wildlife Federation opposes HB 1377. NDWF, over our 85 years, has a long track record of defending against party hunting in North Dakota.

North Dakota's deer population is still hurting from the EHD outbreak of 2021. Disease, coupled with hard winters and a lack of quality habitat in the state have reduced deer numbers. North Dakota's 2022 deer season had 64,200 licenses available to hunters, down 8,000 from 2021. This bill would reduce the long-term number of available licenses to general lottery hunters.

Allowing party hunting could reduce an individual's chances of getting a license in two major ways. First, allowing party hunting will lead to more filled tags; as successful hunters get their deer, they would undoubtedly help their friends or family fill their tag. If more people fill their tags every season, this will lead to an overall decrease in the overall number of deer gun licenses. After all, Game and Fish needs to maintain the herd, and if more deer are suddenly being harvested, the number of licenses available will reflect that.

We urge a Do Not Pass on HB 1377.

2023. HB 1377

Mr. Chairman and members of the committee, my name is Bill Helphrey and I am with the North Dakota Bowhunters Association.

There is an adage that says, "those that cannot remember history are destined to repeat it."

Section 3 of this bill is a re-run of similar language in a bill that was introduced when Wilber Boldt was the Game & Fish Commissioner and Jim McKinzie was the big game guru. The Game & Fish office was located on the corner of third and main in Bismarck. I spoke on that bill at that time. Yes, it was defeated.

I believe this bill would create a major problem for game management. When the Game & Fish establishes the number of licenses for a given hunting unit it is based upon the present deer population and the projected success rate which would indicate how many may be harvested and still maintain a viable population.

What happens when a party of ten with three tags spreads out and ends up shooting five deer. Do they pick the ones they want to tag and leave the others to go to waste? What happens when the harvest success percentage goes from the targeted 75% up to 90 or 95%? Does that mean that the next year the total number of tags available will go down because the success rate skyrocketed? Fewer tags available will mean a lot of hunters will go without a tag. They won't be happy with the reduced tags available.

Situations like this would throw the management part of wildlife management out the window.

The present laws and system of harvesting of wildlife are working. Let's not try to fix something that isn't broken.

Vote for a do not pass on this legislation.

Good morning, Chairman Porter and Committee-

For the record I am Representative Donna Henderson from District 9B in northeastern North Dakota which includes parts of Cavalier, Towner, and Rolette counties.

I'm here today to introduce House Bill 1377 A bill to allow party hunting for deer in North Dakota. This bill would allow a group of hunters up to ten in number, to work together to fill the legal deer tags of members of the party, as long as all the members have the necessary licenses required by the North Dakota Game and Fish Department. This bill does not change the lottery process, it does not change the number of tags the North Dakota Game and fish issues, and does not change the penalties if a deer is harvested without a tag. I believe this bill would actually reduce the number of deer that die from minor gunshot wounds. Sometimes you hit the deer, but it's not a mortal wound. We try hard to track our deer when shot, but sometimes there just isn't enough blood to track and they get away, only to die later and not be found. A back up shooter could help prevent that.

The Game and fish department does a great job in monitoring the deer population in North Dakota and in issuing the correlating number of deer tags available each year, and we believe they are doing the best they can to get deer tags out to the most possible hunters with the deer population numbers we have. This bill is meant in no way to disrespect the North Dakota Game and Fish Department, or hunters in general in North Dakota. We are looking at all the positive aspects of this bill, including more hunters being to be able to participate in deer hunting in North Dakota.

The purpose of this bill is to keep the culture of hunting alive in our state. Back in the good old days, the opening day of deer hunting was pretty much a national holiday! Everybody got a deer tag and we would go out together. Everybody had a tag to fill and we did it as a family. Each shooting their own deer, as we all took turns walking the tree rows and grassy sloughs, or posting in the spot we reasoned was the best place for the deer to run.

All six of our children walked with us before they were eligible for a deer tag, all took hunter safety class and all have gotten youth deer tags as young hunters and some have gotten tags as adults in the deer lottery. They have all learned the art of tracking, hunting, shooting, skinning and gutting and processing their deer- one even has learned taxidermy skills and finished a beautiful buck mount that's on our wall today. There's so much more to deer hunting than just shooting. First they have to pay attention to where the deer are- what habitat will hold them this fall? Looking for the deer trails, deer beds, deer scrapes and deciding which direction we should push the deer this time according to the current wind and trying to guess which group of trees the deer will run to if they get away from us. If one of us did get a shot but wounded the deer, tracking the blood trail is another skill they've learned.

Usually, we have had 3 generations of hunters together with the older teaching the younger ones all these many hunting skills. What a great tradition to keep alive!

But things have changed. Because of the lower deer population, it's now common for either dad or son to get a tag but not both. So, the one with the tag goes to sit alone in a tree stand waiting for their chance for a good shot at a deer. Now that's still OK, but I can't help but think it's not the same deer hunting learning experience that it used to be. Now our family still goes out and those of us with out tags will still get the required licenses and walk to try to scare up deer for the lucky one with the tag waiting in the best posting spot. But in our area, and I would suspect all over North Dakota, there are so many people who simply quit hunting because they haven't gotten a tag for years. And there are those, who after finally drawing a buck tag, realize they don't have hunting buddies to hunt with anymore.

But really the bigger issue here is the second amendment. As the populus loses their interest in hunting, I believe they could easily lose their passion for preserving their right to keep and bear arms. If they stop hunting, and eventually sell that deer rifle they never use, they would have less and less reasons to care about their gun rights, and that thinking would carry on generationally and put the second amendment in jeopardy for all of us in years to come.

So that's the reason behind this bill. To preserve the culture of hunting in our state and thereby helping to protect the second amendment for future generations.

Now this is a relatively easy bill, it says on page 2 that "Any member of a party of 10 or fewer may take or kill the number of deer which is equal to the number of valid deer licenses held by the participating members of the party. Each person in the party must hold a valid combination license to be eligible to party hunt." Now legislative council chose that language, I buy a combination license each year so it looked right to me, but currently the ND Game and Fish requires only a certificate and general game and habitat license.

So to clarify, the bill states that valid deer tags must be held by the participating members of the party. You can't have someone get a tag, and not participate in the hunt. It would be unlawful to fill someone else's tag who is not out in the hunting group. No giving tags to other people to fill, no sitting home on the couch while someone fills your tag, no sitting in the pickup near the hunt- If your tag is being filled, you must participate in the hunt.

Currently I found 2 other states that have some type of party or group hunting with different restrictions: one defines it as a group of 2 or more persons maintaining unaided visual and vocal contact with each other, another one allows party hunting but exclude youth season, bow season, and muzzleloader season. Each State is unique as far as deer population, habitat, and hunting privileges go. I only present this to let you know this is not a totally new idea, but one modified to fit each state that implements it. I would hope you would consider this idea that I have brought forward. I have proposed this basic idea of party hunting or group hunting. Your committee could take this basic idea and tailor it to suit our State if you choose.

I'm sure there will be those testifying after me with lots of their reasons not to pass this bill—but keep in mind, please balance those reasons with the importance of keeping our hunting culture and our 2nd amendment rights alive in ND which is the reasoning behind this bill.

The North Dakota Tourism department recently had their hunting poster on display in the great hall. They State that North Dakota is the place for making hunting memories. I couldn't agree more and that's certainly been true for my family. In this age when too many of our youth are content to just be on their phones, lets encourage them to get out into the great outdoors instead.

Please consider a do pass on HB 1377.

Thank you, Chairman Porter and committee.