

2011 SENATE NATURAL RESOURCES

SB 2332

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2332
February 3, 2011
13931

☐ Conference Committee

Committee Clerk Signature

Veronica Spaulding

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for hunting on big game preserves; to provide a penalty; and to provide a continuing appropriation.

Minutes:

Testimony Attached

Chairman Lyson opened the hearing on SB 2332.

Senator Joe Miller, District 16, introduced the bill. See **Attachment #1** and **Attachment #2**.

Chairman Lyson: Can't they do this right now?

Senator Joe Miller: Yes, they can have the game reserves, but the point of the bill is to prove that they have some oversight and they are a responsible industry.

There was discussion about this issue having already been brought to a vote of the people and whether the game preserve people would want to risk bringing it back to a vote again and possibly losing the vote. The game preserve people want to demonstrate that they are a legitimate industry and are providing a service in their niche. They want to take the wind out of the sails of the critics of the big game preserves.

Brian Kramer, representing the North Dakota Deer Ranchers Association, presented written testimony in support of the bill. See **Attachment #3**. In response to the question of "didn't we cover this already?" Yes, we did, and the people did speak in support of the deer ranchers etc. who run big game operations. However, the public media and the public outcry from some individuals in the media against this and some of the claims they have been making against this have been untrue. We feel this bill will help to codify it thus proving that they are conducting a legitimate hunt. Being regulated will give legitimacy to the industry, and we will be better able to respond to the critics.

Chairman Lyson: Don't you think this may re-awaken the public outcry?

Brian Kramer: That is a risk, but it may also legitimize the industry.

Senator Triplett: Remind us what the vote was on the initiated measure?

Brian Kramer: I think it was a 57 43 vote in favor of the elk and deer ranchers.

Senator Triplett: How many elk and deer ranchers are there in the state?

Brian Kramer: I think there are 20-some deer ranchers and 80 or so elk ranchers. It is not a big industry, but it is serving a niche market.

Senator Triplett: Is this minimum acreage of 160 acres a new restriction being added? Are there any big game ranches in operation smaller than that?

Brian Kramer: There is one. The 160 is an arbitrary number of acres.

Senator Triplett: What is the average size of a deer or elk ranch?

Brian Kramer: 160 up to well over 1000 acres.

Senator Hogue: One of the arguments during the public debate was that the big game operations felt they should be able to control what happens on their land. They didn't want any restrictions. Now this is adding regulations. Why would the deer ranchers be in favor of this?

Brian Kramer: The issue is to improve the public perception of the hunts. Right now the public perception is good, but if an organization like the Humane Society would come in and do a public relations blitz, the big game industry would suffer. This bill is to preclude that kind of thing from happening. If we can show that we are conducting a fair chase and that we are regulated, we would stand a better chance of withstanding this publicity.

Senator Hogue: Does any part of this need a 2/3 vote from both bodies?

Brian Kramer: I can research that.

Senator Schneider: This is a question of tactics. Might there be unintended consequences such as some group saying instead of the limit being 160 acres, it has to be a minimum of 320 acres?

Brian Kramer: That is a good question to ponder.

Dwight Grosz, president of the North Dakota Elk Growers, presented written testimony. If you are traveling with elk meat, every animal needs two forms of ID. One of them has to be visible from a distance. The other is a metal USDA tag. On the back side of it it says NDRBW, ND is for the state, the RBW is for the farm it was harvested from. The 50 on the ear tag is the number assigned to the animal and the V on the ear tag identifies the year. Every animal is age and source verified already. We are already regulated. We don't need a bill to do that. We could handle that with the Board of Animal Health. See **Attachment #4.**

Chairman Lyson: How many ranchers do you have in your organization?

Dwight Grosz: Approximately 80.

Chairman Lyson: How many people in ND are allowing high-fence hunting?

Dwight Grosz: 10 of the 80.

Chairman Lyson: To your knowledge do any of them allow people to come to their ranch and take a big game animal?

Dwight Grosz: No, you have to have a permit from the Board of Animal Health to own a live animal.

Chairman Lyson: How many people that own big game animals and are registered by the Board of Health do not belong to your organization?

Dwight Grosz: There are several that do not belong to the ND Elk Growers. The Elk Growers membership numbers about 30. I send out information to everyone and they can contact me whether they are for or against.

Senator Uglen: Have you gotten any response from growers that would be against this bill?

Dwight Grosz: Yes, there is one. He doesn't have 160 acres. He will testify later.

Senator Triplett: Is that the only negative feedback you have gotten? One out of the 80?

Dwight Grosz: Yes, I believe so.

Senator Triplett: Do the deer ranchers have this high fence hunting going on?

Dwight Grosz: Yes, I believe there are three.

Senator Triplett: Have you had any feedback from the other 17 deer ranchers who don't do this?

Dwight Grosz: A lot of them raise elk and deer both so they were there helping to write these bylaws.

Senator Triplett: When you say there are 20+ deer ranchers and about 80 elk ranchers, are those 20 included in the 80?

Dwight Grosz: I'm going to let Beth handle that one.

Beth Carlson, the Deputy State Veterinarian with the State Board of Animal Health in the Department of Agriculture, addressed the question. As of the last renewal there were 103 licensed cervidae facilities, 103 includes 4 zoos so there are 99 private individuals, 80

have elk only, 19 have deer. Of the 19 that have deer, some also have elk. They all have to have approval depending on the species. They have to report every animal that dies, every animal that is born, every animal that they buy or sell. If an animal dies it has to be tested for chronic wasting disease. They do not have to report whether it was shot or just butchered and processed. I prepared a fiscal note using information from the industry. There approximately 10 facilities engaging in this type of activity that would need this license. Initially there would be more paperwork for our office, but it would be similar to what is already being done.

Tom Bodine, representing the ND Farm Bureau, spoke in support of the bill. The industry is trying to promote a positive image that they are caring for animals while providing a unique opportunity. They would rather be proactive by regulating themselves. When the acreage is spelled out and if land acreage is taken for a road, that may cause problems.

Senator Hogue: What gives the sponsors of the bill the impression that if we pass this bill, the opposition groups will go away?

Tom Bodine: I would agree, but the industry is trying to be proactive before the criticism comes.

Opposition

Pete Lies, who operates Lies Game Farm in Rockford, ND, spoke in opposition to the bill. He has been in business since 1958. His first hunt was in 1985 over 25 years ago. He has raised deer since 1974. He doesn't have 160 acres so this would make it impossible for him to harvest the excess adult deer. In 1993 NDSU printed a pamphlet that said a herd of 100 fallow deer could be raised on 40 acres. If I can make a living, I shouldn't have to have 4 times that to carry on. If you took this bill and took out what is negative and leave in the positive. Eliminate 1, 4 and 6 and then use "hunting", not "harvesting". There are too many regulations. If a fee is needed, why does it have to be so high?

Neutral

Joe Miller. A lot of what he says, I would like to consider. Perhaps eliminating this 160 acres could help.

Chairman Lyson closed the hearing on SB 2332.

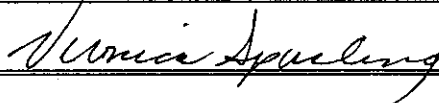
2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

SB 2332
February 3, 2011
13971

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for hunting on big game preserves; to provide a penalty; and to provide a continuing appropriation.

Minutes:

No Attachments

Chairman Lyson opened the discussion on SB 2332.

Chairman Lyson: there is a fiscal note of \$6,000 so we need to get it out of the committee today.

Senator Freborg: It has to have a \$50,000 impact.

Senator Triplett: This bill would have no impact.

