

2021 HOUSE ENERGY AND NATURAL RESOURCES

HB 1120

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1120

1/21/2021

relating to relating to deer hunting licenses for disabled veterans

3:00 PM

Chairman Porter opened the hearing on HB 1120.

Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

Discussion Topics:

- Amendment 21.0493.01002
- Disabled veterans
- General resident lottery
- 1213 ND disabled veterans
- Definition of a disabled veteran
- TRNP South Unit herd reduction and disabled veterans

#2178 Rep M Ruby

#2998 Rep M Ruby

#2093 John Bradley, exe dir ND Wildlife Federation

#2008 Jim Nelson

Additional written testimony:

3:24 pm closed the hearing

Kathleen Davis, Committee Clerk



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Matthew Ruby

District 40
315 Fourth Street NW
Minot, ND 58703-3129
C: 701-509-8149
mruby@nd.gov

COMMITTEES:

Human Services
Energy and Natural Resources

20JAN2021

Good evening Chairman Porter and Committee,

My name is Matt Ruby, from District 40 up in Minot. HB 1120 is before you for consideration and I ask for your support. What this does is provide a deer tag for ND veterans with a 100% disability rating for the VA. If the amendment is adopted, it would also designate the 5 days prior to Youth Deer Season.

According to the Department of Veterans Affairs there are currently 1213 ND Veterans with a 100% rating. When you factor in the percentage of those 1213 are physically able to hunt now and that put in for tags, we are most likely looking at a much smaller number of potential tags. Also to consider is the amount of tags currently allocated for different hunting groups. There are two groups that get tags and help veterans hunt, and there is the Camp Grafton opportunity. This would cover those that don't get a tag in though instances.

The decision to change the season to prior to youth season was made because the point of having a youth season was to give them and their parents an opportunity to hunt and learn about ethical hunting and good practices with having to compete for hunting spots. Although a later date was also considered, we felt the earlier season, while not optimal for getting deer to move would provide the best weather and land conditions for a disabled hunter. I think this is the most important part of the bill. Giving Vets the opportunity to hunt early without the competition of the regular season helps alleviate some of the numbers during that season when you subtract the number of tags that would be filled during this early 5 days.

There is no question that disabled veterans deserve our thanks and gratitude. I fully understand that there are other benefits for veterans not just dealing with hunting. ND veterans have given up large parts of their lives to serve our state and country, and I believe this is a small gesture from the state to show appreciation. Thank you for your attention. I stand for questions.

Rep. Matt Ruby

21.0493.01002

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1120

Introduced by

Representatives M. Ruby, Heinert, Owens, Pyle, D. Ruby, Thomas

Senators Bekkedahl, Hogue, Kreun

1 A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to
2 section 20.1-03-12 of the North Dakota Century Code, relating to deer hunting licenses for
3 disabled veterans.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 20.1-03 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Disabled veteran deer license.**

- 8 1. Notwithstanding any other law or any provision in a governor's proclamation, a
9 disabled veteran, as defined in section 20.1-01-02, who is a resident is entitled to
10 purchase a disabled veteran deer license authorizing the disabled veteran to hunt, kill,
11 take, and attempt to take any deer during the five days preceding the youth deer
12 hunting season and during the deer gun season.
- 13 2. Each disabled veteran deer license must be limited to one deer hunting unit and may
14 not permit hunting on any wildlife refuge or other public land. The director shall identify
15 the five deer hunting units with the lowest selection rates for deer hunting licenses.
16 Disabled veteran deer licenses may not be used in those five units.
- 17 3. An individual who obtains a disabled veteran deer license may not apply for or receive
18 a license in any lottery for deer licenses.

19 **SECTION 2.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is
20 created and enacted as follows:

21 For a disabled veteran deer license, thirty dollars.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1120

Page 1, after line 7 insert

"1."

