

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1393

2005 HOUSE NATURAL RESOURCES

HB 1393

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1393

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 27, 2005

| Tape Number                                   | Side A | Side B | Meter #   |
|-----------------------------------------------|--------|--------|-----------|
| 4                                             | x      |        | 3500-4850 |
|                                               |        |        |           |
|                                               |        |        |           |
| Committee Clerk Signature <i>Karen Bonnet</i> |        |        |           |

Minutes: Chr. Nelson opened the hearing on HB 1393. The bill was read aloud.

**Chr. Nelson:** If there is anyone who cannot testify on HB 1393 because they have to work tomorrow, I will take that testimony.

**Terry Fleck, Bismarck resident:** At face value, this a well intended piece of legislation and I think it is a good idea. But I would remind everyone on the committee that when we pass this bill there were a lot of discussions about the words compromise and balance. It's important for people to realize that the compromise is always the same. The people who compromise are the people who had the tags. Remember that. If you give 25, 50, or 80 more tags to the outfitters and guides and whoever wants them, you take them from someone else, someone who lives here. If you're a mule deer hunter in this state, and you know well that you have to put in for your mule deer tag first to build your preference point. So your first choice in your unit is your mule deer buck tag. If you do that, your odds are slim to none that you will draw a buck tag in ND, because you have to wait for the second drawing.

**Chr. Nelson:** Mr. Fleck, this bill doesn't include mule deer as I read it.

**Fleck:** I'm well aware of that. My point is I'm a mule hunter, so I put in for that tag first. I haven't hunted whitetails in this state for as long as I can remember because you rarely will every draw. Many of us have done it mathematically and worked the numbers and tried to figure out which unit we might put in to get a tag. My point is the same. If you're going to give the outfitters and guides 50 more tags, you're taking 50 tags from people who live here, men and women who live here won't hunt a whitetail buck next year. I would ask you to give this bill careful consideration and I do not support this legislation.

**Chr. Nelson:** Are there questions for Mr. Fleck?

**Rep. Johnson:** In light of the fact that you can't be here tomorrow, I'd like to let you know in the last 13 years there has been 14,000 additional whitetail buck tags issued in ND.

**Fleck:** I'm aware of that.

**Johnson:** If we take 50 away, we've also increased the 14,000.

**Fleck:** I understand exactly what you're saying, but the mathematics prove that no matter how many more you put out there, the reality is that demand exists *in the state* for those tags. The odds are that you still won't be drawn on the second drawing. You might get lucky and get into a K-1 or a unit where there is some left over. Reality would suggest that is not going to happen. We try and try. I would just like to see those 50 tags stay with residents.

**Chr. Nelson:** Thank you for your testimony. Is there anyone else who can't be here tomorrow morning? We will continue this hearing tomorrow at 8:30 in the Pioneer Room. If you like this tonight, tomorrow is another good day.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1393

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 28, 2005

| Tape Number                                   | Side A | Side B | Meter # |
|-----------------------------------------------|--------|--------|---------|
| 1                                             | x      |        | 0-3000  |
|                                               |        |        |         |
|                                               |        |        |         |
| Committee Clerk Signature <i>Karen Bonnet</i> |        |        |         |

Minutes: Roll was called, Rep. Solberg absent. Bill was read aloud.

**Chr. Nelson:** We will continue hearing testimony on HB 1393 that we did not finish last night. Rep. Johnson, would you introduce the bill.

**Rep. Johnson. Dist. 15:** HB 1393 is the white tail deer license that deals with non resident and outfitters licenses. I'll explain the how the formula works. I gave you a handout last night, **(Written testimony attached)** This shows the history of non resident license and outfitters. It came about in 1991. We adjusted it to 1993 to show the 1% of buck licenses issued to non residents. It shows 70,500 available in 1991. That has grown along with the deer population until this past year there were 145,000 licenses available. Of those licenses, about 44,000 were buck licenses. When you work the formula, 1 % of those buck licenses go to non residents, or 440 licenses. The outfitters get ½ % of that. If you didn't have a cap on that, that would be 220 of the non residents licenses. So if someone testifies that they are taking away buck licenses, they are taken away from the available non resident buck licenses. Also in that formula, is a cap

of 100. Even though there were 220 available with that formula, we capped it at 100. What we ask of this bill is to move that cap from 100 to 150 buck tags available to outfitters. That would be away from the non resident buck tags, not from the resident buck tags.