End of discussion.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

SB 2332
February 7, 2011
14141

☐ Conference Committee

Committee Clerk Signature

Veronica Spaulding

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for hunting on big game preserves; to provide a penalty; and to provide a continuing appropriation.

Minutes:

No Attachments

Chairman Lyson opened the discussion on SB 2332.

Chairman Lyson: I think it will stir up sentiment and it will end up back in court. The other thing that bothers me is the limit of 160 acres. If a road easement takes you below 160 acres, you can't do this.

Senator Triplett: From my understanding it would not limit harvesting on a 50 acre place for example. It would just prevent them from selling a hunt on a small acreage.

There was discussion about how it would affect the small acreage places.

Senator Hogue: I understand what the groups are trying to accomplish, but the opposition will not go away because we pass some legislation. I don't think it is a good idea to pass legislation to help them in their efforts to silence their opposition. I think one of the problems with the bill is that it puts restrictions on the big game preserves. What is "reasonable coverage", the language is too vague.

Senator Triplett: I would rather wait to make a decision on this.

Chairman Lyson closed the discussion on SB 2332.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

SB 2332
February 10, 2011
Job # SD card 7/27/09 (091357) (audio 47:00-60:00)
and Job # 14370

☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

To provide for hunting big game preserves, to provide a penalty; and to provide a continuing appropriation.

Minutes:

Attachments

Job # SD card 7/27/09 (091357) (audio 47:00-60:00)

The Senate Natural Resources Committee is meeting to discuss SB 2332.

Chairman Lyson opens the discussion on **SB 2332**.

Chairman Lyson asks if we moved on amendment **11.0763.02002**. See **Attachment #1**. Let's look at Senator Miller's amendment. This took away the fiscal note, correct? The fiscal note does not have to go to Appropriations. It is for only \$6000.

Senator Uglen makes a motion to adopt amendment 11.0763.02002.

Senator Schneider seconds the motion.

Motion carried by voice vote.

Senator Uglen states he has another amendment that will "grandfather in" any existing hunting farms that are smaller than 160 acres but greater than 80 acres

Senator Uglen makes a motion to Adopt Amendment #2. (Senator Uglen's amendment) See **Attachment #2**.

Senator Schneider seconds the motion.

Senator Hogue states the amendment is an improvement. My principal objection to the legislation is that it is "unnecessary". I oppose the amendment. It is less restrictive but it still is restrictive.

Senator Triplett supports the amendment.

Proposed Amendment #2 carried by voice vote.

Senator Uglem states he has another amendment. **Page 1, Line 11, #3**, where we would delete **"must contain adequate cover to provide the animal with a reasonable opportunity to elude the hunter and"**. So the amended bill would say, **"A big game preserve must be fenced to meet the requirements of section 36-25-05 and any rules adopted by the state board of animal health"**. He states "adequate cover" is too hard to define.

Senator Triplett states that this amendment improves the bill and the phrase is vague.

Senator Schneider states he thinks we need to leave "adequate cover" provision in statute in order to direct the rule-making process. If the agency sees we have removed that provision, they are not going to address it. If we leave the term "adequate", they can define that through administrative rule. I would oppose the amendment.

Senator Uglem makes a motion to adopt proposed amendment #3.

Senator Triplett seconds that motion.

Roll Call Vote: 3-4-0 Amendment #3 failed.

Job # 14370:

Senator Hogue and Senator Triplett state that they are conflicted on this bill.

Senator Hogue states that he supports the rights of these business owners to operate their businesses the way that they deem appropriate as long as it doesn't infringe on other property owners' rights. I gathered from their comments and email that their intention was to pass this legislation, so they are under the impression that this would provide them some sort of protection from the constant assaults on their business from groups who are ideologically opposed to killing animals and killing animals in confined areas. I don't think those people are going to stop when the legislature passes a law. The harm with this bill is that it puts further restrictions on the way they can operate. I think that part of the reason they want this is that it gives them legitimacy. I believe they have legitimacy whether we pass legislation or not. I don't think we should pass legislation just to give legitimacy to something that the people of ND have already said is okay. I can't support the bill.
I would oppose the motion for DO PASS.

Senator Burckhard asks for clarification, "If we pass this, it is "grandfathered", correct? So those people that have less than 160 acres are okay?"

Senator Lyson states, "Correct".

"And more than eighty acres" was voiced by the committee.

Senator Burckhard states he would echo the comments of **Senator Triplett** and **Senator Hogue**. I am on the fence with this issue.

Senator Uglen states that these people are concerned about their business and they are only 7% of the vote in the last referral from us being required to outlaw them. They feel that this will help them. They are willing to pay the fees to license and set up regulations. I am not sure it will do any good for them. Since this is the route that they choose to go, I feel I need to support them. It is not going to cost the state anything to do it.

Senator Schneider states that he agrees that there is nothing that is going to stop PETA or whoever else from coming in to ND and organizing an initiated measure, even if we do pass this. The proponents of this bill know their own business and if they believe this will give them more legitimacy, I think their views are entitled to some deference. I will support it.

Senator Triplett states she would like to remind herself and other people of the conversation we had 2 years ago on this, and why I support the notion in the first place. I think these folks really are providing an opportunity for a hunting-like experience for people who might be physically challenged. We didn't hear that kind of testimony this time around but we did 2 years ago. They are sitting in the middle, where they can provide a modest hunt for people who value the hunting experience and maybe, because of age or infirmity, don't want to go off trudging in the Badlands to do it.

Senator Lyson states he wants to remind everyone that how our vote here is our own personal feelings and no one should look at the other person and wonder if I should vote for them or whatever. This is your vote, not anyone else's.

Senator Freborg states that he agrees with both sides. I agree with the people who represent the "high fence" ownership of these hunting enterprises. I don't think it is going to help them. I told someone this morning that I thought that the people allowed to do this would be better off not to bring up the subject, not to draw attention to it, just go ahead and do their thing. If this is what they want, I agree with Senator Uglen, I will vote for it; but I also agree with Senator Hogue that I don't think it is going to help and I don't think it will stop the anti-people and I don't think it will change a thing. They want it, so I will support it.

Senator Uglen made a motion to Do Pass as Amended on SB 2332.

Senator Schneider seconded the motion.

Roll Call Vote: 5-2-0

Carrier: Senator Uglen.

FISCAL NOTE
Requested by Legislative Council
02/18/2011

Amendment to: SB 2332

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Expenditures	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Appropriations	\$0	\$0	\$0	\$6,000	\$0	\$6,000

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill defines a big game preserve, establishes facility requirements for a big game preserve, and requires a license costing \$300.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The license will cost each operation \$300 annually to obtain. There are approximately 10 facilities currently in operation which would require this license. Additionally, there would be cost to the state board of animal health to create new forms for applications, inspections, and licenses for a big game preserve. These facilities would also require an inspection to ensure that they comply with the facility requirements set forth in this bill.

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.*

\$300 per facility x 10 facilities = \$3000/year x 2 = \$6000/biennium. This would be deposited in the agriculture commissioner's operating fund (Fund 308) to be used for expenditures associated with enforcing this chapter.

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.*

The revenue generated should be adequate to cover the costs associated with creating and maintaining the forms, as well as the staff time associated with additional licensing and inspection duties.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

We estimate that our budget would need to have an increase in spending authority for special funds of \$6000 to allow us to receive and spend the license fees.

