

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1419

2005 HOUSE NATURAL RESOURCES

HB 1419

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1419
House Natural Resources Committee

☐ Conference Committee

Hearing Date: January 27, 2005

Tape Number	Side A	Side B	Meter #
2	x		970-3820
Committee Clerk Signature <i>Faren Bonnet</i>			

Chr. Nelson: Opened the hearing on HB 1419. Bill was read aloud.

Rep. Bob Hunsakor, Dist. 6: (Written testimony attached)

Rep. DeKrey: Did you consider the possibility of letting the Game & Fish take care of it and not go through this long process?

Hunsakor: That's a possibility.

Chr. Nelson: Further questions for Rep. Hunsakor? Seeing none, thank you. Further testimony supporting HB 1419 at this time?

Rep. Glen Froseth, Dist. 6: About three sessions ago, we passed legislation that raises elk to the category of farmed animals. When wild animals come into contact with herds, the concern is the danger of starting disease. The state elk ranchers have been very diligent and I think we had an excellent record of tracking animals as far as health concerns, and have been able to keep diseases out of ND. The concern is that they don't know where wild animals come from; at certain seasons they like to mingle with the farmed elk which may cause a problem with disease.

Chr. Nelson: Are there questions of Rep. Froseth? Seeing none, thank you. Further testimony in favor of HB 1419?

Kim Wagenman, Cando, ND: Supports HB 1419. (Written testimony attached)

Chr. Nelson: Are there questions of Mr. Wagenman?

Rep. Solberg: Whose responsibility is it to identify a bull elk that is causing problems?

Wagenman: In my case, a neighbor called when he saw a bull out. The first question I ask is how does he know it's a bull and the response will be by the horns. My elk have the horns cut off. I called the warden who gave me my options. We're required to have a visible I.D. that can be seen in low light, in the form of an ear tag. It's pretty easy to identify a wild one versus a domestic elk.

Solberg: What puzzles me, you issue a license or reissue a license to a person who didn't harvest an elk in the regular season. It's up to him to determine if it's a bull elk that's causing problems? How does he know that this is the elk causing the problems?

Wagenman: As a producer, I'm not interested in how that takes place. That's up to our Game & Fish Department and they would be involved in that aspect. Certainly, as it's written into the bill, it calls for investigation on the part of the Department, which I would envision would involve having the Game Warden come out and see the evidence, footprints, etc. In my situation, it isn't a question because there just aren't bull elk hanging around. If it's there, that's the one.

Chr. Nelson: Any further questions of Mr. Wagenman? Seeing none, thanks, Kim.

Wagenman: If I might make one other comment in regard to Rep. DeKrey. What we have done in the past is left it up to the Game & Fish. They're response to us is that they've felt uneasy in

going out and harvesting that animal, so it's been suggested by them that through legislation that we can come up with some way to resolve this.

Ernie Mau, elk producer & Pres. ND Elk Growers Assoc.: I'm testifying because of the problem I've had with satellite bulls, the nuisance bulls. They usually show up in late summer, usually younger bulls looking for new property. I live along the valley of the Mouse and Souris River loop and I feel that some of them are following the valley out of Canada. In representing the organization, I've talked to several elk growers that have had the same problems with the animals. There is more problem with the animals where there *isn't* elk in the area. I asked a rancher in Oregon. They very seldom see an elk because they have their herds. Another problem with this is the road hazard at night...hitting a deer is different than hitting an elk. You're talking about an animal that is 5x bigger. ND has been avid in testing for CWD, TB and brucellosis in the herds and we would like to keep it that way. There's never been a health problem and we'd like to keep it that way. I'd recommend your support of this bill.

Chr. Nelson: Is there different requirements for testing in Canada than there is in ND with confined elk?

Mau: I don't think so.

Chr. Nelson: They are not required to do that?

Mau: I think that Saskatchewan come aboard after we did, but I'm not familiar with their

testing. **Chr. Nelson:** Is your association just a ND association or do you work across the border or state lines so that you have similar standards. It would be more important where you live.

Mau: ND has been very proactive in the CWD. We have seven years surveillance. Most of the herds in ND are TB accredited and many are into federal slaughter plants where the animals are tested for brucellosis, going through the same process as beef does.

Rep. Charging: I think one thing that might be helpful to the committee is to understand... (can't understand tape). The concern is the liability if your herd gets out say from a broken fence. Would you share with the committee what happens.

