

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2296

2005 SENATE NATURAL RESOURCES

SB 2290

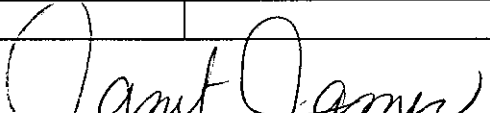
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2290

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date January 27, 2005

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|------------|
| 1 | | X | 3.3 - 18.3 |
| | | | |
| | | | |
| Committee Clerk Signature  | | | |

Minutes:

Senator Stanley Lyson Chairman of the Senate Natural Resources Committee opened the hearing on SB 2290 relating to the operation and regulation of private shooting preserves.

All members of the committee were present.

Senator Joel Heitkamp of District 26, cosponsor of SB 2290 introduced the bill as being the result of a situation of a hunting reserve in his area. There are a lot of questions in regards to procession limits on hunting preserves. The original intent and concern of this bill is to make sure no pheasant goes to waste. There has to be a method of making sure transportation of the game off the preserve is protected and not be confiscated or destroyed.

Jim Redland owner and operator of a shooting preserve in Ellendale, North Dakota testified in support of SB 2290. He explained there is a problem when a nonresident hunter hunts on the preserve and is not required to have a North Dakota State Game and Fish Department license. If that hunter should shoot a wild bird, there is no fine, but the bird becomes the property of the

North Dakota State Game and Fish Department and cannot be transported off the property.

These birds are picked up by the department and they are thrown into the garbage. This is a big waste and he has been talking with North Dakota State Game and Fish Department to try to handle the situation. He presented copies of pictures of harvested pheasants and information from South Dakota about their game preserves (See attached). After discussion with others he developed some proposed amendments (See attached). These include an anti-pecking device and changing the posting of signs from 300 feet to 300 yards. Fee changes were also included in the amendments.

Senator Heitkamp commented that the amendments go a lot further than the original concept of the bill and because most groups have not had the opportunity to review and respond to these amendments, asked that the bill be held over.

Paul Schadewald, (13.7) Chief of Administrative Services Division of North Dakota State Game and Fish Department testified on SB 2290 stating that the department has no problem with the marking of the birds in the bill's original form. They do not think the bill goes far enough with the formula when it comes to the possibility of taking wild birds. A hunting preserve may have different season than the North Dakota State Game and Fish Department licensed season. As long as a hunter on the preserve has a state license they would be within the legal guidelines of hunting limits and could transport those harvested birds off the preserve. Out of season hunting of the North Dakota State Game and Fish Department's license is illegal and the harvest would be confiscated. The yardage change for signing is fine with the department. He further stated he had not a chance to review the proposed amendments and they will be discussed.

Page 3

Senate Natural Resources Committee

Bill/Resolution Number SB 2290

Hearing Date 1-27-05

Senator Lyson announced to the committee in order for others to review the proposed amendments, the hearing on SB 2290 will continue at a later date.

Written testimony from **Curtis Blohn** representing the North Dakota Outdoor Heritage Coalition was distributed to the committee (See attached).

Senator Lyson asked if there was any opposing testimony and hearing none retired the hearing until a later date.

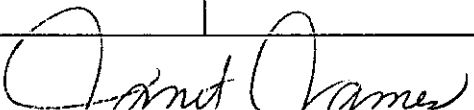
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2290

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date February 11, 2005

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|-----------|
| 1 | | | 0.4 - 4.8 |
| | | | |
| | | | |
| Committee Clerk Signature  | | | |

Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee brought the committee meeting to order.

All members of the committee were present.

Senator Lyson opened the committee work on SB 2290 relating to the operation and regulation of private shooting preserves.

Senator Joel Heitkamp, sponsor of the bill stated that the amendments that were drafted were not his but from the constituent from Ellendale, North Dakota that owns a pheasant shooting preserve. These amendments allowed a fee to be charged and felt it was not where the committee wanted to go. He further stated that the other rules in the bill are good and has visited with several other preserve owners and they are all okay with amendments for the bill except the fees.

In reviewing the proposed amendments as prepared by the Intern, the Committee clarified that all the amendments should be adopted except Section 4.

Page 2

Senate Natural Resources Committee

Bill/Resolution Number SB 2290

Hearing Date 2-11-05

Senator Heitkamp made a motion for adoption of the proposed amendments minus Section 4 of that amendment.

Senator Michael Every second the motion.