Name:	Kenneth S. Junkert	Agency:	Agriculture
Phone Number:	328-4756	Date Prepared:	03/03/2011

FISCAL NOTE

Requested by Legislative Council
01/26/2011

Bill/Resolution No.: SB 2332

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Expenditures	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Appropriations	\$0	\$0	\$0	\$6,000	\$0	\$6,000

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill defines a big game preserve, establishes facility requirements for a big game preserve, and requires a license costing \$300.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The license will cost each operation \$300 annually to obtain. There are approximately 10 facilities currently in operation which would require this license. Additionally, there would be cost to the state board of animal health to create new forms for applications, inspections, and licenses for a big game preserve. These facilities would also require an inspection to ensure that they comply with the facility requirements set forth in this bill.

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.*

\$300 per facility x 10 facilities = \$3000/year x 2 = \$6000/biennium. This would be deposited in the agriculture commissioner's operating fund (Fund 308) to be used for expenditures associated with enforcing this chapter.

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.*

The revenue generated should be adequate to cover the costs associated with creating and maintaining the forms, as well as the staff time associated with additional licensing and inspection duties.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

We estimate that our budget would need to have an increase in spending authority for special funds of \$6000 to allow

us to receive and spend the license fees.

Name:	Beth Carlson, DVM	Agency:	NDDA-Animal Health Division
Phone Number:	328-2653	Date Prepared:	02/01/2011

January 31, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2332

Page 1, line 22, remove "remitted to the state board of animal health. Permit fees are appropriated on a"

Page 1, line 23, replace "continuing basis to the board for administrative expenses incurred under this section" with "deposited in the agriculture commissioner's operating fund and are appropriated on a continuing basis to the state board of animal health for purposes of enforcing this section"

Page 2, line 8, replace "species" with "livestock defined as nontraditional livestock or as farmed elk in section 36-01-00.1"

Page 2, line 13, replace "ungulates" with "cervidae livestock"

Renumber accordingly

Date: 2-10-11
Roll Call Vote # 7

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2332

Senate Natural Resources Committee

Legislative Council Amendment Number 11.0763.02002

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Uglen Seconded By Schneider

carried by voice vote

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Proposed
Amendment #2*

Proposed amendment to Senate Bill 2332

Page 2 line 15, add: Big game hunting preserves in operation before January 1, 2011
may be less than 160 acres, but in no case may the acreage be less than 80 acres.

*Proposed
Amendment
#3* Page 1 Line 11 after preserve delete:
Cover phrase

Date: 2-10-11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2332

Senate Natural Resources Committee

Legislative Council Amendment Number proposed amendment #2

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

Motion Made By Uglen Seconded By Schneider

carried by voice vote

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

page 2 line 15 add Big game hunting preserves in operation before January 1, 2011 may be less than 160 acres, but in no case may the acreage be less than 80 acres.

Date: 2-10-11
Roll Call Vote # 3

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2332

Senate Natural Resources Committee

Legislative Council Amendment Number "Proposed Amendment #3"

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Uglen Seconded By Triplett

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

Total (Yes) 3 No 4

Absent 0

Floor Assignment _____

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

Page 1, line 11 after preserve, delete cover phrase

Date: 2-10-11
Roll Call Vote # 4

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2332

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 Senator Uglem Seconded By Senator Schneider

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

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Uglem

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

REPORT OF STANDING COMMITTEE

SB 2332: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "remitted to the state board of animal health. Permit fees are appropriated on a"

Page 1, line 23, replace "continuing basis to the board for administrative expenses incurred under this section" with "deposited in the agriculture commissioner's operating fund and are appropriated on a continuing basis to the state board of animal health for purposes of enforcing this section"

Page 2, line 8, replace "species" with "livestock defined as nontraditional livestock or as farmed elk in section 36-01-00.1"

Page 2, line 13, replace "ungulates" with "cervidae livestock"

Page 2, line 15, after the underscored period insert "A big game hunting preserve in operation before January 1, 2011, may be less than one hundred sixty acres [64.75 hectares], but in no case may the acreage be less than eighty acres [32.37 hectares]."

Renumber accordingly

2011 HOUSE ENERGY AND NATURAL RESOURCES

SB 2332

2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

SB 2332

3/10/2011

15239

☐ Conference Committee

Committee Clerk Signature

J. Mineth

Minutes:

7 "attached testimony."

Rep. Porter: We will open the hearing on SB 2332.

Senator Miller: I represent district 16. SB 2332 is an industry response to the initiated measure 2 which was on our state wide ballot regarding fair chance and hunting in enclosed areas. (See attachment 1)

Rep. Hanson: How many people will buy the \$300.00 fee license?

Senator Miller: I am not sure, I believe there about 20-30.

Rep. Hanson: Does the \$300.00 plus the number of people that would be buying it, cover the cost that the agriculture department puts in to inspect these facilities?

Senator Miller: There are some people that answer that better than I later. Let it be known that the elk and deer are represented on the Board of Animal Health currently, there are members.

Rep. Kasper: The fiscal note explains that it is projecting ten facilities at \$300.00 a year which is \$6,000.00 for the revenue.

Senator Miller: I am not certain of the numbers.

Rep. Porter: How many dollars are taken from the Game and Fish Fund to oversee that industry? And how many dollars come out of the general to oversee that industry?

Senator Miller: I can't answer that.

Rep. Porter: Is the intent of this bill to be self reliant so that they are paying their own way and they are their own industry and Game and Fish dollars won't be used to subsidize the inspection of the facilities?

Senator Miller: I think we would meet them half way in that aspect. The reason the Game and Fish come and inspect them is because they don't want them to be a cross herd.

Rep. Porter: Game and Fish isn't doing the inspections but Game and Fish dollars are being used to help underwrite the inspections. This fee does not cover the cost of doing the inspections and regulating this industry.

Senator Miller: I can't answer that.

Rep. Kasper: What are the inspection requirements for one of these entities?

Senator Miller: You have 2 different going on here. You have the people that raise the deer and elk and there are inspection dollars that are flowing into that to regulate and then this dealing with the actual hunting preserve that has a fence around it.

Brian Kramer: I am here on behalf of the North Dakota Deer Rancher's Association. We support SB 2332 and encourage you to give a Do Pass. (See attachment 2)

Senator Miller was correct when he said this regulation is for the big game preserve and those people that provide those. Currently there are 10 of those operating in the state of North Dakota. That \$300.00 fee that they would pay is to offset the additional cost that the State Board of Animal Health would incur for operating these facilities and making sure that these facilities are up to spec and that they are doing things correctly. When these animals are harvested and taken out of the state or moved to a processing facility a manifest must go with those. The State Board of Animal Health will track that system so that they know that they are pen raised animals that are owned by the producer that are being used in this type of situation. The health inspections come from the funds of the Game and Fish.

The size of the facilities and that sort of thing is to make sure it is a hunt not a barrel situation. That is why they put in 160 acres. 160 acres is kind of a arbitrary number but if you look at what the Game and Fish requires for a landowner to get a gratis permit that is 160 acres.

It also talks about firearms and how you can go about taking those animals; we put in specifically that computer-assisted hunting in illegal.

Rep. Hofstad: When someone goes out to one of these preserves and takes an animal it needs a manifest. How do you acquire that manifest?

Brian Kramer: That is part of what the State Board of Animal Health does currently. This bill and the fees that are collected through this bill would also offset those costs for the manifest. They will have to change the manifest somewhat.

Rep. Hofstad: What are the differences?

Brian Kramer: I think the differences are for the transport of the animal, since it wouldn't have a tag there must be something on that animal as it leaves that farm to say it was legally taken from the game preserves.

Rep. Hofstad: Wasn't that the case in the past?