**Chr. Nelson:** Rep. Porter has a question.

**Rep. Porter:** Do you know how many tags were taken by each of the outfitters that they were made available to? In the current law, it says that each outfitter can take up to five of these. Do you know how many multiple requests there were from outfitters that took these 100 tags?

**Johnson:** The State Game & Fish might answer that to get an exact number.

**Rep. Nottestad:** From your observation and knowing of out-of-staters who come in, of these who apply for these 1 %, would you say that most of these are businessmen or professional who apply to outfitters, or are the sons and daughters and grandsons of state residents?

**Johnson:** I wouldn't have that answer. There is one other statistic I should share with you.

There are close to 15,000 additional buck tags available since 1991. Residents have 99 % of these buck tags.

**Chr. Nelson:** Any further questions for Rep. Johnson?

**Rep. Drovdal:** Of the 440 total number of non resident buck license sold, are they sold out every year?

**Johnson:** Again, that is a question for the Game & Fish.

**Chr. Nelson:** Further questions for Rep. Johnson? Seeing none, thank you. Is there further supporting testimony for HB 1393?

**Jim Nagel, Outfitter from Bismarck, ND: (Written testimony attached)- Urges do pass.**

**Chr. Nelson:** Are there any questions for Mr. Nagel?

**Rep. Porter:** What do you tell the 50 non-resident hunters waiting for a non resident tag that don't want to use an outfitter? I can't believe there are any of those 440 tags left after the first drawing, because I have friends that have put in for three or four years and haven't been drawn. What are you supposed to tell them after you have just moved 50 tags to another population?

**Nagel:** The answer is it is time for this legislature to draw up another bill and increase that base.

**Rep. Porter:** Short of that happening, which is slim, what do you tell them?

**Nagel:** It's not my place to tell them. I'll try to market a hunt for them.

**Chr. Nelson:** Further questions for Mr. Nagel? Seeing none, thank you, Jim. Is there further testimony in favor of HB 1393?

**Kyle Blanchfield, ND Professional Guides & Outfitters Assoc.:** (Written testimony attached)

**Rep. Porter:** I would ask you the same question. What do you tell the 50 people that have been putting in to the lottery that these tags are now not available to them because they went to the outfitters themselves?

**Blanchfield:** Last there was 148,000 licenses, close to 1,500 available to non residents. They're taking 150 out of 1,500. We're asking for a very nominal increase. I would pose the question back that we're able to value add 50 people. We're use to sending everything out of ND, ie sending the durum out, this is a value added opportunity for us.

**Porter:** These 50 people who would be coming in anyway are coming anyway and spending money in the economic base. They're spending money on main street, not at your shop. We're not going to raise the percentage, there is nothing in here to do that. But now, you're saying that

these 50 people could come here and hunt whitetail deer without you, now have no choice but to use you.

**Blanchfield:** You made a good point. Those 50 people not get a license. I'd also like to bring a fact. I visited with the Game & Fish. Right now there are 82 or 84 licensed outfitters that have applied for five licenses for a chance to get into the 100.

**Chr. Nelson:** Further questions for Kyle? Seeing none, thank you for your testimony. Is there further testimony in favor of HB 1393? Seeing none, is there opposing testimony?

**Mike Donahue, United Sportsmen of ND and ND Wildlife Federation: (Written testimony attached)** The only drive behind this is commercial and we oppose that. Ask for do not pass.

