

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1193

2005 HOUSE NATURAL RESOURCES

HB 1193

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1193

House Natural Resources Committee

Conference Committee

Hearing Date January 14, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|----------|
| 1 | x | | 2908-End |
| 2 | | x | 0-1175 |

Committee Clerk Signature

Karen Bonnet

Minutes: Chr. Nelson opened the hearing on HB 1193. All present. Bill was read aloud.

Rep. Drovdal, Dist. 39, six counties , western ND: I am the primary sponsor of this bill and was asked to sponsor it on behalf of the Killdeer Mountain Elk Unit's Landowners Assoc. Which hereafter will referred to as "ranchers" in the area. I think this has been a very successful program for everybody involved. Let me share some of the history as I have seen or perceive during the time when I wasn't here. In the early 1980's, as the ND elk herd started to grow in proportion where we could start to allow hunting, also growing was the depredation problem that elk cause. They are very destructive animals when they want food. Recognizing that fact and recognizing the contribution that landowners make toward all our game, an agreement was brought forward between numerous groups that would allow the ranchers within the defined elk unit to receive a once-in-a-lifetime license for elk on a percentage of the total licenses given out. Access problems were considerably better by allowing this once-in-a-lifetime license. As amendments have come in over the years it has grown in size because the herd has grown,

management by Game & Fish has been very effective and as the size grew, so did the number of ranchers involved in the agreement. The once-in-a-lifetime license continued. We have reached a point in time where this experimental license program has become successful enough that it has been expanded into other areas where we have elk units and to a degree that we now have a moose hunting zone. This grandfathered program has reached a point where the ranchers have nearly depleted the opportunity (to hunt elk once), because we don't have a high turnover in ranchers. Since the agreement has been so successful, we want to continue on with that success. What the bill does is change the once-in-a-lifetime elk hunt and puts it into a lottery for those ranchers that meet the other criteria on the allotted license that were given. It does not change the allotment at all. It just changes to a lottery amongst the qualifying landowners like we do the deer drawing. It will continue the good relationship between the landowners, the hunters, and Game & Fish. It's not perfect, you can always come up with an access problem somewhere, but it is one of the more successful programs. Thank you for consideration of this bill. I am asking a Do Pass on it. There is going to be testimony from the ranchers organization and they will be able to answer questions better than I.

Rep. Hanson: Is this just for (unit) E2?

Drovdal: I'm not familiar with that unit, it's just for the unit that goes with the Killdeer Landowners. I'll let them clarify that.

Rep. Hanson: What would you think of the idea of having a trigger if, say, there were 13 landowner preference licenses in E2...the first year the number of applications reaches 13, then you go back and start over? If you put this in for E2, maybe E4 and E1 would want the same thing and they may not be close to hitting their quota.

Drovdal: Since I'm not sure it's even in E2, I think I would prefer that Game & Fish answer that question. We have worked on this and I believe we detailed just this unit.

Hanson: I understand that. But then we have the moose and probably should do it all at one time so that we don't have to come back and do it another time.

Drovdal: One of the differences that this unit has is that it has run out of landowners whereas I believe the others have more landowners in the units so they're a long way from getting to that particular place and whether we address it now or later, I think Game & Fish would probably be better qualified to answer that question.

Chr. Nelson: Any further questions for Rep. Drovdal? Is there further testimony in favor of HB 1193?

Joe Schettler, Killdeer Mountain Elk Unit Landholders Assoc.: We support HB 1193.

(WRITTEN TESTIMONY ATTACHED)

Rep. Porter: Mr. Schettler, a concern that I've heard from other's around the state has been not with the process of allowing the landowners back into the lottery, but more so with the number of acres that it takes in order to be eligible for this type of lottery. One of the concerns is - if someone from Bismarck buys a quarter of land just to have that kind of participation in the elk hunting preference system, that it really doesn't do what it's intended purpose is for you as an owner/operator in that area. What would your association's thoughts be to raising the number of acres to participate in this section of the law to 640 acres?

Schettler: We as an association have decided to take a neutral stance on that issue. We have had a discussion about it and there are pros and cons. We're afraid that it isn't going to deter what you're trying to deter because as the older generation retires people go town...there is a lot

more money in the country than what the younger ranchers can come up with. It might just have people buy more land. Personally, I can't speak for the organization, I would try to tie it to agriculture. In the proclamations now, it ties agriculture to it, but there are loopholes around it; if there would be a way to clarify those loopholes and fix them, people with elk problems or the landowners with elk problems would be the landowners getting the tags.