Brian Kramer: That has been the case in the past. It is a bill of sale for the animal which we could send with the animal. With the manifest it has the tag number and the tattoo numbers included in it, which makes it more official.

Rep. Hofstad: The idea of the fee is to cover the manifest?

Brian Kramer: Yes that is correct.

Rep. Hofstad: What about the farm that doesn't offer hunting? Why is the fee still applicable to them?

Brian Kramer: They are not. That is for those that offer a big game hunt.

Rep. Porter: Why are you using the word hunt in here then?

Brian Kramer: Because when you go to a big game preserve it is a hunt and that is what we are trying to represent.

Rep. Porter: If I walk into the building and say I want that one let him loose and I go out and shot him then you are defining as a hunt.

Brian Kramer: If I advertise a hunting opportunity to you and you contact me and say you want to take an animal that is then a hunting opportunity. If I am not advertizing for that kind of a business, you contact me and want to take an animal you can come out and we will shot it in the corral and process it that is not a hunting opportunity.

Rep. Kasper: How many facilities are subject to the grandfather clause that is less than 160 acres?

Brian Kramer: I believe there is one.

Rep. Kasper: What is the average size of the hunting preserves?

Brian Kramer: I am not sure of that.

Rep. Kasper: I own 110 acres that is not fenced. When I drive to that land which is leased to a farmer I can't imagine how that could be a fair hunt if it was fenced. Do you think hunting on a smaller unit is a fair hunt for the animal to get away?

Brian Kramer: That depends on the topography of the land.

Rep. Porter: It is safe to say a hilltop ½ mile by ½ mile is within range of a rifle shot?

Brian Kramer: Yes if you have a scope and are a good shot.

Rep. Porter: I understand where the industry is coming from; my concern is that we aren't addressing the subsidization using Game and Fish dollars which are hunter dollars which have nothing with this industry to perform this regulation in the industry. As you were working with this group in putting this bill together did you discuss having to feaze to the point where you no longer tap into that hunters dollars out of Game and Fish in order to operate a for profit business?

Brian Kramer: There was some discussion of the fees with the folks from the Game and Fish Department. They are willing to put up some of those dollars because it does protect the hunting industry as a whole. They want to be sure that those animals are healthy and disease free animals.

Rep. Porter: It is significantly more than \$6,000.00 though. There is quite a fair subsidization of this industry happening for a profit business.

Brian Kramer: I agree with that.

Shawn Schafer: I am a whitetail deer producer in North Dakota. I support SB 2332 and encourage you to give it a Do Pass recommendation. (See attachment 3) This clarifies that yes they do have to have some type of identification with that animal so when they are three states away from here and they get stopped they have a way to track it. Our animals are required to be inventoried and tagged. Those manifests must be sent in to the Board of Animal Health at the end of the year. This bill also indentifies the types of weapons that can be used in the big game preserve and prohibits computer-assisted remote hunting. A \$300.00 fee would be required to obtain a big game preserve permit. We are not staring anything new; we are trying to regulate it so we get a count. We don't know right now how many big game preserves we have. We do know how many facilities we don't know how many are a big game hunts.

There has been talk about the money from Game and Fish, this is separate from that. That is spelled out in statute. I urge a Do Pass on SB 2332.

Allen Tellman: Chairman of the North Dakota Ag Coalition (See attachment 4)

Sheyna Strommen: I represent the North Dakota Stockmen's Association. We support this industries effort to help police and assure the high level standards are used in North Dakota. We also support their rights to conduct their business on their operations. (See attachment 5)

Mike McEnroe: Representing the North Dakota Chapter of the Wildlife Society. (See attachment 6) We are in support of SB 2332 which would permit and regulate the shooting preserves in North Dakota.

Foster Ray Hager: I am here in behalf of the Cass County Wildlife Club. We support this bill for the reason that this has a tracking system.

Rep Porter: Is there any opposition to SB 2332?

Peter Lies: I am here in behalf of Lies Game Farm, New Rockford, North Dakota. (See attachment 7) I would like to see harvesting taken out of the bill completely. And it says any person I like to hope that does not include the owner themselves. As far as manifest goes since when has a bill of sale not been adequate to show legal ownership? The Board of Animal Health is looking to get more control of what I am doing on my farm. After my animal is dead and gone I don't understand why anybody should have to know who I sold that meat to. As far as the fencing that says it has to be the required fences, we already have a law that says what the animals have to be behind. A veterinarian cannot keep my animal overnight unless he has a fence adequate to hold it and a license to keep it. (See attachment 8)

Rep. Porter: Can you explain the relationship between the North Dakota Game and Fish and the Board of Animal and Health and what the dollars are spent for? At what point is the person who owns the deer or elk responsible for the capture, killing and where are those expenses split at the state agencies?

Roger Rostvet: I am the Deputy Director of the North Dakota Game and Fish. Many of those questions are out of my scope of authority. They belong with the Board of Animal and Health who has been authorized by the legislature to regulate the non-traditional livestock. Those areas used to be in the Game and Fish Code but were transferred by the legislature to Department of Ag. under the Board of Animal and Health. The question about funding is; those responsibilities were transferred from the Game and Fish to the Board of Animal and Health, they had a memorandum agreement that rather than having two agencies license some particular animals, that the departments thought it would be good to have one place do both of them rather than having duplicate efforts. At that time we transferred \$30,000 to the board of Animal and Health to do the record keeping. As time went on more responsibilities were transferred from Game and Fish to the Board of Animal and Health at that time there was legislative appropriation to give them \$200,000.00. We were suppose to get 1/2 of a veterinary position for work that we wanted and the Board would have the other 1/2 time. That isn't occurring; we rifted the vet that we had so we are looking for some veterinary services. We have hired a full time vet but the funds are still being transferred to the Board of Animal Health. As far as the \$200,000.00 it would be better for the Board of Animal and Health to specify where those dollars go.

Rep. Kasper: What duties do you have to perform in regard to this bill and what do you expect your costs are at this point?

Roger Rostvet: In this bill there would be no additional cost to Game and Fish.

Rep. Kasper: On you have any costs right now to oversee this bill or this entity?

Roger Rostvet: If you are talking non-traditional livestock the state Board of Animal Health, the state of Veterinarian office yes there are overlapping jurisdictions. I mentioned earlier appropriations transferred \$200,000.00 to the board of Animal Health for some of the activities. We end up at times assisting the Board of Animal Health state Vet with animals or inspections activities where we have co-mingling of wild animals. To put a dollar cost on it is hard because it varies from year to year.

Rep. Kasper: Give me an example of a significant event that would cause your department \$10,000.00.

Roger Rostvet: That probably would be from illegal operations, or animals that were comingling led, fences were down, critters getting out.

Rep. Kasper: Wouldn't those duties go first to the Board of Animal Health to look at and not the Game and Fish I am looking for what your department has to spend, not what the Board of Animal and Health spends.

Roger Rostvet: You are right, under the law we shouldn't have to but there are certain situations where the state vets. office is not equipped to handle such things as escape or whatever. It is our responsibility to interact.

Rep. Kasper: Is that a rear occurrence?

Roger Rostvet: It is becoming more rear.

Rep. Keiser: You have an MOA with the Board of Animal Health. Was the appropriation to the Board of Animal Health a transfer?

Roger Rostvet: No it was a direct Game and Fish sportsman paid fund that is transferred in addition to other general funds.

Rep. Keiser: How much is transferred and for how long?

Roger Rostvet: \$200,000.00 each biennium for 4 or 5 bienniums.

Rep. Keiser: So this bill isn't costing any more transfers

Roger Rostvet: As I stated earlier there is no additional cost of this bill to the department.

