

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### JUDICIARY B COMMITTEE

Wednesday, September 26, 2001  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Lois Delmore, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives Lois Delmore, David Drovdal, G. Jane Gunter, William E. Kretschmar, Jon O. Nelson, Todd Porter, Elwood Thorpe; Senators Michael A. Every, Thomas Fischer, Ben Tollefson, John T. Traynor, Tom Trenbeath

**Members absent:** Representatives Curtis E. Brekke, Lyle Hanson, Dennis E. Johnson, Dorvan Solberg; Senator Dennis Bercer

**Others present:** See attached appendix

**It was moved by Representative Drovdal, seconded by Representative Porter, and carried on a voice vote that the minutes of the previous meeting be approval as distributed.**

#### **FEEES AND POINT DEMERITS FOR TRAFFIC OFFENSES**

At the request of Chairman Delmore, committee counsel presented a memorandum entitled *Comparison of Traffic Offense Fees and Bonds - Selected States and Major Cities Within North Dakota*. He said the memorandum contains two tables. He said the first table compares the fee and bond schedules for similar offenses in North Dakota, South Dakota, Wyoming, Montana, Bismarck, Fargo, Grand Forks, and Minot. He said generally North Dakota assesses \$20, South Dakota assesses \$50, Wyoming assesses \$60, and Montana assesses \$70 per traffic offense. He said generally Minot assesses \$40, Bismarck assesses \$40 or \$50, Grand Forks assesses between \$21 and \$71 (in \$10 increments), and Fargo assesses \$60 per traffic offense. He said the second table compares the fees or fines for speeding in North Dakota, Montana, South Dakota, Wyoming, Fargo, Grand Forks, Bismarck, and Minot. He said the comparison for the states was for interstate speed limits. He said the comparison for cities was for city street speed limits. He said the states ranked in order of increasing fines or fees start with North Dakota, followed by Montana, South Dakota, and Wyoming. He said the cities ranked in the order of increasing fees or fines start with Minot at the lowest, followed by Bismarck, Grand Forks, and Fargo. He provided a copy of the fee and bond schedules used as the basis of the memorandum. A

copy of each schedule is on file in the Legislative Council office.

Senator Fischer said he contacted Fargo officials concerning the recent increase of fees for traffic offenses in Fargo. He said the officials said the increase in fees has not helped in the promotion of safety. He said the city is investigating increasing enforcement by requiring law enforcement officers to issue one ticket per day.

At the request of Chairman Delmore, committee counsel provided a copy of the *Driver's License Master System Information System Audit* mentioned in the testimony of the Department of Transportation at the last meeting. A copy of the audit is on file in the Legislative Council office.

At the request of Chairman Delmore, committee counsel provided information on crash facts in North Dakota. Committee counsel reviewed *North Dakota Vehicle Crash Facts for 2000* as prepared by the Driver's License and Traffic Safety Division of the Department of Transportation and a fact sheet that reviews that booklet. He said although the number of registered vehicles is up, the number of fatal crashes, injury-related crashes, and fatalities per 100 million vehicle miles were down for 2000. He said the rank of counties by reportable crashes begins with Cass as the highest, followed by Burleigh in second, Ward in third, and Grand Forks in fourth. He said the most unsafe drive time is between 5:00 and 6:00 p.m. He said most crashes occur between 12:00 noon and 8:00 p.m. He said most crashes and fatalities occur on Friday and the lowest number of crashes occur on Sunday; however, Sundays have the second highest amount of fatal crashes. He said males 18 to 44 are the major contributor to fatal crashes. He said speeding citations are issued for two-tenths of 1 percent of all crashes; however, care required citations are issued for 25.7 percent of all crashes and care required citations may include instances when individuals are speeding. Driver's license citations were issued in 1.8 percent of all crashes and 2.2 percent of all fatal and injury crashes in 2000. He said there are more crashes in winter and more deaths in the summer. He said almost one-third of accidents happen during snow-related conditions. He said over one-half of accidents have nothing to do with adverse road or weather

conditions. He said 70.6 percent of accidents happen at day or during lighted conditions. He said the top three first harmful events involved in crashes include another motor vehicle at 52 percent, animals at 20 percent, and rollovers at 8 percent. He said 64 percent of crashes in urban areas are on roads posted under 55 miles per hour. He said 41 percent of crashes in rural areas are in town on roadways posted under 55 miles per hour. He said the estimated economic cost of crashes in this state for the year 2000 was \$320,998,000. A copy of the booklet and fact sheet is on file in the Legislative Council office. In addition, he provided written information from crash fact booklets from South Dakota and Wyoming. A copy of each handout is on file in the Legislative Council office.