Page 1, line 11, after the first "during" insert "the five days preceding"

Page 1, line 11, after "season" insert "and during the deer gun season"

Page 1, line 11, after the underscored period insert

"2."

Page 1, line 12, after "refuge" insert "or other public land"

Page 1, line 12, after the underscored period insert "The director shall identify the five deer hunting units with the lowest selection rates for deer hunting licenses. Disabled veteran deer licenses may not be used in those five units."

3."

Renumber accordingly



NORTH DAKOTA WILDLIFE FEDERATION

Testimony of John Bradley North Dakota Wildlife Federation House Bill 1120 House Energy & Natural Resources Committee January 21, 2021

Chairman Porter, members of the House Energy and Natural Resources Committee,

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation (NDWF). I am here today representing our 1,500 members and 15 affiliated wildlife and sportsmen's club across North Dakota.

It's tough to come out against a bill that benefits veterans. NDWF believes in an equitable opportunity for residents in the deer lottery system. Passage of HB 1120 would set a precedent for other special groups to come in and demand special treatment, which would defeat the point of deer lottery system.

We believe this bill would also impact specific deer units in North Dakota. As the bill is written, it would allow a disabled veteran to select any unit good for either species. We believe that this could have a negative impact on the number of mule deer licenses available in the lottery in units like 4D or 4C.

Lastly, there are non-profits out there that are doing the important work of getting disabled veterans into the field, such as the Veterans Outdoors Adventures North Dakota and the Injured Military Wildlife Project of North Dakota. The latter receives 10 tags from Game & Fish, 4 any species tag, and 6 whitetail tags. NDWF urges a do not pass on HB 1120.

Thank you for the opportunity to testify. Please do not hesitate to contact me with any questions that the committee might have.

The North Dakota veterans Legislative Council is taking a neutral position on this bill one reason being is that there already exists groups that help disabled veterans humnt

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1120

1/29/2021

relating to relating to deer hunting licenses for disabled veterans

9:00 AM

Chairman Porter opened the hearing on HB 1120.

Present: Representatives Porter, Damschen, Bosch, Devlin, Heinert, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista. Absent: Representatives Anderson and Keiser

Discussion Topics:

- Deer licenses for disabled veterans
- Reduced number of tags
- Muzzle loader tag requirements
- No airmen and military lottery exemption

Rep M Ruby presented amendment 21.0493.01003.

Rep M Ruby moved a Do Pass on Amendment 21.0493.01003, seconded by Rep Heinert. Voice vote. Motion carried.

Rep. M Ruby moved to further amend and add a section 3 that Game and Fish will report the success of the program to the next Legislative Assembly seconded by Rep. Marschall. Voice vote, Motion carried.

Rep M Ruby moved a Do Pass as Amended seconded by Rep. Lefor. Roll call vote:

Representatives	Vote
Representative Todd Porter	Y
Representative Chuck Damschen	Y
Representative Dick Anderson	AB
Representative Glenn Bosch	Y
Representative Bill Devlin	Y
Representative Ron Guggisberg	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative George Keiser	AB
Representative Mike Lefor	Y
Representative Andrew Marschall	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y
Representative Denton Zubke	Y

Motion carried. 12-0-2. Rep M. Ruby is carrier.

#4221 Rep M Ruby, Amendment 21.0493.01003

House Energy and Natural Resources Committee

HB 1120

01/29/21

Page 2

9:12 AM closed the hearing

Kathleen Davis, Committee Clerk

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1120

Page 1, line 2, after "to" insert "white-tailed"

Page 1, after line 7, insert:

"1."

Page 1, line 8, after "proclamation" insert "and depending on availability"

Page 1, line 9, replace "is entitled to" with "may"

Page 1, line 10, after the first "veteran" insert "white-tailed"

Page 1, line 10, after "any" insert "white-tailed"

Page 1, line 11, after "during" insert "the five days preceding"

Page 1, line 11, after "season" insert "and during the deer gun season"

Page 1, line 11, after the underscored period insert "The director shall make one hundred disabled veteran white-tailed deer licenses available each year."