Senator Heitkamp for clarification one more time, stated bill now puts some structure and puts some common sense into it. If 100 birds are harvested, no matter if they are wild or raised, they can be released or keep in the freezer.

Roll call vote #1 was taken by voice vote indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Ben Tollefson made a motion for a Do Pass as Amended.

Senator Michael Every second the motion.

Roll call vote #2 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Heitkamp will carry SB 2290.

FISCAL NOTE
Requested by Legislative Council
03/15/2005

Amendment to: Engrossed
 SB 2290

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 | | | | \$6,000 | | \$6,000 |
| 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 changes the formula for calculating the annual fee for a shooting preserve license to \$100 plus 30 cents per acre included in the preserve. The bill also changes bird marking methods and the method for handling wild birds that are taken on a shooting preserve. Boundary marking requirements are also changed from signs every 300 feet to signs every 300 yards.

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.*

There currently are 33 shooting preserves in North Dakota. The new license fee formula will result in additional revenue of about \$3,000 per year that will go to the Game and Fish Fund.

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
02/14/2005

Amendment to: SB 2290

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 | | | | \$6,000 | | \$6,000 |
| 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 changes the formula for calculating the annual fee for a shooting preserve license to \$100 plus 30 cents per acre included in the preserve.

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.*

There currently are 33 shooting preserves in North Dakota. The new formula will result in additional revenue of about \$3,000 per year that will go to the Game and Fish Fund.

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 Schadewald | Agency: | ND Game and Fish Department |
| Phone Number: | 328-6328 | Date Prepared: | 02/14/2005 |

PROPOSED AMENDMENTS TO SENATE BILL NO. 2290

Page 1, line 1, after "to" insert "create and enact a new subsection to section 20.1-03-07 and three new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to licenses to hunt on private shooting preserves; and to", after "reenact" insert "subsection 1 of section 20.1-03-7, subsection 32 of section 20.1-03-12, and", and after "20.1-12-04" insert ", 20.1-12-05,"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 20.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

1. Hunt, catch, take, or kill any small game without a nonresident small game license. The nonresident small game license entitles the nonresident to hunt small game for any period of ten consecutive days or any two periods of five consecutive days each. The nonresident small game license also entitles the nonresident to hunt small game for the entire season on a private shooting preserve. The hunting period for which the license is valid must be designated on the license. A nonresident small game license is not required to hunt waterfowl under section 20.1-03-07.1. A nonresident may purchase more than one nonresident small game license per year.

SECTION 2. A new subsection to section 20.1-03-07 of the North Dakota Century Code is created and enacted as follows:

Hunt, catch, take, or kill any small game on a shooting preserve without a nonresident shooting preserve hunting license.

SECTION 3. AMENDMENT. Subsection 32 of section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

32. For a shooting preserve operating permit:

- a. ~~One, one hundred dollars, if the shooting preserve consists of an area of six hundred forty acres [259 hectares] or less; or~~
- b. ~~One hundred dollars, if the shooting preserve consists of an area of more than six hundred forty acres [259 hectares], plus fifty thirty cents per acre [.40 hectare] for each acre [.40 hectare] over six hundred forty acres [259 hectares].~~

SECTION 4. Three new subsections to section 20.1-03-12 of the North Dakota Century Code are created and enacted as follows:

For a one-day nonresident shooting preserve hunting license, twenty dollars.

For a five-day nonresident shooting preserve hunting license, forty-five dollars.

For an annual nonresident shooting preserve hunting license, sixty-five dollars."

Page 1, line 9, remove the overstrike over "~~The director shall determine the~~"

Page 1, remove the overstrike over line 10

Page 1, line 11, remove the overstrike over "~~shooting preserve season.~~"

Page 1, after line 18, insert:

"SECTION 6. AMENDMENT. Section 20.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-05. Operation of shooting preserve - Season - Search of premises permitted. Any guest of a shooting preserve operator may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish that person's own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The exterior boundaries of each shooting preserve must be clearly defined and posted with signs erected around the extremity at intervals of three hundred feet yards ~~(01.44 274.32 meters)~~ or less. Each shooting preserve operator and that person's guest shall comply with and be subject to chapter 20.1-01. Shooting preserve operators may restrict or set the hours during which game birds may be hunted, subject to gubernatorial proclamation. The season for shooting preserves may be all or part of the nine-month period beginning August first and ending April thirtieth of the following year. All permits must be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the director may enter and search the premises or any part thereof at any reasonable time to ensure compliance with state laws and the director's rules."