At the request of Chairman Delmore, committee counsel provided information on high accident locations in Fargo, Grand Forks, Bismarck, Minot, Jamestown, Dickinson, Williston, Mandan, Valley City, Devils Lake, Wahpeton, Grafton, and West Fargo. He reviewed tables provided by the Department of Transportation on 1998 to 2000 high accident locations. A copy of these tables is on file in the Legislative Council office. In addition, he provided a copy of a press release from the State Farm Insurance Company that included suggestions for making intersections safer. These suggestions included increasing the diameter of traffic signal lights, adding left turn lanes, and imposing all-red traffic signals for one or two seconds. A copy of the press release is on file in the Legislative Council office.

In response to a question from Representative Delmore, Ms. Marsha M. Lembke, Driver's License and Safety Traffic Division, Department of Transportation, said one study said approximately 1 to 2 percent of drivers on the road do not have a proper license.

### **CENTRALIZED PROCESS FOR TRAFFIC VIOLATION ADMINISTRATION**

Ms. Lembke presented written testimony on the study of a centralized process for traffic violation administration. She introduced Ms. Lynn Heinert, Driver Improvement Services Manager, Driver's License and Traffic Safety Division, Department of Transportation, who reviewed a flow chart of the present traffic violation administration system and a flow chart of a centralized administrative system. She said the centralized system would be much more streamlined than the present system. A copy of Ms. Lembke's testimony and the flow charts presented by Ms. Heinert are on file in the Legislative Council office.

In response to a question from Senator Traynor, Ms. Heinert said if a violator fails to post bond within 14 days, a letter is issued in which it states that the violator has 10 days to pay the fine or else the violator's license will be suspended by the department.

She said there is no elevation in the bond amount through this process.

In response to a question from Senator Trenbeath, Ms. Heinert said a centralized system would take approximately four full-time employees.

In response to a question from Senator Trenbeath, Ms. Heinert said the department is reviewing accepting payment for citations by credit card or through the Internet. She agreed that postal service mail can cause confusion when notices and payments cross in the mail.

Mr. Ted Gladden, Assistant State Court Administrator for Trial Court Operations, Supreme Court, presented written testimony on the efficiency and cost-effectiveness of reengineering the citation process. He said the common schools trust fund receives considerable income from citations and a large volume of workload is created for the district clerk of court offices. He said of the 82,000 cases processed in 2000, only 2 to 5 percent of the motorists requested a hearing. A copy of his testimony is on file in the Legislative Council office.

In response to a question from Representative Delmore, Mr. Gladden said there is a standard manner by which the clerks process traffic citations; however, there are minor differences.

In response to a question from Representative Nelson, Mr. Gladden said the reimbursement the state provides counties for clerks administering traffic offenses could be backed out of counties providing these services on a contract basis. He said it would be difficult to realize revenue savings in the 11 state-funded counties.

In response to a question from Representative Nelson, Mr. Gladden said the workload for administering the traffic offense system by clerks of court uses approximately seven clerks' time if all the clerks are included together. He said there would be a savings under a centralized system in efficiency and in the number of personnel required to administer the system.

Mr. Curtis L. Wolfe, Chief Information Officer, Information Technology Department, provided testimony in support of the study. He said technology is most cost-effective in a simplified process. He said the citation process could be automated and this would save the time of customers and employees because customers could check the status of citations on the Internet instead of calling for information.

Major John Grasl, North Dakota Highway Patrol, provided testimony in support of the study. He said the Highway Patrol is installing mobile data terminals that electronically issue citations. He said this eliminates data reentry in the traffic citation system. He said a computerized and centralized system would expedite the sharing of information with the public.

In response to a question from Representative Porter, Major Grasl said payment by credit card in the patrol car of citations may happen as technology

develops. He said the Highway Patrol carries 53 bond envelopes for 53 counties.