Rep. Porter: The other concern this raises is if one person buys 160 A. out of a piece, it may turn into an elk attracted area on purpose and may also then take away from the whole intention of this legislation to help with the depredation problems on other areas. I would hope there is a little difference between the person that can afford 160 A. and the person who can afford 640 A. I also share your concern as the farmer/rancher find it tough to compete against those dollars whether they be from an individual or a group of individuals. If they want to buy the piece of land they will out-price you in an instant based on what you can return on your ability to farm and ranch compared to their ability to hold it for a hobby.

Chr. Nelson: Further questions for Mr. Schettler? Further testimony in support of HB 1193?

Wendell Vigen, Killdeer Mountain Elk Unit Landholders Assoc.: In response to Rep.

Porter's question to Joe about this 640 acres. Why we'd never take that in our community, we have several people that have 160 acres, but the majority of our landowners have an abundance of 640. This earlier question was asked of Rep. Drovdal about the other units. We didn't intend this when we started our elk location for the other units. We were trying to take care of the community of Killdeer because we had our own problems with depredation and in 1997 we added, with the Fish & Game's help, more land to the original elk unit and we also added licenses over the years. By being a community-driven organization of landowners that's how we

got to these different scenarios with the licensing, etc. As it is now, 160 acres is the general consensus on what it takes to get a gratis license. We're not opposed or for changing it, we wouldn't argue it, but we don't want to be the advocate for our neighbor who only has 160. The majority of us probably have more land. If we went out and said we wanted the 320 or 640 acres, we could be taking away from our next door neighbor which we don't feel we have the right in our committee to do. It could be grandfathered in. It's a thought we had that if you already own land, you can apply for an elk license and nothing changes. But if it's sold or more land is bought, then it wouldn't be (considered), you'd have to have 320 A. or whatever this decision would be. There's only about 140 landowners in our organization. Any other questions?

Chr. Nelson: Any questions of Mr. Vigen?

Rep. Hanson: How many ranchers are still eligible for a gratis license?

Vigen: I'm not sure, about under 20, 14-18 probably. Some of that land has changed hands so it's kind of hard to keep up with.

Rep. Hanson: Jack Murphy, Dean Meyer and I actually put the original bill together way back when. At that time, the unit was smaller. It has expanded. At that time, Jack said after five years all the landowner ones would be used up. I see your situation, you're running out of people. I just want to be fair to other units, too. If they run out of people, we ought to do it all at one time.

Vigen: Point taken, but I know a few people in the Pembina Hills area that probably have a lot more landowners holding just 160 A. To cover the same acreage or animal units as we have, there will be gratis tags that won't be used for maybe two years.

Hanson: I wanted a trigger on each unit so if you ran out of people you could start the second go round, but if you have one up there in Pembina that hasn't run out, they still have to stay in the original lot.

Vigen: That's fine, we don't want to dictate to any other unit.

Hanson: O.K. Thank you.

Chr. Nelson: Are there further questions of Mr. Vigen?

Rep. Charging: You said there was 140 landowner members. How many acres do they represent in total?

Vigen: It's a lot. Most everybody there probably runs from 2000 A. to 15,000 A.

Chr. Nelson: Further questions for Wendell? If not, thank you for your testimony. I will continue to take testimony in favor of HB 1193.

Randy Kreil, ND Game & Fish Dept.: Supports HB 1193. **(WRITTEN TESTIMONY ATTACHED, with a proposed amendment)**

Chr. Nelson: Are there any questions of Mr. Kreil?

Rep. Porter: The way the bill was originally written versus the way it is now, what actual elk units are affected?

Kreil: This change would affect elk units E1, E2 and E3.

Porter: Is there an E4?

Kreil: E4 is a small unit directly adjacent to Theodore Roosevelt National Park. That unit is dealt with separately, both by our department and in the ND Century Code due to its specialized problems with the elk population located in TRNP which many of you are aware of. So we deal with that separately; it's handled under a different set of criteria. One point I would like to make

about a previous question that was asked, in terms of landowner preference licenses and the number potentially in the pool in units E1 and E3 there is getting to be the same problem in those units as well. The actual landowner preferential area in unit E1, the Pembina/Cavalier area, is actually smaller and probably has fewer landowners than the area around Killdeer. So we're hearing from those people that they're facing the same challenge. So making this change would also be of benefit to those people as well. Unit 3, which is in the Badlands, is predominantly private land intermingled with The Little Missouri National Grasslands, managed by the Forest Service. There's probably fewer actual private landowners in the area and they, too, will someday be faced with that. So having this in place would benefit all three of those elk units.

Rep. Porter: Mr. Kreil, the number of acres to be eligible has been raised as a concern. How difficult would it be to implement a grandfathering clause and raise the number of eligible acres up?

