

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2376

2001 SENATE NATURAL RESOURCES

SB 2376

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2376

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-8-01

Tape Number	Side A	Side B	Meter #
1		X	32.9 - 48.4
2	X		Start - 14.0
2-16-01	1	X	16.7 - 33.0
Committee Clerk Signature <i>Jane James</i>			

Minutes:

SENATOR FISCHER opened the hearing on SB 2376.

SENATOR RON NICHOLS, of District 4 cosponsor of SB 2376 introduced SB 2376, A BILL RELATING TO DEER HUNTING AND TO HUNTING DEER WITH MUZZLELOADING FIREARMS. Constituents from his district felt it would be good for their enjoyment of the hunting season if individuals could choose between the muzzleloading season and the regular hunting season. He submitted a list of proposed amendments prepared by the legislative council to change the bill because he did not intend to restrict the use of muzzleloader during the regular season.

MARK ROSTER a muzzleloader hunter from Davenport, ND testified in support of SB 2376. (See attached testimony). This testimony was written before he had visited with Senator Nichols and some issues had been clarified.

JOHN HORNER testified in support of SB 2376 and asked for a special season of experienced muzzleloading hunting and that the management of a muzzleloaded firearm is much different than the center fire firearm.

ROGER ROSTUET, Deputy Director of the North Dakota State Game & Fish Department, testified in a neutral position of SB 2376. If the Bill was passed as amended, they would combine the muzzleloader and regular deer season license into one application, a hunter could than make his choice of one season. If they were not lucky in their first choice they then could get they second or third choice.

MIKE DONAHUE, representing the North Dakota Wildlife Federation testified in a neutral position of SB 2376.

RON WANNER, owner of the Knife River Ranch had some questions of his own. He was in support of more season time available for muzzleloader hunters because of the true sportsmanship. He also wanted to know the number that 2% would be.

ROGER ROSTUET explained that the demand for muzzleloader tags far exceeds the number of licenses available.

PAUL CRARY representing the Cass County Wildlife Club went on record as being opposed to SB 2376.

DARREL RYTTER, testified in opposition of SB 2376 ( See attached testimony). He had several questions of the bill and felt it was not thought out very well. He also presented five ideas for "Law Changes which may improve the chances to draw a muzzleloader license".

MIKE DONAHUE representing the United Sportsmen of North Dakota testified in opposition of SB 2376. He made one comment that the argument about not knowing your gun is true in all hunting occasions and that most hunters have witnessed that.

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Senate Natural Resources Committee  
Bill/Resolution Number SB 2376  
Hearing Date 2-8-01

SENATOR FISCHER closed the hearing on SB 2376.

FEBRUARY 16, 2001

SENATOR FISCHER reopened the discussion on SB 2376.

It was clarified that this bill would allow only one hunting license for either a muzzleloader or a rifle whether it is lottery or any other.

SENATOR EVERY made a motion to adopt amendments as proposed by Senator Nichols, sponsor of SB 2376 and the Legislative Council.

SENATOR KELSH second the motion.

SENATOR FISCHER called for a roll vote (#1) of SB 2376. THE VOTE INDICATED  
5 YAYS, 0 NAYS AND 2 ABSENT.

SENATOR KELSH made a motion for a "DO PASS AS AMENDED" of SB 2376.

SENATOR EVERY second the motion.

SENATOR FISCHER called for a roll vote ( #2) of SB 2376. THE VOTE INDICATED  
5 YAYS, 0 NAYS AND 2 ABSENT.

SENATOR KELSH will carry SB 2376.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2376

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-11 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to deer hunting; and to"

Page 1, remove lines 5 through 8

Renumber accordingly

Date: 2-14  
 Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2374**

Senate NATURAL RESOURCES Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

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

Action Taken To Adopt Amendment

Motion Made By Every Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 0

Absent 2

Floor Assignment \_\_\_\_\_

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

Date: 2-16  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2370

Senate NATURAL RESOURCES Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass As Amended

Motion Made By Kelsh Seconded By Every

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 2

Absent 2

Floor Assignment Kelsh

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



**REPORT OF STANDING COMMITTEE (410)**  
February 16, 2001 4:59 p.m.

Module No: SR-29-3792  
Carrier: Kelsh  
Insert L.C: 10427.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2376: Natural Resources Committee (Sen. Fischer, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2376 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-11 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to deer hunting; and to"

Page 1, remove lines 5 through 8

Renumber accordingly

2001 HOUSE NATURAL RESOURCES

SB 2376

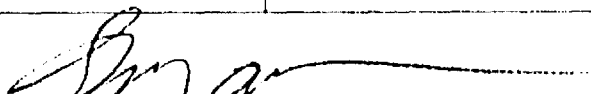
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2376

House Natural Resources Committee

Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1	x		824 to 5842
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on SB 2376. Is there anyone here to speak in favor of SB 2376?