In response to a question from Representative Delmore, Major Grasl said there are 70 cars equipped with automated traffic citation issuing equipment and there should be five more cars equipped before the next legislative session. He said there are a total of 128 Highway Patrol cars.

In response to a question from Senator Trenbeath, Ms. Heinert said the Highway Patrol issues approximately 10 percent of citations.

Mr. Wade Williams, North Dakota Association of Counties, provided testimony relating to the study. He said the centralizing of the traffic offense system would reduce the power of county clerks of court.

In response to a question from Representative Delmore, Mr. Williams said the counties do not want to lose the traffic offense administration responsibility this time. He said the county commissioners have been informed of this study.

### RETENTION OF ELK

At the request of Chairman Delmore, committee counsel provided a copy of an article on elk farming published in *The Forum* on or about the last meeting date. He said Minnesota has 264 elk farmers and North Dakota has 97. He said Minnesota has about 11,000 elk and North Dakota has about 4,423 elk. He said elk are used for their low-fat red meat and capsules made off the antlers. He said raw steaks sell for \$10 to \$20 apiece. He said newly grown velvet antlers range from \$15 to \$115 a pound over the last 20 years. In Minnesota, the \$26.6 million industry is relatively new, with nearly 71 percent of the farmers beginning to raise elk within the past seven years. A copy of the article is on file in the Legislative Council office.

Dr. Larry A. Schuler, State Veterinarian and Executive Officer, State Board of Animal Health, presented written testimony on issues relating to the relocation of elk from the Theodore Roosevelt National Park to other areas within this state. He said there are 190 infectious agents and ectoparasites in elk identified; however, 174 of these are considered to be low-risk relative to potential health hazards in regard to the relocation of elk. He said high-risk infectious diseases and ectoparasites are chronic-wasting disease, brucellosis, tuberculosis, and *dermacenter andersoni*, *ixodes pacificus*, and *psoroptes sp.* A copy of his testimony is on file in the Legislative Council office.

In response to a question from Representative Delmore, Dr. Schuler said the elk removed from Theodore Roosevelt National Park went through a series of testing, including tuberculosis and brucellosis testing. He said there is no chronic-wasting disease in the park.

In response to a question from Representative Kretschmar, Dr. Schuler said different herds are not

required to be tested for tuberculosis or brucellosis; however, the farmers are testing herds because the market demands testing.

Mr. Craig Dvirnak, Killdeer Mountain Elk Unit Landholders Association, presented written testimony against more elk located outside the Theodore Roosevelt National Park. He said elk destroy fences. He said elk have required changes in farming practices because of depredation problems with certain crops. He said elk released in another part of the state will return to the park upon receiving pressure. He said elk are migratory and move through this state and other states and return to the park. A copy of his testimony is on file in the Legislative Council office.

In response to a question from Representative Porter, Mr. Dvirnak said the first week of March ranchers take an elk count of the E2 hunting unit for a period of two days. He said there are approximately 200 to 350 elk in that unit. He said the unit includes Dunn and McKenzie Counties.

In response to a question from Representative Drovdal, Mr. Dvirnak said he is against creating incentives for the hunting of elk outside the Theodore Roosevelt National Park; there should be incentives within the park. He said there should be an opportunity to hunt elk within the park for bow hunters. He said gun hunting may cause the elk to disperse outside the park. He said the hunting season could take place when the park is closed.

In response to a question from Representative Nelson, Mr. Dvirnak said elk are herd-oriented and move in large groups. He said because of the issuance of landowner tags, these large groups are dispersed into smaller groups.

In response to a question from Representative Nelson, Mr. Dvirnak said he has received no help for depredation caused by elk from the federal government. He said the North Dakota Game and Fish Department does provide post and wires and other assistance but does not pay for damage.

Mr. Wendell Vigen provided testimony in opposition to the release of surplus elk from the Theodore Roosevelt National Park onto the Little Missouri National Grasslands. He said elk are destructive, will affect the profitability of ranching, and may transmit disease to domestic livestock or humans. He said there are too many elk as it is and the numbers are increasing. He said elk compete with cattle for grass. He said elk ruin hay and fences. He said because numbers have increased from previous years for the hunting of elk, most ranchers allow hunters to harvest an elk for no charge. He said although it is difficult to get a license, it is better than not getting a license at all.