Mau: If that herds out, you have so many hours to get it back in. We've had a certain amount of our herd out but have usually been lucky enough to learn of it soon. A neighbor will call. Most of the time it's not our elk, it's the satellite bull. If it ever got in, you have problems, plus the health issue. I had one get a couple years ago. I called the Game Warden who came within an hour. I asked him how he wanted to handle this. I said I could take a bucket of grain on one and my elk would come down there. No, I wasn't to do that. We had to kill him, and asked if he had someone to pull the brain. He said he'd get a vet. I told him my wife has been through the certification and can pull it for you. No. So I said whatever you gotta do, so are you going to take it to a local slaughter house or where. He said, no, we can't do anything with it because of disease. I said what disease. Well, all these elk you got might have a disease! My elk are tested, there's aren't. It's a problem.

Charging: It's my knowledge that if there is a problem with satellite elk coming in and causing damage, the Board of Health is very strict. If the animal is out for a certain amount of time you have the responsibility to get them back in or they are to be killed.

Mau: Yes.

Chr. Nelson: Further questions of Mr. Mau? Seeing none, thank you. Further testimony in support of HB 1419?

Mike Donahue, ND Wildlife Federation & United Sportsmen of ND: (Written testimony attached)

Chr. Nelson: Questions of Mr. Donahue? Further testimony in support of HB 1419?

Daniel Dennis: As the bill is written, you're allowed 48 hours to harvest an animal. If you don't, you lose the license to someone else. If I'm the person with a once-in-a-lifetime hunt, I don't want to be limited to 48 hours.

Rep. Hunskor: The 48 hours you referred to isn't written in the bill. That would be policy that Game & Fish would have.

Dennis: Thank you, that's my concern.

Chr. Nelson: Thank you, Mr. Daniel. Is there further testimony in support of HB 1419?

David Munsch: I'm in support of the bill. In Montana for the buffalo season in Yellowstone, you put your name on a list. They would call you and you had to pay a fee; the guys who got the drawing could pay to be on the list, which money was set aside for the Game & Fish to fund it.

Chr. Nelson: Are there questions of Mr. Munsch. Thank you for your testimony. I'm sure the Department took note of your suggestion. Further support of HB 1419?

Tim Dvornak: I'm involved with a hunting preserve in the Killdeer Mountains. We haven't had any serious problems though there are wild elk all around our reserve. We have hay fields within feet of the preserve fence. Wild elk will graze on those field then leave because there is a wild herd they can go to. As far as concerns about the preserve in the Killdeer Mountains, I can't

foresee that we would request people to come in and shoot these elk. This bill would help elk producers in areas of the state that don't have a wild elk herd around them.

Chr. Nelson: Most of the discussion has revolved around bull elk. Is there ever an occurrence of a satellite cow?

Dvornak: In the wild, the bull elk gathers their harem and keeps the cows in a tight, close herd. I wouldn't see that as a problem.

Chr. Nelson: Further questions? Seeing none, thank you.

Rep. Hunskor: Rep. DeKrey asked a question about being infectious. My answer would be one of the concerns of the folks raising farmed elk is if there is a serious problem that it is dealt with very quickly so that if it's a safety concern or property damage concern, and disease concern it doesn't go on too long so that the problem grows. That's why it's written into the bill, the investigation and 48 hours. It provides a timeline to deal with the situation.

Chr. Nelson: Further testimony in favor of HB 1419? Seeing none, is there any opposition? I would ask that written testimony from Curtis Blohm and the ND Outdoor Heritage Coalition be submitted into the record. Seeing none, is there neutral testimony on HB 1419. Seeing none, I'll close the hearing on HB 1419.

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

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1419
House Natural Resources Committee

☐ Conference Committee

Hearing Date: January 27, 2005

Tape Number	Side A	Side B	Meter #
2		x	3,545-4838
Committee Clerk Signature <i>Loren Bonnet</i>			

Chr. Nelson: Let's take up HB 1419. Rep. Hunskor, is there a need to work on amendments for your bill?

Rep. Hunskor: As far as I am concerned, only if the committee wants to make any changes. My only issue of concern was taken care of with a little tweaking.

Chr. Nelson: The tweaking you refer to, do we want to add that into the bill or allow the Department the flexibility to choose the design of how hunters would be chosen?