Kreil: Well, it's kind of a two-part question. The first part deals with the philosophy behind the 160 acres versus a larger amount. We have to honestly say that over the past few years we've had discussions with landowners and there is some frustration on the part of agricultural producers that live on the land, ranchers, farmers, who are actually making a living. They are begging for licenses and in some instances with people who are sidewalk farmers, people who buy it as an investment or people who buy purely for hunting. That 160 acre limitation certainly allows people of modest means to enter that situation. There has been frustration in talking to some of these folks about it. We certainly understand it. It creates a challenge for us when we have gratis landowner licenses not only for elk and moose, but also for deer and pronghorn where you have people who aren't really farmers and ranchers, but simply landowners. That gets back

into the entire gratis law and what was intended to be a kind of recognition of people who live on the land, deal with the animals, and provide decent habitat for them. Raising the number of acres to be eligible is something we certainly wouldn't oppose. It would probably sort out people really working on the land and people who are just buying it for hunting purposes. There should be a difference. As to the grandfather part of your question, we would have some serious concerns about. Not so much for the elk, but once that precedent is set, if the Legislature ever decides to wade into the challenging issue of dealing with deer licenses, in particular with gratis, is even more significant than with elk because there are many people who own 160 acres of land. The precedent may be set and if you tried to grandfather all those people in you would have a real challenge on your hands. You might end up having far more gratis landowner licenses than available for the general public. It would go to people who really aren't farmers and ranchers. That's a tough one, so we would caution about that.

Rep. Porter: Mr. Kreil, I have one other question. In a situation under the current law, if a person owns a section of land, then signs a lease with his three children so that you split that section into four, would each be eligible to enter into this elk lottery system based on the way it's written right now?

Kreil: My impression is no, but Roger Rostvet, our Deputy Director, is here and he has dealt with these enforcement issues a lot longer than I have. If I could defer to Roger, we could get it right the first time.

Roger Rostvet: One, it's just one.

Rep. Hanson: Randy, do you know anyone who has actually bought 160 acres so they could get an elk license as once in a lifetime? That's quite an expense, to buy a quarter of land to get one elk license in a lifetime. Do you know of anyone who has done that?

Kreil: I personally don't know of anybody who has, but I don't think it would take very long to find you some examples. Remember, the individuals who would buy 160 acres to qualify for an elk license also would apply annually for a deer license. I think there is a multiple benefit. I think some of the Killdeer people could give examples of that.

Chr. Nelson: Further questions for Mr. Kreil? Further testimony in favor of HB 1193?

Craig Dvornak: Referring to 160 acres being bought just for hunting, yes, there is. In our unit, 640 acres was bought and split four ways. In Unit E3, it was also done. Back to another comment, this is not a gratis tag, gratis tags are free. This is a *preferential* tag, we still have to pay for it just like other North Dakotans. It's not like your deer tags where you just apply for them and they're free.

Chr. Nelson: Further questions for Craig? Thank you for that clarification. Is there further testimony in favor of HB 1193? Seeing none, is there opposing testimony on HB 1193?

Dennis Daniel: I'm not opposing the bill totally, but I have some concerns. If you had the problem with 160 acres, I think that if you required 50% of the income to be earned off this land, you wouldn't hurt the landowners at all. The idea that people buy the land just to be eligible, if this gets down to just three or four landowners out there that are eligible for this tag, the Rocky Mt. Elk people will sell a tag for a huge amount of money. There is a value to that (sale of). If I got my tag, I could turn around and sell it to another person. The way the bill is written, you could sell the land or transfer it. Two or three people could continue to take it away. You need a

provision to actually help the farmer/rancher making a living on the land. (Gives further examples). The way the bill is written, you're not helping the landowner.

Drovdal: You mentioned that this was going to need the licenses that are available, there's just a set number of licenses that are available, just to set the number of people has nothing to do with regular licenses. Also, the question was asked and answered concerning splitting a section up into four quarters, only one license would qualify. Do you think if this bill passes or not, would it affect future problems with rich people? We do have the corporate landowner bill. Don't we have language in the current status requiring that a specific amount of their income must come from farming/ranching already?

Daniel: No, that's why I say your deer license is so valuable. When I pick up my deer or turkey license, right beside my application is one for landowners. The landowner can go down the day before deer season and pick up a gratis license. You need to require a person to actually farm the land, and earn 50% of his income of it. That would protect the rancher making 90% of his income from his land. I would be in favor of the bill then.

Drovdal: I'm confused, this testimony is regarding elk, not on deer. You seem to be testifying on deer.

Daniel: Can I not go out there and buy a quarter section of ground and join this organization to be eligible to hunt elk?

Drovdal: Yes, you can.

Daniel: Then what stops someone from buying a section of ground and piece mealing each quarter off? You've increased it by four. What I said remains true, if I bought a quarter and get my elk license, why can't I turn around and sell it to my brother? As a new landowner, he would

automatically be eligible for an elk license ahead of others. You haven't helped them with this bill unless you put something in to stop this.