Rep. Keiser: Does the board of Animal Health also assist the Game and Fish in the case of wild animals and disease?

Roger Rostvet: Yes that is part of the expectation of the transfer.

Rep. Keiser: Does the department support this kind of registration for these groups of people?

Roger Rostvet: This type of regulation was the request of the legislation. It is not appropriate to take a stand on that.

Rep. Hanson: Of that \$200,000.00 does all that comes from license fees?

Roger Rostvet: Yes it does.

Rep. Kasper: Out of the \$200,000.00 that was transferred what percent of that amount is directly attributable to this kind of operations in North Dakota?

Roger Rostvet: The states vets office is more equipped to give you detail on that. I would say the majority of that.

Rep. Porter: How much did the operation of the hogs that were let go cost to get situation under control?

Roger Rostvet: We had several occasions. The one in the Badlands was wild pigs. Those in the central part of the state were not attributed the non-traditional livestock.

Beth Carlson: I am the deputy state veterinarian with the state Board of Animal Health in the Department of Agriculture Animal Health Division. We don't have a position on this bill but I can answer a lot of questions that have been raised. I have the responsibility to oversee the non-traditional livestock.

As Roger mentioned back in the 90's authority was transferred from their agency to ours for many of these species. That doesn't just include deer, elk are considered domestic animals they are treated like cattle, we don't charge elk producers for the regulations that the state has imposed on them. We inspect auction markets, we license MOA facilities, and other inspections that required by law and do not charge them for the regulation that was put upon them.

The fund transfer from Game and Fish is to regulate non-traditional livestock which doesn't include elk. Non-traditional livestock includes deer, pheasants, partridge, Canada geese, wild turkeys and more. We do require the manifest bills on all of the live sales and slather sales. If they are going out of the state they also have a health certificate. Over 100,000.00 pheasants are released every year by permit or through our oversight.

The wild pig question as you mentioned, there were wild pigs destroyed that were part of the Wild boar type. Those came off of the reservation.

We have a staff of seven people to regulate all domestic and non-traditional livestock activities in the state. We have 3 veterinarians, 3 support staff and 1 skilled staff person. We also have no guns so they do assist us with escape issues which are not common but do occur occasionally.

Rep. Porter: When you call Game and Fish to help you do you pay them?

Beth Carlson: We do not. We are not out there asking for their money, it has been a legislative decision as to how our budget is funded. We would all be happy if we were generally funded but it has been a legislative decision as to how to pay us.

Rep. Porter: Out of the total budget with the \$200,000.00 how many dollars are general fund dollars?

Beth Carlson: The \$200,000.00 is a special funds transfer from the Game and Fish Department to our budget.

Rep. Porter: How many general fund dollars do you get?

Beth Carlson: Our total general fund budget not including salary our general operating fund is \$180,000.00 for our biennium.

Rep. Porter: And then the fees and revenues that the board produces?

Beth Carlson: They go to the general fund. This bill is different in that it goes to the appreciation board.

Rep. Kasper: In the past now with the bill coming up can you give an estimate of what there will be for cost to your department to oversee what is in this bill based upon your past experience?

Beth Carlson: I wrote the fiscal note. It is likely that this \$6,000.00 would cover the additional expense. We would have to do routine facility inspections prior to approval or license insure. We would have to do new inspections on all facilities wishing to apply for this license.

Rep. Kasper: There is not a lot of additional expense?

Beth Carlson: Correct.

Rep. Damschen: The money that is spent on big game farms, is that necessitated by requests from the game preserve or from the mandates by the state?

Beth Carlson: There is some guidance in law and there is a very long chapter in rule with specific requirements as to the height of the fence how far the gate can be off the ground how far the posts can be apart. Everything is pretty much in rule.

Rep. Keiser: I realize the people voted. This is a bill that would require them to register does your department support the registration of these things that the people have voted for?

Beth Carlson: All of these facilities are already licensed or approved, we already regulate them and the inventory and the flow of the animals. We want to have a healthy industry domestic or non-traditional.

Rep. Damschen: Do you thing the passing of this bill would improve things?

Beth Carlson: As far as the health of the herd it won't have any impact. Our priority is health and welfare.

Rep. Porter: In the subsection one it talks about new responsibilities that you are going to half it reads that you will have to mandate the fences. Can you explain to us how you are going to do that?

Beth Carlson: We already do inspect all of the facilities and fences; this would require us to evaluate the size that is the only change.

Rep. Porter: Do you think that it is possible for you to come up with that determination?

Beth Carlson: I don't think that is my area of expertise but I learn all sorts of things when I am told to do so.

Mike Donahue: From the North Dakota Wildlife Federation we are neutral on this bill.

Rep. Porter: We will close the hearing on SB 2332.

2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

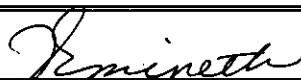
SB 2332

3/17/2011

15568

☐ Conference Committee

Committee Clerk Signature



Minutes:

1 "attached testimony."

Rep. Porter: We will open the hearing on SB 2332.

Rep. Damschen: Does this do anything new?

Rep. Porter: It charges a \$300.00 fee to someone that who hasn't paid it before and it puts restrictions on the size of the operation and it requires the state to establish a definition of cover in regulation of adequate cover. Personally I have an issue with the bill. I don't think it is necessary, the vote was taken. I think it was a property rights issue the industry is alive and well in North Dakota. I don't think that makes it the time for the state to come in and impose fees and set minimum standards for something that has been running for a long time. I don't think the Century Code is necessarily the place to legitimize a business. I think it spook for itself as it came in front of the voters and as it was defeated to outlaw them. I have a real problem with the definition "trying to maintain" and contain adequate cover to provide the animal with reasonable opportunity to allude the hunter. I don't know how you would ever do that. As far as the acreage I don't think it is our job to set that kind of minimum. If you have 20 acres that has a forest on it and has way more cover than 160 acres with grass on it, I don't see that is for us to get in the middle of. The two big things are already covered, the fencing and the animal health which is already covered through the Board of Animal Health. I don't see the need for the bill.

Rep. Hunsaker: I agree with everything the Chairman said. In my district we have several elk farms and I understand where they are coming from, as you said they want to head-off any legislation to shut down their operation. I will vote for the bill based on that but I agree with you said too.

Rep. Hanson: Is there any place in the bill that says who going to police all of these things?

Rep. Porter: I think it goes back to the Board of Animal Health. That was one of my issues with all of a sudden you are taking a board that is regulating animal health and requiring them to make sure there is adequate cover to provide the animal with a reasonable opportunity to allude the hunter. I don't understand how that can be done.

Rep. Hanson: You have to have so many trees and so much grass.

Rep. Kreun: I recognizing all of the comments that were made do we really want to support the industry in trying to be proactive in their response to some of the questions and the concerns that were raised with the vote? In my understanding is that almost every component of the industry is already regulated and with the Board of Animal Health and all the other areas that are there they have to meet all the other criteria by passing this bill. It appears that the only thing that we are doing is what you indicated it is to legitimize the business which is already there and has been there. It would be nice to do that but is it our position to do that. I don't believe it is I suggest a Do Not Pass for this engrossed bill SB 2332.

Rep. Porter: We have a motion from Rep. Kreun for a Do Not Pass.

Rep. Nathe: Second.

Rep. Porter: Is there further discussion? Roll call taken for a Do Not Pass on SB 2332. Motion carried.