Rep. Johnson: Visiting with the fellows who had a problem, I think they feel this issue has been addressed. They don't care who has the opportunity to participate as long as it gets addressed. I think the bill solves the problem and let the Game & Fish Department decide how they want to distribute the licenses.

Rep. Hunskor: One of the wildlife groups talked about going back to another year. Those people who were unsuccessful in getting an elk tag, is what they were talking about.

Rep. DeKrey: I have a question for Lyle or Porter. Why is elk any different than any other animal that is creating destruction on personal property? Why can't they just shoot it on the spot?

Rep. Porter: I honestly don't know that they can't, as long as they don't touch it. You can shoot deer and leave them lay to rot if they are depredating your land. Technically, they could already do that, from my understanding. The difference sounds to me like they want to harvest them for consumption.

Rep. Hunsakor: One of the concerns of the people who farmed elk was that they have called in many times before about a situation which then dragged on and on, checking things out, putting up extra fence, etc. That was their concern. If there is a serious problem, it would be taken care of within a short period of time and not wait until whatever happens.

Rep. Charging: I have to agree with Rep. DeKrey. I think it should be under the depredation qualification because so many laws that these ranchers have to follow, the Board of Health, etc. It's a serious problem to see an elk rub along the fence.

Chr. Nelson: I think their concern is getting the problem addressed quickly, but also utilizing the carcass or allowing sportsmen the opportunity to shoot the game.

Rep. Nottestad: There's a problem. We can solve it this way or let the Game & Fish take care of it, which I think they should. There is no reason why in the summer time, that a cow and calf elk moving through...wait until they get a picture of a calf standing there by the dead cow. I'd rather see Game & Fish go out there and destroy both of them in a quiet manner. Potentially, this can happen the way the bill is written.

Rep. Johnson: Isn't this talking about satellite bulls?

Nottestad: No, I don't think so. That's the terminology used in testimony, but not in the bill.

Rep. Charging: The main reason that there are satellite bulls is the time of year, during rut. who would want to sit by a fence to wait to wait for a bull. That's not sportsmanship.

Rep. Nottestad: That's my very point. Let the Game & Fish take care of it.

Rep. Hunskor: How about if we add "satellite" elk instead of just elk.

Chr. Nelson: Committee members, I think the Game & Fish department still has the last say in allowing this license. It would be on a case by case basis. I don't think it precludes the current situation that they scare them away.

Rep. Keiser: I agree with your argument. It says the owner, "may" contact, and the Game & Fish Department "may" issue a permit.

Chr. Nelson: That's right, there is no "shall" in this.

Keiser: If you think there might be an opportunity for someone to hunt it, then you want to set it up, and they do. I don't think that is unreasonable.

Hanson: Will they establish a drawing, then, or how will they determine who gets to go out there?

Hunskor: The way I understood it, when they send back the elk license to someone who applies, they would send a form along and ask that person, "Would you like to participate in this type of program?" They can mail that back to the Game & Fish and those 25-30 names would be in a pot. If a circumstance comes up, they would pull one of those names out. It's not like they would notified ahead of time.

Chr. Nelson: On page 2, Line 3-4, it says, "the director shall issue licenses to individuals who receive licenses to hunt elk issued in the previous year's lottery, but who were unsuccessful." There's the pool, then, "the Governor by proclamation shall establish a procedure to issue those elk management licenses." That's one option, so they would decide how to do that.

Hunskor: These people are concerned that something be done within a reasonable length of time. In the past, according to what they say, that's not being done. They were trying to use every possible means but nothing was being done.

Chr. Nelson: We don't have a motion on the floor, yet.

Rep. Hunskor: I move a Do Pass.

Rep. Norland: Second

Chr. Nelson: A motion has been made and seconded, is there discussion?

Nottestad: Question.

Chr. Nelson: Question has been called on a Do Pass motion on HB 1419. I would ask the clerk to call the roll.

Do Pass - VOTE: 11-Yeas; 2-Nays; 1-Absent; CARRIER: Keiser

FISCAL NOTE

Requested by Legislative Council
03/15/2005

Amendment to: HB 1419

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				\$100		\$100
Expenditures						
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 result in the issuance of approximately five more elk hunting licenses per biennium.

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.*

These licenses cost \$20 each. For the five licenses per biennium there would be \$100 in additional revenue.

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.*

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	03/15/2005

FISCAL NOTE

Requested by Legislative Council
01/18/2005

Bill/Resolution No.: HB 1419

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				\$100		\$100
Expenditures						
Appropriations						

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

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This bill would result in the issuance of approximately five more elk hunting licenses per biennium.