Chr. Nelson: Further questions? Seeing none, thank you, Mr. Daniel. Further testimony opposing HB 1193?

Harold Neameyer, Cass Clay Wildlife Club: (WRITTEN TESTIMONY ATTACHED),

I have a couple comments. We need to develop a system that allows for multiple licenses. Are we getting away from the once-in-a-lifetime philosophy? I think we were talking about a gratis license and the licenses dealt with in this bill are preferential licenses. The trend according to the people in my club is that there is so much abuse and so much attack on the gratis license issue. On the issue of should it be 160 acres, or 320 as I said in my testimony, the more the better, I think because of all the testimony we've heard. We would certainly support increasing that 160-acre limitation.

Chr. Nelson: Any questions of Mr. Neameyer? Thank you. Further testimony opposing HB 1193?

Mike Donahue, ND Wildlife Federation & United Sportsmen of North Dakota: Both are neutral on HB 1193. I know one person who has bought land just to be able to hunt. I don't know how much he's got, but it's a lot. He bought 160 acres to get gratis. He hit me up at the Post Office this summer, and told me that I have to do something about that gratis acreage. He said there are getting to be too many; they're crowding in and taking out spots. We need to get that upped.

Page 12

House Natural Resources Committee

Bill/Resolution Number HB 1193

Hearing Date January 14, 2005

Chr. Nelson: Any questions for Mike. I think we'll hold this bill and work on that issue as a recommendation. We won't take action on this bill today. We should try to work out an agreement on that. With that, I will close the hearing on HB 1193.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1193

House Natural Resources Committee

Conference Committee

Hearing Date: January 20, 2005

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|---------|
| Tape 2-B blanked out at the end, no tape available | | | |

Committee Clerk Signature

Karen Bonnet

Chr. Nelson: Can we take up HB 1193?

Rep. Drovdal: I would do it, but Rep. Porter wrote the amendment. His amendment was to go from 160 acres to 340 acres. I have a question whether we should continue without him.

Chr. Nelson: Let's wait and take further testimony tomorrow.

Rep. Hanson: If hunters have to buy land to hunt that's expensive, but if they have to hunt their own land that might limit some of the problems.

Rep. Drovdal: That would cause problems in the units where it works. I'd oppose the bill as such.

Chr. Nelson: We will close today's hearing and continue on HB 1193 tomorrow.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1193

House Natural Resources Committee

Conference Committee

Hearing Date: January 27, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|-----------|
| 2 | | x | 2745-3517 |

Committee Clerk Signature *Karen Bonnet*

Chr. Nelson: Let's take up HB 1193. Are there any amendments to this bill?

Rep. Hanson: I have one. **(Written amendment attached)** that would keep residents on their own land for a gratis license. This would put it the same as antelope, deer and turkeys and anything else that is gratis.

Chr. Nelson: Rep. Hanson moves the amendment, is there a second?

Rep. Kelsh: Second

Chr. Nelson: Committee discussion.

Rep. Drovdal: I respect Rep. Hanson's work on this matter but I would resist. If you land is mixed within federal land, and there is a lot of that in my area, which has provided good hunting and no problems, I don't like to disrupt that.

Rep. DeKrey: I'm going to resist this amendment, too. We heard testimony about how elk are different than deer, they move around a lot more. The system has been in place for a long time and I think this would do nothing but foster more ill will between landowners and hunters.

Page 2
House Natural Resources Committee
Bill/Resolution Number HB 1193
Hearing Date January 27, 2005

Chr. Nelson: Further discussion on the amendment? Seeing none, I will try a voice vote on the amendment. All those in favor of the amendment, signify by saying aye. Opposed. Motion denied. Now, what is the committee's wishes on HB 1193?

Rep. Drovdal: Move a **Do Pass**.

DeKrey: Second

Chr. Nelson: Committee discussion? Seeing none, I'll ask the clerk to call the roll on a Do Pass motion on HB 1193:

Do Pass - VOTE: 9-Yeas; 4-Nays; 1-Absent; Carrier: Nelson

FISCAL NOTE
 Requested by Legislative Council
 03/01/2005

Amendment to: HB 1193

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 | | | | \$1,000 | | \$500 |
| 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 would provide for a small lottery system including a bonus point system for certain landowners who are eligible for landowner elk licenses.

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.

There would be some initial costs at setting up a system to track names and bonus points for these elk license applicants. There would also be some costs forms, mailing and processing each year. The costs are estimated to be about \$1,000 the first biennium and \$500 per biennium in the next biennium.

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.

None. The Department will most likely have adequate appropriations to fund this project without additional appropriations.

| | | | |
|----------------------|-----------------|-----------------------|-----------------------------|
| Name: | Paul Schadewald | Agency: | ND Game and Fish Department |
| Phone Number: | 328-6328 | Date Prepared: | 03/01/2005 |

FISCAL NOTE
 Requested by Legislative Council
 01/07/2005

Bill/Resolution No.: HB 1193

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 | | | | \$1,000 | | \$500 |
| 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 would provide for a small lottery system including a bonus point system for certain landowners who are eligible for landowner elk licenses.