**Chr. Nelson:** Questions?

**Rep. DeKrey:** Can you tell me of another natural resource that we have in ND where we limit our ability to bring economic activity to the state?

**Blanchfield:** We're not taking economic activity away. The non resident is coming in. It's just that he's not going to have to spend money to back up his disposable income.

**Chr. Nelson:** Further questions? Thank you. Further testimony in opposition to HB 1393?

**Dennis Daniel:** I would like to see a total do not pass. We're underselling our state. A big game combination/license/outfitter sponsor in Montana is \$777.25. That includes an elk so that makes it pretty good. If you drop down to the deer combination license/outfitter sponsor includes deer, upland game, fishing, and conservation. That's \$725. If we're going to make comparisons, lets compare apples to apples. Lets make this out of state tag equal to Montana. Let's bump that tag up to \$777.25. Or we could consider another one, a deer combination/landowner sponsored,



maybe we should consider that. If this tag is going to be economic development, maybe we should consider the landowner.

**Chr. Nelson:** Mr. Daniel, I would remind you that there is no fee increase in this bill.

**Daniel:** I realize there is no fee, but I believe there should be. I think there should be an amendment to this bill to add the fee on. We talked economic development. All we're doing is dumping this into somebody else's pocket. As an 8th grader, I was taught that the game of ND belonged to everybody in ND, it didn't belong to individuals to reach out and make a profit on it.

**Chr. Nelson:** Are there any questions for Mr. Daniel? Another thing I'd like to do with this bill, and I talked to one of the representatives last night, is add another amendment. that "any license sold to an outfitter could be resold outside of the state and shall have a trophy fee added on the license, paid back to the Game & Fish Dept. to enhance the habitat. These harvested deer shall be green scored, Boone & Crocket, and \$1 per point surcharge be placed on each deer up to 180 points. Past 180 points, it would be a \$2 surcharge." The people coming in and using outfitters I don't think are coming in to shoot a 4-prong or a little three-year-old four pointer. They're coming for a decent sized deer. "When the fines are settled, the outfitter should be the one to provide the documentation and ... for the Game & Fish. No outfitter-sponsored deer tag shall leave the state until it has been green scored so we know what the trophy fee should be. Any money garnered by this should be used to enhance the habitat by the Game & Fish throughout the state."

**Rep. Johnson:** Comparing to Montana, ....it sounds like you want to increase that to \$7,000 ...  
(difficult to understand this statement)

**Daniel:** I don't want it to be increased at all. I want the bill to be killed. I don't think ND needs to sell our deer licenses. I don't see a need for outfitters. I don't think the people of ND should have to sell our resources to an individual. Not only should you kill the bill, I think you should go back to the 1991 or 1993 whenever you put this bill in and remove it. I think that a concentrated group of sportsmen would get together and put this on a ballot on an initiated measure, it would down 70 to 30.

**Chr. Nelson:** Mr. Daniel, you give this committee several options. Thank you for your testimony. Is there further testimony in opposition to HB 1393?

**Mike McEnroe, ND Chapter of the Wildlife Society: Opposes. (Written testimony attached.)**

**Chr. Nelson:** Are there questions for Mr. McEnroe? Seeing none, thank you. Further testimony in opposition?

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

**Chr. Nelson:** Questions? Thank you. Further testimony in opposition to HB 1393?

**Rod Gilmore, Mandan, ND:** Maybe I am representing a group, the non residents that will be impacted by this bill. They were impacted when this bill was passed, 100 non residents were taken out of the pool that could no longer hunt in ND, but I'd like to give an example. My brother's company transferred him from Fargo to Madison, WI. In the five years he was in Madison, WI, he applied for our home unit of 2-I, a huge unit. None of the twelve tags were available for non residents each year. That pool was cut in half by the outfitter tags so he had 5-6 tags available to draw from and never drew a tag to come back and hunt with family, neighbors or friends. This will take it away even more. It tells the non residents who are family who have

moved out of state that they are not welcome to come back unless they have deep pockets. It's telling them that there is another class of non resident hunters who are more welcome because we are going to make more licenses available to them because they have the money to pay for it. That isn't right.