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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.*

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

Date: 1/27/05
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1419

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken : No Pass

Motion Made By : Hunskor Seconded By : Norland

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

Total (Yes) 11 No 2

Absent 1

Floor Assignment Keiser

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

REPORT OF STANDING COMMITTEE (410)
January 28, 2005 4:41 p.m.

Module No: HR-19-1377
Carrier: Keiser
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1419: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS
(11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1419 was placed on the
Eleventh order on the calendar.

2005 SENATE NATURAL RESOURCES

HB 1419

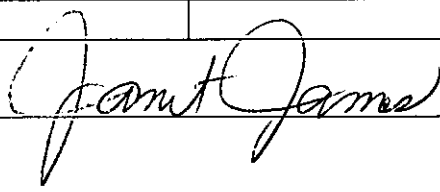
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1419

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date March 4, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 36.4
Committee Clerk Signature 			

Minutes:

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

All members of the committee were present except Senator Stanley Lyson who stepped out of the hearing briefly to testify at another committee.

Senator Tollefson opened the hearing on HB 1419 relating to special licenses to take elk.

Representative Bob Hunsakor of District 6 prime sponsor of HB 1419 introduced the bill (See attached testimony). He further stated there might be 20 interested hunters on the list who would be willing to help take care of the problem elk. The main concern is that the problem elk are taken care of quickly as not to take the chance of transmitting disease. The last page of his testimony lists occurrences of problems in the past several years.

Senator Rich Wardner stated he has received a phone call from a constituent and asked if he would mind amending the bill to add on Line 14 after the word raffle add "or auction".

Representative Hunskor answered that the amendment would be removed from the concern of the bill and he did not have a problem with the amendment as long as it did not hinder the bill.

Representative Glen Froseth of District 6 testified to lend his support of HB 1419 on behalf of the elk growers in North Dakota. These elk ranchers should be respected for the excellent way they have developed fences, pastures and control of the animals to keep them disease free. He did not have an opinion on the amendment and thought it should be left up to the North Dakota State Game and Fish Department.

Senator David O'Connell from District 6 testified in support of HB 1419 stating there were experts in the room but knows of several occasions where satellite bull elk have been a problem.

Ernie Mau (8.6) of Silverwing Ranch, Tolley, North Dakota testified in support of HB 1419 (See attached testimony).

Senator Joel Heitkamp asked what is the age of the elk bulls causing the problems.

Ernie Mau stated that for the most part they are from 2 to 4 years old and gives a hunter at the chance to down an elk. He further stated that elk are naturally herd animals that want herd protection and most likely predators pushed into areas.

Tim Dvirnak, (13.3) a rancher from Killdeer, North Dakota testified in support of HB 1419 (See attached testimony).

Harold Neameyer (15.8) representing the Cass County Wildlife Club testified in support of HB 1419 (See attached testimony).

Craig Geanning an elk producer from Lance, North Dakota testified in support of HB 1419 stating producers are under the control of the Department of Health for the CWD testing to keep the animals clean of this disease. It is a real concern not to have their herds be contaminated by

this disease from satellite bull elk. Elk producers are now 99% CWD free and want to keep it that way.

Randy Kreil, Chief of the Wildlife Division of the North Dakota State Game and Fish

Department testified in neutral position of HB 1419 stating. Asked to comment on Senator Wardner's idea for an amendment, he requested the committee think long and hard on such an idea, because to go with an auction, many people who can afford a \$10.00 raffle ticket, cannot afford to bid \$40,000.00 for an elk license.

Senator Wardner said he would not offer the amendment and if it should ever be done it would have to be a stand alone bill.

Randy Kreil stated the North Dakota State Game and Fish Department have been working with the elk growers for many years and this is a very tough and difficult situations to rule that an animal that is doing what it does naturally needs to be destroyed. The concern of the producers for disease control is understood and appreciated. It must be understood that these situations will not be hunting situations but a killing situation that needs to be done quickly and efficiently. This will be a tool of last resort, as maybe harassing the animal or electric fencing might work. It will not be the first tool out of the toolbox, as it becomes very difficult to defend killing an animal when it is doing what it does naturally. It needs to be weighed if it is feasible for a general public hunter should take the animal or if it should be a member of the game and fish department. Again this is a kill not a hunt and should be used as the last result.

