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10/23/03
Date

2003 SENATE NATURAL RESOURCES

SCR 4002

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4002

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 1-9-03

Tape Number	Side A	Side B	Meter #
1	X		3.4-17.5
Committee Clerk Signature <i>Janet James</i>			

Minutes:

Senator Thomas Fischer, Chairman, brought the Natural Resources committee to order.

Attendance was taken indicating all members of the committee were present.

Senator Fischer opened the hearing on SCR 4002, a resolution urging Congress to pay for depredation, personal injury damage, and property damage caused by elk that move from the Theodore Roosevelt National Park.

Representative Lois Delmore from District 43 serving as chairman of the Judiciary B - Natural Resources - Transportation Interim Committee presented SCR 4002. That committee studied the elk in the Theodore Roosevelt park and the possibilities of hunting the elk in the state instead of selling the elk. The resolution is very straight forward and urges Congress to compensate for damages done by the elk that often times escape the park.

Senator Freborg asked for clarification of "personal injury" on line 18 of the resolution.

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Bill/Resolution Number SCR 4002
Hearing Date 1-9-03

Rep. Delmore explained that basically it was about automobile accidents and to get coverage for the damage that is caused from the large elks including physical injuries to people.

Senator Lyon asked if discussions had included damages caused to commercial elk farms.

Rep. Delmore responded that it was not particularly included in this study as there was no testimony as to the problem.

Senator Traynor explained some of the discussion of the interim committee including the different ideas of disposal of the elk. The first year a lot of animals died, so the Game & Fish arranged to transport the elks out of the state the next year. Hunters then asked for a hunting season in the park. It was then discovered that would take an act of congress. He further explained a case where an individual became permanently disabled due to a moose being hit by an auto. He felt if these large animals that are foreign to North Dakota are brought here by the National Park Service and they can be identified, why shouldn't the National government be responsible for the damage caused by these animals when they go outside of the confines of the park.

Tim Dawson of the North Dakota Legislative Council, testified neither for or against the bill but merely was present to explain the resolution. He explained the logic behind the "where as" clauses.

1. The federal government brought in the elk
2. The elk herd has grown to large
3. When there is to many elk it results in them leaving the park
4. When they leave the park they cause property depredation
5. Elk may cause auto accidents

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Senate Natural Resources Committee

Bill/Resolution Number SCR 4002

Hearing Date 1-9-03

6. The elk can be identified so they can be traced back as the source of damage

The resolution clause says the Federal Government should pay for these damages.

Wade Moser representing the ND Stockmen's Association, testified in support of the resolution, stating if nothing else this would make aware the problems caused by the mismanagement of the park by not keeping the number of elk in line.

Mike Donahue representing the ND Wildlife Federation and United Sportsmen of ND testified that these two organizations supported the resolution.

Brian Kramer representing the ND Farm Bureau testified the organization supported the resolution.

Senator Heitkamp asked if there was any commercial elk ranches near the park causing the elk to leave the park.

Senator Fischer answered that he was not made aware of any but that he has concerns of the inability of the park service to be able to transport the elk out of state because of the chronic wasting problem.

Senator Fischer asked for any testimony in opposition of the resolution.

Senator Fischer asked for any neutral testimony.

Bill Pfeifer representing the Wildlife Society testified or asked if further efforts could be made for a congressional approved hunt in the park.

Senator Traynor answered that park hunt was the first choice of the interim committee, but found out that not only the park service but the environmentalists would oppose it and would get no where.

Mike Donahue wanted to add that his organizations the ND Wildlife Federation and the United

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Senate Natural Resources Committee

Bill/Resolution Number SCR 4002

Hearing Date 1-9-03

Sportsmen's of ND are in favor of a park hunt.

Senator Fletcher closed the hearing on SCR 4002.

Senator Heitkamp made a motion of DO PASS for SCR 4002.

Senator Tollefson second the motion.

No further discussion was held and the roll vote was taken indicating 7 YEAS, 0 NAYS, and 0
ABSENT OR NOT VOTING.

Senator Traynor will carry SCR 4002.

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10/23/03
Date

Date: 1-9-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR 4002

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Heitkamp Seconded By Tollefson

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every	✓	
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp	✓	
Senator Layton Freborg	✓				
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Traynor

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

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10/23/03
Date

REPORT OF STANDING COMMITTEE (410)
January 9, 2003 11:19 a.m.

Module No: SR-03-0402
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SCR 4002: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO
PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4002 was placed on
the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-03-0402

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2003 HOUSE NATURAL RESOURCES

SCR 4002

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10/23/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 4002

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 28, 2003

Tape Number	Side A	Side B	Meter #
1	xx		3968-end
		xx	0-2333
Committee Clerk Signature <i>E. M. M.</i>			

Minutes:

Chair Nelson called the hearing on SCR 4002 A concurrent resolution urging Congress to pay for depredation, personal injury damage, and property damage caused by elk that move from the Theodore Roosevelt National Park to order.