YES 7 No 6 ABSENT 2 Carrier Rep. Kreun

Rep. Hanson: I would like hand out a printout that came from the Game and Fish Department on that two hundred thousand that they put into the Board of Animal Health which comes out of license fee money. You can read this on your own.(See attachment 1)

Date: 3-17-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2332

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 Kreun Seconded By 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		nb			
Rep. Kasper		✓			
Rep. Keiser		AB			
Rep. Kreun	✓				
Rep. Nathe	✓				
Rep. Anderson	✓				

Total (Yes) 7 No 6

Absent 2

Floor Assignment Rep Kreun

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

REPORT OF STANDING COMMITTEE

SB 2332, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends DO NOT PASS (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2332 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2332

SB 2332 Testimony
Joe Miller

Senate Bill 2338 is an industry response to the initiated Measure #2 regarding 'Fair Chase' and hunting in enclosed areas. The deer ranchers and elk growers asked that I sponsor the bill. I accepted after they told me that they want to promote this as a quality outdoor activity that sportsmen can choose if they desire.

To that end, the industry is asking that rules and regulations be codified to provide the animal an opportunity to elude the hunter. This is done so that the public will understand that the industry is providing a true hunting experience, not 'shooting fish in a barrel'.

While I don't believe these folks should have to defend their businesses, I appreciate that they are concerned and want to alleviate apprehension raised by some people through the public media. These animals are their property. They should be able to conduct their business and market their animals without fear of reprisal.

The deer ranchers and elk growers are willing to place these rules upon their industry to prove they provide a good hunting experience. They understand that this regulation requires some oversight and administration so they have voluntarily agreed to a fee to offset the costs incurred by the State Board of Animal Health. The State Board of Animal Health is charged with overseeing all other aspects of this industry and it only makes sense to include these regulations with the others.

I have some amendments I would like you to consider and would defer questions on the bill and amendments to a spokesman for the deer and elk producers.

#3

NORTH DAKOTA DEER RANCHERS



1223 18th Ave NW
Turtle Lake, ND 58575
701-448-9189

Shawn Schafer – NDDR President

NDDR Directors – Kim Buntrock, Tom Kleven, Rob Olstad

NORTH DAKOTA DEER RANCHERS ASSOCIATION TESTIMONY ON SENATE BILL 2332

February 3, 2011

Good Morning Chairman Lyson and members of the Senate Natural Resources Committee. My name is Brian Kramer. I am here on behalf of the North Dakota Deer Ranchers Association. We support Senate Bill 2332 and hope that you will give it a 'Do Pass' recommendation.

This bill is a response to initiated Measure # 2 that was referred to as the "Canned Hunt" measure. Big game preserve owners have heard the concerns voiced by a segment of North Dakota citizens requesting a 'fair chase' in hunting and/or testing privately owned deer and elk.

To that end, this bill addresses the issue by providing that a big game preserve must conduct the hunt on 160 acres of land and ample cover must be afforded to provide the animal the opportunity to elude the hunter. The bill also specifies those type of weapons that are allowed and expressly states that computer-assisted hunting is illegal.

Big game preserves will be regulated by the State Board of Animal Health (SBAH), as that entity currently has authority over nontraditional livestock and farmed elk. The SBAH ensures the animals are healthy and proper care is provided. They have adopted rules regarding the height of enclosures so that privately owned animals and wildlife do not come in contact. The SBAH has established procedures that the owners must ascribe to when selling, buying and/or transporting the animals. These procedures are incorporated into the bill to ensure that only privately owned game are harvested on the big game preserve.

The big game preserve owners are willing to assess themselves a fee to offset the costs that the SBAH may incur in the administration and oversight of this industry.



NTL AND/OR FARMED ELK ANIMAL MANIFEST/BILL OF SALE
NORTH DAKOTA DEPARTMENT OF AGRICULTURE
BOARD OF ANIMAL HEALTH
SFN 19687 (11-04)

8984

Phone No.

I certify that the following is a true and correct statement.

Owner/Authorized Agent (Please print) Dwight Grosz		Date (Month, Day, Year)
Mailing Address 1344 53 Ave. S.W.		Non-Traditional Livestock License No. 808
City Hazen	State ND	Zip Code 58545
Consigned or Transported To		Non-Traditional Livestock License No.
Mailing Address	City	State
		Zip Code

Species	Sex	ND Ear. Tag # (if applicable)	Band # or USDA Tag # (if applicable)	Visual ID and/or Comments
ELK		50V	45AL41086	NDRBW 50V

Total Animals	Total Confirmed by (Receiver's Signature)			
Livestock Transporter Same as Owner? <input type="checkbox"/> Yes <input type="checkbox"/> No	Transport Driver's Signature		Transport Vehicle License Number	
Non-Traditional Livestock <input type="checkbox"/> Slaughter/Necropsy On Farm <input type="checkbox"/> Export <input type="checkbox"/> Import	<input type="checkbox"/> Livestock <input type="checkbox"/> Other			
Owner's/Authorized Agent's Signature/Witness	Original - Board of Animal Health Pink - Purchaser		Canary - Owner	

#4

Untitled

www.cbsnews.com/stories/2007/08/10/the_skinny/main3154891.shtml

Remember all that outrage a couple years ago over "Internet hunting"? You know, those web sites where you could log on, peer into the leafy wilderness through live web cam and, when an unsuspecting buck crossed the screen, click a mouse to drop him?

It turns out there weren't really web "sites," the Wall Street Journal reports. More like one site, which was shut down almost soon as it opened. And, despite the fact that 33 states have outlawed the Internet hunting since 2005 and a bill to ban it nationally has been introduced into Congress, "nobody actually hunts over the Internet."

"Internet hunting would be wrong," said a Delaware representative who opposed his state's ban. "But there's a lot that would be wrong, if it were happening."

online.wsj.com/article/SB118668766176893323.html

The Humane Society of the United States last year mailed more than 50,000 people an urgent message, underlined and in bold type: "Such horrific cruelty must stop and stop now!"

The cruelty in question was Internet hunting, which the animal-rights group described as the "sick and depraved" sport of shooting live game with a gun controlled remotely over the web. Responding to the Humane Society's call, 33 states have outlawed Internet hunting since 2005, and a bill to ban it nationally has been introduced in Congress.

Read the Humane Society's letter, plus see the society's Internet hunting page on its web site.

But nobody actually hunts animals over the Internet. Although the concept -- first broached publicly by a Texas entrepreneur in 2004 -- is technically feasible, it hasn't caught on. How so many states have nonetheless come to ban the practice is a testament to public alarm over Internet threats and the gilded life of legislation that nobody opposes.

With no Internet hunters to defend the sport, the Humane Society's lobbying campaign has been hugely successful -- a welcome change for an organization that has struggled to curtail actual boots-on-the-ground hunting. Michael Markarian, who has led the group's effort, calls it "one of the fastest paces of reform for any animal issue that we can remember seeing."



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Joe Miller
District 16
P.O. Box 151
Park River, ND 58270-0151
Cell: 701-331-1491
joemiller@nd.gov

COMMITTEES:
Finance and Taxation, Vice Chairman
Agriculture

SB 2332 Testimony

Senate Bill 2332 is an industry response to the initiated Measure #2 regarding 'Fair Chase' and hunting in enclosed areas. The deer ranchers and elk growers asked that I sponsor the bill. I accepted after they told me that they want to promote this as a quality outdoor activity that sportsmen can chose if they desire.

The industry is asking that rules and regulations be codified to demonstrate that the animal has an opportunity to elude the hunter. This is done so that the public will understand that the industry is providing a true hunting experience, and that these ranchers and landowners are; in fact, only promoting an alternative hunting experience to those that may not be able bodied or restricted by time.