Senator Heitkamp asked about the administration of the lottery and the hunters eligible.

Randy Kreil stated the details need to be worked out. A list of interested hunter need to be compiled and the availability of each for quick response. A member of the Game and Fish Department would need to accompany the hunter if they were determined to take the elk.

Senator Ben Tollefson asked for opposing testimony.

David Munsch (28.7) from Morton County testified in opposition to HB 1419 stating humans have invaded the territory of the elk and it is our domesticating them have caused the interference of their genetic makeup. There is no ethics or fair chase in dispatching an animal. He suggested auctioning off the meat after the game and fish have dispatched the animal.

Jason DuBord representing the North Dakota Wildlife Federation testified in opposition of HB 1419 and presented an amendment that if adopted will support HB 1419 (See attached testimony).

Dennis Daniel (36.4) testified in opposition of HB 1419 and has concerns about this process not being much of hunt. His other comment was the CWD was started in a confined elk herd of the United States Army. The best process would be to have the game and fish take the animal and sell the meat if necessary.

Senator Tollefson closed the hearing on HB 1419.

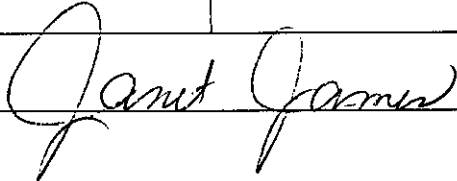
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1419

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date March 11, 2005

Tape Number	Side A	Side B	Meter #
1		X	13.9 - 19.5
Committee Clerk Signature 			

Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the committee work on HB 1419.

All members of the committee were present except **Senator Ben Tollefson**.

There is a Fiscal Note of \$100.00.

Senator Joel Heitkamp stated that Mike Donahue, who represents the United Sportsmen of North Dakota and the Wildlife Federation of North Dakota, had suggested amendments that were friendly to residents and non residents alike.

Senator Heitkamp made a motion to adopt the amendments as proposed by Mike Donahue.

Senator Michael Every second the motion.

Discussion was held among the committee members to help understand the amendment and that the North Dakota State Game and Fish Department had clearly explained how this program would be set up and administered by them.

Page 2

Senate Natural Resources Committee

Bill/Resolution Number HB 1419

Hearing Date 3-11-05

Roll Call vote #1 for adoption of the Mike Donahue amendments was taken by voice vote indicating 6 YEAS, 0 NAYS AND 1 ABSENT.

Senator Heitkamp made a motion for Do Pass as Amended of HB 1419.

Senator Layton Freborg second the motion.

Roll call vote #2 for a Do Pass as Amended of HB 1419 was taken indicating 6 YEAS, 0 NAYS AND 1 ABSENT.

Senator Freborg will carry HB 1419.

Roll Call Vote #: /

BILL/RESOLUTION NO. 1219

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Adopt A of Mike Dismuke

Motion Made By Dittkamp Seconded By Enery

[illegible]

Total (Yes) 6 No 0

Absent _____

Floor Assignment

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

Date: 3-11-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1419

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass an Amended

Motion Made By _____ Seconded By _____

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) 6 No 0

Absent 1

Floor Assignment Freborg

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

REPORT OF STANDING COMMITTEE

HB 1419: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1419 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "upon payment of the fee"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "in the previous year's lottery but who were unsuccessful in harvesting an elk"

Page 2, line 5, after "licenses" insert "in a timely manner"

Renumber accordingly

2005 TESTIMONY

HB 1419

By: Bob Hunsakor
Re: HB 1419
(1/27/05)
Pg 1 of 3

GOOD MORNING CHAIRMAN NELSON AND MEMBERS OF THE HOUSE
NATURAL RESOURCES COMMITTEE.

FOR THE RECORD MY NAME IS REP. BOB HUNSKOR. I SERVE DISTRICT 6,
WHICH INCLUDES BOTTINEAU, RENVILLE, AND PART OF WARD COUNTY.

HB 1419 IS BEFORE YOU THIS MORNING AT THE REQUEST OF
CONSTITUENTS OF MYSELF AND REP. DENNIS JOHNSON.

