

2011 HOUSE ENERGY AND NATURAL RESOURCES

HB 1180

# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1180  
01/21/2011  
13230

☐ Conference Committee

Committee Clerk Signature



### Minutes:

Rep Porter: We will open the hearing on HB 1180.

Rep. Drovdal: I am from District 39. In 1985 your predecessors established a special once in a lifetime hunting zone for land owners around the Killdeer Mountain area. The reason for it was because of the hay crops and the feed crops in the area and to establish a good relationship between the land owners, the hunters and the Game and Fish Department. That bill has worked very well we have had lot of good feedback on it. Because it has been a successful program this committee changed that requirement to a double weighted unit drawing into the unit. That didn't work out quit as well as expected for the landowners or the Game and Fish Department. They are back this year and ask to eliminate that language and put in a simple waiting drawing for those land owners, the same as a regular license. This does not affect any of the other licenses and it will help with the relationship of the hunters unit so that they can get in there and hunt.(See attachment 1)

Rep. Porter: Any questions for Rep. Drovdal?

Rep. Porter: Have we changed past the 160 acre requirement. Are we ok in your area to leave it at 160 acres?

Rep. Drovdal: I have heard no complaints. The unspoken fear is that we are people coming in just to buy 160 acres to get a change to hunt.

Rep Porter: Any other questions for Rep. Drovdal, further testimony in support?

Roger Rostvet: I am the Director of the North Dakota Game and Fish Department. We support HB 1180. The purpose of the bill is to amend current law and to allow eligible land owners in elk hunting units. (See attachment 2)

Rep. Porter: Any questions for Roger Rostvet?

Rep. Nathe: In regards to the preferential points If I had eligible land and I apply for several years and don't get a license and do not apply for a year do I lose those points?

Roger Rostvet: What we do is give them a one year grace period. If you do not apply we still hold your name, you do not accumulate any more points and we don't erase your name.

Rep. Porter: Using that system has there been any abusive systems?

Roger Rostvet: We haven't seen that happen.

Joe Schattler: I am the Secretary for the Killdeer Mountain Unit Landowner Association. We asked to clean the Century Code to make it fair. We are here to show our support for the bill.

Rep. Porter: Any questions for Mr. Schattler? Are you still satisfied with the 160 acres?

Joe Schattler: Yes we are.

Rep. Porter: Any other questions for Mr. Schattler? Is there any further testimony in support for HB 1180?

Mike Donahue: I am with North Dakota Wildlife Federation we concur with the bill and support it.

Rep. Porter: Questions for Mr. Donahue? Is there any opposition to HB 1180? Seeing none we will close the hearing.

Rep. DeKrey: I move a do pass.

Rep. Nathe: Second

Rep. Hanson: It is a good deal that we are taking it out.

Rep. Porter: Further discussion on HB 1180?

Yes 12 NO 0 Absent 3 Carrier Rep. Hanson

Date: 1-21-11  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1180

House House Energy and Natural Resources Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By De Krey Seconded By Rep Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Hanson	✓	
Vice Chairman Damschen	✓		Rep. Hunsakor	✓	
Rep. Brabandt	✓		Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Nelson	✓	
Rep. DeKrey	✓				
Rep. Hofstad					
Rep. Kasper					
Rep. Keiser					
Rep. Kreun	✓				
Rep. Nathe	✓				
Rep. Anderson	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep Nelson

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

**REPORT OF STANDING COMMITTEE**

**HB 1180: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).  
HB 1180 was placed on the Eleventh order on the calendar.

2011 SENATE NATURAL RESOURCES

HB 1180

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee  
Fort Lincoln Room, State Capitol

HB 1180  
March 4, 2011  
Job #14965

☐ Conference Committee

Committee Clerk Signature

*Monica Spaulding*

## Explanation or reason for introduction of bill/resolution:

Relating to landowner preference licenses to hunt elk

## Minutes:

Testimony Attached

**Chairman Lyson** opened the hearing on HB 1180.

**Representative Dave Drovdal**, prime sponsor of the bill, presented written testimony explaining the reason for introduction of the bill. See **Attachment #1**.

**Roger Rostvet**, Deputy Director of the ND Game and Fish Dept., presented written testimony in favor of the bill. See **Attachment #2**.

**Senator Freborg**: If landowners are unsuccessful, are they allowed to participate in the regular lottery for an elk license?

**Roger Rostvet**: No, there are two lotteries that go out. One is for the preferential licenses and one is for the regular lottery. In the preferential lottery the success rate is far higher than the general lottery.

**Senator Burckhard** asked for clarification on where the elk hunting units E1, E2, and E3 are.

**Roger Rostvet**: E1 is up in the NE corner of the state, E2 is in the Killdeer Mts. area, and E3 is in the Badlands.

**Senator Hogue**: Do you agree that this was originally to help with depredation of hay and crops, and did the organized hunt help with the depredation issues in E3?

**Roger Rostvet**: Elk move a lot and are highly prized. Elk are more of a problem with ruining corn fields and causing fence damage more than hay depredation.

