



2009 LEGISLATIVE REVIEW

By Greg Freeman

North Dakota's 2009 legislative session ended in early May. Lawmakers considered 34 bills regarding hunters, anglers and the state's natural resources, and fewer than half were approved.

Terry Steinwand, North Dakota Game and Fish Department director, said even though this was a relatively light session compared to 2005 and 2007 when 57 and 39 bills were tracked, agency personnel were busy just the same.

"This was a fairly typical session," Steinwand said. "Even though the number of bills was the lowest in a number of sessions, there was a lot of work involved. We're pleased with how the budget concluded and now can finalize some plans for the next biennium."

BILLS THAT PASSED

HB 1017 – Appropriates \$59,463,938 for the Game and Fish Department for the biennium beginning July 1, 2009, and ending June 30, 2011. Also allows a professional gun dog trainer to apply for a permit designating no more than 40 acres where training a gun dog is allowed at any time. Passed House 81-9. Passed Senate 46-0.

HB 1045 – Continues the prohibition of severance of hunting rights from the surface estate. Passed House 69-21. Passed Senate 45-1.

HB 1110 – Prohibits an individual from engaging, sponsoring, assisting or profiting from the release, hunting or trapping of feral swine; and allows a property owner or tenant the ability to shoot a feral swine if posing a risk to them

or their property. Passed House 72-19. Passed Senate 46-0.

HB 1125 – Clarifies the current law permitting federal Wildlife Services to control furbearers and big game in cooperation with North Dakota's Agriculture commissioner and Game and Fish director. Passed House 88-0. Passed Senate 44-0.

HB 1167 – Allows 13 year olds to participate in the youth deer hunting season if they turn 14 on or before the opening day of the November deer gun season. In the past, youth had to turn 14 on or before the opening day of the youth deer hunting season. Passed House 92-0. Passed Senate 43-0.

HB 1188 – Increases the penalty for some individuals with multiple Game and Fish offenses. Passed House 91-2. Passed Senate 39-7.

HB 1217 – Makes it illegal to hunt unharvested oilseed crops (sunflower, soybeans, safflower, rapeseed or canola, crambe and flax) without permission of the owner or tenant. Passed House 88-0. Passed Senate 46-0.

HB 1239 – Clarifies that only the owner or tenant, or an individual authorized by the owner, may post land. Passed House 84-4. Passed Senate 46-0.

HB 1240 – Changes agricultural exemption from licensure for guides and outfitters. Passed House 91-3. Passed Senate 46-0.

HB 1567 – Clarifies that a guide or outfitter license is not required for a person who acts as a booking agent for an outfitter. A booking agent is defined as a person who

receives only a fee for referring or marketing the services of a legal outfitter in this state. Passed House 87-4. Passed Senate 46-0.

SB 2146 – Changes the date of the state gas tax payment to the Game and Fish Department from July 1 to anytime in July. Passed Senate 41-0. Passed House 93-1.

SB 2165 – Allows individuals who are 16 years of age and older who have not taken the hunter education course to be issued an apprentice hunter validation to hunt small game and deer for one license year; allows youth ages 12 and 13 to receive a whitetail doe license valid for only the youth deer season; provides an online hunter education course for ages 16 and older. Passed Senate 37-9. Passed House 78-14.

SB 2309 – Provides for a study of lands along the Sibley and Sully historic trails for purposes of historical education, heritage tourism and access for public hunting. Passed Senate 42-4. Passed House 51-42.

HCR 3007 – A concurrent resolution urging Congress to amend federal law to implement the North Dakota Game and Fish Department's alternative that would use resident certified volunteer sharpshooters to take elk in Theodore Roosevelt National Park. House and Senate adopted.

HCR 3021 – A concurrent resolution urging the U.S. Fish and Wildlife Service not to list the black-tailed prairie dog as a threatened or endangered species under the Endangered Species Act. House and Senate adopted.

