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10/2/03
Date

2003 HOUSE NATURAL RESOURCES

HB 1202

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Deanna Hall
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10/2/03
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1202

House Natural Resources Committee

Conference Committee

Hearing Date January 23, 2003

Tape Number	Side A	Side B	Meter #
2	x		264-end
		x	0-2367
Committee Clerk Signature <i>Eric Meyer</i>			

Minutes:

Rep. Porter introduced HB 1202 relating to eligibility to participate in the deer proof hay yard program. (See Attached Testimony).

Rep. Solberg: How would this program be policed?

Rep. Porter: They were operating this way prior to last session.

Rep. Klein: What about no hunting signs? Can I put up no hunting signs and still receive the fence?

Rep. Porter: My understanding is that the program was not based on access.

Rep. Nottestad: What about someone who rents their land to a fee hunting operation?

Rep. Porter: I am not sure how game and fish would handle that?

Chair Nelson: This issue received a thorough hearing last session. The idea behind this was to foster better relations between hunters and landowners. This program has only one year of practical application.

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Page 2
House Natural Resources Committee
Bill/Resolution Number 1202
Hearing Date January 23, 2003

Rep. Porter: I think this bill was a slap in the face to sportsman. It did not foster better relations between both sides. It in fact was a dividing force.

Chair Nelson: This same issue was brought to us in Judiciary B. We can do little in regards to federal lands. This is one program that can mitigate the depravation problem. They have no management abilities. They only have the problems.

Rep. Porter: I disagree. The depravation problems in the park are a problem. There are also landowners around the park planting grasses and crops to lure the elk to their property so they can charge more.

Rep. Drovdal: Alfalfa was planted to feed cattle. What is compensation mean in terms of this bill.

Rep. Porter: I refer that to game and fish.

Mike Donahue: United Sportsman of North Dakota. (See Attached Testimony).

Chair Nelson: If there is a fee hunting operation by a landowner on a portion of the land to support losses due to the deer population?

Mike Donahue: We could pay for half the fence. It is about the principal of the thing.

Harold Neumeyer: Cass County Wildlife Club. Testified in support of HB 1202. (See Attached Testimony).

Greg Link: North Dakota Game and Fish Department. Testified in support of HB 1202. (See Attached Testimony).

Rep. Johnson: How many hay yards have been constructed.

Greg Link: There are 3 using the fee hunting method.

Chair Nelson: Did this program foster a better relationship between landowners and staff?

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House Natural Resources Committee
Bill/Resolution Number 1202
Hearing Date January 23, 2003

Greg Link: For the landowner it was.

Chair Nelson: This program has cost only \$30,000 a year to fix chronic problems.

Greg Link: That is immaterial fee hunters are able to use this program to create density. That is against our goals.

Chair Nelson: If there is a fee hunting operation by a landowner on a portion of the land to support losses due to the deer population?

Greg Link: We can find every example. There usually is a distance factor.

Rep. DeKrey: This is an agency with money in reserve. There are only 3 applications. This has to be worth good landowner-hunter relations.

Greg Link: We are here to provide the service.

Rep. Porter: This has a fiscal note of \$15,000 how much access would that purchase.

Greg Link: We average \$3-\$5 per acre.

Rep. Porter: This would be about 5,000 acres.

Chair Nelson: Do you think all the funds for depravation should be spent on access?

Greg Link: We spend some on both.

Wade Mouser: North Dakota Stockman's Association. Testified against the bill. We have a lot of problems to work out. We need to move this out of the legislature.

Rep. Porter (4646): I'm all for compromise, but this is no compromise. What would you suggest we do?

Wade Mouser: If you are a licenses guide or outfitter you would be unable to qualify.

Dennis Miller: From District 15 in north eastern North Dakota spoke in opposition to HB 1202.

Because of the lack of personal mitigation to solve these problems.

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House Natural Resources Committee
Bill/Resolution Number 1202
Hearing Date January 23, 2003

Rep. Clark: Do you think the sportsman have a right to be concerned that there fees are paying someone who does not allow hunting?

Dennis Miller: It is not a major part of this issue.

Brian Kramer: North Dakota Farm Bureau. Testified against HB 1202. Cited examples of multiple ranches.

(600) Chair Nelson Closes the hearing.

Rep. Clark moves a do pass Seconded by **Rep. Norland**.

Rep. Drovedal: Said he could not support the bill unless he knew the definition of compensation. **Chair Nelson:** This issue is about more than just a deer proof hay yard.