Page 2, line 3, after the underscored period insert "The total percent of harvested wild birds kept by clients may not exceed twenty-five percent of the birds harvested during the season."

Renumber accordingly

Date: 2-16-05

Roll Call Vote #: 7

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2290

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken accept Amendment minus Section 4

Motion Made By Heithkamp Seconded By Freiburg

[illegible]

Total (Yes) 7 No 0

Absent 0

Floor Assignment

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

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

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2290

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Toll Seconded By Every

| Senators | Yes | No | Senators | Yes | No |
|-----------------------------------|-----|----|-----------------------|-----|----|
| Senator Stanley Lyson, Chairman | ✓ | | Senator Joel Heitkamp | ✓ | |
| Senator Ben Tollefson, Vice Chair | ✓ | | Senator Michael Every | ✓ | |
| Senator Layton Freborg | ✓ | | | | |
| Senator Rich Wardner | ✓ | | | | |
| Senator John Traynor | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 7 No 0

Absent 0

Floor Assignment Nothing

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

REPORT OF STANDING COMMITTEE

SB 2290: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 20.1-03-07 of the North Dakota Century Code, relating to licenses to hunt on private shooting preserves; and to", after "reenact" insert "subsection 1 of section 20.1-03-07, subsection 32 of section 20.1-03-12, and", and after "20.1-12-04" insert ", 20.1-12-05,"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 20.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

1. Hunt, catch, take, or kill any small game without a nonresident small game license. The nonresident small game license entitles the nonresident to hunt small game for any period of ten consecutive days or any two periods of five consecutive days each. The nonresident small game license also entitles the nonresident to hunt small game for the entire season on a private shooting preserve. The hunting period for which the license is valid must be designated on the license. A nonresident small game license is not required to hunt waterfowl under section 20.1-03-07.1. A nonresident may purchase more than one nonresident small game license per year.

SECTION 2. A new subsection to section 20.1-03-07 of the North Dakota Century Code is created and enacted as follows:

Hunt, catch, take, or kill any small game on a shooting preserve without a nonresident shooting preserve hunting license.

SECTION 3. AMENDMENT. Subsection 32 of section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

32. For a shooting preserve operating permit:

- a. ~~One, one~~ hundred dollars, if ~~the shooting preserve consists of an area of six hundred forty acres [250 hectares] or less; or~~
- b. ~~One hundred dollars, if the shooting preserve consists of an area of more than six hundred forty acres [250 hectares];~~ plus fifty ~~thirty~~ cents per acre [.40 hectare] for each acre [.40 hectare] ~~over six hundred forty acres [250 hectares].~~

Page 1, line 9, remove the overstrike over "~~The director shall determine the~~"

Page 1, remove the overstrike over line 10

Page 1, line 11, remove the overstrike over "~~shooting preserve season.~~"

Page 1, after line 18, insert:

"SECTION 5. AMENDMENT. Section 20.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-05. Operation of shooting preserve - Season - Search of premises permitted. Any guest of a shooting preserve operator may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish that person's own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The exterior boundaries of each shooting preserve must be clearly defined ~~and posted~~ with signs ~~erected~~ around the extremity at intervals of three hundred ~~feetyards~~ [91.44 274.32 meters] or less. Each shooting preserve operator and that person's guest shall comply with and be subject to chapter 20.1-01. Shooting preserve operators may restrict or set the hours during which game birds may be hunted, subject to gubernatorial proclamation. The season for shooting preserves may be all or part of the nine-month period beginning August first and ending April thirtieth of the following year. All permits must be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the director may enter and search the premises or any part thereof at any reasonable time to ensure compliance with state laws and the director's rules."

Page 2, line 3, after the second underscored period insert "The total percent of harvested wild birds kept by clients may not exceed twenty-five percent of the birds harvested during the season."

Renumber accordingly

2005 HOUSE NATURAL RESOURCES

HB 2290

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2290

House Natural Resources Committee

☐ Conference Committee

Hearing Date **March 10, 2005**

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|---------|
| 1 | x | | 20-1687 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Karen Bonnet</i> | | | |

Minutes:

Chr. Nelson: I call the House Natural Resources to order. I will open the hearing on SB 2290 and ask the clerk to read the title. All members present. Chairman Nelson welcomed two visiting legislators from Saskatchewan.

