

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1149

2007 HOUSE NATURAL RESOURCES

HB 1149

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1149

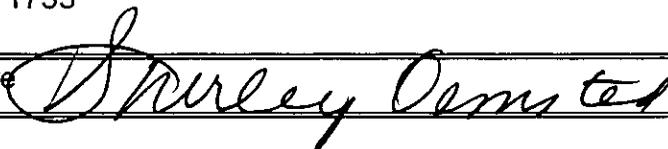
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 23, 2007

Recorder Job Number: 1733

Committee Clerk Signature



Minutes:

Chairman Porter called the hearing to order for HB 1149.

Representative Don Dietrich from District 42 came forward to introduce the bill. See attached written testimony marked as Item #1.

Representative Clark asked Representative Dietrich how old he was when he started hunting.

Representative Dietrich indicated that he was about 6 years old.

Representative Solberg asked that if a youth applies for a buck license and does not get a buck license, does he automatically get a doe license.

Representative Dietrich said it was.

Representative Hunskor said he read nothing in the bill about the youth being accompanied by a parent or guardian. Is this part of this bill?

Representative Dietrich said that was in the proclamation and statute.

Chairman Porter indicated that was covered under a different part of the law.

Representative Charging came forward in support of HB 1149. She looks at this as a great opportunity for young women to become hunters. She feels that if they start hunting early in life before they get involved in other events. She thinks it will develop their interest at an early age. She thinks they are opening the door to the younger population. She urges a do pass.

Representative Nottestad of District 43 also came forward in support of this sponsor. He wishes that this would have been in place when his 2 daughters were at the age of 12. By the time they reached 14 they had other interested. He is urging a do pass on this bill.

Chairman Porter asked for testimony in favor of HB 1149.

Mr. Darren Gowens, representing the National Rifle Association came forward in support of HB 1149. He is also part of family of fields which a national organization that has gotten together and is composed of the National Turkey Federation, the US Sportsman Alliance, and the National Shooting Sports Foundation. These groups have come together to lower the barriers to getting youth in the field. In hunting, they have found that this is a heritage, an important American heritage that is disappearing. People don't necessarily realize this. In 1982 there were 15,000,000 licenses, and since then we have lost 2,000,000 licenses in the country. Family Fields did a study on hunter retention. They found that for every 100 hunters that retire, we have been replacing them with 52. There are only 10 states that are rated worse than North Dakota. In 30 states there are no minimum hunting ages. We let parents make those decisions. The safety records for the states that don't have a minimum age and put that responsibility on the parents actually has a better safety record than those states that have a restricted age. Only 7 states have positive hunting retention rates. On behalf of the groups he is representing, he would recommend a do pass on this bill.

Representative Solberg asked if he represented the NRA. Regarding youth memberships, do you have a large number of youth memberships?

Mr. Gowens was not sure of the numbers but he has found that it is very tough to get young people involved in hunting because certainly there are lots of other distractions such as ipods and video games. If you wait until they are 14 to get them in the field hunting, they will have

many other interests by then. Their youth membership will fluctuate and it usually fluctuates with the adults.

Representative Solberg asked if the NRA had programs to encourage the youth memberships.

Mr. Gowens said yes. They are one of the leading organizations in shooting safety. They have lots of national competitions.

Representative Nottestad asked about discounted rates. Do they provide discounted rates on youth memberships.

Mr. Gowens asked if he meant other than the \$35.00.

Representative Nottestad said yes.

Mr. Gowens said he did not know what the membership fee was for someone under the age of 18. He was not sure if it was a discounted rate.

Representative Damschen asked if they had other promotional ideas to get the youth involved in hunting at an early age. He realizes that the NRA is a guns rights advocate, not just hunter advocates. Do you have programs that teach the basic right to bear arms to youth so that they are interested in the organization even if they are not particularly interested in hunting?

Mr. Gowens said that he knows that they definitely discount their life memberships for children and youth and he thinks that applies to the annual too. He will certainly try to get that information. They host an annual education summit in Washington, D.C. They do all sorts of things to appeal to the youth.

Representative Hanson asked if the NRA membership is going up or down.

Mr. Gowens said their membership remains pretty stable at 4 million. It fluctuates with elections.

Mr. Dominick Goettle. He is 12 years old. Last year he took Hunter Education and participated in the youth pheasant hunt last year. He walked along side with his Dad when he went deer hunting but didn't hunt. He thinks it would be a lot of fun if he would be able to hunt with his Dad.

Representative Meyer asked Clay Carufel to come forward to give some professional advice from a youth hunter.

Clay Carufel came to the podium. He said that he enjoys hunting and he would like to see it go to 12 years old because he can hunt with his Dad.

Representative Meyer asked how old he was.

Mr. Carufel said he was 13.

Representative Meyer asked him if he thought he was responsible enough to carry a gun and go hunting with his dad.

Mr. Carufel said he took hunter safety when he was 11 and he has been hunting for 2 years. He passed the safety class.

Representative Hunskor asked if while he was out hunting with his dad, did you have to teach him a few of the safety lessons that you were taught.