**Mike Donahue**, ND Wildlife Federation urged a Do Pass on the bill.

**Chairman Lyson** closed the hearing on HB 1180.

**Senator Freborg:** Made a Do Pass motion.

**Senator Uglem:** Second

**Roll Call Vote:** 7-0-0

**Carrier:** Senator Burckhard



Date: 3-4  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1180

Senate Natural Resources Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Freborg Seconded By Uglen

Senators	Yes	No	Senators	Yes	No
Chairman Lyson	✓		Senator Schneider	✓	
Vice-Chair Hogue	✓		Senator Triplett	✓	
Senator Burckhard	✓				
Senator Freborg	✓				
Senator Uglen	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Burckhard

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

**REPORT OF STANDING COMMITTEE**

**HB 1180: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1180 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

HB 1180

Chairman Porter and members of the Energy and Natural Resource Committee. For the record I am Rep. David Drovdal, District 39 and am the prime sponsor of HB 1180 which is before you.

In 1985 your predecessors established a special once in a life time hunter license for landowners that had land adjacent to a Elk hunting unit located in the Killdeer Mountain area. The purpose as far as I can determine was to support the landowners regarding depravation caused by the Elk herd to their feed and hay crop. Rep. Hanson, who has been here since the dark ages, could better reflect on the background of the permits. The program has been successful in building relationships between landowners, game and fish and sportsman across North Dakota.

Earlier in this century every landowner had received their once in a life time license but the depravation was continuing and since the program had been so successful this body changed the license to set up a double weighted lottery system. That has not worked as expected for the landowners so this bill repeals that language and creates a simple weighted unit much the same as we have in our regular deer license system. It does not affect the number of license available for all other elk hunters.

I believe this is a reasonable change and ask for your support. Thank you and I will yield to any question.

David Drovdal

**HB 1180**

**HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE**

**JANUARY 21, 2011**

The North Dakota Game and Fish Department supports HB 1180. The purpose of the bill is to amend current law and allow eligible landowners in elk hunting units E1, E2 and E3 to participate equally in a weighted lottery to determine which landowners would receive the allocated 15% of the total licenses available for that particular unit. The percentage of licenses made available for landowners will remain the same and the opportunity for sportsmen and women to be drawn for a license would also remain the same.

The landowner elk preference licenses were first established legislatively in 1985. The original law only allowed for a once-in-a-life time license. After 20 years most of the landowners in the preferential areas had received a license. In 2005 the law was amended to repeal the once-in-a-life time provision and set up a double weighted lottery system; this system has not worked as intended. It was anticipated that the few eligible individuals would receive a license and then it would open up the lottery for another go around. What actually happened is that lands were divided, reassigned, transferred or sold and all the elk licenses went to new people. In units E1 and E2 no second licenses have been issued under the intended provisions of this law.

The new amendment also repeals antiquated language and creates a simple weighted lottery. If you have eligible land in the preferential area, you are eligible to apply. If you are not successful, you will accumulate preference points for future lotteries.

Chairman Lyson and members of the Senate Natural Resource Committee. For the record I am Rep. David Drovdal, District 39 and am the prime sponsor of HB 1180 which is before you.

In 1985 your predecessors established a special once in a life time hunter license for landowners that had land adjacent to a Elk hunting unit that is located in the Killdeer Mountain area. The purpose, as far as I can determine, was to support the landowners regarding depravation caused by the Elk herd to their feed and hay crop. The program has been successful in building relationships between landowners, game and fish and sportsman across North Dakota.

Earlier in this century every landowner had received their once in a life time license but the depravation was continuing and since the program had been so successful this body changed the license to set up a double weighted lottery system. That has not worked as expected for the landowners or Game and Fish so this bill repeals that language and creates a simple weighted unit for the landowner's license much the same as we have in our regular deer license system. It does not affect the number of license available for all other elk hunters in this or any other unit.

I believe this is a reasonable change and ask for your support. Thank you and I will yield to any question.

David Drovdal

**HB 1180****SENATE NATURAL RESOURCES COMMITTEE****MARCH 3, 2011**

The North Dakota Game and Fish Department supports HB 1180. The purpose of the bill is to amend current law and allow eligible landowners in elk hunting units E1, E2 and E3 to participate equally in a weighted lottery to determine which landowners would receive the allocated 15% of the total licenses available for that particular unit. The percentage of licenses made available for landowners will remain the same and the opportunity for sportsmen and women to be drawn for a license would also remain the same.

The landowner elk preference licenses were first established legislatively in 1985. The original law only allowed for a once-in-a-life time license. After 20 years most of the landowners in the preferential areas had received a license. In 2005 the law was amended to repeal the once-in-a-life time provision and set up a double weighted lottery system; this system has not worked as intended. It was anticipated that the few eligible individuals would receive a license and then it would open up the lottery for another go around. What actually happened is that lands were divided, reassigned, transferred or sold and all the elk licenses went to new people. In units E1 and E2 no second licenses have been issued under the intended provisions of this law.

The new amendment also repeals antiquated language and creates a simple weighted lottery. If you have eligible land in the preferential area, you are eligible to apply. If you are not successful, you will accumulate preference points for future lotteries.