In response to a question from Representative Delmore, Mr. Vigen said the Montana plan for elk works in Montana because there are hundreds of thousands of acres of contiguous marginal land that may be used for elk habitat. He said his farm is

around 3,000 acres. He said a program that would provide for payments for damage caused by elk depredation would be difficult to administer.

In response to a question from Senator Traynor, Mr. Vigen said in unit E2 approximately 40 percent of the land is federal land, including the national grasslands and Bureau of Land Management land. He said most public land is in the Badlands where elk do not live.

In response to a question from Representative Nelson, Mr. Vigen said disease spreading from elk to cattle is a concern; however, ranchers vaccinate for disease and elk and cattle are not concentrated together.

In response to a question from Representative Nelson, Mr. Vigen said elk farm fences are adequate in keeping elk in and wild elk out.

In response to a question from Representative Delmore, Mr. Vigen said hunting in Theodore Roosevelt National Park would help manage elk in numbers. He said bow hunting would be better than gun hunting, but any hunting would be good. He said he would limit the licenses to North Dakota residents and not limit to a once-in-a-lifetime chance. He said he is for castration and spaying elk in the park when health checks are conducted.

Mr. Gordon Gerbig presented written testimony. He provided petitions in opposition to the release of the surplus elk from the Theodore Roosevelt National Park within the Little Missouri National Grasslands. A copy of his testimony and the petition are on file in the Legislative Council office.

In response to a question from Representative Porter, Mr. Gerbig said numbers should be managed inside the Theodore Roosevelt National Park through hunting or culling when elk are rounded up.

In response to a question from Senator Traynor, Mr. Gerbig said it would be cost-prohibitive for ranchers to build a fence that would guarantee the exclusion of elk.

In response to a question from Representative Nelson, Mr. Gerbig said hunters in his area use the deerproof hay yard program and it works against elk in the protection of winter feed supplies.

Mr. Russ Johnson provided testimony based on a handout. He said shipping animals out of state creates a stress on the animal and a loss of potential revenue to the state of North Dakota. He said the demand for elk tags is high. He said there were approximately 12,000 applications and 195 tags issued last year. He said he is looking for a mutually beneficial solution like the Coverlocks program in which the landowner and the hunter benefit. He said the amendment to the North Dakota Constitution relating to hunting rights was supported by over 80 percent of the population and the state should look for a solution to elk population problems other than sending the elk out of state. A copy of his handout is on file in the Legislative Council office.

In response to a question from Representative Delmore, Mr. Johnson said he wants to review programs from many other states and produce a program that is flexible enough to be custom-tailored to individual landowners.

In response to a question from Representative Delmore, Mr. Johnson said allowing hunting in the Theodore Roosevelt National Park would require an Act of Congress. He said many national groups would be against the change. He said the timeframe for the change would take too long a period of time. He said there will be another shipment of elk out of this state before any federal law can be changed.

Mr. Roger Myers provided written testimony on landowner and hunter relations and elk depredation. He said he has always had good relations with hunters. He said he must spend a significant amount of time dealing with hunters during the elk season. He said the problem with elk is they go where they please; however, if the elk can be kept on the land of the willing landowner, he has no objections to elk being released in North Dakota. He said the last shipment of elk out of the state reduced much of the depredation problem.

In response to a question from Representative Porter, Mr. Myers said not many elk are shot on his property. He said he has never stopped anyone from hunting on his land. He said he receives a license every year, but hunting elk is not a high priority for him or most ranchers.

In response to a question from Representative Nelson, Mr. Myers said more tags may not be a solution because elk retreat into the Theodore Roosevelt National Park once they receive hunting pressure outside the park. He said the Park Service manages the elk by taking elk out of the park when the elk reach a certain number. He said the counting of elk in the park is flawed because it is done by airplane and is not accurate. He said the original agreement with the park required the park to make a good-faith effort to keep the elk in the park. He said the park does not properly fix fences.

In response to a question from Representative Kretschmar, Mr. Myers said the Theodore Roosevelt National Park is fenced with a seven-foot high woven wire fence. He said elk mostly go under the fence, not over the fence, to get out of the park.