Sen. Heitkamp: It was not the intention of this bill to cause fees to increase drastically. We were trying to get around a couple problems that hunting preserves are struggling with. I have amendments to present later that will take the money out of the bill. I spoke to hunting preserve people, one in the Grand Forks area, and people who had major concerns with this. I promised them that we would either fix the bill or kill it. We weren't trying to hurt the hunting preserves in what they are trying to do. We're just trying to deal with the wild versus tame birds, how you can mark them. In hunting preserves, everything is fenced from the outside in, so you know when you're getting off the preserve. The rule now is to post signs every 300' to show that you're on the preserve. We're going to change some of that. There is some common sense to

this bill that I think you will want to work through your committee. Some of the fees, and the debate about bringing game home with you prompted some of the discussion. If you shoot birds in a hunting preserve, how do we take them home? Mr. Redlin weill get to that. I commend Mr. Redlin for bringing this up, but I'm not sure we got it fixed in this bill. I would suggest that you need the amendments and I will get them to you as quickly as I can.

Chr. Nelson: I appreciate that. Are there any questions?

Rep. Darrell D. Nottestad: The amendments that we're talking about is to take out the underlined language in Section 1 and 2, correct?

Heitkamp: I believe so. That will solve the problem.

Chr. Nelson: Further questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

Jim Redlin, Ellendale: (Written testimony attached) (Proposed amendment attached)

Chr. Nelson: Are there any questions?

Rep. Duane DeKrey: Is this (?) what you're talking about?

Redlin: No, you put plastic blinders(bindrs?) in the beak with a pin. We do it when they are 4 1/2-5 weeks old.

Rep. Mike Norland: There is a pheasant farm near Sawyer that raise thousands of birds.

Redlin: I raise about 15,000 birds.

Norland: Are all these birds marked with a hole in the nose?

Redlin: *Mine* will be marked with a hole in the nose. I put blinders(bindrs) on my birds.

Norland: Is that typical of all places?

Redlin: Yes, I am licensed to sell in South Dakota, Minnesota, and North Dakota and it's acceptable to mark them. We do raise birds without any markings for SD wildbirds. Any preserve that you go to in SD has to have either a nostril (marker) or a toe (marker).

Norland: So that's the way it would be in ND, too?

Redlin: That is the same law as we have here.

Chr. Nelson: Are there any further questions?

Norland: What do you sell a bird for?

Redlin: I get about \$8 for straight run.

Rep. Darrell D. Nottestad: On the proposed amendment, is this additional language, not to replace any language?

Redlin: Yes, it's just (additional language) to be inserted. The Game & Fish is having a hard time with the language. (Unintelligible). Hopefully, this will take care of it.

Nottestad: This doesn't conflict with anything that's underlined now?

Redlin: No.

Chr. Nelson: You're proposing that both these amendments be added to the bill?

Redlin: Yes.

Chr. Nelson: Are there any further questions? For the benefit of our guests, Jim is a private citizen. This truly is his bill. In ND, we have a very open form of government. In ND, every bill that finds a sponsor gets heard in committee and gets a floor vote. We're rare in the U.S. system, where a floor vote is required of every bill that is introduced. We have very open access to government. Seeing none, thank you for your testimony. Is there further supporting testimony?

Paul Schadewald, ND Game & Fish Dept.: The Department is supportive of this bill with both of the amendments included in it. Sen. Heitkamp passed out his amendment, which removes the wording that shouldn't have been there on the first page, implying that customers need to have state licenses. They do not need to have state licenses to hunt on shooting preserves. The shooting preserve needs to be licensed, but not the customers. If the customer has a regular license, they can keep birds under current law. Another thing this bill does is revamp the formula for shooting preserves. We ran some numbers on that, which is on Pg. 2. Currently, it's \$100 for the first 640 acres and 50 cents per acre for each acre after that. The formula has changed to \$100 plus 30 cents per acre. We ran the numbers on that, on 36 shooting preserves. The total change in collection will be \$3,000. Currently, we get \$7,000 a year in fees from the shooting preserves. With this change, we would get \$10,000. The marking is fine with us, with our game wardens. It's a good solution. The challenge we've had is the frustration of how to handle wild birds when they are taken out of season. Now, they are supposed to go to Game & Fish. What are we supposed to do with them? They're a whole bird that's been thrown in the freezer, they're not dressed out. There are no facilities we can take them to. A zoo might take them. This sets up a formula where a maximum percentage of the birds can be 25%. If they go over that number, then the birds go to the Game & Fish Dept. I think it's a solution that is o.k. because we don't have a better one. These shooting preserves operate on a long season. They start the first of August and run through April. Most of their customers are in the fall. They are shooting a little before and after the regular pheasant season. Now, we're up to 36 shooting preserves in the state.