**Chr. Nelson:** Mr. Gilmore, were there any licenses left in that unit after the second drawing?

**Gilmore:** These last few years there have been doe tags available. We do have non residents who hunt in our area who pick up doe tags.

**Chr. Nelson:** In fact, the individual you speak of could have picked up a doe tag for \$50 after the second drawing, isn't that correct?

**Gilmore:** Currently, he could, but when he was in WI, there were no buck or doe tags available in our unit. It's only been in the last three drawings that there were doe tags available after the initial drawing.

**Chr. Nelson:** He had hunting opportunity but he wanted to hunt antlered deer.

**Gilmore:** Yes, except at that time when neither tags were available on the second go round.

**Rep. Johnson:** You said that only half the tags are available. I think the way the numbers have increased in the last few years, there is probably for the outfitters, probably less than 25% after the hunters. There are 440 some antlered licenses available last year. Of that, only 100 were....

**Gilmore:** That's correct to a degree, but in our unit, we increased to 1,400 buck tags for 2-I. Out of that, there was 14 available. Again, even this last year, half of those went to outfitters, so there were only 7 tags available for non residents.

**Chr. Nelson:** Any further questions? Seeing none, thank you for your testimony. Is there further testimony on HB 1393?

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

**Chr. Nelson:** Are there questions for Mr. Blohm? Seeing none, thank you. Is there further testimony opposing HB 1393? Seeing none, I will close the hearing on HB 1393.

**Rep. Keiser:** Mr. Chairmen, I realize you closed the hearing, but I wondered whether Game & Fish could answer some questions.

**Chr. Nelson:** Roger, could you answer some?

**Keiser:** At the end of the second drawing, do you have a profile of the state deer tags that were remaining that were unclaimed by non residents in that category?

**Roger Rostvet:, Game & Fish:** No, the guides get a chance, the non resident landowners get a chance in the lottery. It's only 1%. Those are generally gone the first go round.

**Rep. Johnson:** Roger, Mr. Gilmore said there only 50% of the licenses are available for non residents and outfitters...it was my understanding that it was capped at 100 with 25% of the number available. ...(can't understand tape)

**Rostvet:** A number of people get a crack at them before the average citizen. First come non-resident landowners, then guides and outfitters, then whatever's left over goes to non resident sportsmen. That can vary quite a bit from year to year. The guides and outfitters can't get more than 50% in a unit, but that 100 is way below what the maximum could be.

**Chr. Nelson:** Thank you, Roger.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1393

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 1, 2005

| Tape Number                                   | Side A | Side B | Meter #  |
|-----------------------------------------------|--------|--------|----------|
| 1                                             | x      |        | 930-1519 |
|                                               |        |        |          |
|                                               |        |        |          |
| Committee Clerk Signature <i>Karen Bonnet</i> |        |        |          |

Minutes:

**Chr. Nelson:** Open the hearing on HB 1393. What's the committee's wishes?

**Rep. Johnson:** Motion to Do Pass.

**Rep. DeKrey:** Second

**Chr. Nelson:** There has been a motion and second to Do Pass. Discussion?

**DeKrey:** The only discussion I have is in-state hunters who hate this bill aren't getting licenses anyway.

**Rep. Drovdal:** I am going to resist the bill, we need to get more licenses available. The non residents who are going to lose are the sons and daughters who are coming home to hunt with their family.

**Rep. Porter:** I, too, am going to resist this. It takes 50 licenses away from the wrong group of people. It may not affect the residents and there is no resident in this race on this issue, but it's taking 50 licenses that would've gone to someone who wanted to come home and hunt and

(instead) move them into an outfitter where they would have to pay \$2,300-2,400 to hunt. I know from experience having friends trying to come home and hunt white tail that even after three or four years they still can't get a license to hunt a buck in the state. To take 50 more away from that group is just bad. I'll resist the motion.