Rep. Keiser: This is a fairness issue. It is a cost of doing business when you are charging for the right to hunt on the land. There are bigger issues to solve. If we cannot solve this one we will never solve the bigger issues.

Rep. Klein: Access will be shut down in this state if this goes through.

Rep. Nottestad: This is not worth going to war over.

Rep. DeKrey: This is only \$6,000 it is not worth going to war over.

The motion for a do pass failed 4-9-1.

Rep. Drovedal made a motion to recommend a do not pass on HB 1202. Seconded by **Rep.**

DeKrey. The motion passed 9-4-1.

Adjourned.

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10/2/03
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FISCAL NOTE
 Requested by Legislative Council
 01/09/2003

Bill/Resolution No.: HB 1202

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				(\$15,000)		(\$15,000)
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

It is estimated that 6 deer proof hay yards are provided for fee hunting operations each biennium. These cost about \$2500 each.

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.

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 total cost of the six hay yards is \$15,000.

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 Dept.
Phone Number:	328-6328	Date Prepared:	01/10/2003

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Donna Ball
 Operator's Signature

10/2/03
 Date

Date: 1/23/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1702

House House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Recommend PO Pass

Motion Made By Clark Seconded By Norland

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson		✓			
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark	✓				
Rep. Duane DeKrey		✓			
Rep. David Drovdal		✓			
Rep. Lyle Hanson		✓			
Rep. Bob Hunskor		✓			
Rep. Dennis Johnson		✓			
Rep. George Keiser	✓				
Rep. Scott Kelsh	✓				
Rep. Frank Klein		✓			
Rep. Mike Norland		✓			
Rep. Darrell Nottestad		✓			
Rep. Dorvan Solberg		✓			

Total (Yes) 4 No 9

Absent 1

Floor Assignment _____

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

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Dorvan Solberg
Operator's Signature

1/23/03
Date

Date: 1/27/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1202

House House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Drovdahl Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter		✓			
Rep. Byron Clark		✓			
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Lyle Hanson					
Rep. Bob Hunsakor	✓				
Rep. Dennis Johnson	✓				
Rep. George Keiser		✓			
Rep. Scott Kelsh		✓			
Rep. Frank Klein	✓				
Rep. Mike Norland	✓				
Rep. Darrell Nottestad	✓				
Rep. Dorvan Solberg	✓				

Total (Yes) 9 No 4

Absent 1

Floor Assignment DeKrey

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

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Dennis Johnson
Operator's Signature

1/27/03
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REPORT OF STANDING COMMITTEE (410)
January 27, 2003 8:36 a.m.

Module No: HR-15-1091
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1202: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT
PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1202 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-15-1091

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10/2/03
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2003 TESTIMONY
HB 1202

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Dorena H. Bell
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HOUSE OF REPRESENTATIVES NATURAL RESOURCES COMMITTEE
REPRESENTATIVE JON NELSON, CHAIRMAN
JANUARY 23, 2003

TESTIMONY BY
REPRESENTATIVE TODD PORTER

IN SUPPORT OF testimony 1202

Chairman Nelson and members of the Natural Resources Committee my name is Todd Porter,
Representative from District 34 in Mandan. I stand before you in favor of HB 1202.

HB 1202 reverses previous legislation that would allow a fee hunting operation access to game
and fish funds to build a deer proof hay yard. Prior to 2001 only owner/operators that were not in
the business of hunting were allowed access to these funds.

There will be further testimony in favor of this bill along with examples of fee hunting operations
that now qualify for these funds even though they sell deer hunts in excess of \$2000.00.

I think it is the wrong message to the hunters of this state to use their money to further enhance a
fee hunting operation.

I would be more than happy to answer any questions the committee may have.

Thank you

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Todd Porter
Operator's Signature

1/21/03
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**TESTIMONY REFERENCING HB 1202
By Mike Donahue, Lobbyist #215
January 23, 2003**

House Natural Resources Committee

United Sportsmen of North Dakota and the N.D. Wildlife Federation support HB 1202 and urge a Do Pass.

In the 2001 session, language was put into the N.D.C.C. to permit commercial hunting operations to apply for and get a free fence.

We objected. We did not want license fee dollars subsidizing a commercial hunt.

Attached is a current advertisement (a link to Cabela's web site) that is pleased to be next to a refuge. Yet, in 2000-2001 the constituent complained (locally) that the deer from the refuge were a big problem. Cuke and eat it too – a similar advertisement was provided to the Agriculture Committees in 2001 but we were unable to sway them.