Mr. Larry Baesler, Rocky Mountain Elk Foundation, provided testimony to the committee. He said in the northeast portion of the state there is a food plot program created in cooperation with local wildlife clubs and the Rocky Mountain Elk Foundation in which 80 acres are planted with forage for the elk to help alleviate depredation problems. He said the same program is being developed in the Bottineau area. He said elk do not like to jump a fence. He said elk crawl through the fence. He said a cable at the top of the fence helps keep the fences up when elk crawl over them. He said the Park Service's

management policy is to keep its hands off unless the number of elk gets too high.

In response to a question from Representative Porter, Mr. Baesler said the development of food plots is based upon requests. He said last year the Rocky Mountain Elk Foundation spent \$100,000 on projects. He said there have not been any requests for food plots in the West.

Mr. Dean Hildebrand, Director, Game and Fish Department, provided testimony on the study. He said the department is pursuing changing the law to allow hunting in the Theodore Roosevelt National Park.

In response to a question from Representative Nelson, Mr. Hildebrand said the Game and Fish Department cooperates with ranchers surrounding the Theodore Roosevelt National Park by providing those landowners with a depredation license.

In response to a question from Representative Drovdal, Mr. Hildebrand said if there are too many permits, the success ratio decreases because elk are driven to a place in which it is difficult to hunt.

In response to a question from Senator Traynor, Dr. Schuler said an elk fence costs \$1.50 per foot or \$8,000 per mile.

Dr. Schuler said during the 2000 roundup, there was no quarantine and only two animals died. He said the 2000 roundup was much easier on the animals than the 1993 roundup.

The committee received written testimony from the Little Missouri Grazing Association and Mr. Jim Loman. A copy of each is on file in the Legislative Council office.

## RESIDENT AND NONRESIDENT HUNTING ISSUES

Mr. Sandy Barnes, North Dakota Sportsmen's Alliance, presented written testimony to the committee. He said the North Dakota Sportsmen's Alliance requests:

1. A reasonable cap on the number of out-of-state duck, geese, and upland game hunters.
2. Six or more zones in this state for out-of-state waterfowl hunters and a cap on the number of licenses for each zone.
3. A preference for hunting licenses for individuals who were born in this state and who now live elsewhere.
4. Twenty percent of the nonresident hunting licenses be allocated to licensed guides.

A copy of Mr. Barnes's testimony is on file in the Legislative Council office.

Ms. Patti Lewis, Executive Director, North Dakota Hospitality Association, presented written testimony to the committee. She said almost all businesses in rural communities are opposed to limitations on nonresident hunters. She said if resident hunters have problems in getting access to land they should ask for landowner permission before the season or

use public hunting areas. She said if resident hunters do not want to pay a fee for access to land they can use public land. She said charging for access is a property right. She said tourism is the state's second leading industry, behind agriculture. She said after the September 11, 2001, tragedy, tourism will suffer more than any other industry and the committee should not make it worse by limiting nonresident hunters. A copy of her testimony is on file in the Legislative Council office.

In response to a question from Representative Porter, Ms. Lewis said she has full faith in the Game and Fish Department to manage waterfowl population so as to not overharvest waterfowl. She said if overharvesting is a problem, then caps should be placed both on residents and nonresidents.

Mr. Loran Palmer, Cass County Wildlife Club, presented written testimony on the study. He said under North Dakota Century Code Section 20.1-03-07.1, the Governor shall specify various waterfowl hunting zones for nonresident hunters and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. He suggested changing the word "may" to "shall." He made the following additional recommendations.

1. Establish four zones and cap the number of nonresident waterfowl hunters in each zone.
2. Cap nonresident hunters at 20 percent of the resident waterfowl hunters during the previous hunting season.
3. Require the Game and Fish Department to conduct a lottery for successful applicants for each zone.
4. Restrict guides and outfitters from using wildlife management areas.
5. Increase the habitat stamp price to provide more funding for the PLOTS and Coverlocks programs.

Mr. Palmer said one of the major problems is the leasing of property by out-of-state hunters and guides and outfitters. A copy of his testimony is on file in the Legislative Council office.