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony? Is there opposition? I will close the hearing on SB 2290.

Rep. Todd Porter: I would move both sets of amendments to SB 2290.

Rep. Duane DeKrey: Second.

Chr. Nelson: Does everybody have a copy of both sets of amendments? O.K. Committee discussion?

Hunskor: As I understand, if I have a small game license, I can hunt on a preserve and shoot and take home both the wild birds and those raised there. If I don't have a small game license, I can still hunt on that preserve but only take home those that are raised by the preserve. Is that correct?

Redlin: That's correct.

Chr. Nelson: Is there further discussion? Seeing none, we'll try a voice vote on the amendments. All those in favor, signify by saying aye. Opposed, same sign. Motion carried, unanimous. What's the committee's wishes?

Rep. Darrell D. Nottestad: I move a do pass as amended.

Rep. Duane DeKrey: Second.

Chr. Nelson: There is a do pass as amended by Rep. Nottestad, second by Rep. DeKrey. Committee discussion?

Rep. Lyle Hanson: Question.

Chr. Nelson: Question has been called on a do pass as amended motion. I will ask the clerk to call the roll:

Do pass as amended, vote:

13-Yeas; 0-Nays; 1-Absent

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

On page 3, line 14, after the period, insert, "If a wild upland bird of the same species hunted on the shooting preserve is accidentally taken by a client out of the regular hunting season proclaimed by the governor, or is taken by a client not in possession of a proper small game license, then it may be kept by the client."

On page 3, line 18, after the period, insert, "Wild birds other than those allowed to be kept by a client must be turned over to the Department."

Renumber accordingly

3/10/05
By: Sen. Heitkamp

50588.0201
Title.

Prepared by the Legislative Council staff for
Senator Heitkamp
February 24, 2005

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-07 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to licenses to hunt on private shooting preserves; and to"

Page 1, line 3, remove "subsection 1 of section 20.1-03-07," and remove the second comma

Page 1, remove lines 7 through 21

Renumber accordingly

3/10/05
Delivered amend
+ orig bill to LC @
11:50 a.m.
① Hold for amend.

Date: 3/10/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~2017~~ 2290

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number : 50588.0202 Title: . 0300

Action Taken : No Pass as Amended *6th order*

Motion Made By : Nottestad 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 | Absent | |
| 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

Floor Assignment Nottestad

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

REPORT OF STANDING COMMITTEE

SB 2290, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2290 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-07 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to licenses to hunt on private shooting preserves; and to"

Page 1, line 3, remove "subsection 1 of section 20.1-03-07," and remove the second comma

Page 1, remove lines 7 through 21

Page 3, line 14, after the period insert "If a wild upland bird of the same species hunted on the shooting preserve is taken accidentally by a client out of the regular hunting season proclaimed by the governor, or is taken by a client not in possession of a proper small game license, the client may keep the bird."

Page 3, line 18, after the underscored period insert "Other than those wild birds allowed to be retained by a client, the shooting preserve operator shall deliver to the department all wild birds harvested."

Renumber accordingly

2005 TESTIMONY

SB 2290

Note: This is not the official version of the bill. This document has been integrated with the proposed amendments of the Legislative Council for the benefit of the Senate Natural Resources Committee.

Introduced by

Senators Heitkamp, Erbele, Tollefson
Representatives Amerman,, Carson, Gulleeson

A bill for an Act to create and enact a new subsection to section 20.1-03-07 and three new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to licenses to hunt on private shooting preserves; and to amend and reenact subsection 1 of section 20.1-03-7, subsection 32 of section 20.1-03-12, and sections 20.1-12-04, 20.1-12-04 and 20.1-12-06 of the North Dakota Century code, relating to the operation and regulation of private shooting preserves.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

SECTION 1. AMENDMENT. Subsection 1 of section 20.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

1. Hunt, catch, take, or kill any small game without a nonresident small game license. The nonresident small game license entitles the nonresident to hunt small game for any period of ten consecutive days or any tow periods of five consecutive days each. The nonresident small game license also entitles the nonresident to hunt small game for the entire season on a prive shooting preserve. The hunting period for which the license is valid must be designated on the license. A nonresident small game license is not required to hunt waterfowl under section 20.1-03-07.1. A nonresident may purchase more than one nonresident small game license per year.