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Leland Goodman
802 77th ST NE
Willow City, ND



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- Goats
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- Exotics
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- Wolf

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- Canada Waterfowl
- Arkansas
- Pheasants and Quail
- Old Mexico and Texas
- Africa
- South America
- Wild Turkey
- Nebraska Waterfowl

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- Alaska
- Trout
- Flats & Tarpon
- Canadian Lodges
- Bass
- Billfishing

Int'l Big Game

- Africa
- South Africa
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Trophy Whitetail Bowhunt

Outdoor Adventure

North Dakota Trophy Whitetail Bowhunt

Over the past three years, this outfitter has produced 95% success on mature whitetail bucks for our archery hunters. This unique situation will excite any avid bowhunter, especially if you are interested in a great value for a big buck. The hunt takes place on over 5,000 acres that border a National Wildlife Refuge. The best part is that the property has been intensively managed the past six years for trophy hunting. The deer population here is incredible, with a great percentage of mature bucks. This could be your best bet for arrowing an outstanding buck, coupled with some down-home hospitality. In 2001, we had ten hunters take seven bucks. Call today, only 10 hunts available in 2002. Physical Requirement Level=2



One or two landowner tags available each year for rifle hunting, 5 days, \$3,995.

Rates: \$2,495

Dates: September 3 through December 31; 5-day hunts

Includes: Airport pick-up, lodging, meals, 2x1 guide service, in-field transportation, trophy delivery to processor.

Transportation: Fly to Minot, ND, where a representative will meet your flight.

License: Purchased upon arrival, \$170.

More W



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1/22/03
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Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012

**TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE
ON HB 1202, JANUARY 23, 2003**

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club strongly supports HB 1202 that would make landowners not eligible for hay yard programs if they charge for hunting.

This current law allows for a double dip benefit for these landowners. Hunting is the best-used method of managing deer herds. Charging probably reduces the number of hunters who hunt these problem areas and thus increases depredation.

We urge support of HB 1202.



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"VARIETY IN HUNTING AND FISHING"

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5005 PHONE 701-328-6300 FAX 701-328-6352

TESTIMONY RELATED TO HB1202: DEERPROOF HAY YARD PROGRAM
HOUSE NATURAL RESOURCE COMMITTEE
JANUARY 23, 2003

The North Dakota Game and Fish Department has had a program since 1979 to help private livestock and feed producers prevent, minimize, and alleviate damage to their feed supplies caused by big game animals. The program has been very successful accomplishing these objectives using both short- and long-term methods to address these wildlife/producer conflicts. In short-term cases, the Department provides the producer with technical support, scaring/hazing devices, repellents, and temporary fencing to remedy the situation. In chronic or re-occurring cases, permanent deer-proof hay yards are prescribed as a long-term, cost-effective solution.

Hay yards have been determined to be the most economical and effective tool to prevent significant future losses to producers experiencing repeated depredation, as well as reducing future expenditures by the Department. As a remedy for these situations, the Department provides to the producer all the materials necessary for a deer-proof yard if he/she agrees to construct and maintain the fence. The standard deer-proof hay yard averages 2.5 acres in size, is over 7 feet in height, and costs approximately \$2,000 per yard. The Department has provided close to 350 hay yards to approximately 300 landowners since 1979. The depredation program, including both short- and long-term solutions, routinely incurs expenses of \$150,000 annually and expenditures have reached as high as \$1 million in extremely harsh winters. The entire depredation program, including the hay yard program, is funded solely with sportsmen-generated dollars.

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10/2/03
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HB 1202 mandates landowners involved in a fee-hunting operation shall be ineligible to participate in the Department's deer-proof hay yard program. The Department believes this is a reasonable and responsible restriction for the following reasons:

- The success of a big game fee-hunting operation directly benefits from maintaining a high local big game population. Therefore, these operations support, encourage, and often attract high local population densities, which can significantly contribute to the depredation problems on the respective property, as well as on neighboring land.
- In an effort to meet the clientele demand for animals of preferred gender and quality, fee-hunting operations focus harvests toward select trophy animals, rather than a broad non-selective harvest necessary for population management.
- Adequate total herd harvests, as prescribed by the Department to reduce high densities and likelihood of future depredation in an area, often conflict with the objectives of fee-hunting operations and their clientele.
- Providing depredation assistance to fee-hunting operations using sportsmen-generated funds gives sportsmen the perception that their dollars are subsidizing a free enterprise business that should be capable of financing itself.
- Other laws dealing with similar funds in the Department's private lands program, such as NDCC sec. 20.1-02-27 subsection 3, do not allow the Director to "structure a program in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program".