Mr. Carufel said that he really didn't remember.

Chairman Porter asked for any further testimony in favor of HB 1149. Seeing none he asked for opposition to HB 1149.

Mr. Foster Hager, representing the Cass County Wildlife Club, offered written testimony in opposition. Please see attached testimony marked as Item #2. He feels like the language in lines 15, 16, and 17 should be changed. It appears that if they apply, they will be issued a license and they should have to apply and go through the drawing like other hunters.

Chairman Porter said he thought the language for this is already in existing law. He asked that this particular law change would put the responsibility back on the parents or guardian, so I was wondering how you think 12 years old is too young if it is left up to an adult to make the determination.

Mr. Hager said that the club feels that 12 years old is too young to be in the field with a high powered rifle.

Chairman Porter asked if there was anything that would limit an 8 year old from going out and getting a general small game license and habitat stamp and shooting rabbits with a 243.

Mr. Hager said that he thought they could do that.

Representative Solberg asked how does he determine who is too young?

Mr. Hager said that is the 64 dollar questions. The bill has been 14 years old and they wish to change it and the feeling of the club is too young. A parent can determine that because it would be up to him if he wanted his child to hunt.

Representative Drovdal said there was previous testimony from the NRA and according to their studies states that have the lower hunting age are the safest states. Would you care to comment on that?

Mr. Hager said that he can't get into statistics because he has not had a chance to look at them. Their club feels that 12 are too young and he is testifying for his club.

Representative Charging said she knows that Cass County appears regularly and they take this testimony into consideration as we make these decisions as well. Do you have a youth membership to the Cass County Wildlife Club? Are there young people in this club?

Mr. Hager said yes they do. They have an excellent hunter education program as well. He thinks all young people should take that. They have a family membership and an individual

membership. There are over 200 sports people in this club and a great many of them have a family membership.

Representative Charging said she thought that was wonderful. At eleven when they engaging in hunter safety that is very fresh in their memory and they have had an opportunity to shoot those weapons.

Mr. Hager said he agrees with what they are saying and some twelve year olds can probably handle it. The club feels the majority are just not mature enough to be out there with a high powered rifle.

Representative Nottestad asked if when the club made this decision, was the membership polled and how did the hunter safety instructors have any comments about it.

Mr. Hager said the club has 6 individual that are on the legislative committee. They take input and poll the organization. Those 6 members decide how they want him to testify. He is speaking for the club.

Representative Hunskor made a comment that there are adults who are not very responsible hunters. It would seem that the greater number of years a young person can hunt with his parent it is going to make a more responsible group of hunters as we get into the future. It sounds like a very good program to me.

Mr. Hager said that he agrees with what they have to say. The more youth that you can get into hunting because we are loosing them like the NRA said so that is a good program. My club feels like 12 year olds are too young.

Mr. Hager wanted to testify on behalf of himself. He has spent 32 years in education so he has dealt with a thousand or more seventh and eighth graders. On the average he feels there is a considerable maturity difference a 12 year old and a 13 year old. I am not saying all, but I am

saying there is a difference. He feels that this bill would have a better chance of passing if the age was 13. He would recommend that 13 be put in place of 12

Mr. Mike Donahue came forward representing the United Sportsmen for North Dakota and the North Dakota Wildlife Federation. They just had a convention last week representing the 1200 members. Under Section 2 of the license, they support that. They do think that lines 15 and 16 need to be looked at again. You might want to delete issue and insert the word sold. The main discussion is being in the field with a shotgun at a certain age. They do not feel that it is a hunter recruitment issue. They do not think that it is a biological issue. There is really not many documented safety problems as far as a 14 year old that is currently in effect. They understand from the Game and Fish that the fiscal note is insignificant. Having said all that, the overall membership concurred and they object to the age change. They urge a do not pass.

Mr. Roger Rostvet from the North Dakota Game and Fish came forward to answer questions. He passed out an article that was run in the most recent North Dakota Outdoors Magazine. The title of the article is young hunters. North Dakota has more young hunters now than they have ever had. The number one age group for deer hunters in North Dakota is 14. They have a number of programs open for youth, including the special youth waterfowl week, the youth access program, and the youth pheasant hunting season. They have also worked on a youth access program. There are now more hunters in North Dakota than they have ever had. The hunters are up about 27% in general hunters since 1990. Thirty percent of all 14 year olds in North Dakota are hunters. There is no significant change to the safety records in North Dakota. He said their statistics have a retention rate of 1.19. There are about 4,000 new hunters in the new application pool. There are a number of states that allow 11 year old deer

hunters. They would continue to have the youth deer hunting season for those between the ages of 11 and 15. There are currently about 2,700 youth deer hunters.

Representative Porter asked with the up and coming numbers and the decline of the population of our youth, is it important to get our youth addicted to the outdoors sports like we are.

Mr. Rostvet said that was their goal in North Dakota. Most youth are probably starting out with smaller game and other small game species.

Representative DeKrey asked how the department looks at the language of this bill and how do you interpret it. When he looks at the language of this bill he interprets that they would have to apply just like anyone else and if they weren't 12 yet, they would only be eligible for a doe license. Is that how you read this language?