"2."

Page 1, line 11, after "veteran" insert "white-tailed"

Page 1, line 12, after "refuge" insert "or other public land"

Page 1, line 12, after the underscored period insert "The director shall identify the five deer hunting units with the lowest selection rates for deer hunting licenses. Disabled veteran white-tailed deer licenses may not be used in those five units."

"3."

Page 1, line 13, after "veteran" insert "white-tailed"

Page 1, line 13, replace "any" with "the deer gun"

Page 1, line 13, remove the second "for"

Page 1, line 14, replace "deer licenses" with "for the same season"

Page 1, line 17, after "veteran" insert "white-tailed"

Renumber accordingly

January 29, 2021

DB 1/29/21
1082

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1120

Page 1, line 1, after the first "new" insert "subsection to section 20.1-02-04, a new"

Page 1, line 1, after "20.1-03" insert a comma

Page 1, line 2, after "to" insert "white-tailed"

Page 1, line 3, after "veterans" insert "; and to provide a report to the legislative management"

Page 1, after line 4 insert:

"SECTION 1. A new subsection to section 20.1-02-04 of the North Dakota Century Code is created and enacted as follows:

Annually report to the legislative management regarding the number of disabled veteran white-tailed deer licenses issued during the most recent season."

Page 1, after line 7 insert "1."

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DO 1/29/21
2 of 2

Page 1, line 17, after "veteran" insert "white-tailed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1120: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "new" insert "subsection to section 20.1-02-04, a new"

Page 1, line 1, after "20.1-03" insert a comma

Page 1, line 2, after "to" insert "white-tailed"

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Page 1, line 13, remove the second "for"

Page 1, line 14, replace "deer licenses" with "for the same season"

Page 1, line 17, after "veteran" insert "white-tailed"

Renumber accordingly

21.0493.01003
Title.

Prepared by the Legislative Council staff for
Representative M. Ruby
January 28, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1120

Page 1, line 2, after "to" insert "white-tailed"

Page 1, after line 7, insert:

"1."

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Page 1, line 13, remove the second "for"

Page 1, line 14, replace "deer licenses" with "for the same season"

Page 1, line 17, after "veteran" insert "white-tailed"

Renumber accordingly

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1120

Introduced by

Representatives M. Ruby, Heinert, Owens, Pyle, D. Ruby, Thomas

Senators Bekkedahl, Hogue, Kreun

1 A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to
2 section 20.1-03-12 of the North Dakota Century Code, relating to white-tailed deer hunting
3 licenses for disabled veterans.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 20.1-03 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Disabled veteran deer license.**

8 1. Notwithstanding any other law or any provision in a governor's proclamation and
9 depending on availability, a disabled veteran, as defined in section 20.1-01-02, who is
10 a resident ~~is entitled to~~ may purchase a disabled veteran white-tailed deer license
11 authorizing the disabled veteran to hunt, kill, take, and attempt to take any white-tailed
12 deer during the five days preceding the youth deer hunting season and during the
13 deer gun season. The director shall make one hundred disabled veteran white-tailed
14 deer licenses available each year.

15 2. Each disabled veteran white-tailed deer license must be limited to one deer hunting
16 unit and may not permit hunting on any wildlife refuge or other public land. The
17 director shall identify the five deer hunting units with the lowest selection rates for deer
18 hunting licenses. Disabled veteran white-tailed deer licenses may not be used in those
19 five units.

20 3. An individual who obtains a disabled veteran white-tailed deer license may not apply
21 for or receive a license in ~~any~~ the deer gun lottery ~~for deer licenses for the same~~
22 season.

23 **SECTION 2.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is
24 created and enacted as follows:

1 | For a disabled veteran white-tailed deer license, thirty dollars.