John Horner: I am here to speak in favor of SB 2376. (see written testimony).

Rep. Porter: In your testimony you stated this bill does not affect the second or third or fourth drawing. But the way the wording is, it says that you may not hunt deer during the regular season. It doesn't say that you can get a second, third or fourth tag. It says you can't hunt at all. You can't get a third tag and buy that tag from Game and Fish if you were successful in the drawing for the muzzle loaders.

Horner: I am sorry I thought that was not part of the bill.

Rep. Porter: I guess the big question we keep hearing about in this committee, is that there really isn't a deer shortage. We talk about deer depredation, we talk about deer fences, about the deer eating all the farmers hay, landowners are saying we need to get rid of more deer. This bill would be more restrictive in that there would be less deer gun hunters by 2 1/2%. Maybe if we're having problems with the muzzleloaders season and getting people out there to hunt muzzle loader, is to implement a weighted lottery system or increase the number of tags so we have more muzzle loader hunters out there.

Horner: I think you would find a lot of agreement in increasing the number of tags.

Rep. Galvin: Do you represent a large number of muzzle loaders?

Horner: I would guess probably about half. We are pretty evenly split on this one.

Rep. Galvin: Are there others here to testify?

Horner: I don't know of anyone here to testify with me, but there is someone here to testify against me.

Rep. Keiser: Any further questions. (Took over chair for Rep. Rennerfeldt).

Sen. Nichols - District 4: I am the prime sponsor of SB 2376. This bill would provide that an individual who obtained a license who hunted during the muzzle loading season would not be able to hunt during regular gun season. Hearing one of your questions, I don't think it would be a bad idea to add an amendment that would allow a second or third choice. I think the first choice is an important part of this because 2 sessions ago, I introduced a bill that changed the number of licenses from 700 to 1800 for muzzle loaders, during the past year or two. If the numbers projected for this fall reach 100,000 licenses, that would mean 2000 muzzle loaders licenses. The reason I introduced this bill was a constituent of mine who is a muzzle loader was telling me

about how difficult it was to obtain a license because there were a lot of applications for season.

We got that changed and basically nothing changed. It takes a long time, sometimes several years to get a license because there have been so many more applications. In some cases these aren't true muzzle loader hunters. I hope we can find a solution and provide that opportunity for people who are truly muzzle loader hunters.

Rep. Winrich: So you would be agreeable to an amendment that would open up subsequent drawings but just limit this choice to the first drawing?

Sen. Nichols: Yes, I feel that would be fair. For one thing, there are a lot of deer, I don't think this will cut back on the number of licenses available. Because that would still be the same, probably more first choice winners under this situation. But the licenses wouldn't change. The second or third drawing being made available to the hunters who chose muzzle loading for their first choice. There would be nothing wrong with that. This to me would indicate that I would have to make a choice if I was a muzzle loading hunter that my first choice would be to hunt with muzzle loaders during that season or to hunt for that white tail buck during the regular season. If we could change this so subsequent drawings would be made available to these same hunters, that would be fine with me.

Vice Chair Nelson: Continuing testimony in favor of SB 2376. Any opposition to SB 2376?

Roger Rostvedt - ND Game and Fish: If I may testify on a neutral status to answer some questions already brought up. The question has come up on how this bill would be implemented. The one line amendment to the original act states that an individual who obtains a license under this section may not hunt deer during the regular deer hunting season. The way the department would implement that is that it would be set up so people couldn't apply for both, if you got both you would have to cancel one or send it back. What we would do is make one application

available and within there, muzzle loading would simply be another choice. One choice on regular application and you would still have second and third choice on there. So technically if you are rejected in muzzle loader buck or muzzle loader doe that you would still have an opportunity to apply on the same application for the other seasons.

Rep. Porter: Do we have a deer shortage in ND?

Rostvedt: I believe this is more of an allocation issue than it is of a deer number situation. Deer hunters have been increasing in the state steadily over the past 15 years. In fact doubling over the last 20 years.

Rep. Porter: If we don't have a deer shortage and we are basing this off a percentage and you are increasing the tags on one side then the number of tags available on the muzzle loaders side is constantly going up at the same ratio. What would happen if we increased the number of muzzle loader tags from 2% to 3%? But leave it at 1% for the antlered white tail. And are we currently using the weighted lottery so people have a better chance after being denied their tag of choice?

Rostvedt: We do use a weighted lottery system. The odds right now are pretty good on getting a doe tag on their first choice. However, they are poor on the buck tag, it is about 1 in 5. About 70% of the applicants that go for doe, get that tag every year. The other part about the number of increases, as the number of muzzle loader tags fluctuate with the annual deer proclamation. As the number of deer license numbers go up, so do the muzzle loader tags, they have been increasing every year as they will again this year because they are a reflection of the total number of tags available.

Vice Chair Nelson: What is the success ratio of muzzle loading for deer?

Rostvedt: It varies but the last five years ran about 40%.