SECTION 2. A new subsection to section 20.1-03-07 of the North Dakota Century Code is created and enacted as follows:

Hunt, catch, take, or kill any small game on a shooting preserve without a Nonresident shooting preserve hunting license.

SECTION 3. AMENDMENT. Subsection 32 of section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

32. For a shooting preserve operating permit:
- ~~a. One, one hundred dollars, if the shooting consists of an area of six hundred forty acres [259 hectares] or less; or~~
 - ~~b. One hundred dollars, if the shooting preserve consists of an area of more than six hundred forty acres [259 hectares], plus fifty three cents per acre [.40 hectare] for each acre [.40 hectare] over six hundred forty acres [259 hectares].~~

SECTION 4. Three new subsections to section 20.1-03-12 of the North Dakota Century Code are created and enacted as follows:

For a one-day nonresident shooting preserve hunting license, twenty dollars.

For a five-day nonresident shooting preserve hunting license, forty-five dollars.

For an annual nonresident shooting preserve hunting license, sixty-five dollars.

SECTION 5. AMENDMENT. Section 20.1-12-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-04. Types of game that may be hunted on shooting preserve – Identification of game. Game birds that may be stocked on a shooting preserve and hunted under this chapter must be artificially propagated pheasants, quail, partridges, turkeys, prairie chickens, and any other species allowed by the director. ~~The director shall determine the minimum stock of each species to be hunted and released on the permit area during the shooting preserve season.~~ All game birds propagated, possessed or released on a shooting preserve must be marked prior to release as prescribed by the director by rule. ~~All mallard ducks released on a shooting preserve must have the right hind toenails clipped before the birds attain the age of four weeks~~ have one front toe or one hind toe on either foot removed back to the first joint, including the nail, before becoming six weeks of age. An antipecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least fifteen weeks old is acceptable in lieu of toe clipping if the antipecking device leaves a permanent, easily identifiable mark through the nares.

SECTION 6. AMENDMENT. Section 20.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-06. Operation of shooting preserve – Season – Search of premises permitted. Any guest of a shooting preserve operator may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish that person's own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The

exterior boundaries of each shooting preserve must be clearly defined ~~and posted~~ with signs ~~erected~~ around the extremity at intervals of three hundred feet yards [91.44 274.32 meters] or less. Each shooting preserve operator and that person's guest shall comply with and be subject to chapter 20.1-01. Shooting preserve operators may restrict or set the hours during which game birds may be hunted, subject to gubernatorial proclamation. The season for shooting preserves may be all or part of the nine-month period beginning August first and ending April thirteenth of the following year. All permits must be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the director may enter and search the premises or any part thereof at any reasonable time to ensure compliance with state laws and the director's rules.

SECTION 7. AMENDMENT. Section 20.1-12-06 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-06. Game birds to be tagged. Each shooting preserve operator shall tag all game birds harvested by guests before the birds are consumed or removed from the shooting preserve premises. The director shall provide tags to shooting preserve operators, at nominal cost to them. Once affixed, tags must remain attached until the game birds are prepared for consumption. At no time following release may a shooting preserve operator allow the number of wild and released birds harvested to exceed one hundred percent of the number of birds that have been released. All birds must be healthy when released. The total percent of harvested wild birds kept by clients may not exceed twenty-five percent of the birds harvested during the season.

SOUTH DAKOTA LICENSED PRIVATE SHOOTING PRESERVES

| <u>YEAR</u> | <u>NOT RENEWED</u> | <u>RENEWED</u> | <u>NEW</u> | <u>TOTAL</u> |
|-------------|--------------------|----------------|------------|--------------|
| 1997-98 | 29 | 81 | 50 | 131 |
| 1998-99 | 24 | 107 | 11 | 118 |
| 1999-2000 | 11 | 107 | 23 | 130 |
| 2000-01 | 15 | 115 | 35 | 150 |
| 2001-02 | 15 | 135 | 22 | 157 |
| 2002-03 | 12 | 145 | 32 | 177 |
| 2003-04 | 16 | 161 | 41 | 202 |
| 2004-05 | 13 | 189 | 39 | 228 |