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.*

There would be some initial costs at setting up a system to track names and bonus points for these elk license applicants. There would also be some costs forms, mailing and processing each year. The costs are estimated to be about \$1,000 the first biennium and \$500 per biennium in the next biennium.

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.*

None. The Department will most likely have adequate appropriations to fund this project without additional appropriations.

| | | | |
|----------------------|-----------------|-----------------------|-----------------------------|
| Name: | Paul Schadewald | Agency: | ND Game and Fish Department |
| Phone Number: | 328-6328 | Date Prepared: | 01/08/2005 |

Date: 1/27/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1193

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do Pass

Motion Made By : Drovdel

Seconded By : DeKrey

| 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 | | ✓ |
| Rep. Donald L. Clark | ✓ | | Rep. Dorvan Solberg | Abs | |
| Rep. Duane DeKrey | ✓ | | | | |
| Rep. David Drovdel | ✓ | | | | |
| Rep. Dennis Johnson | ✓ | | | | |
| Rep. George J. Keiser | | ✓ | | | |
| Rep. Mike Norland | ✓ | | | | |
| Rep. Darrell D. Nottestad | ✓ | | | | |

Total (Yes) 9 No 4

Absent 1

Floor Assignment Chr. Nelson

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

REPORT OF STANDING COMMITTEE (410)
January 28, 2005 5:01 p.m.

Module No: HR-19-1381
Carrier: Nelson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1193: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS
(9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1193 was placed on the
Eleventh order on the calendar.

2005 SENATE NATURAL RESOURCES

HB 1193

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1193

Senate Natural Resources Committee

Conference Committee

Hearing Date February 25, 2005

Tape Number

1

Side A

X

Side B

Meter #

17.8 - 44.8

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1193 relating to preferential landowners licenses to hunt elk.

All members of the committee were present.

Representative David Drovdal of District 39, the primary sponsor of HB 1193 introduced the bill (See attached testimony).

Senator Layton Freborg asked how many landowners are eligible to participate and how many landowners are left to receive the once in life time elk permit.

Representative David Drovdal referred the question to the North Dakota State Game and Fish Department, although he knew there were not many left if any in the Killdeer Mountains.

Joe Schettler, (22.0) Secretary/Treasurer of the Killdeer Mountain Elk Unit Landholders Association testified in support of HB 1193 (See attached testimony).

Mike Donahue (23.2) representing the North Dakota Wildlife Federation and The United Sportsmen testified the two groups were in support of HB 1193.

Randy Kreil (23.7) Chief of the Wildlife Division of the North Dakota State Game and Fish Department testified in support of HB 1193 (See attached testimony). An amendment was offered that had been submitted at the House committee hearing but did not make it into the bill as an oversight of the committee. Representative Nelson agreed that it was an oversight and had no problem with the amendment as it should have been included.

Senator Freborg again asked his question of how many eligible landowners that have not yet received an elk permit.

Randy Kreil answered that the number was low and that it is difficult to get the exact number because land ownership changes. The way the HB 1193 is written it is a double weighted lottery, as the people who have not already received their permit would get it first and then the lottery would start over again.

Senator Freborg asked if a landowner is guaranteed a once in a life time elk permit.

Randy Kreil answered that the bill is written that as long as the permits are available, the number needed for those landowners would be reserved first and the remaining would then go into the lottery.

Senator Rich Wardner asked if landowners in E4, that is located next to the park, can receive a permit every year.

Randy Kreil confirmed this and that E4 is treated separately is not included in HB 1193.

Senator Wardner asked if the landowner needs to be a resident in order to receive the permit.

Randy Kreil answered that it is a land ownership issue and that if HB 1193 is passed, will go into effect in 2006.

Wendell Vegen, (30.5) President of the Killdeer Mountain Elk Unit Landholders Association testified in support of HB 1193 stating that if the bill is passed it will make better relations with sportsmen. Visiting elk hunters do not understand why with the problem of over population and depredation, landowners are not permitted to hunt more. With the passage of the bill, elk numbers will be better controlled and hunting landowners they keep track of the herds and can share this information with the non resident hunters which will inspire good relationships.

Dean Hildebrand, Director of the North Dakota State Game and Fish Department wanted to express his appreciation to the members of the Killdeer Mountain Elk Unit Landholders Association and their outstanding cooperation with Randy Kreil of the department with the problems and hunting of the elk in their area.

Senator John Traynor questioned and discussion was held as the effective date of HB 1193, deciding that with the proclamation schedule it would be in effect in 2006.