While I don't believe these folks should have to defend their businesses, I appreciate that they are concerned and want to alleviate apprehension raised by some people through the public media. These animals are their property. They should be able to conduct their business and market their animals without fear of reprisal.

The deer ranchers and elk growers are willing to place these rules upon their industry to prove they provide a good hunting experience. They understand that this regulation requires some oversight and administration so they have voluntarily agreed to a fee to offset the costs incurred by the State Board of Animal Health. The State Board of Animal Health is charged with overseeing all other aspects of this industry and it only makes sense to include these regulations with the others.

Thank you.

NORTH DAKOTA DEER RANCHERS 2



1223 18th Ave NW
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Shawn Schafer – NDDR President

NDDR Directors – Kim Buntrock, Tom
Kleven, Rob Olstad

NORTH DAKOTA DEER RANCHERS ASSOCIATION TESTIMONY ON SENATE BILL 2332


March 10, 2011

Good Morning Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Brian Kramer. I am here on behalf of the North Dakota Deer Ranchers Association. We support Senate Bill 2332 and encourage you to give it a 'Do Pass' recommendation.

This bill is a response to initiated Measure # 2 that was referred to as the "Canned Hunt" measure. Big game preserve owners have heard the concerns voiced by a segment of North Dakota citizens requesting a 'fair chase' in hunting and/or harvesting privately owned deer and elk.

To that end, this bill addresses the issue by providing that any new big game preserve must conduct the hunt on 160 acres of land and ample cover must be afforded to provide the animal the opportunity to elude the hunter. A 'grandfather clause' was added to the bill in the Senate as there was one current big game preserve with just under the 160 acre threshold. The bill also specifies the type of weapons that are allowed and expressly states that computer-assisted hunting is illegal.


Big game preserves will be regulated by the State Board of Animal Health (SBAH), as that entity currently has authority over nontraditional livestock and farmed elk. The



SBAH ensures the animals are healthy and proper care is provided. They have adopted rules regarding the height of enclosures so that privately owned animals and wildlife do not come in contact. The SBAH has established procedures that the owners must ascribe to when selling, buying and/or transporting the animals. These procedures are incorporated into the bill to ensure that only privately owned game are harvested on the big game preserve.

The big game preserve owners are willing to assess themselves a fee to offset the costs that the SBAH may realize in the administration and oversight of this industry. The fiscal note prepared by the Agriculture Department agrees that the fees should offset any costs incurred.

Committee members, the industry is seeking these legislative adjustments to the regulation of the business of raising and marketing farm raised elk and deer. Please give SB 2332 a 'Do Pass' recommendation.



Thank you. I would try to answer any questions you may have.

Schafer Whitetail Ranch 3

Shawn Schafer
1223 18th Ave NW
Turtle Lake, ND 58575
701-448-9189

TESTIMONY ON SENATE BILL 2332

March 10, 2011

Good Morning Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Shawn Schafer. I am a whitetail deer producer in Turtle Lake, North Dakota. I support Senate Bill 2332 and encourage you to give it a 'Do Pass' recommendation.

I helped draft Senate Bill 2332 and would like to explain some of the logic in the wording. SB 2332 would require each animal harvested to be accompanied during transport with a manifest to provide a tracking system that would verify where the animal originated.

SB 2332 also identifies the type of weapons that can be used in a big game preserve and specifically prohibits computer assisted remote hunting.

To offset additional work required by the State Board of Animal Health, a \$300 dollar fee will be required to obtain a big game preserve permit. This is comparable to the cost of an outfitter license in North Dakota.

Lastly, we set the acreage limit at 160 acres which is comparable to a landowner for hunting deer or elk in North Dakota.

Committee members, Please give SB 2332 a 'Do Pass' recommendation.

Thank you. I will try to answer any questions you may have.



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MEMBERS

AmeriFlax
BNSF Railway Company
Independent Beef Association
of North Dakota
Milk Producers Association
of North Dakota, Inc.
Minn-Dak Farmers Co-op
North Dakota Ag Aviation Association
North Dakota Ag Consultants
North Dakota Agricultural Association
North Dakota Agri-Women
North Dakota Association
of Agricultural Educators
North Dakota Association
of Soil Conservation Districts
North Dakota Barley Council
North Dakota Beef Commission
North Dakota Corn Growers
Association
North Dakota Corn Utilization Council
North Dakota Crop Improvement
Association
North Dakota Department of
Agriculture
North Dakota Dry Bean Council
North Dakota Dry Edible Bean
Seed Growers
North Dakota Elk Growers
North Dakota Ethanol Council
North Dakota Farm Bureau
North Dakota Farm Credit Council
North Dakota Farmers Union
North Dakota Grain Dealers
Association
North Dakota Grain Growers
Association
North Dakota Lamb and Wool
Producers Association
North Dakota Oilseed Council
North Dakota Pork Council
North Dakota Soybean Council
North Dakota Soybean Growers
Association
North Dakota State Seed
Commission
North Dakota Stockmen's Association
North Dakota Wheat Commission
North Dakota State University
and University Extension
Northern Canola Growers Association
Northern Food Grade Soybean
Association
Northern Plains Potato Growers
Association
Northern Pulse Growers Association
Red River Valley Sugarbeet Growers

4

**Testimony of Allan Tellmann
North Dakota Ag Coalition Chairman
SB 2332
March 10, 2011**

Mr. Chairman and members of the Committee, my name is Allan Tellmann, and I am the chairman of the North Dakota Ag Coalition. On behalf of the Ag Coalition, I would encourage your support of SB 2332, which regulates big game preserve hunting.

The Ag Coalition has provided a unified voice for North Dakota agricultural interests for more than 25 years. Today, we represent more than 40 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. The Ag Coalition takes a position on a limited number of issues brought to us by our members that have significant impact on North Dakota's agriculture industry.

Even though deer and elk ranches make up just a small portion of North Dakota's agriculture industry, they fill a unique niche and bring new money and out-of-state visitors to the state every year. The Ag Coalition believes this bill will help ensure deer and elk ranches and big game preserve hunting remain a successful part of North Dakota's agriculture industry.

We appreciate your past support and would encourage your continued support of SB 2332 and North Dakota's agriculture industry.

North Dakota



STOCKMEN'S ASSOCIATION

407 SOUTH SECOND STREET
BISMARCK, NORTH DAKOTA 58504
Ph: (701) 223-2522
Fax: (701) 223-2587
e-mail: ndsa@ndstockmen.org
www.ndstockmen.org

5

SB 2332

Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

The North Dakota Stockmen's Association supports SB 2332, which will codify requirements for the high-fence hunting industry and identify it as a legitimate agricultural enterprise.

We applaud the industry's proactive efforts to self-police and assure that high-level standards are used in North Dakota, and we support their rights to conduct their business on their operations.

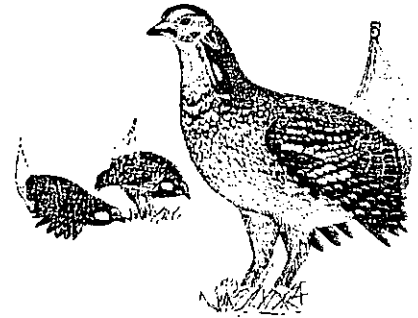
For these reasons, we ask for your favorable consideration of SB 2332.