THERE HAVE BEEN SEVERAL OCCASIONS WHERE A SATELLITE BULL ELK
HAS BEEN A MAJOR PROBLEM FOR OWNERS OF FARMED ELK. REPEATED
ATTEMPTS TO ENCOURAGE THE ELK IN QUESTION TO MOVE TO ANOTHER
AREA WERE UNSUCCESSFUL, RESULTING IN CONCERNS FOR DAMAGE TO
THE STRUCTURE ENCLOSING THE AREA THE FARMED ELK WERE IN, AND
THE POTENTIAL OF SPREAD A DISEASE TO THE FARMED ELK.

IN SHARING THIS PROBLEM WITH A REPRESENTATIVE OF THE GAME AND
FISH DEPARTMENT, IT WAS DETERMINED THE MOST EFFICIENT WAY TO
REMOVE THE SATELLITE ELK FROM THE PROBLEM AREA WOULD BE FOR
THE OWNER OF THE FARMED ELK TO NOTIFY THE GAME AND FISH
DEPARTMENT. THE GAME AND FISH DEPARTMENT WOULD THEN
CONTACT AN INDIVIDUAL WHO HAD RECEIVED A LICENSE IN THE
PREVIOUS YEARS' LOTTERY, BUT WAS UNSUCCESSFUL IN HARVESTING

AN ELK. THAT INDIVIDUAL WOULD BE ALLOWED TO HARVEST THE
PROBLEM ELK.

ATTACHED YOU WILL FIND DOCUMENTATION FROM THE GAME AND FISH
DEPARTMENT REGARDING PROBLEMS WITH SATELLITE ELK IN PREVIOUS
YEARS. NO DOUBT THERE HAVE BEEN OTHER UNREPORTED PROBLEMS
SIMILAR TO THOSE THAT WERE DOCUMENTED.

THANK YOU MR. CHAIRMAN AND COMMITTEE MEMBERS. I WILL ANSWER
ANY QUESTIONS YOU MAY HAVE. THERE ARE OWNERS OF FARM ELK
PRESENT WHO HAVE FIRST HAND INFORMATION THEY WILL SHARE WITH
YOU IN THEIR TESTIMONY.

Wild Elk and Farmed Elk Problem Situations

The following is a list of wild elk-farmed elk problem situations where extraordinary measures were necessary to remove or harass a wild elk away from a farmed elk pen. Other situations have occurred in the past but most are successfully resolved by harassing the wild elk away from the farmed elk or by the wild elk leaving on their own.

1996 – One elk was trying to get into a farmed elk facility near Wheatland, ND (Cass County) where significant harassment and chasing were necessary to resolve the situation.

2000 – One elk near Williston (Orville Erickson farm) was drugged and moved to the Killdeer Mountains.

2001 – One elk was killed by department personnel after gaining access to Orville Erickson's farmed elk herd (near Williston).

2002 – One elk at Ernie Mau's farmed elk ranch (Tolley, ND). A cow elk was caught by the producer and transported by NDGFD to the Turtle Mountains.

2003 – There were five situations this year that needed special attention – one near Tioga where harassment and electric fencing was used successful to resolve the problem, one near Cando where harassment and chasing was used to some degree of success but was a difficult situation for the landowner and our department; one near Kenmare, one at Ernie Mau's, and one near Velva where harassment and chasing eventually worked.

2004 – There were no reports.

Kim Wagenman
7347 61st Ave NE
Cando, ND 58324

In Support of HB 1419: Elk Depredation Permits

I am an elk producer from Cando, ND. I have raised elk for 9 yrs.

I have had one experience with a wild bull elk showing up at my farm. In my case the elk was not fighting or doing damage to my facilities. When I first became aware of his presence I called the local game warden for advice. He suggested that my only option was to haze the bull off with a four wheeler. I tried this several times, getting him a couple of miles away but he always returned. In our instance the bull hung around for about 3 weeks before we finally chased him far enough that he didn't return.

During the time the bull was around, I became very concerned with the safety of my neighbors. On several occasions they informed me that the bull had been near the fence at night and when they passed by in their vehicle he jumped across the road in front of them. This concerned is what prompted me to get the help of several neighbors and chase the bull about 8 mi away. I never saw the bull after that. I was concerned that the bull would suffer from capture myopathy and die, but I have no idea if that is what happened.

This seems like a very poor way to deal with this problem. I know of other producers who have had similar experiences. Several times the bulls have been shot during the deer season by a mistaken hunter. On one occasion I was told the bull actually got inside the facilities. Game and Fish officials were notified and shot the bull. The carcass was taken to a landfill. Seem like a waste of good meat to me.