In response to a question from Senator Every, Mr. Palmer said he did not know the amount of land that is leased by resident hunters or posted by resident landowners for exclusive use by friends and family.

In response to a question from Senator Traynor, Mr. Palmer said the major reason for the decline in resident hunters from the 1970s was the drought, making the hunting of waterfowl not worth the effort. He said residents cannot find a place to hunt. He said there should be a balance and the number of nonresident hunters should be tied to the number of resident hunters in the previous year.

In response to a question from Representative Nelson, Mr. Palmer said a decrease in the number of nonresident hunters will result in an increase in

resident hunters so the money for economic development will still be in the rural areas. He said resident hunters have more impact on the rural economies than nonresident hunters because they are better able to hunt because they live in this state.

Senator Trenbeath said in total numbers we have fewer hunters and more birds than 20 years ago. He said until it is shown that resident hunters are being prevented from hunting by nonresident hunters, the new money coming into the state from nonresident hunters should not be jeopardized.

Mr. Mike Donahue presented testimony to the committee on the study. He said the hunting of waterfowl depends on water and habitat. He said conservation and access programs provide access to habitat. He said paying money provides access. He said residents have a hard time getting access on private land. He said it is difficult to find the owner of the land. He said some people purchase land for hunting and then post the land. He said this land becomes a refuge when it is not being hunted by the owner. He said this limits the use of the resource.

Mr. Donahue said he would like to see a cap for upland game and waterfowl. He suggested a lottery based on the number of resident hunters from the previous year. He said the lottery would prevent the buying and leasing of land because a person would not be assured of getting a license every year. He said hunting rights have increased the value of land in one instance from \$250 per acre to \$440 per acre. He said nonresident hunting provides little new growth because any business created would have to be otherwise viable the rest of the year. He said the committee should take care of residents first.

Senator Fischer said money brought into the state from out of state is more effective to economic development than distributing money within the state; however, we need to favor the resident hunter.

Mr. Randy Frost, Executive Vice President, Devils Lake Chamber of Commerce, presented written testimony to the committee. He said he could not find an example of where placing limits on nonresident hunters has helped the resident state. He said South Dakota has limitations on nonresident hunters; however, access and hunting is much better in North Dakota. He said Minnesota has hardly any nonresident hunters and it is difficult to get access. He said access in this state for deer hunting is as difficult or more difficult to get as waterfowl access and there are hardly any nonresident deer hunters in this state.

Mr. Frost said the limits on land access in this state come from within this state. He said landowners save land for friends and family. He said the reason for the loss of resident hunters is that there was a drought and many people have moved out of the rural areas.

Mr. Frost said if there is a cap on waterfowl hunters, it should be the same as the average for 1975 through 1979 for resident and nonresident hunters.

He said the issue of resident versus nonresident hunters is the issue of an inconvenience to resident hunters versus the livelihood of small town businesses. He said caps on the number of nonresident hunters are an end run on property rights. He said if the state capped the number of urban businesses so that rural businesses could survive, it would be absurd. He said in the same way, limiting nonresident hunters is absurd.

Senator Tollefson said fee hunting is one of the major sources of conflict. He said residents pay taxes and do not want to pay for access to hunting.

In response to a question from Senator Tollefson, Mr. Frost said caps would not stop fee hunting. He said fee hunting is the right of the landowner. He said this is the way things work in a capitalistic system.

Mr. Ron Reynolds provided testimony on the study. He said building an economic system on a resource that one does not own is not wise. He said the percentage of ducks harvested by residents from the early 1990s to 2000, as compared against nonresident hunters, has gone down from 80 percent to 27 percent of the total ducks harvested. He said there has been a three-time increase in the amount of ducks harvested by residents from the early 1990s to 2000 and a 20-time increase for nonresidents for the same period.

Representative Nelson said North Dakota hunters are not hunting ducks because of preference.

Mr. Brian Kramer, North Dakota Farm Bureau, presented written testimony to the committee on limitations on nonresident hunters. He said there are two issues--nonresident hunting licenses and fee hunting. He said the two issues are mutually exclusive. He said nonresident licensing should be based on the amount of game and sound management practices. He said this is the job of the Game and Fish Department. He said if the Game and Fish Department is not doing its job, the Legislative Assembly could have a committee set the policy of the Game and Fish Department. He said fee hunting is a land right issue. He said he personally does not like fee hunting, but it is the right of the landowner to charge for hunting.