Senator Lyson asked for opposing testimony.

Curtis Blohm (37.1) representing the North Dakota Outdoor Heritage Coalition testified in opposition to HB 1193 (See attached testimony).

Harold Neameyer (38.1) representing the Cass County Wildlife Club testified in opposition to HB 1193 (See attached testimony).

Senator Traynor asked if there should be some consideration of the landowners for the depredation and destruction of the elk.

Page 4

Senate Natural Resources Committee

Bill/Resolution Number HB 1193

Hearing Date 2-25-05

Harold Neameyer agreed and felt that the landowners already get that consideration by the once in a life time elk permit.

Senator Lyson closed the hearing on HB 1193.

Senator Wardner made a motion for adoption of the amendment as proposed by the North Dakota State Game and Fish Department.

Senator Traynor second the motion.

Roll call vote for adoption of the amendment was taken by voice vote indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Freborg made a motion for Do Pass as Amended of HB 1193.

Senator Wardner second the motion.

Roll call vote #2 for a Do Pass as Amended of HB 1193 was taken indicating 7 YEAS 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Wardner will carry HB 1193.

Date: 2-25-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1193

Senate Senate Natural Resources

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Adopt Amendment as proposed by O+T.

Motion Made By

Wardner

Seconded By

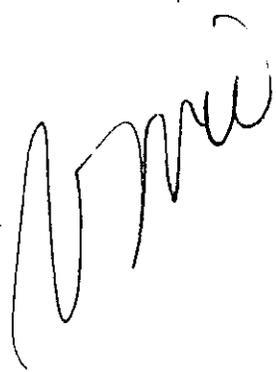
Traynor

Senators
Senator Stanley Lyson, Chairman
Senator Ben Tollefson, Vice Chair
Senator Layton Freborg
Senator Rich Wardner
Senator John Traynor

Yes No

Senators
Senator Joel Heitkamp
Senator Michael Every

Yes No



Total (Yes)

7

No

0

Absent

0

Floor Assignment

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

Date: 2-25-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1193

Senate Senate Natural Resources

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass as Amended

Motion Made By

Freborg

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

HB 1193: 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). HB 1193 was placed on the Sixth order on the calendar.

Page 2, line 28, overstrike "Notwithstanding this subsection, if a person"

Page 2, overstrike lines 29 and 30

Page 2, line 31, overstrike "and is eligible to apply for, but not transfer, a" and overstrike "license to hunt elk"

Page 3, line 1, overstrike "in future years."

Renumber accordingly

2005 TESTIMONY

HB 1193

By: Wendell Vigen
Given by: Joe Schettler

Killdeer Mountain Elk Unit Landholders Association
Joe Schettler, Secretary/ Treasurer 701-863-7036
Wendell Vigen, President 701-863-6938
1555 113th Ave NW
Killdeer, ND 58640

January 14, 2005

RE: House Bill # 1193, relating to preferential landowner licenses to hunt elk.

Dear Representatives:

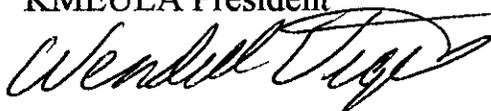
The members of the Killdeer Mountain Elk Unit Landholders Association support HB #1193.

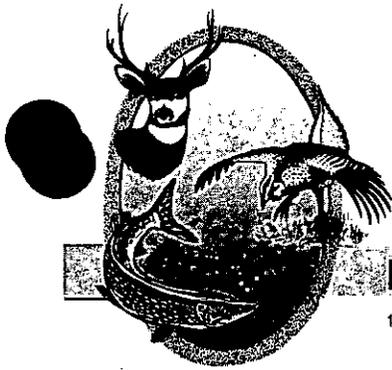
The number of landowners who are eligible to receive a "once-in-a-lifetime" landowner elk tags in the E2 elk unit has dwindled. We feel the opportunity for landowners to receive another license is fair to everyone involved. Many hunters with whom we have visited are surprised that we are not able to get additional elk licenses.

Landowners having this opportunity would not affect the rest of the applicants because we would still be limited to no more than 15% of the total number of tags issued.

Respectfully submitted,

Wendell Vigen
KMEULA President





"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

HOUSE BILL 1193

HOUSE NATURAL RESOURCES COMMITTEE

JANUARY 14, 2005

The North Dakota Game and Fish Department supports HB 1193. The purpose of the bill is to amend current law and allow eligible landowners in elk hunting units E1, E2, and E3 to participate in a weighted lottery to determine which landowners would receive the allocated 15% of the total licenses available annually for that particular unit. The percentage of licenses made available for landowners will remain the same and the opportunity for sportsmen or women to be drawn for a license would also remain the same.