2021 SENATE ENERGY AND NATURAL RESOURCES

HB 1120

2021 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1120
3/11/2021

A BILL for an Act to create and enact a new subsection to section 20.1-02-04, a new section to chapter 20.1-03, and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to white-tailed deer hunting licenses for disabled veterans; and to provide a report to the legislative management.

Hearing called to order, all Senators Present: **Schaible, Bell, Roers, Piepkorn, Patten, and Kreun** [9:12]

Discussion Topics:

- North Dakota Deer Lottery System
- Deer tag probability

Rep. Matt Ruby, Introduced HB 1120 and provided oral testimony in Favor [9:12]

John Bradley, Executive Director, ND Wildlife Federation provided testimony in opposition #8596 [9:17]

Jeb Williams, ND Game and Fish provided Neutral Testimony [9:20]

Senator Bell Moved a DO NOT PASS
Senator Schaible Seconded the
Motion Vote Passed 6-0-0
Senator Schaible Carried the Bill

Senators	Vote
Senator Curt Kreun	Y
Senator Jim P. Roers	Y
Senator Dale Patten	Y
Senator Merrill Piepkorn	Y
Senator Donald Schaible	Y
Senator Jessica Unruh Bell	Y

Additional written testimony:

Jim Nelson, Legislative Director, ND Veterans LC, provided testimony in favor - #8285

Curtis Decker, Dickinson, ND provided testimony in Favor #8755

Hearing Adjourned [9:27]

Sheila Froehlich, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1120, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1120 was placed on the Fourteenth order on the calendar.



NORTH DAKOTA WILDLIFE FEDERATION

Testimony of John Bradley North Dakota Wildlife Federation House Bill 1120 Senate Energy & Natural Resources Committee March 4, 2021

Chairman Kreun, members of the Senate Energy and Natural Resources Committee,

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation (NDWF). I am here today representing our 1,500 members and 15 affiliated wildlife and sportsmen's club across North Dakota.

It is tough to come out against a bill that benefits veterans. I appreciate the intent of legislation and the work that the sponsor has done to make this bill better. We still have concerns with the number of licenses set aside, as well as when the hunt takes place (in front of the youth only season).

NDWF believes in an equitable opportunity for residents in the deer lottery system. Passage of HB 1120 would set a precedent for other special groups to come in and demand special treatment, which would defeat the point of deer lottery system.

Lastly, there are non-profits and other local rod & gun clubs out there that are doing the important work of getting veterans into the outdoors. There was support for a bill in 2011 to provide tags to the Injured Military Wildlife Project of North Dakota. They receive 10 deer tags from Game & Fish - 4 any species tag, and 6 whitetail tags. This bill would expand what the Legislature has already done and weaken the deer lottery system for the public hunter. NDWF urges a do not pass on HB 1120.

Thank you for the opportunity to testify. Please do not hesitate to contact me with any questions that the committee might have.

Committee Members

The North Dakota Veterans Legislative Council Supports this bill and urges your passage of this legislation.

Jim Nelson Legislative Director and President of NDVLC

Chairman Kruen, Members of the Committee,

For the record my name is Curt Decker and I am a lifelong resident of North Dakota and live in Dickinson. I'm a concerned sportsman who is in opposition to HB 1120. I'm in opposition to this bill due to its inequity and potential consequences that the bill contains.

Please don't misunderstand my intentions. I'm not against our veterans obtaining a hunting license. I'd be honored to take these individuals on a hunt. What concerns me is the potential effect this bill would have on a stressed lottery system and to the recruitment of new young hunters, and the retention of hunters in our existing hunting fraternity.

By deducting another 100 tags from the lottery it reduces an individual's chances to obtain a tag from year to year, and HB 1120 is not just a one time opportunity, it will be a continuous deduction from available general public tags for years to come. It starts to discourage individuals from participating in the lottery when they must wait for years to acquire a tag. Depending on the deer hunting unit, and the sex or species of the deer an individual chooses to apply for (*and bad luck*), it can take up to seven or eight years, if not longer in some cases for a sportsman to acquire a desired tag. Continually being unsuccessful is starting to deject hunters to the point of taking up other hobbies and interests.