**Rep. Johnson:** This argument that it takes licenses away when we see that it was increased by what, 15,000 licenses, I didn't see anything in the bill that talks about former family members coming home can't hunt with an outfitter.

**Rep. Charging:** Can we amend the numbers of the non-antlered and help get rid of does.

**Chr. Nelson:** After the second drawing, they can come in without any restrictions and apply for those licenses now.

**Rep. Hanson:** For \$50.

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

**Hanson:** Question.

**Chr. Nelson:** Question has been called on a Do Pass Motion on HB 1393. I'll ask the clerk to call the roll:

**1st VOTE: 6-Yeas; 8-Nays; 0-Absent. Do Pass motion FAILED.**

**Rep. DeKrey:** Move Do Not Pass.

**Rep. Porter:** Second

**DeKrey:** Question

**Chr. Nelson:** Motion for Do Not Pass has been moved and seconded. You can call the roll.

**2nd Vote:**

**DO NOT PASS VOTE: 8-Yeas; 6-Nays; 0-Absent; CARRIER: Solberg**

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/18/2005

Bill/Resolution No.: HB 1393

**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 |
| <b>Revenues</b>       |                    |             |                    | \$4,500     |                    | \$4,500     |
| <b>Expenditures</b>   |                    |             |                    |             |                    |             |
| <b>Appropriations</b> |                    |             |                    |             |                    |             |

**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 increases the number of antlered whitetail deer licenses allocated for hunting guides from 100 to 150 per year.

**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.*

Regular nonresident deer licenses cost \$205. The antlered whitetail licenses issued to guides cost \$250. This results in a revenue increase of \$45 per license or \$2250 per year.

**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.*

**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.*

|                      |                 |                       |                             |
|----------------------|-----------------|-----------------------|-----------------------------|
| <b>Name:</b>         | Paul Schadewald | <b>Agency:</b>        | ND Game and Fish Department |
| <b>Phone Number:</b> | 328-6328        | <b>Date Prepared:</b> | 01/18/2005                  |

- H.  
- human

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

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1393

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : No Pass

Motion Made By : Johnson 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 |     | ✓  |
| Rep. Duane DeKrey             | ✓   |    |                     |     |    |
| Rep. David Drovdal            |     | ✓  |                     |     |    |
| Rep. Dennis Johnson           | ✓   |    |                     |     |    |
| Rep. George J. Keiser         |     | ✓  |                     |     |    |
| Rep. Mike Norland             | ✓   |    |                     |     |    |
| Rep. Darrell D. Nottestad     |     | ✓  |                     |     |    |
|                               |     |    |                     |     |    |
|                               |     |    |                     |     |    |
|                               |     |    |                     |     |    |
|                               |     |    |                     |     |    |

Total (Yes) 6 No 8

Absent 0

Floor Assignment :

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

Failed

Roll Call Failed



✓st  
✓su

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

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1393**

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

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

Action Taken : Do Not Pass

Motion Made By : DeKrey Seconded By : Porter

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

Total (Yes) 8 No 6

Absent 0

Floor Assignment Solberg

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

**REPORT OF STANDING COMMITTEE (410)**  
February 2, 2005 10:52 a.m.

**Module No: HR-22-1659**  
**Carrier: Solberg**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1393: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1393 was placed on the Eleventh order on the calendar.**

**2005 TESTIMONY**

HB 1393

Dennis:

**Johnson, Dennis E.**

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**From:** Rostvet, Roger W.**Sent:** Wednesday, January 26, 2005 12:03 PM**To:** Johnson, Dennis E.**Subject:** Guide or Outfitter Lic.