Since the first elk season held in the 1970s, our department has worked closely with landowners in elk hunting units to address elk management issues. As part of the annual season setting process we contact landowners or hold local meetings to discuss elk population trends, elk management issues, and depredation problems. While we do not always agree on every issue, these annual discussions have proven beneficial for both our department and the landowners. The positive results of this work are evidenced by stable and tolerable elk populations and continued hunting opportunities for the public.

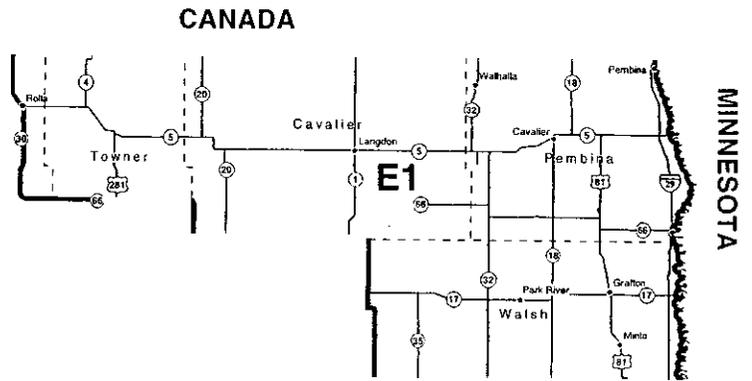
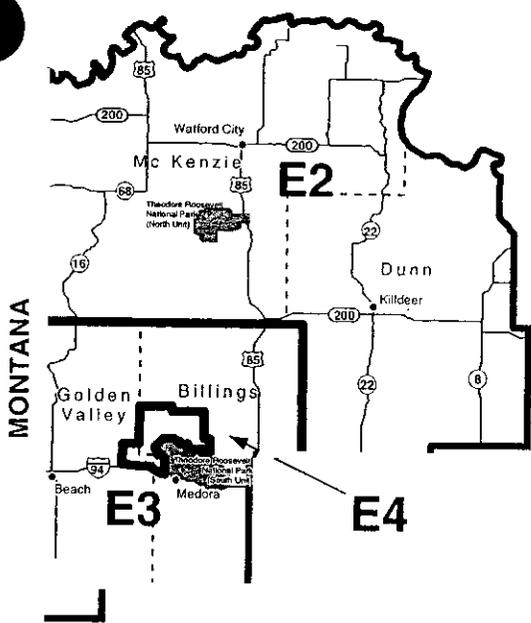
The issue of allowing eligible landowners who have drawn a license in the past to have another opportunity to hunt for an elk sometime in the future has been discussed at length during these meetings. In some elk hunting units many of the eligible landowners have had a license during the past 20+ years and the number of landowners still eligible is dwindling rapidly. It is our department's position that allowing landowners to compete via a weighted lottery for 15% of the available licenses is reasonable.

We do have one amendment we wish to submit. The current law allows a person with one of these preferential landowner elk licenses who is unsuccessful to return the unused license and is eligible to apply again. If HB 1193 passes, this option would be unnecessary and redundant. We have provided the following amendment to remove that section of the law.

Page 2: Beginning on line 28 remove the text, beginning with the word "Notwithstanding ...and ending on page 3, line 1 with the words ... in future years."

Number of total and preferential landowner elk licenses for E1, E2, and E3, 1999-2004.

| Year | E1 Total | E1 Preferential | E2 Total | E2 Preferential | E3 Total | E3 Preferential |
|------|----------|-----------------|----------|-----------------|----------|-----------------|
| 1999 | 30 | 4 | 54 | 8 | 14 | 2 |
| 2000 | 40 | 6 | 90 | 13 | 14 | 2 |
| 2001 | 40 | 6 | 90 | 13 | 14 | 2 |
| 2002 | 40 | 6 | 90 | 13 | 20 | 3 |
| 2003 | 60 | 9 | 90 | 13 | 20 | 3 |
| 2004 | 40 | 6 | 90 | 13 | 20 | 3 |



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 1193

JANUARY 14, 2005

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club is opposed to this bill because it seems to provide undue preference to land owners. The trend seems to be to develop a system that allows land owners multiple licenses instead of the once in a lifetime philosophy.

If there gets to be a large number of elk, why not give non-land owners a chance in a drawing.

The acreage for the license application should be increased to a minimum of 320 acres.



North Dakota Legislative Assembly

North Dakota Legislative Assembly
2802 131st Ave NW
Arnegard, ND 58835

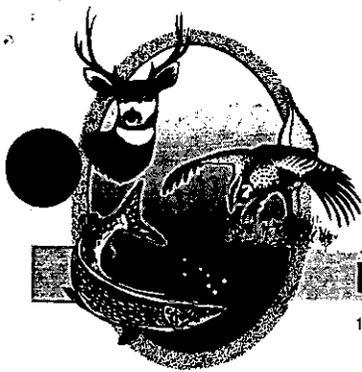
Phone: 701-576-3761
FAX:
email: ddrovdal@state.nd.us

Chairman Lyson and members of the Senate Natural Resource Committee. For the record my name is David Drovdal and I represent District 39 in Western North Dakota. I am the primary sponsor of house bill 1193.

