

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3002

2005 HOUSE NATURAL RESOURCES

HCR 3002

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3002

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1		x	3600-End
2	x		0-290
Committee Clerk Signature <i>Loren Bonnet</i>			

Minutes:

**Chr. Nelson:** Opened the hearing on HCR 3002. All members present. Bill was read aloud.

**Rep. Porter, Dist. 34:** This resolution came about last water fowl season. The US Fish and Wildlife made a ruling that would prohibit a person from hunting in a field that was primarily for agriculture if the crop field and subsequent farming practices were followed. The situation that I became aware of were fields that were rolled either using soybean rollers or canola rollers to flatten corn, then go over it once with a disc and let it set over the winter, then finish the tilling in the spring. That was deemed baiting. This resolution addresses that, asks the Fish & Wildlife not to consider that baiting because it is standard farming practice.

**Chr. Nelson:** Are there questions for Rep. Porter? Is there further support of HCR 3002?

**Ray Hager:** This federal ruling ruined the hunting around Washburn, ND, because the corn was no good, so just about everybody disked or used the soybean roller and rolled it down. Geese were still there, and (the ruling) came out that you can't hunt them. You could set up alongside

the field in the summer fallow. I was under the impression that if you baited something, you actually bought some corn, took it out and spread it in the field to entice the birds, set up your decoys. That's what I think. People have been arrested in SD for that. I'm in favor of this because I think nature caused the corn to be no good in the Washburn area-there must have been several thousand acres. That's where all the geese were, yet you couldn't hunt them because they said it was a baited field. I think this resolution is a good thing.

**Chr. Nelson:** Thank you, Mr. Hager. Is there further support of this bill?

**Roger Rostvet, ND Game & Fish Department:** We would appreciate a Do Pass on this resolution. It would help out our enforcement people. Any tools that we get to help convince them that ND has different agricultural circumstances than the rest of the country is (important).

**Chr. Nelson:** In the past year, there was a lot of corn that did not reach maturity. How did the enforcement agency handle? I didn't hear of anybody getting picked up and I know of occasions where people were decoying in some of these fields.

**Rostvet:** We don't have a law against it in ND. It's a federal violation, and our folks are not authorized to enforce federal law.

**Chr. Nelson:** So state game wardens didn't pick up anyone.

**Rostvet:** Technically, they couldn't. It's not a state law, not a proclamation, and it's a federal violation.

**Rep. Charging:** I know of crops lands leased by the Game & Fish areas and PLOT lands, that has become an issue.

**Rostvet:** In the past, we have had to change some of our management practices to (stop what would be called baiting).

**Charging:** So this (bill) would help that?

**Rostvet:** This would not make a difference. It is a different situation.

**Chr. Nelson:** Have you had discussions with U.S. Fish and Wildlife in this regard? Are they sensitive to this issue or is there any chance of them reversing that policy?

**Rostvet:** We've had a number of discussions with them. At this particular time, we have not been very successful in changing their mind. We're looking at things like congressional help to have them at least review it and do a better job of interpreting that law for particular areas like ND.

**Chr. Nelson:** Thank you, Roger. Is there further testimony in support of HCR 3002?

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

**Chr. Nelson:** Are there any questions of Mr. Donahue? Seeing none, thank you. Is there further support of HCR 3002? Is there any opposition to HCR 3002?

**David Munsch:** In the spirit of fair chase and not harassing the wildlife while they are feeding, I think they should be allowed. God has put that cropland there and the geese need it.

**Rep. Nottestad:** You spoke about the geese and ducks need it, need to eat. Would you give an estimation of the number of acres of corn you think was abandoned in the state this year?

**Munsch:** I don't know, but I do know that in the past I've hunted geese. The federal and state come along at waterfowl rest areas and leave grain there.

**Chr. Nelson:** Are there further questions for Mr. Munsch? Seeing none, is there further opposition to HCR 3002?

**Rep. Keiser:** I move a Do Pass on HCR 3002.

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House Natural Resources Committee

Bill/Resolution Number HCR 3002

Hearing Date February 10, 2005

**Rep. Hanson: Second.**

**Chr. Nelson:** Voice vote, all those in favor, signify by saying aye. Opposed? **Motion**  
**carried:**

**Do Pass Vote: 13-ayes; 0-nays; 1-absent; CARRIER: Nottestad**

**And place on the Consent Calendar**

2/10  
Entered

Date: 2/10/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3002

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do Pass & Place on the Consent Calendar (10th order)

Motion Made By : Keiser Seconded By : Henson

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	Absent		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) 13 No 0