PRIVATE SHOOTING PRESERVE PHEASANT HARVEST AND RELEASE RECORDS 1997-2003

| | <u># OF</u> | | <u>BIRDS</u> <i>Released</i> | <u>TOTAL</u> <i>Harvested</i> | <u>RELEASED</u> | <u>WILD</u> |
|-----------|-------------|-----------|---------------------------------|----------------------------------|-----------------|--------------|
| 1997-98 | 123 | Pheasants | 151,673 | 86,831 | 73,832 (85%) | 12,999 (15%) |
| 1998-99 | 118 | Pheasants | 165,909 | 99,511 | 82,824 (83%) | 16,687 (17%) |
| 1999-2000 | 130 | Pheasants | 190,708 | 113,571 | 93,724 (83%) | 19,847 (17%) |
| 2000-01 | 150 | Pheasants | 205,825 | 125,618 | 102,603 (82%) | 23,015 (18%) |
| 2001-02 | 157 | Pheasants | 219,869 | 138,213 | 113,344 (82%) | 24,869 (18%) |
| 2002-03 | 177 | Pheasants | 236,647 | 152,399 | 124,882 (82%) | 27,417 (18%) |
| 2003-04 | 201 | Pheasants | 269,173 | 183,395 | 143,387 (78%) | 40,008 (22%) |

South Dakota pheasant statistics and hunter licenses used statewide (non-preserve data) for 2003:

Estimated pre-hunt pheasant population: 8,700,000.

Estimated statewide pheasant harvest: 1,815,000.

83,544 Nonresident licensees and 78,394 Resident licensees hunted pheasants in South Dakota.

PRIVATE SHOOTING PRESERVES BY SIZE 2004-05

| <u>Acreage</u> | <u>Number</u> |
|----------------|---------------|
| 160* | 4 |
| 161 - 320 | 21 |
| 321 - 640 | 57 |
| 641 - 960 | 59 |
| 961 - 1279 | 50 |
| 1280** | 37 |

* Minimum acres allowed

** Maximum acres allowed

228 shooting preserves involving 183 operators

By: Jim Redlin
Re: SB 2290 - 3/10/05
Pg: 2 of 3

ble. They'll often hear birds running through cover or see them sneaking past. Those
ump up and yell "Surprise!"

neasants fall into ruts, especially if left undisturbed for several days. From
osting sites in grass fields or wetland vegetation, they'll walk or fly as necessary to the
ing site, usually a harvested grain field. Here they fill up quickly and rush back to
over, preferably tall overstory with ground cover open enough for easy running.

brush thickets, cattail sloughs, wild sunflowers, and stands of kochia weeds are prime
our or two before sundown they again move to feeding sites, fill their crops, and zip
dding cover. The return is often late, hasty, and on the wing, making pass shooting a
ibility. Scout flight paths with binoculars and move under the flight path early the next
ide in a ditch or behind cover until the birds are in range before standing to shoot.

orking cover with or without dogs, expect everything from running birds and wild
lding birds and boot-lace flushes. Veteran cocks know all the tricks and don't hesitate
You should do the same. As during mid-season, work dense cover toward bottlenecks
s, field corners, and dense holding cover. Trust your dog and follow where his nose
: unusual to trail a running ringneck for a mile before cornering it. When flocks flush
them up quickly and keep pressure on them. After two or three flushes, battalion unity
down. Individual birds sneak off, stick tight, or otherwise compromise themselves. Be
imes. Expect flushes behind you. When approaching tall cover, anticipate flushes out
Two or three hunters are always more effective than one because of this. Where huge

andon cover en masse at
surround them before
like Weathermon and I did this
ranch near Winner, South
December. The previous day
a big band of birds that wouldn't
hin scattergun range. On the
sneaked into a low draw running
enter of their CRP escape field
ircled to the northwest corner.
an walking southeast toward me,
ringleader sounded the alarm
began to empty, many of the
near me. A pair of rusty, long-
s didn't make it.

e a large field with multiple
and insufficient man-power to
nem, set out a few blaze-orange
acker, vest, or simply a cap on



walks through the snow. Roosters

Senate Bill No. 2290

Reference: Addresses the marking and taking of game
birds on shooting preserves.

Senate 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 Outdoor Heritage Coalition would like to express its
support of this bill and suggest a "due pass"
recommendation.

Thank You.