The worst problem is if the bull is fighting with bulls inside the fence. Not only can this cause extensive property damage but the potential for disease transmission and or escapes. A producer cannot and will not put up with this potentially costly situation for long. Thus in my opinion this bill would provide the department with a tool for dealing with these situations in a prompt and reasonable fashion. It would also give an unsuccessful elk hunter one more chance to harvest a bull elk, which might otherwise be wasted.

It has been suggested that this might cause a problem with too many bulls being harvested around facilities in native elk areas. I am also part owner of a hunting preserve in the Killdeer Mts. We have had very little problem out there with such bulls. It seems this is primarily a problem in areas of the state where there is no native population. Seemingly the reason these bulls hang around and refuse to leave is there are no other elk around.

I would appreciate your support for this bill. Thanks.

North Dakota Wildlife Federation

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



1/27/2005

For: House Natural Resource Committee

Ref: HB1419

The North Dakota Wildlife Federation and the United Sportsmen of North Dakota support the intent of the bill.

However, we think the license or licenses should go to a person or persons in the previous year's lottery that were not drawn.

We feel that a person that was drawn and had their hunt but was unsuccessful has had their fair time on the ground.

Also, please insert language to assure us that the owner/operator cannot charge a fee.

Thank you,
Mike Donahue
Lobbyist #275



PO Box 1091 • Bismarck, North Dakota 58502 • E-mail: ndwf@ndwf.org • Fax: 701-223-4645
Office Manager: 701-222-2557 • 1-888-827-2557 • Web: www.ndwf.org

House Bill No. 1419

Reference: Provides for special elk licenses to take wild elk that are interfering with elk farms.

House Natural Resources Committee

Hearing Date: January 27, 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 is not in favor of the provision of this bill. Elk licenses are one of the most sought after and prized licenses in North Dakota. Issuance of special licenses will shrink hunting opportunities for all North Dakotans. This new license will lead directly to commercial hunts on adjacent properties and only further commercialize what is a very narrow window of enjoyment for our citizens. It will also give two opportunities for what is now and should continue to be a once in a life time opportunity to hunt elk in North Dakota.

Thank you.

GOOD MORNING CHAIRMAN LYSON AND MEMBERS OF THE SENATE
NATURAL RESOURCES COMMITTEE.

FOR THE RECORD MY NAME IS REP. BOB HUNSKOR. I SERVE DISTRICT 6,
WHICH INCLUDES BOTTINEAU, RENVILLE, AND PART OF WARD COUNTY.

HB 1419 IS BEFORE YOU THIS MORNING AT THE REQUEST OF
CONSTITUENTS OF MYSELF, REP. DENNIS JOHNSON, AND REP. GLEN
FROSETH

THERE HAVE BEEN SEVERAL OCCASIONS IN PAST YEARS WHERE A
SATELLITE BULL ELK HAS BEEN A MAJOR PROBLEM FOR OWNERS OF
FARMED ELK. REPEATED ATTEMPTS TO ENCOURAGE THE ELK IN
QUESTION TO MOVE TO ANOTHER AREA WERE UNSUCCESSFUL,
RESULTING IN CONCERNS FOR DAMAGE TO THE STRUCTURE ENCLOSING
THE AREA THE FARMED ELK WERE IN, THE POTENTIAL OF SPREADING
DISEASE TO THE FARMED ELK, AND THE SAFETY OF MOTORISTS IN THE
IMMEDIATE AREA.

IN SHARING THIS PROBLEM WITH A REPRESENTATIVE OF THE GAME AND
FISH DEPARTMENT, IT WAS DETERMINED THE MOST EFFICIENT WAY TO
REMOVE THE SATELLITE ELK FROM THE PROBLEM AREA WOULD BE FOR
THE OWNER OF THE FARMED ELK TO NOTIFY THE GAME AND FISH

DEPARTMENT. THE GAME AND FISH DEPARTMENT WOULD THEN CONTACT AN INDIVIDUAL WHO HAD RECEIVED AN ELK LICENSE IN THE LAST LOTTERY, BUT WAS UNSUCCESSFUL IN HARVESTING AN ELK. THAT INDIVIDUAL WOULD BE ALLOWED TO HARVEST THE PROBLEM ELK.

ATTACHED YOU WILL FIND DOCUMENTATION FROM THE GAME AND FISH DEPARTMENT REGARDING PROBLEMS WITH SATELLITE ELK IN PREVIOUS YEARS. NO DOUBT THERE HAVE BEEN OTHER UNREPORTED PROBLEMS SIMILAR TO THOSE THAT WERE DOCUMENTED.