Rep. Delmore: Introduced HCR 4002 as chair of Judiciary B committee.

Tim Dawson: Provided a Legislative Council description of the HCR.

Rep. Keiser: Did we have any say in the growth of the elk population?

Rep. Hanson: Dale Hettinger ND Game and Fish Department requested the elk be brought in.

Rep. DeKrey: Why should we send bill to the federal government that we ourselves will not pass.

Chair Nelson: There is no provision for a hunting season in the park. There is some interest in a bow season. That requires an act of Congress. We are trying to stimulate some awareness that

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10/23/03
Date

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Bill/Resolution Number 4002
Hearing Date February 28, 2003

there is a problem. The fences are not repaired in a timely manner. Some ranchers have severe depredation problems.

Rep. Nottestad: How much discussion was made of the buffalo plans Wyoming implements to handle escapes from these areas?

Tim Dawson: There was some interest in opening hunting in those areas.

Chair Nelson: The local ranchers have not seemed to be interested in that.

Rep. Hanson: This will open up a can of worms in all the national parks.

Dean Hildebrand: Director of Game and Fish Department. Testified on the problems associated with the elk and techniques to deal with them. The Game and Fish have had four hunts to try and mitigate the problem.

Rep. Drovdal: Commented on the Problems of Chronic wasting disease.

Dean Hildebrand: Testified there are no current cases of the disease in North Dakota. However there has been some testing on the subject.

David Munch: Testified in opposition to HCR 4002. Expressed concern over antagonizing the park service.

Chair Nelson closes the hearing on SCR 4002.

Chair Nelson: The point of this resolution is to tell the park service that they cannot walk away from the problem.

Rep. Drovdal: Pointed out that it is a small park and an overpopulation of deer and elk.

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Hearing Date February 28, 2003

Chair Nelson: The park service accuses ranchers of planting "lure crops" when in fact they are trying to merrily feed there cattle.

Rep. Porter: Agreed that the park service has not North Dakota any favors in this instance, however there is little chance that the resolution will achieve anything.

Rep. Porter proposed an amendment to require certified mail and a receipt on the resolution so the park service will see it. **Rep. DeKrey** seconded the motion. The motion passed by voice vote.

Rep. Norland moved a Do Not Pass on SCR 4002 seconded by Porter. The motion failed by a vote of 5-9-0.

Rep. Porter motioned a Do Pass with Amendments on SCR 4002. **Rep. DeKrey** seconded the motion. The motion carried by a voice vote of 9-5-0. **Rep. Drovdal** will carry.

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Deanna Salas
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10/23/03
Date

Date: 2/28/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4002

House House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Norland Seconded By Porter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson		✓			
Vice-Chairman Todd Porter		✓			
Rep. Byron Clark	✓				
Rep. Duane DeKrey		✓			
Rep. David Drovdal		✓			
Rep. Lyle Hanson	✓				
Rep. Bob Hunsaker		✓			
Rep. Dennis Johnson		✓			
Rep. George Keiser	✓				
Rep. Scott Kelsh		✓			
Rep. Frank Klein		✓			
Rep. Mike Norland	✓				
Rep. Darrell Nottestad	✓				
Rep. Dorvan Solberg		✓			

Total (Yes) 5 No 9

Absent 0

Floor Assignment _____

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

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10/23/03
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33008.0201
Title.0300

Adopted by the Natural Resources
Committee
February 28, 2003

VR
2/28/03

House ... AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4002

Page 1, line 21, after "resolution" insert ", by certified mail with return receipt,"
Renumber accordingly

Page No. 1

33008.0201

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10/23/03
Date

Date: 2/28/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4002

House House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass with Amendment

Motion Made By Porter Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark		✓			
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Lyle Hanson		✓			
Rep. Bob Hunsakor	✓				
Rep. Dennis Johnson	✓				
Rep. George Keiser		✓			
Rep. Scott Kelsh	✓				
Rep. Frank Klein	✓				
Rep. Mike Norland		✓			
Rep. Darrell Nottestad		✓			
Rep. Dorvan Solberg	✓				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Drovdal

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10/23/03
Date

REPORT OF STANDING COMMITTEE (410)
March 3, 2003 8:50 a.m.

Module No: HR-37-3706
Carrier: DeKrey
Insert LC: 33006.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SCR 4002: Natural Resources Committee (Rep. Nelson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SCR 4002 was placed on the Sixth order on the calendar.

Page 1, line 21, after "resolution" insert ", by certified mail with return receipt,"

Renumber accordingly

(2) DESK, (3) COMM

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HR-37-3706

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