BILLS THAT FAILED

HB 1076 – Would have prohibited an individual from applying for a license to hunt big game, small game or furbearers who is barred by state or federal law from possessing a firearm. Failed House 6-86.

HB 1210 – Would have prohibited the use of state and federal funds to regulate any enclosed big game or farmed elk facilities. House Agriculture Committee amended to allow only the use of general fund money to regulate any enclosed nontraditional live-stock facility. Failed House 11-78.

HB 1211 – Would have required the address or telephone number in addition to the name on all posting signs. Failed House 25-69.

HB 1216 – Would have changed the nonresident small game license to three 5-day periods. Passed House 53-40. Failed Senate 23-24. Reconsidered. Failed Senate 20-27.

HB 1227 – Would have provided an online hunter education course for individuals ages 16 and older; changed the minimum age to participate in the youth deer hunting season from 14 to 12; established a provisional license that allowed residents over age 18 who had not completed hunter education to hunt for free during one season for which licenses were not issued by lottery. Senate Natural Resources Committee amended to increase the minimum age to 18 for individuals eligible to take an online hunter education course, would keep the age requirement at 14 for youth to participate in the youth deer season, lowered the age requirement to receive a provisional license to age 16, and the provisional license would not be free. Passed senate 47-0. Failed house 1-92.

HB 1246 – Would have changed the structure of the nonresident small game license by making it valid for up to 14 days in periods of at least three consecutive days each. Failed House 28-65.

HB 1248 – Would have allowed an individual fishing from shore to use up to four poles. Failed House 7-81.

HB 1260 – Would have made it illegal for a person to use a bow with an axle-to-axle length under 30 inches. Withdrawn from consideration.

HB 1379 – Would have appropriated \$1.7 million out of the general fund in the state treasury to the Game and Fish Department for construction of a paved roadway and boat ramp near the marina at Arrowhead Point near New Town. Failed House 31-62.

HB 1470 – Would have reduced the boating and hunting under the influence law from .10 to .08. Failed House 37-55.

HB 1499 – Would have allowed a professional gun dog trainer to obtain a permit designating a training area (not to exceed 40 acres) that would allow a professional to train a gun dog at any time within the designated area. Passed House 82-12. Senate Natural Resources Committee amended to extend the time period that prohibits training by eight days. Failed Senate 1-46.

HB 1504 – Would have allowed a person with certain disabilities who is eligible for a gratis license to designate another hunter to shoot his or her deer. Failed House 8-83.

HB 1515 – Would have appropriated \$15 million from the state treasury to the Department of Transportation to pave access roadways to Lake Sakakawea.

Passed House 48-45. Failed Senate 11-35.

SB 2068 – Would have replaced the social security number with a distinguishing number for a Game and Fish license applicant. SNRC amendments: would have used either a social security number or alternate identification number; and provide an agency directive, appropriation and effective date. Failed Senate 13-33.

SB 2189 – Would have required a resident to purchase a small game license at age 18 instead of 16, and eliminate license fees for residents under age 18. SNRC amended to increase the habitat restoration stamp fee from \$10 to \$13, and provide an effective date of April 1, 2010. Failed Senate 9-37.

SB 2264 – Would have created a season-long nonresident small game license for \$170, with \$40 designated for the Game and Fish Department's Private Land Open To Sportsmen program. Passed Senate 26-19. Failed House 8-84.

SB 2351 – Would have prohibited an individual from feeding big game and hunting big game over bait. Failed Senate 19-27.

SB 2424 – Would have required the Game and Fish Department and State Water Commission to jointly provide funding for any water project feature built or required to control aquatic nuisance species. Failed Senate 15-31.

SCR 4012 – A concurrent resolution that would have urged Congress to require the U.S. Department of Interior to make use of volunteers to take elk in Theodore Roosevelt National Park. Failed Senate.

GREG FREEMAN is the Game and Fish Department's news editor. He tracked legislation daily during the 2009 session.



New laws take effect August 1, 2009, unless otherwise noted. More information on the bills is available on the Game and Fish website at gf.nd.gov.