Mr. Kramer said nonresidents buying land for hunting does not increase taxes because the tax is based on the agricultural productive value. He said deep pockets buy land and that includes residents and nonresidents. He said restrictions on nonresident hunters do not make any sense from an economic development standpoint. He said nonresidents come here because there is a large amount of wild game. He said resident hunters are still successful when there are more nonresident hunters; however, nonresident hunters are an inconvenience to resident hunters. He said one reason nonresident hunters come here is because of the open access--land is open unless posted. A copy of his testimony is on file in the Legislative Council office.

In response to a question from Representative Porter, Mr. Kramer said the Farm Bureau has no position on basing taxes on income produced on the land other than on agricultural productive value. He said any other system would be difficult to administer.

In response to a question from Representative Porter, Mr. Kramer said although the conservation reserve program takes land that has no agricultural productive value and increases the value for hunting, changing the taxing system would be administratively burdensome. He said the income from conservation reserve program land received through fee hunting is taxed and the land is taxed at agriculturally productive rates.

In response to a question from Representative Nelson, Mr. Kramer said there will be a backlash in some areas and everything will be posted if there is a limit placed on nonresident hunters.

In response to a question from Representative Nelson, Mr. Kramer said there are limitations on nonresident waterfowl hunters presently through higher-priced licenses and a limitation on the duration of time in which they may hunt.

Mr. Pat Candrian, Cannonball Company, provided testimony on the study. He said the guides and outfitters, businesses, and employees of these businesses are North Dakotans and putting residents first in this issue includes these people. He said landowners have the right to lease their land to whomever they want. He said sportsmen need to develop relationships with landowners to have access rights to hunting land.

Mr. Ron Bartz provided testimony for the committee. He said 14 years ago business thrived on nonresident hunters. Presently, nonresident hunters bring their own food, gas, car, travel trailers, and other supplies. He said they are not buying as much from the rural merchants. He said they are leasing land. He said limiting nonresident hunters for two weeks might allow someone who otherwise would not hunt to be able to come in and hunt and spend money in the rural areas.

Mr. Lance Hagen provided testimony for the committee. He said he is a landowner and resident hunter. He said the only economic development in Dickey County appears to be hunting lodges. He said the county needs new money. He said allowing a week for residents to hunt may be a solution, but there should not be a limit on the number of

nonresident hunters because of the effect on economic development.

Mr. Lorne Sterner, Cass County Wildlife Club, provided testimony for the committee. He said resident hunters provide more economic impact in rural areas than nonresident hunters.

Mr. Roger Rostvet, Deputy Director, Game and Fish Department, provided testimony on the study. He said a study in the early 1990s found that less than 1 percent of the land in North Dakota was leased for hunting purposes. He said a more accurate survey would be difficult to complete because of the animosity surrounding the hunting issue. He said any results would be suspect.

Representative Porter said he did an Internet search and found two guide and outfitter services in the Streeter area that said they had 38,000 acres and 44,000 acres for hunting. He said the Game and Fish Department should compete for public access.

At the request of Chairman Delmore, committee counsel presented a memorandum entitled *Ag PACE Loans for Hunting-Related Businesses*. He said the agricultural partnership in assisting community expansion (Ag PACE) fund was created in 1991 to buy down the interest in loans to on-farm businesses. He said from the 1991 to the 1999-2001 bienniums, there were two Ag PACE loans for hunting-related operations. During the 1999-2001 biennium, there were four fee hunting-related Ag PACE loans. The hunting-related loans were four of a total of 216 and represented 4.2 percent of the funded loans and 5.7 percent of the total buydown.

The committee received written testimony from Frank and Lonnie Privratsky, the Moch family, and Brad Railey. The Privratskys and Mochs have started fee hunting operations and do not support limitations on landowner rights. Mr. Railey is an out-of-state hunter who enjoys the people and hunting in North Dakota. Copies of their testimony are on file in the Legislative Council office.

No further business appearing, Chairman Delmore adjourned the meeting at 3:20 p.m.

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Timothy J. Dawson  
Committee Counsel

ATTACH:1