Mr. Rostvet said it was a little hazy, but if they were 15 years old and applied in the regular lottery, they wouldn't be required to get a license, but if they were in the youth season they would be guaranteed a license.

Representative Drovdal asked about the safety issues. What is the opinion of the Game and Fish on this? Do you think 12 year olds are mature enough to make safe decisions?

Mr. Rostvet said there was no indication or statistical information that says 12 year olds are any more dangerous than 20 year olds.

Representative Hunskor asked if there were any further restrictions than the requirement that the parents be with them.

Mr. Rostvet said he didn't believe that there were any other restrictions.

The hearing on HB 1149 was closed.

Representative DeKrey made a motion for a do pass. There was a second from

Representative Solberg. Chairman Porter asked for discussion. Seeing none, the clerk took

the roll. Let the record show that there were 12 yes, 2 no with all present. The motion prevailed.

Representative Drovdal will carry the bill to the floor.

FISCAL NOTE

Requested by Legislative Council

02/27/2007

Amendment to: HB 1149

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill reduces the minimum age for obtaining deer gun hunting licenses from age 14 to age 13.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There would be no significant changes for revenue or expenses for this bill.

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.*

There would not be any significant change in revenue for the Game and Fish fund.

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.*

There would not be any significant additional expenses to implement this bill.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	701-328-6328	Date Prepared:	02/27/2007

FISCAL NOTE
Requested by Legislative Council
01/05/2007

Bill/Resolution No.: HB 1149

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$5,500		(\$6,000)
Expenditures				\$2,500		\$0
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill reduces the minimum age for obtaining deer gun hunting licenses from age 14 to age 12. It also provides that "doe" licenses for the youth deer season are to be issued at no cost. Currently the cost of deer licenses for youth under age 16 is \$10.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Allowing age 12 and 13 year olds to hunt deer would initially result in an estimated 1,000 additional youth participating in the youth gun hunting season the first year. The total youth season participation the first year would be about 3,000 and the second year it would return to near the normal 2,000 hunter level. Based on historical sales, about 15% would opt to be issued a doe tag for the youth season. Increased license sales the first year would result in a one time revenue increase of \$8500. After the first year there would be a revenue decrease of about \$3,000 per year due to the 300 no charge licenses that would be issued each year.

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.*

For the 2007-2009 biennium there would be a revenue increase of \$5500 for the Game and Fish fund. For future bienniums there would be a revenue decrease of about \$6,000 per biennium.

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.*

It is estimated that the initial cost to modify the computer systems used for issuing deer licenses would be \$2500.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/05/2007

Date: 1-23-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By DeKrey

Seconded By Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson	✓	✓
Vice-Chairman - Rep Damschen	✓		Rep. Hunsakor	✓	
Rep. Charging	✓		Rep. Kelsh		✓
Rep. Clark	✓		Rep. Meyer	✓	
Rep. DeKrey	✓		Rep. Solberg	✓	
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad	✓				

Total Yes 12 No 2

Absent _____

Floor Assignment Drovdal

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

Motion Carries

REPORT OF STANDING COMMITTEE

HB 1149: Natural Resources Committee (Rep. Porter, Chairman) recommends DO PASS
(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1149 was placed on the
Eleventh order on the calendar.

2007 SENATE NATURAL RESOURCES

HB 1149

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2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1149

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: # 1149

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1149 relating to the governor's proclamation concerning the youth deer hunting season.

All members of the committee were present except Senator Joel Heitkamp.

Representative Don Dietrich of District 42 co-sponsor of HB 1149 introduced the bill (See attachment #1).

Senator Herbert Urlacher asked if it was a requirement for an adult to be with the twelve year olds to hunt.

Representative Dietrich clarified it would be necessary as by proclamation and statute.

Senator Lyson asked for opposing testimony of HB 1149.

Mike Donahue representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in opposition of HB 1149 stating that after much discussion the organizations feel the age of 12 is too young. There is a lot of difference between a 12 year old and 14 year old as far as ability to make quick judgment calls. He also stated 35 – 50 % in youth hunter education classes have included fire arm instruction with a 22 caliber and 20 gauge shot gun.

All and all 12 years olds are not physically capable of handling a high power rifle. He also presented to the committee a copy of an email message he received (See attachment #2).

Senator Lyson asked if parents should have an opinion if their child is capable.

Mike Donahue agreed until they are of the age of 18 as no all parents are responsible enough to make that judgment call.

Foster Hager representing the Cass County Wildlife Club testified in opposition to HB 1149 stating the club has a legislative committee with an accumulative 89 years of hunter education experience and opposes the bill because 12 years of age is too young hunt with a high powered weapon. The physical and mental capabilities between a 12 and 14 year old is tremendous and from his personal experience of working with youth agrees with that concept.

The bill needs some additional language pertaining to actual physical control. If lines 15, 16, and 17 are interrupted correctly, the state a person may apply for and be issued a deer hunting license if that person's 12th birthday occurs before the opening date. It should read "may apply for and may be issued" because the current language guarantees a license in both youth and regular season.