6
North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MIKE McENROE
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
ON SB 2332
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
MARCH 10, 2011**

**Chairman Porter and members of the Energy and Natural Resources
Committee:**

**My name is Mike McEnroe and I represent the North Dakota Chapter
of The Wildlife Society. The Chapter is a professional organization
made up of over 320 biologists, land managers, university educators,
and law enforcement officers in the wildlife and natural resource field.**

**The Chapter supports SB 2332 permitting and regulating shooting
preserves in North Dakota.**

**We would also recommend that references to hunting and/or hunter in
SB 2332 be changed to harvesting and client, respectively.**

**Thank you for the opportunity to comment on this bill. I will stand for
any questions.**

attachment 7

11.0763.03000

FIRST ENGROSSMENT

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2332

Introduced by

Senators Miller, Klein, O'Connell

Representatives D. Johnson, S. Meyer, Wrangham

1 A Bill for an Act to provide for hunting on big game preserves; to provide a penalty.; ~~and to~~

2 ~~provide a continuing appropriation.~~

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 SECTION 1.

5 ~~Hunting on big game preserves - Manifest - Fee - Continuing appropriation - Penalty.~~

6 1. ~~A person hunting or harvesting cervidae livestock on a big game preserve is not~~

7 ~~required to possess a hunting license. Each animal harvested taken must be accompanied~~

8 ~~during transport with a manifest provided by the state board of animal health Bill of Sale.~~

9 ~~It is unlawful to transport or possess a big game animal ^{taken} harvested from a big game~~

10 ~~preserve without a manifest, and the manifest acts as a Bill of Sale for the permitted~~

11 ~~owner and the hunter. A big game preserve must contain adequate cover to~~

12 ~~provide the animal with a reasonable opportunity to elude the hunter. and must be fenced~~

13 ~~to meet the requirements of section 36-25-05 and any rules adopted by the state board~~

14 ~~of animal health.~~

15 2. ~~A big game animal that has been legally acquired or propagated under chapter 36-01~~

16 ~~or 36-25 may be hunted within the confines of a big game preserve between one-half~~

17 ~~hour before sunrise and one-half hour after sunset.~~

18 3. ~~It is unlawful to harvest hunt an animal from a big game preserve by any method other than~~

19 ~~with a gun, bow and arrow, or crossbow, and it is unlawful to offer or allow~~

20 ~~computer-assisted remote hunting.~~

21 4. ~~The annual fee for a big game preserve permit is three hundred dollars. Permit fees~~

22 ~~must be deposited in the agriculture commissioner's operating fund and are appropriation~~

1 ~~on a continuing basis to the state board of animal health for purposes of~~
2 ~~enforcing this section.~~

3 54. a. A Cervidae livestock operation is an agricultural enterprise and is considered to
4 be part of the farming and agricultural industry of this state and must be afforded
5 all rights, privileges, opportunities of other agricultural
6 enterprises.

7 b. Cervidae livestock operations are a form of agriculture. Cervidae livestock
8 facilities and equipment are considered to be agricultural facilities and equipment
9 and uses related to farming are considered to be agricultural uses.

10 c. Cervidae products and Cervidae livestock defined as nontraditional livestock or as
11 farmed elk in section 36-01-00.1 lawfully produced, purchased, possessed, or
12 acquired from within this state or imported into this state are the exclusive and
13 private property of the owner.

14 65. As used in this section, "big game preserve" means an area of land where game and
15 nonnative wildlife, other than gamebirds, are ~~harvested as authorized by a big game~~
16 ~~preserve permit~~ hunted. A big game preserve for Cervidae livestock must be a fenced
17 Single body of land, may not be dissected by public roads, and may not be less than one
18 hundred sixty acres(64.75 hectares) in size. A big game hunting preserve in operation
19 before January 1, 2011, may be less than one hundred sixty acres (64.75 hectares),
20 but in no case may the acreage be less than eighty acres (32.37 hectares).

21 76. A person that violates this section is guilty of an infraction.

Good morning MISTER CHAIRMAN, AND MEMBERS OF THE NATUREL
RESOURCES COMMITTEE

I am Peter Lies of Lies Game Farm, New Rockford, North Dakota.

'Bullying' WHEN WILL IT END? CAN IT END? If it is promoted here in
the state capital. PLEASE in this bill do not use the word HARVESTED. If
I were a farmer you might have the right to say I can not combine my crop. But after I spent
thousands of "\$ "dollars planting, spraying, and marketing my crop, I do not see how you have
the right to Denny me the right to harvest my crop.

The word MANIFEST since when has a BILL OF SALE not been recognized as legal
ownership. What livestock produced, must send paper work to the BOARD OF ANIMAL
HEALTH as to who they sell a dead, harvested, animal too. If I give him a bill of sale ,what
more should he need..

"Must be fenced to meet requirements of section 36-25-05". **There is already a law that
requires fence standard. In the past we could not legally even leave an animal with a licensed
veterinarian for treatment, unless that veterinarian had a license to keep that animal, and you
can't get a license unless you have the required fence and it has been inspected by the B O A H**

What is the need for "a fee" I DO NOT NEED ? You do not need Someone ,especially
someone not adequate to do so, to come out and inspect our pasture . What is and who will
decide WHAT IS ADEQUATE COVER. Like other industries the success or failure of an
operation, should be determined by the people using the service.

You need to read all of paragraph "5" five in the old draft, paragraph "4" in the new draft. Lines 3 three to line 13 on page "2" two. In short it says "A Cervidae livestock operation is an agricultural enterprise ,are part of a farming agriculture industry, are lawfully produced, possessed, and are the exclusive and private property of the OWNER.

Thank You for your time. Are there any questions ?

ND Game and Fish Funding to the ND Board of Animal Health

Historical funding provided to BOAH

- 1995-1997: \$30,000
- 1997-1999: \$30,000
- 1999-2001: \$45,000
- 2001-2003: \$68,000
- 2003-2005: \$150,000
- 2005-2007: \$150,000
- 2007-2009: \$209,684
- 2009-2011: \$200,000

Services BOAH has provided to NDGFD:

- Administration of PPD permits (process application/permits, customer service, & record-keeping)
 - 2006 – 109 PPDs processed;
 - 2007 – 66 PPD's processed;
 - 2008 – 87 PPD's processed
 - 2009 – 107 PPD's processed
 - 2010 – 85 PPD's processed (YTD)
- With establishment of the NDGFD wildlife veterinarian position (2008), veterinarian technical assistance from BOAH is no longer a necessary service

Services NDGFD has provided to BOAH:

- Serve as agents for BOAH
 - Inspections of NTL/Farmed Elk facilities (including non-PPD)
 - Provide pilot/plane for aerial inspections
 - Assist with enforcement of BOAH admin rules & statutes
 - Assist with depopulation or removal operations
 - Assist with dispatch of escapees
 - Representation on NTL advisory board
- Provide storage for equipment and use of facilities
- Feral pig surveillance and removal (approx. \$22,000 in 2007-2008 operations)
- Provide sample removal training for producers
- TB surveillance activities

FW: BOAH Funding and Related Expenditures

Rostvet, Roger W.

Sent: Thursday, September 30, 2010 2:31 PM

To: Hanson, Lyle L.

Attachments: ND Game and Fish Funding t~1.doc (31 KB)

From: Link, Greg W.

Sent: Thursday, September 30, 2010 2:26 PM

To: Rostvet, Roger W.

Subject: BOAH Funding and Related Expenditures

Rog:

Attached is run-down of the funding we've provided to BOAH over the last 15 or so years, as well as the services they've provided us and the services we've provided them. In addition to this, we have spend approximately \$50,000 over the last decade on removal activities associated with non-compliance cases, farmed cervid escapees, and situation where wild cervids gained entry into a game farm operation.

G.Link

Greg Link
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North Dakota Game and Fish Department
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*"To protect, conserve and enhance fish and wildlife
populations and their habitats"*