The big game animals of this state are a very limited resource that belong to all of us, and we should all be held to the same standards in acquiring the opportunity to harvest these wonderful creatures.

Furthermore, putting a five-day gun season ahead of the youth season in early September is inappropriate for several reasons. First, why would you want to try and get ahead of the youth and deprive them of their first-time experience and opportunity to harvest a deer. I would hope that an older experienced hunter would have enough common courtesy to let the youth have an unhindered opportunity, even if that hunter were a disabled vet. Secondly, what was the intent of the author of the bill? Was it truly to give the hunter an opportunity to have an unconstrained hunt or was it to take advantage of an undisturbed deer heard in anticipation of killing a trophy buck while in velvet?

Passing HB 1120 would also set a precedent by encouraging other special interest groups to submit white-hat bills which request special treatment, which again would reduce available tag numbers and put additional pressure on the deer lottery system. Soon all we will have in the field will be landowners and special interest groups. This a disservice to the tax paying sportsmen of this state who live here for the wonderful outdoor opportunities it provides.

The following information is relative to the above-mentioned discussion and pressures that the lottery system faces.

ND G&F, 2020 Deer Lottery Stats

- 2020 – 69,050 deer gun licenses.
- 79,999 – Number of people – not including 12,130 gratis applicants – who applied for deer gun lottery licenses, (up from 78,582 in 2019).
- 53.11% – The percent of successful applicants, excluding gratis and nonresidents, for deer gun and muzzleloader licenses.
- 12,446 – Applicants with four or more bonus points.

Drawing a buck license in 2020 was, like most years, not easy. After 11,845 resident gratis licenses and 690 nonresident licenses were subtracted from the overall license allocation, **just 28,598 buck licenses were available for the 67,665 hunters** who applied for them as their first choice in the lottery.

Additionally, rather than passing HB 1120, there are alternatives for a disabled veteran to obtain a deer tag.

Under Title 20.1 of the ND Century Code, the following chapters provide alternatives for disabled vets to obtain a deer license rather than an additional 100 guaranteed annual tags being deducted from the lottery system. Chapter 20.1-03-11, #6. allows a disabled individual to apply for a deer license through the lottery system and gives that qualified individual the flexibility to harvest the deer of his choice. This would allow a disabled vet the same opportunity that they would receive under HB 1120. This alternative allows for some fairness to an already stressed system by having all hunters applying for a license through the lottery system.

CHAPTER 20.1-03 LICENSES AND PERMITS

20.1-03-11. License to hunt big game required - Limitations on licenses.

6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing and who receives or obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to convert one license to take any sex or species of deer in the unit or subunit for which the license is issued. Notwithstanding any other law or any provision contained in the governor's proclamation concerning the hunting of deer, a person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer regardless of whether that person received a license to hunt deer in any prior year.

There are also nonprofit groups that are supplied deer licenses under state laws that offer opportunities to injured and disabled veterans to hunt deer.

CHAPTER 20.1-05.1 SPECIAL ALLOCATION HUNTING LICENSE

20.1-05.1-01. Special allocation hunting license authorization.

1. The director shall authorize issuance of the following annual special allocation hunting licenses:
 - a. Four any deer licenses and six any white-tailed deer licenses per year to the Injured Military Wildlife Project of North Dakota for distribution. A license issued under this subsection is valid during the period of the deer bow season.

Note: The ND G&F Dept. also allows for approximately 50 licenses for veterans to hunt deer at Camp Grafton.

In conclusion Chairman Kruen and members of the Committee, I urge you to vote "Do Not Pass" on HB 1120.

Thank you for your consideration in this matter,

Sincerely,

Curt Decker