David Munsch testified in opposition to HB 1149 stating youth should start with archery hunting to learn the respect of the sport. He further gave his personal history of hunting that more education is necessary and 14 years of age is young enough to hunt.

Senator Lyson asked for neutral testimony.

Roger Rostvet, Deputy Director of North Dakota Game and Fish Department testified in a neutral position presenting a handout of youth hunting statistics and review of the youth hunting programs in North Dakota (see attachment #3). He further stated the number of North Dakota hunters is at an all time high with both adult and the youth which is opposite of national trends. He further stated 14 year olds are the single largest group of deer hunters in North

Dakota. The departments recruit methods with this age group has been very successful although it might not continue as time progresses. The high number of wild life also contributes to the recruitment of the numbers of hunters. Other states around North Dakota have 12 or less for deer hunting and that there is not a significant changes in numbers regarding accidents among the age differences. Most kids in North Dakota start out hunting of small game before deer hunting. In regards to competition of receiving a deer license, it is estimated if 12 year olds are included in the pool, there would be approximately another 4000 applications for the licenses.

Senator Lyson asked how the department interrupts the language on line 15, 16, and 17.

Roger Rostvet answered that is similar to other language and not every one you apply receives a license.

Senator Lyson questioned the lack of fee for doe licenses within the bill and if this was a result of high doe numbers. He questioned if this should be included in the bill or if the department should make that determination.

Roger Rostvet answered that all fees are set by statute.

Senator Lyson closed the hearing on HB 1149.

Additional testimony from **Lancer L. LaBar** was distributed to the committee members. (See attachment #4).

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1149

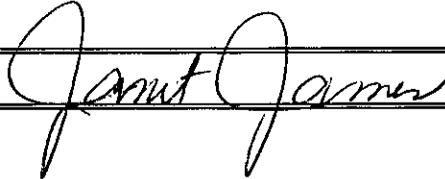
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: 2-22-07

Recorder Job Number: # 3686

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened committee work and discussion on HB 1149.

All members of the committee were present.

Senator Joel Heitkamp stating in reviewing the bill he questioned as to low of an age should be allowed to deer hunt. In conversation with Senator Constance Triplett, she explained other states are not witnessing any problems.

Senator Lyson commented the handout from the North Dakota Game and Fish Department presented statistics in this regard.

Senator Lyson questioned that there is no fee for doe licenses which is alright when the doe population is high, but what will happen in the future when that is not the case.

Further discussion was held whether the fee should remain or removed from the bill.

Senator Ben Tollefson stated his concern if a 12 year old is capable of handling a high powered rifle.

Senator Triplett stated the last section of bill allows the governor's proclamation to establish the manner, number, places and times of the youth deer hunt and that the reference to manner might include the opportunity of Game and Fish to put some limitations on.

Senator Lyson commented that parents need to take some responsibility for their children although some might not be.

Senator Layton Freborg asked up to what age an adult must be with the youth to hunt.

The committee was unsure.

The committee further discussed the dangers of a high powered rifle and the abilities of youth to understand that and the dangers of hunting. The involvement of parents was also discussed.

Senator Freborg made a motion to amend HB 1149 to change the age of 12 years old to 13 years old.

Senator Heitkamp second the motion.

Discussion was again held in regard to the maturity of the youth, their physical capabilities and understanding of the dangers of high powered rifles. The amendment also moves most kids into the junior high school.

Further discussion was held regarding the \$10 fee and the amendment was clarified to remove the fee exemption and that the youth would then have to pay the \$10 fee.

Roll call vote #1 for an amendment to change the age of 12 years old to 13 years old and to include the hunting fee on HB 1149 was taken by voice vote indicating 7 Yeas, 0 Nays and 0 absent or not voting.

Senator Heitkamp made a motion for a Do Pass as Amended of HB 1149.

Senator Freborg second the motion.

Roll call vote # 2 for a Do Pass as Amended was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

Senator Freborg will carry HB 1149.

February 22, 2007

JJ
2-23-07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1149

Page 1, line 16, replace "twelfth" with "thirteenth"

Page 1, line 23, remove "and there is no fee for a license to"

Page 2, line 1, remove "hunt does during the youth deer hunting season"

Renumber accordingly

Date: 2-23-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1149

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend art 12-13 - over strike 23, aka

Motion Made By Freborg Seconded By Heitkamp

Senators	Yes	No	Senators	Yes	No
Sen. Stanley Lyson, Chairman			Sen. Joel Heitkamp		
Sen. Ben Tollefson, ViceChairman			Sen. Jim Pomeroy		
Sen. Layton Freborg			Sen. Constance Triplett		
Sen. Herbert Urlacher					

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

HB 1149: Natural Resources Committee (Sen. Lyson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1149 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "twelfth" with "thirteenth"

Page 1, line 23, remove "and there is no fee for a license to"

Page 2, line 1, remove "hunt does during the youth deer hunting season"

Renumber accordingly

2007 HOUSE NATURAL RESOURCES

CONFERENCE COMMITTEE

HB 1149

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1149

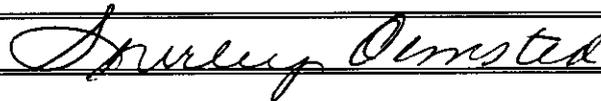
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 29, 2007

Recorder Job Number: 5630

Committee Clerk Signature



Minutes:

Chairman Nottestad opened the conference committee on HB 1149. The clerk took roll. All were present including Chairman Nottestad, Representatives DeKrey and Hunskor and Senators Lyson, Freborg, and Triplett. He asked someone from the Senate to explain the amendments made to HB 1149.