Absent 1 - Charging

Floor Assignment Nottestad

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

**REPORT OF STANDING COMMITTEE (410)**  
**February 10, 2005 1:02 p.m.**

**Module No: HR-27-2406**  
**Carrier: Nottestad**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3002: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3002 was placed on the Tenth order on the calendar.**



2005 SENATE NATURAL RESOURCES

HCR 3002

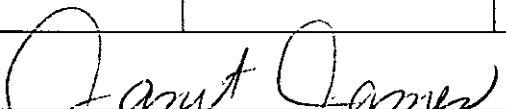
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3002

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
2	X		12.0 - 26.2
Committee Clerk Signature 			

Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the hearing on HCR 3002 urging Congress and the United States Fish and Wildlife Service to repeal the regulations restricting the hunting of migratory waterfowl on agriculture crops that have been harvested and subsequently manipulated.

All members of the committee were present except Senator Joel Heitkamp.

**Representative Todd Porter** of District 34 cosponsor of HCR 3002 introduced the resolution stating the bill came about as a result of some confusion and disagreement between the way the US Fish and Wildlife Service views as a failed agriculture crop and how the State of North Dakota views it. There was a large area of failed crops in the state, that were adjusted by insurance companies and then directed total destruction of the crop in order to collect the insurance and move onto the next crop season. The US Fish and Wildlife viewed this process as baiting and individuals could not hunt in those fields. The North Dakota State Game and Fish

Department did not view this to be baiting and did not issue citations. He further stated 1). he felt this was a failed agriculture practice that is not planned or done on an annual basis and 2). there needs to be uniform laws so one set of wardens are doing one thing and another set of wardens are doing another.

**Senator John Traynor** commented that there were 60,000 or 80,000 acres of corn mowed down because it froze and pointed out to the US Fish and Wildlife that how could this be baiting when this crop was down on the ground.

**Representative Porter** added that a few sessions ago a resolution was set to the Corp of Engineers by certified mail requiring a signature. This was the first time he new of that a federal agency responded with a written explanation citing how they were handling a situation.

**Kyle Blanchfield** (16.9) representing the North Dakota Guides and Outfitters Association testified in support of HCR 3002 stating how in the above mentioned problem, the Federal Government did not educate the local hunters that hunting on this failed crop would be a problem. This bill will sent a good message to the Federal Government and he hopes they hear it.

**Senator Traynor** referred to the website of the US Fish and Wildlife Service that tried to redefine their baiting regulations that made things worse because it does not apply to North Dakota.

**Roger Rostvet**, (20.2) Deputy Director of the North Dakota State Game and Fish Department testified in support of HCR 3002 thanking the committee for consideration of the resolution. All the help they can get in dealing with the federal organizations is very much appreciated.

**Senator Lyson** asked for opposing testimony and hearing non closed the hearing on HCR 3002.

**Senator Traynor** stated that Representative Porter had made a good suggestion of amending the resolution to include sending a copy by certified mail requiring a signature and first class mail to the congressional delegation and made that motion.

**Senator Ben Tollefson** second the motion.

Roll call vote #1 for adoption of the amendment was taken by voice mail indicating 6 YEAS, 0 NAYS AND 1 ABSENT.

**Senator Traynor** made a motion for a Do Pass as Amended of HCR 3002.

**Senator Michael Every** second the motion.

Roll call vote #2 for a Do Pass as Amended of HCR 3002 was taken indicating 6 YEAS, 0 NAYS AND 1 ABSENT.

**Senator Traynor** will carry HCR 3002.

Date: 3-10-  
Roll Call Vote #: 1

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 3002**

Senate Senate Natural Resources Committee☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Issued amendment of mail certificate mand. 1/1/1911*

Motion Made By Tolson Seconded By Tolson

[illegible]

Total (Yes) 6 No 0

Absent \_\_\_\_\_

### Floor Assignment

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

Roll Call Vote #: 2

**BILL/RESOLUTION NO.** 3002

Committee

☐ Check here for Conference Committee

**Legislative Council Amendment Number**

Action Taken Do Press as Amended

Motion Made By Ing Seconded By Cing

[illegible]

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_ *Wayne*

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

**REPORT OF STANDING COMMITTEE (410)**  
March 11, 2005 12:14 p.m.

**Module No: SR-45-4748**  
**Carrier: Traynor**  
**Insert LC: 53027.0101 Title: .0200**

**REPORT OF STANDING COMMITTEE**

**HCR 3002: 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). HCR 3002 was placed on the Sixth order on the calendar.

Page 1, line 25, after "Office" insert "by certified mail with return receipt requested" and after "Delegation" insert "by first-class mail"

Renumber accordingly