THANK YOU MR. CHAIRMAN AND COMMITTEE MEMBERS. I WILL ANSWER ANY QUESTIONS YOU MAY HAVE. THERE ARE OWNERS OF FARM ELK PRESENT WHO HAVE FIRST HAND INFORMATION THEY WILL SHARE WITH YOU IN THEIR TESTIMONY.

Silverwing Ranch
Ernie & Shari Mau & Family

4840 87th Ave NW
Tolley, ND 58787
701-386-2271-Phone
701-386-2291-Fax

esmau@ndak.net

March 4, 2005

I am in support of House Bill No. 1419 for 3 reasons:

No. 1 - I feel these satellite nuisance elk are a health risk to the domestic elk. Our elk in North Dakota have been under CWD surveillance for over 7 years and the wild elk have not. North Dakota has not had any cases of CWD and we all hope we never do. Canada has had some CWD cases, and there are some elk farmers that live fairly close to the Canadian border.

No. 2 - Property Damage - Some of the satellite bulls challenge the fences and try to pick fights through the fence at certain times of the year. Also, they are a herd animal and want to be with the rest of the herd for protection against large predators, which we are getting more of in North Dakota.

No. 3 - They are a definite traffic hazard at night, because when they are along the fenceline, between the fence and road, they come out of the ditch and nearly cause accidents. I've heard about this happening several times. With today's cars, hitting a big elk which is 5 times larger than a deer, it could easily severely injure or kill the occupants.

In the areas of North Dakota which have free ranging elk, the satellite nuisance bull elk doesn't seem to be a problem, because they join the wild elk in those areas, and don't bother the domestic animals or property. I have talked to several producers in those areas, and the wild ones do not seem to be a problem. They seem to keep to themselves.

North Dakota Elk Growers President
Ernie Mau

My name is Tim Dvirnak, I operate a diversified farm and ranch in western ND with the help of my family, that is now back to full size as our son Josh just came back from Iraq with the 141, Our family wants to thank you for all of the support you have shown to our soldiers, and their families.

Thank you Mr. Chairman, Thank you Committee members

Thank you all for your willingness to serve our great state of ND.

I would like to go on record as being in favor of this bill.

It would be a great help and relief to the Elk Growers of ND for this bill to be passed.

It would pave the way for an efficient way of removal for satellite bulls that have been kicked out of their herds by a more dominant bull. These bulls will locate an elk ranch and think that they have found a home with the domestic elk. This causes elk growers much concern that these bulls might damage or tear down a fence, allowing our elk to escape.

There might be some concern that there would be many elk needing to be removed from our elk ranch in the Killdeer Mountains. I am not saying the provisions in this bill would not need to be used sometime, but in 8 years we have not had any problem with satellite bulls even though we are in natural elk habitat. There are enough elk around that satellites always have another wild herd to jump in with and so far they have not been a problem for us in Killdeer. The problem seems to come when a wild elk traveling far and wide ends up at an elk ranch where there are no wild herds and becomes very intent on getting into these pastures and will not leave. We have had instances where they will stay for several weeks. We are concerned with the safety factor for passing motorists as well as for damage to our facilities. Having a quick, efficient, humane way of eliminating these animals is of great importance. This bill if passed would become a very useful tool for the NDEG as well as the Game and Fish Dept.

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 1419

March 4, 2005

Mr. Chairman and Members of the Committee:

The CCWC supports this bill as a way to solve a problem for the elk farm. Time should be the major factor in getting rid of the problem elk.

The Club would support an amendment that takes out all but line one of page two. Please give the bill a **Do Pass**.



North Dakota Wildlife Federation

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



3/4/2005

For: Senate Natural Resources Committee

Reference: HB 1419

The North Dakota Wildlife Federation and the United Sportsmen of North Dakota oppose the bill.

We support the bill if our suggested amendment is adopted.

Amendment

Page 2, line 1: after "licenses" insert a period and delete the remainder of line 1.

Page 2, line 2: delete line 2.

Page 2, line 3: delete line 3.

Page 2, line 4: delete through the word elk.

Page 2, line 5: after "Procedure" delete "to" and insert "that quickly" and change "issue" to "issues"

Thank you,
Mike Donahue
Lobbyist #275



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