Senator Lyson referred to page 1 line 16 where they replaced twelve with thirteen. He said he thought they had a very good reason for doing this. We are talking about young people. These kids that are twelve years old are still in elementary school. At least by going to thirteen we are giving them another jump in their life from elementary to middle school or junior high. We thought that maybe the jump from the elementary to the junior high might give them a positive attitude. The whole committee thought that twelve was just too young.

Chairman Nottestad said he would like to argue the point the other way. In dealing with twelve and thirteen year olds, this is a situation where they will be accompanied with parents or whoever is taking them on this hunt. A twelve year old is probably one of the most susceptible times in their life for learning. They listen and do what they are told and are much easier to work with than the thirteen and fourteen year olds. This was our rational for putting the age twelve down. The other part is that nationwide, many states are going to the younger age for

deer hunting. The age of 12 had the blessing of the Game and Fish Department and that is why we originally wrote the bill for the age of twelve.

Senator Triplett said given what you just said, maybe we should offer the licenses to the twelve year olds and then take them away from the thirteen and fourteen year olds.

Senator Lyson said he looks at this in a different way. We are putting the child out there with a weapon that will kill within a mile. Their judgment is certainly not as good as an adult at that point so I don't look at it that way. I disagree completely with supervision. Once you are out there and he is on one side of the draw and you are on the other side of the draw there is no supervision. There is no supervision if he is fifty feet away from you. Let's be honest and not talk supervision when there is no such thing.

Chairman Nottestad said if Dad is 50 feet away in the draw he certainly is not doing what he is supposed to be doing. He is not carrying a gun. He is not allowed to carry a gun and the responsibility of a parent is very difficult to legislate. The parents are going to have to accept that responsibility as we expect them to do that in other things.

Senator Lyson said when the parents don't accept that responsibility and the child shoots someone, they are ruined for life because of that.

Chairman Nottestad said an eight year old can shoot pheasant with a shotgun.

Senator Lyson said that is right and he will probably kill at fifty feet.

Chairman Nottestad said there are already eight year olds using guns and that is already in statute.

Representative Hunskor said he said he had hoped to come in here with the idea that you could do the twelve year olds during the youth season and then do the thirteen year olds during the regular season. If I understand it right that if a youth is out during the youth season and he doesn't get a deer then he can continue that into the regular season so I guess that

theory will not work. I am of the theory that it depends on how much trust you have in parents. I would hope that most dads and moms would have that child next to them at that age. If that wasn't going to happen and we can not put trust in them to do that then you are asking for a very unhealthy situation. I would hope that dad would not have that twelve year old out there unless he is under very healthy supervision and learning the lessons about hunting that he should learn. I guess that is why I am on the twelve year olds side.

Senator Freborg said if all that has been said is in favor of allowing twelve year olds to hunt why then don't we allow twelve year olds to hunt big game which is moose, elk, and sheep.

Chairman Nottestad said this would be considered a youth hunt and all of the hunter safety goes in at that age and they had set the age at 14 but these youth hunts are used to bring together the adult supervision with a child together on this hunt. It could be expanded to say that there could be a youth hunt for big game as well but the differences between that and this is this young hunter is accompanied by an adult. At the age 14 they are not accompanied by an adult. It is a learning process and this gives them some more supervision if they went straight to the older hunt.

Representative Hunskor said in answer to Senator Freborg's question, his thought on that would be that since there are a very limited number of licenses for moose, elk and sheep and he thought that would be reserved for the adult community and the youth have to wait their turn as there are so few.

Senator Lyson said that he thought they got as much experience going with Dad on the hunt and not carrying a weapon as compared to carrying a weapon.

Chairman Nottestad said he couldn't argue with that but if you take a look around at who is hunting and I look at the crowds that I go hunting with and kids are not usually along until they are hunting themselves and carrying a gun. I wish it were the other way around. That is one

of the reasons that we started this new hunt. If the kids were going to have the opportunity to hunt, an adult would have to be with them. I would rather see them get started that way than a bunch of high school kids going out hunting together for the first time.

Senator Freborg said they can hunt upland game at any age can't they. This should give them the opportunity to hunt and carry a gun but it is not giving them the opportunity to shoot a deer.

Chairman Nottestad said he would agree that it is different with a shot gun.

Senator Freborg said they thought that they had made a good compromise on this by moving it to 13 and they were really not opposed to changing the age from 14 to 12 so we thought we made a good compromise going to 13. The day may come when 12 looks good but it didn't look good to us at all.