Dennis:

The original law to allow for whitetail buck lic. to be issued to guides and outfitters was passed in 1991. Originally the law allowed for these lic to be available only after the second lottery (few if any buck lic left). The 1993 session amended the law to its current form which allows first chance at lic. The Number of lic. Issued has grown as follows.

|      |     |                                                                              |
|------|-----|------------------------------------------------------------------------------|
| 1991 | 0   | 70,525 total lic. Available, 30,300 whitetail buck lic. Available statewide. |
| 1992 | 0   |                                                                              |
| 1993 | 12  |                                                                              |
| 1994 | 57  |                                                                              |
| 1995 | 70  |                                                                              |
| 1996 | 88  |                                                                              |
| 1997 | 73  |                                                                              |
| 1998 | 85  |                                                                              |
| 1999 | 100 |                                                                              |

Since 1999 all 100 have been issued.

## *North Dakota Professional Guides and Outfitters Association*

January 27, 2005

### **House Natural Resource Committee**

The NDPGOA urges the House Natural Resource Committee to consider a **DO PASS** on House Bill 1393.

Currently state law allows up to 100 nonresident whitetail deer licenses available to licensed hunting outfitters. This was first implemented in 1994. The 100 outfitter tags are part of the tags issued to nonresident whitetail deer hunters. The number of nonresident whitetail deer tags available is based on 1% of issued resident whitetail deer gun licenses.

In 1994 North Dakota Game and Fish Dept. issued 87,522 whitetail deer tags. In 2004 the department issued 148,742 whitetail deer tags, a nearly 70% increase in 10 years, yet outfitter tags remain at 100.

An additional 50 tags will assist current outfitters with the chance to acquire need tags. Very few draw more than one tag. Single tags are not easy to market.

#### **Key Points:**

- This legislation will not affect a resident's chance to draw whitetail buck tags. Outfitter tags originate from the 1% available to nonresident under current law.
- 1994 total tags issued 87,522.
- 2004 total tags issued 148,742.
- Yearly allocation of tags to outfitters since 1994: 100.
- We are asking for a very nominal increase of 50 tags.

I hope this committee can see through the smoke screen and negative testimony and support HB 1393 with a DO PASS recommendation.

By: Mike Donahue

# North Dakota Wildlife Federation

Abundant wildlife and wildlife habitat, and access to wildlife recreational opportunities



1/27/2005

For: House Natural Resources Committee

Ref: HB1393

The United Sportsmen of North Dakota and the North Dakota Wildlife Federation oppose this bill. Please, do not pass.

The requested increase in this bill will have a direct affect on the success of nonresidents' ability to get a buck license. Former residents that are now nonresidents and returning to hunt with family will have fifty less chances if this bill passes.

The only drive behind this bill is commercial interest.

Do not pass.

Thank you,  
Mike Donahue  
Lobbyist #275



PO Box 1091 • Bismarck, North Dakota 58502 • E-mail: [ndwf@ndwf.org](mailto:ndwf@ndwf.org) • Fax: 701-223-4645

Office Manager: 701-222-2557 • 1-888-827-2557 • Web: [www.ndwf.org](http://www.ndwf.org)

JANUARY 28, 2005:

HOUSE BILL 1393

HOUSE NATURAL RESOURCES COMMITTEE:

1. TERRY FLECK, THE ONLY PERSON TO TESTIFY ON HB1393 ON THE EVENING OF JANUARY 27<sup>TH</sup>, 2005, SHOULD BE CALLED THE DAN RATHER OF BISMARCK, N. DAKOTA.
  - A. HE IS IN THE BROADCASTING BUSINESS AND LIKE DAN RATHER HE DID NOT HAVE HIS FACTS TOGETHER.
  - B. FACT: THE 100 WHITETAIL BUCK TAGS ISSUED TO GUIDES AND OUTFITTERS COME FROM A 1% NON-RESIDENT BASE PER NORTH DAKOTA CENTURY CODE, AND THE PROPOSED INCREASE OF 50 TAGS WOULD STILL COME FROM THIS SAME 1% NON-RESIDENT BASE.
  - C. THE STATEMENT THAT GIVING ADDITIONAL TAGS TO OUTFITTERS WOULD TAKE TAGS AWAY FROM A RESIDENT HUNTER IS A 100% FALSE STATEMENT.
2. YEAR 1994 100 DEER TAGS AVAILABLE TO OUTFITTERS AND 87,522 TAGS WERE THE TOTAL NUMBER OF DEER TAGS AVAILABLE.
  - A. YEAR 2004 STILL 100 TAGS AVAILABLE TO OUTFITTERS AND 148,722 TAGS WERE THE TOTAL NUMBER OF DEER TAGS AVAILABLE.
  - B. THIS REPRESENTS A 70% INCREASE IN THE TOTAL BASE AND INCREASING THE OUTFITTER TAGS BY 50 PER HB1393 IS ONLY A 50% INCREASE WHICH DOES NOT APPEAR TO BE UNREASONABLE IN COMPARISON TO THE TOTAL BASE INCREASE.
  - C. YEAR 2004 MONTANA: ALL DEER TAGS AVAILABLE WERE 246,741 AND DEER TAGS TAKEN BY OUTFITTERS WERE 7,255. SOURCE= NEAL AT MONTANA GAME AND FISH DEPT AT PHONE # 406-444-4715.
  - D. YEAR 2004 MONTANA: COMBINATION DEER AND ELK TAGS AVAILABLE WERE 5,800 AND DEER ONLY TAGS AVAILABLE WERE 2,300. THIS TOTALS 8,100 DEER TAGS AVAILABLE TO OUTFITTERS AND NOTE THEY ONLY USED 7,255 OF THE AVAILABLE TAGS.

SOURCE= OUTFITTER CAL THORNBURG AT PHONE # 406-347-5499.

3. REALITY IN TODAYS WORLD IS THAT WE SIMPLY CANT MARKET A HUNT WITH ONLY 100 DEER TAGS AVAILABLE TO OUTFITTERS.
  - A. REALITY IS IF YOU GET LUCKY YOU MAY DRAW 1 TAG AND NOBODY FROM OUT OF STATE WANTS TO COME ALONE . THEY AT LEAST WANT TO COME WITH A SECOND HUNTING BUDDY.
  - B. ALSO IT IS NOT ECONOMICALLY FEASIBLE TO GUIDE ONLY 1 CLIENT.
4. REASONS TO NOT PASS HB1393 PER THE ANTI-OUTFITTER GROUPS WHICH WILL BE SPEAKING TO YOU NEXT:
  - A. IF YOU GIVE A TAG TO AN OUTFITTER IT WILL TAKE 1 AWAY FROM A RESIDENT HUNTER. ONCE AGAIN 100% FALSE AND I ENCOURAGE THE HNRC TO VERIFY MY STATEMENT WITH THE ND GAME AND FISH DEPARTMENT.
  - B. IF YOU GIVE 50 MORE TAGS TO OUTFITTERS THEY WILL LEASE MORE LAND TO OPERATE THEIR BUSINESS. ALSO 100% FALSE AS OUTFITTERS WHO HOST DEER HUNTS ARE ONLY USING THIS HUNT IN ADDITION TO THEIR MAIN BASE WHICH IS PROBABLY WATERFOWL OR UPLAND GAME HUNTING.
  - C. IF YOU GIVE 50 MORE TAGS TO OUTFITTERS MY SON FROM OUT OF STATE WILL NOT BE ABLE TO DRAW A TAG IN THE NON-RESIDENT DEER DRAWING.
  - D. MY ANSWER TO THIS: IT IS TIME FOR THE ND LEGISLATURE TO SPONSER A BILL TO INCREASE THE NON-RESIDENT BASE FROM 1% TO A HIGHER PERCENTAGE.
5. PLEASE GIVE HOUSE BILL 1393 A UNANIMOUS DO PASS VOTE.