In explaining the effect of this bill let me share the history of the agreement and then the changes that this bill makes. In the early 1980 the Elk herds in North Dakota were growing in numbers so that the state could allow hunting but also the deprivation problems for landowners in the affected areas. It is also known how vital these farmers and ranchers are to the continuous growth of the herd and to access for hunters. A experimental agreement was reach by the Game and Fish and affected landowners that would allow each rancher a one time elk license to recognize the deprivation cost and to allow access to state hunters in the Elk units. The results have been better access for hunters and a good working relationship between *hunters* ranchers and Game and Fish and some restitution for landowners. The plan was extended to include other landowners as the elk herd expanded its grazing area and the extended to other elk units as they were established in the state. The time has come now were just about all landowners have received one license. This bill replace the once in a life time license with a lottery drawing between the landowners in the elk units after all have received the one time license. As other elk units reach this status they will fall into the lottery drawing. This bill will only affect the current number of license that are allowed to landowners and will not affect any license available to North Dakota hunters. It will continue to recognize the cost to landowners and the good relationship between them, game and fish and North Dakota hunters.

This bill may not be perfect but it has been one of the better pieces of legislation to encourage good relationships between landowners and hunters. I thank you for your time and ask for a favorable consideration of HBO 1193. There will be testimony from Killdeer Mountain Elk Unit Landowners Association and Game and Fish. I am open to any questions you may have.

Rep. David Drovdal



"VARIETY IN HUNTING AND FISHING"

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Testimony of
Randy Kreil

HOUSE BILL 1193

SENATE NATURAL RESOURCES COMMITTEE

FEBRUARY 25, 2005

The North Dakota Game and Fish Department supports HB 1193. The purpose of the bill is to amend current law and allow eligible landowners in elk hunting units E1, E2, and E3 to participate in a weighted lottery to determine which landowners would receive the allocated 15% of the total licenses available annually for that particular unit. The percentage of licenses made available for landowners will remain the same and the opportunity for sportsmen or women to be drawn for a license would also remain the same.

Since the first elk season held in the 1970s, our department has worked closely with landowners in elk hunting units to address elk management issues. As part of the annual season setting process we contact landowners or hold local meetings to discuss elk population trends, elk management issues, and depredation problems. While we do not always agree on every issue, these annual discussions have proven beneficial for both our department and the landowners. The positive results of this work are evidenced by stable and tolerable elk populations and continued hunting opportunities for the public.

The issue of allowing eligible landowners who have drawn a license in the past to have another opportunity to hunt for an elk sometime in the future has been discussed at length during these meetings. In some elk hunting units many of the eligible landowners have had a license during the past 20+ years and the number of landowners still eligible is dwindling rapidly. It is our department's position that allowing landowners to compete via a weighted lottery for 15% of the available licenses is reasonable.

We do have one amendment we wish to submit. The current law allows a person with one of these preferential landowner elk licenses who is unsuccessful to return the unused license and is eligible to apply again. If HB 1193 passes, this option would be unnecessary and redundant. We have provided the following amendment to remove that section of the law.

Page 2: Beginning on line 28 remove the text, beginning with the word "Notwithstanding ...and ending on page 3, line 1 with the words ... in future years."

North Dakota
Outdoor Heritage
Coalition

Curt Blohm
1681 Cologne Drive
Bismarck, North Dakota 58504

House Bill No. 1193

Reference: Relating to preferential landowner licenses to hunt elk

Senate Natural Resources Committee

Hearing Date: February 25, 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 does not support the changes to Subsection 7 of section 20.1-03-11 NDCC as set forth in HB 1193. While we understand the need for landowners to be in harmony with wildlife and the hunting sportsmen who are lucky enough to be drawn for the "once in a life time" elk hunt in North Dakota, we do not agree that the landowner should be given preferential treatment regarding the issuance of an additional "once in a lifetime license" to hunt elk if the landowner is not successful. We feel that all hunting sportsmen should be treated alike regarding the "once in a lifetime" license to hunt elk in North Dakota. We suggest that you vote a "DO NOT PASS" recommendation on HB 1193.

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 1193
February 25, 2005

Mr. Chairman and Members of the Committee:

The CCWC is opposed to this bill because it appears to give preference to some landowners. The trend seems to be to develop a system that allows certain landowners multiple licenses instead of the once in a lifetime philosophy.

If the elk population increases dramatically, then should the law change to allow more non-land owners a chance in the drawing?