Senator Lyson said he thought it was a lot because of the background of everyone here. I can tell you that in my former life I have seen more problems than not in the field with fathers and youth and that is why I don't agree with something like this.

Chairman Nottestad said in his former life when fathers come in and asking for their kids to be excused from school, that is one of the things that I highly encouraged even though their might be problems because at least it got dad and the kids together. Teachers many times were not happy with me but I encouraged it at all times.

Representative Hunskor asked if they were feeling the challenge here is not the proper supervision. If they were supervised closely and in a close proximity, with dad right next to them, there may not be such a problem. Is that accurate?

Senator Lyson said he didn't think it was a question about how I think they are going to hunt.

The other thing is that when we move from an elementary to a junior high or middle school

area it is a big leap in their life. Maybe we should leave this in that big leap too. Now they know that they are being treated like young adults.

Representative Hunskor said he doesn't think you can draw a line and say and say all twelve or thirteen year olds are the same. There are some twelve year olds that are as mature as a fourteen year old and there are some thirteen year olds that are like eleven year olds.

Senator Lyson said you are absolutely right and that is why I am opposed to the bill. I didn't want to kill the whole thing.

Senator Triplett asked if someone could explain to her where this idea came from and who or what is pushing for this.

Chairman Nottestad said he would give his theory on this. We are seeing less and less young people hunting after they get into high school because of the competition with sports and years ago everyone would go out for the hunting seasons and your sports would step back for a few days. That is not the case anymore. If you are committed to football in the fall you are committed to that right up to your eyeballs as it is with other sports. We feel that if kids start hunting young they will hunt for a few years and when they get to 14, 15 and 16, the numbers start to drop off because of the competition of other things. Other states have gone with the 12 and 13 year olds and they feel that it is helping to hold their interest. When they wait until a later age to get involved, they sometimes don't continue the sport. That is my point.

Senator Lyson said he was a sponsor because a friend came over and asked him to sign on to it. When I heard it was youth hunting, I said absolutely. That is really why I was on it. I was probably wrong and should have objected to it at that point. I can tell you that my son hunted with me since he was 6 years old and he carried a BB gun, and he carried that BB gun

until I gave him a shotgun when he was twelve. He didn't get a high powered rifle until he was 15 or 16.

Chairman Nottestad read an email from Bob Dauws and there is a paragraph in here that is very pertinent. He said it is the parent's obligation to see that the child is mature enough to participate. My child will be 12 in September and would have been safe in the field last season. On the other hand, his brother is well behind him in maturity and I could not see him in the field at the age of 12. It is the parents that have to make the final decision on this no matter how the law reads.

Senator Lyson said there are some parents that say "good, it is another way for someone to baby sit my child".

Chairman Nottestad said it is a little hard to have someone else baby sit when they have to be there.

Senator Lyson said they don't have to be there.

Senator Triplett said it does seem like an enormous safety issue to her. We are leading kids hunting with shotguns at the age of 3 if they want to. It just seems like there are plenty of opportunities for them to get indoctrinated into hunting and learn about the skills and I just don't know why we would give them a rifle that is capable of killing people at long distances if it is aimed wrong. I think it is a real safety issue for the public. I grew up on a farm and my parents wouldn't let me out of the house on the first few days of deer hunting season.

Chairman Nottestad asked for comments on the other part of the amendment that you put on.

Senator Lyson asked about the hunting or the price.

Chairman Nottestad said the price.

Senator Lyson said they just thought if they were going to let people hunt, what is wrong with making them pay a little bit. It is not like it is going to take a month's salary or anything. If they are going to hunt, they need to learn that it is going to cost them.

Chairman Nottestad asked if they wanted to trade that for the 12 years.

Senator Freborg said he didn't think that was their major issue on this and I think the person that made the motion for that spoke to the fact that he thought you would be sure that they really want to go hunting if it costs them ten bucks. We take a lot of things that are free whether we want them or not. I am sure that the youth would want to go but it is a little easier if it doesn't cost them anything. That is some of the rationale here. They wanted them to have a vested interest in what they are going to do.

Chairman Nottestad said he thought the original bill was such that they thought there are so many does around it really wouldn't matter. The issue here is the age and I don't think it is the ten dollars at least not from my point.

Senator Triplett asked if they had any hard data from other states to suggest that deer hunting as opposed to upland game hunting has more power to attract youth and to hold them into hunting or is that your own personal opinion.

Chairman Nottestad said in the deer hunting culture, ND is a little bit different than others. The "deer camps" that we hear about in Minnesota, Wisconsin & Michigan, you won't see that much in North Dakota. The indoctrination into the deer camps that they are using in Michigan is the one that was looking at using the twelve year olds. It becomes a bonding situation with the adults more so than with the young men particularly. There was a good article about this in the December or January ND Outdoor magazine that had a lot on this. I don't have it here but it is looking at what the other states are doing. When I speak of that, it is where I am going with this.

Representative Hunskor asked if there was evidence on how many states there are that are doing this.

Chairman Nottestad said it was discussed in our committee.