THANK YOU,  
JAMES L. NAGEL  
BISMARCK, ND  
(701) 222-1620

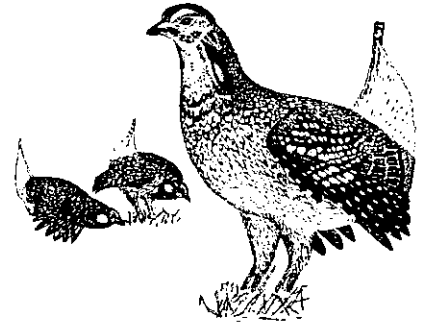




*North Dakota Chapter*

## **THE WILDLIFE SOCIETY**

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MIKE McENROE  
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY  
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE  
ON HB 1393, JANUARY 27, 2005**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mike McEnroe speaking on behalf of the North Dakota Chapter of The Wildlife Society. The North Dakota Chapter opposes HB 1393.

The State of Montana reserves two-thirds of its 17,000 Non-resident combination (elk and deer) licenses for guides and outfitters. Wyoming requires that all non-residents who hunt in federal Wilderness Areas use a guide or outfitter.

The proposal to increase the number of white-tailed antlered (buck) licenses and permits available to licensed outfitters is a small step when compared to Montana. Nevertheless, it is a step down the slippery slope of giving the State's wildlife resource to commercial interests. Where on the slippery slope will the requests for more permits and licenses end? If HB 1393 passes, it is likely that there will be a similar request two years from now requesting additional dedicated permits.

The Chapter's position on license allocation is to recommend and strongly support that all license sales and allocation of permits and licenses be done by the North Dakota Game and Fish department by public lottery to assure fair distribution of licenses and to maintain desired harvest levels and wildlife populations.

The Chapter strongly urges a "Do Not Pass" on HB 1393.



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

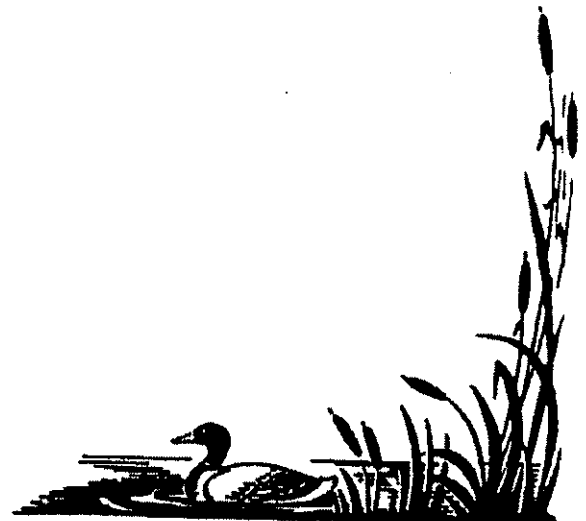
**HB 1393**

JANUARY 27 , 2005

Mr. Chairman and Members of the Committee:

The CCW Club opposes this bill because although it may not affect the number of buck licenses to North Dakota residents, it will affect and reduce the number available to non-residents.

Those negatively affected are the many non-residents who wish to get a license to hunt with family and friends, and not with an outfitter.



House Bill No. 1393

Reference: Increases the number of whitetail buck licenses for  
Hunting guides from 100 to 150.

House Natural Resources Committee

Hearing Date: January 27, 2005

Good evening, 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 content of HB 1393. White tail buck tags are a very popular license with North Dakota residents. Decreasing their number would be ill advised considering their popularity, especially when these tags would now be directed to commercial operations. We feel that an increased loss of access for all species would be the result of the content of this bill. We would suggest amending the current number of nonresident buck tags be lowered by 20% each year until a number of zero is reached. Many farmers are upset with deer numbers being concentrated in small areas by outfitters who bait during the season and then shut down feeding operations when the season is over. These surrounding landowners pay a heavy price in what should be avoidable depredation, with no compensation from the outfitters.

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.