Because the goals and objectives of businesses providing fee-hunting are not consistent with those of the hay yard program, the Department supports a DO PASS on HB1202.

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Deer-Proof Hay Yards 1979-2003



Years	No. of Hay Yards	No. of Landowners
1979-2003	349	318

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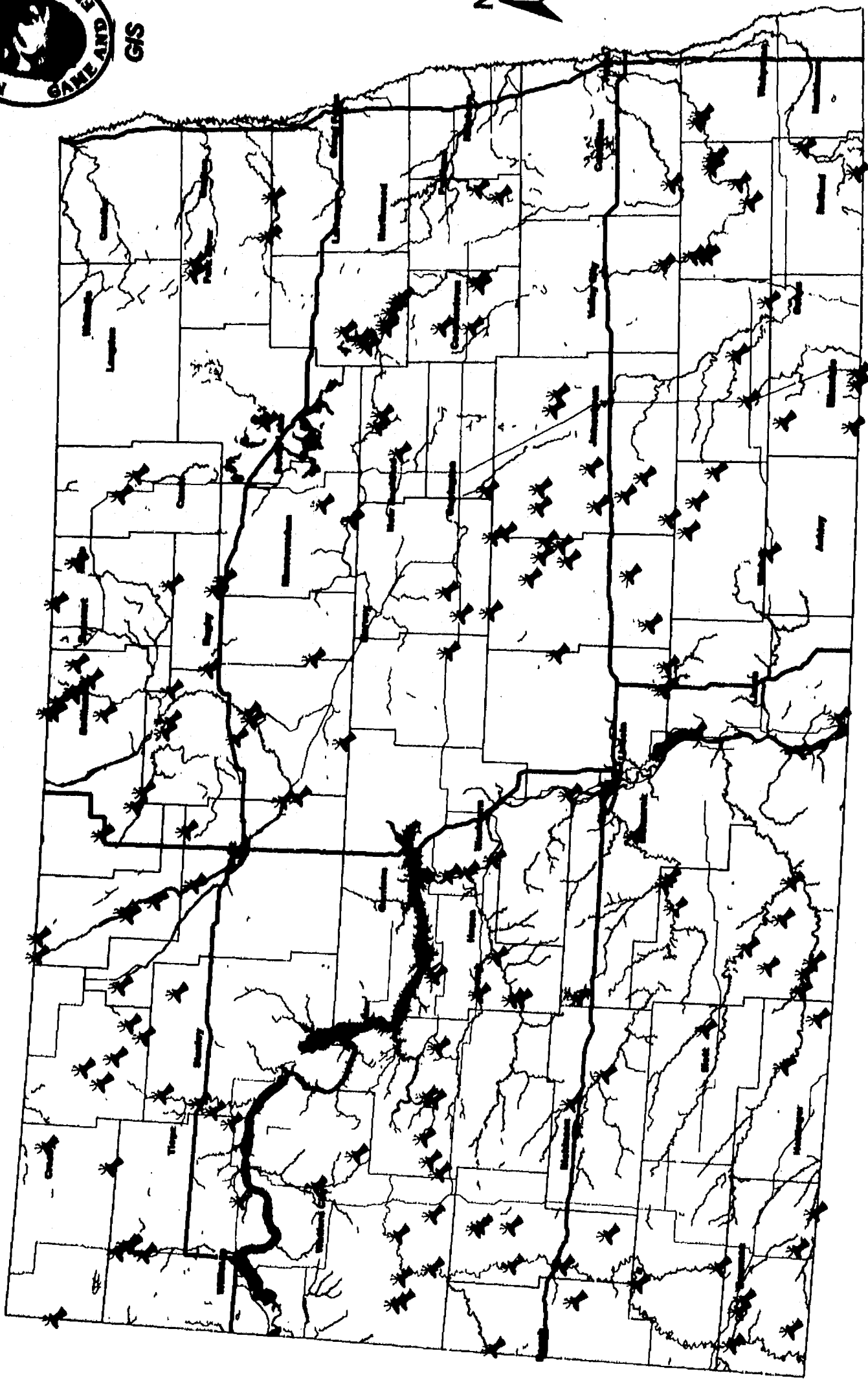
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Hay-yard Locations

✱ Hay-yard



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