Senator Lyson said you must remember that we go several years without having an accidental shooting of a human being and the next year we could have two or three. We see this all the time. Statistically that doesn't mean anything to me and it doesn't matter to me what other states are doing either. We are North Dakotans.

Senator Freborg said he saw where one young man testified that before he was allowed to hunt and carry a gun, he hunted the previous year in deer season by walking with his father and didn't carry a gun. So there really is nothing to prevent that young person from getting some experience and seeing what it is all about and if they are really interested in hunting they will want to go. It was important to my kids to just go, and I don't know why when they are twelve they can't just do that and when they are thirteen carry a gun.

Chairman Nottestad said he remember that this bill came up the night of the evening session and I remember him standing up and talking about how he was looking forward to this year when he was twelve and that he may be able to hunt.

Representative Hunskor said it was too bad there is not another whole number between twelve and thirteen.

Senator Freborg said they had already made that compromise to thirteen and I guess we shouldn't have.

Senator Lyson said it was a compromise because it was headed to do not pass in their committee.

Chairman Nottestad found in the minutes that in 30 states there are no minimum hunting ages. He suggested that they adjourn the conference committee until next week.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1149

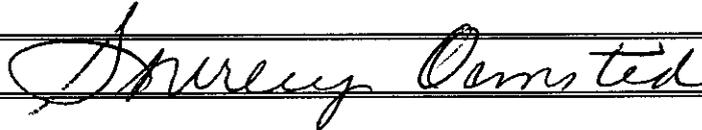
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: April 3, 2007

Recorder Job Number: 5705

Committee Clerk Signature



Minutes:

Chairman Nottestad called the conference committee to order and asked the clerk to call the roll. All were present including Representatives Nottestad, DeKrey and Hunskor and Senators Lyson, Freborg, and Triplett. He asked for any comments from the group on HB 1149.

Representative DeKrey asked if the Senate feels if they take this back at age 12 to the chamber that it would probably kill the bill

Senator Triplett said absolutely.

Representative DeKrey asked if they took the fee out.

Senator Freborg said they put the fee in.

Representative DeKrey said he knew the house was stuck on the age of 12 so I am not sure if the chairman would just as soon see the bill die or not.

Chairman Nottestad said he thinks that becomes the alternative. As we talked before, and as I said before, other states have gone to the younger deer hunting and have gone to the age of twelve for the most part and there are 30 states that have. We talked about the reasoning in dealing with kids and parental responsibility. This is something that has to go with this bill

rather the age is 12 or age is 16. If this is a parental or foster type thing it is up to the parent to install in this young boy or girl and we wrote the bill originally and passed it out of the house we

felt that twelve was an age that we felt would be a strong one to look at. We looked at what other states and what they had done and they had gone this route. We spoke with Game and Fish and they concurred with this. Since that time I have talked to Terry Steinwand and I think the Governor is acceptable of this as well so at that point that is where the house stands.

Representative DeKrey said he knew they had a lot of discussion around the fact that we talked about earlier last meeting that there so much competition for kids these days although North Dakota is still bucking the national trend who are seeing a tremendous decrease in hunters. The one thing that they found that gets kids hooked on hunting is to start them at a younger age and get it into their routine. That was one of the major reasons that we finally arrive at the 12 year old so that it would be before they got into sports heavy and had all these other activities that take them away from hunting. Also, at the younger age, it seems to stick with them better and that they remain hunters.

Senator Triplett asked if there was any research on upland game versus deer hunting.

Representative DeKrey said he didn't know.

Representative Hunskor said when he first heard of this, in his mind, 12 sounded too young. Some twelve year olds are physically not very big and a gun can knock them flat. Those were the thoughts that went through my mind, and then when I started researching there seemed to be two things in here that would be a concern. One would be hunter retention and the other is safety. I weighed those two and safety seemed to be the one that was by far the most important because if there is safety we can then go ahead with hunter retention. The research I have done and the emails I have received and people that I have talked to back in my community I haven't had anyone express a real great concern over the safety issue. Other states and some of the folks to teach the hunter safety in Bottineau and Kenmare and around seem to feel that 95-99% of the dads who take their sons out would do a very good job and it

would be a very wonderful experience. There may be an odd father who would not be responsible. As I understand these kids can go out now during deer season and shoot a rifle at a rabbit and that is legal as far as I know so I am on the side of safety. I know we don't want anyone killed. We don't want anyone hurt in any way, shape or form but I am not finding any evidence that amounts to anything that says that this is a real factor except for in my own mind. I go back again to the twelve year old is pretty young but I am not finding anything and maybe I stand to be corrected. With that in mind, I think that the father and son and that teaching these kids good hunting habits is very important and a wonderful experience. If I had found any amount of evidence that this was a safety thing, I would say let them wait until they are older. That is where I am at.

Senator Triplett said the safety issue to her was a concern with deer rifles because of the distance the bullet can travel. It seems that with other types of guns there certainly are safety issues which we all have learned from with the Dick Cheney incident. It seems to me that it is limited to the group of people that you are hunting together so there is kind an assumption of a risk notion that if a kid makes a mistake the person that is going to get hurt will probably be someone who is in their hunting party who choose to trust them and be part of the hunting party. If you are talking about the safety issue relative to a deer rifle, the person who gets hurt or killed could be a perfectly innocent person in their farm yard a half a mile away who doesn't even know that there is a hunting party out there. That is a real distinction for me. Whether or not there is any evidence that this has happened in the last ten years in this country or not, I don't have any idea, but it seems like it could be a real possibility. I don't think that we should be subjecting the citizens of our state to that.

Chairman Nottestad asked for any other comments.

Representative DeKrey said we should talk about the fee.

Senator Lyson said that was not a big hang up for the committee.

Representative DeKrey said that was another question he had as to how solid they were on the fee.

Representative Hunskor asked if there was a fee for youth that hunt during the pheasant season. Do they pay?

Representative DeKrey said both of his sons pay.

Representative Hunskor said that would be consistent.

Senator Lyson said they did not understand why you left the fee out.

Senator Triplett said they thought it might have had something to do with teaching responsibility and understanding that if you put something into it you will get something back out of it.

Chairman Nottestad said he was not opposed to the fee and would be very glad to accept the fee for the 12 year olds.

Representative Hunskor said because it is so quiet, we are either doing a lot of thinking or no thinking.

Senator Lyson said his thinking was done when the Senate voted the other day.

Senator Freborg said they should forget that if they had not reconsidered it and brought it down here this bill would be dead. He said he could tell them why it was brought back. If they would not have brought it down here, we would have lost the youth deer hunting season that the Governor may establish. If it was going to be that age, there wouldn't have been a season anyway according to the Senators.

Representative DeKrey said for purposes of discussion and to vote to see if we can accomplish anything, he would move that the House recede to the Senate amendments.

Senator Lyson seconded the motion.

Chairman Nottestad asked for discussion. Hearing none, he asked the clerk to call the roll. Let the record show 2 no (Representative Hunskor and Chairman Nottestad) and 4 yes. The motion failed.

Senator Freborg said that they did pass the house bill and it wasn't there committee that killed it. It was the floor that killed it. We reconsidered it because the youth season was gone and that is the only reason that we are sitting down here. We said 13 and they killed that. What do you think they would do with 12?

Chairman Nottestad said it looks like we need another meeting.

Representative DeKrey said he certainly did not want the youth season to go away. Both of his boys use that and I hunted with both of them. With one of them I was kind of scared the whole time I was out there, but I felt pretty good with the younger one. One had a bit of a muzzle control problem with the youngest one but they were both the same age when they started. One was more mature than the other.

Chairman Nottestad said that we will meet again. The conference committee was adjourned.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1149

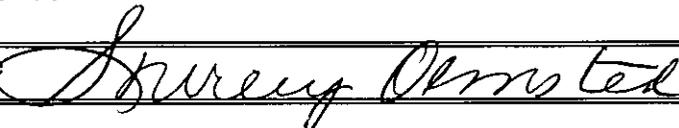
House Natural Resources Conference Committee

Check here for Conference Committee

Hearing Date: April 5, 2007

Recorder Job Number: 5769

Committee Clerk Signature



Minutes:

Chairman Nottestad opened the conference committee and asked the clerk to call the roll.

Those present included Representatives Nottestad, DeKrey, and Hunskor and Senators Lyson, Freborg and Triplett. He said at the last meeting as we were discussing this there was a statement made by someone on the Senate side that this bill would have been killed and if it had been killed it would have destroyed the youth hunting in North Dakota and I didn't quite understand where this came from or how it came about so I asked Jeff, who wrote the bill, and also Roger Rostvet to come in and answer any questions that there might be about that. I would like to get that clarified.

Senator Freborg said we don't need them now. We were talking about 1311 when we talked about killing the bill. We know what this bill is. We were so concerned about the age in this bill that we didn't pay much attention to the rest. There is a youth season in HB 1311. It was 1311 that did away with the youth season so we reconsidered it. It was not this bill.

Representative DeKrey asked if the youth season was alright now.

Senator Freborg said it is in conference committee.

Chairman Nottestad said that bill is the pheasant one. I know that the only place that there is anything in the statute about youth seasons is the pheasant one and that is why I started wondering about.

Senator Lyson said one of the things that I think we should clarify is one of the things that were very clear and defeated 1311 the first time is age. We should take that into consideration. It was defeated pretty strongly on the pheasant season at that point and it had to do with putting a high powered rifle in the hands of youth.

Representative Hunskor asked them to refresh his memory on 1311.

Senator Lyson said that was the youth pheasant season.

Representative Hunskor asked what had happened to it.

Senator Lyson said it was killed on the senate floor because of age.

Senator Triplett said they had reconsidered it to save the youth hunting season.

Representative Hunskor asked what it says now.

Senator Lyson said the amendment says that they have to have training.

Representative Hunskor asked if it had passed now.

Senator Lyson said it was in conference committee.

Chairman Nottestad asked what the age was there in comparison to this bill. The age is lower, right?

Senator Triplett said there was no age limit. They are putting on the requirement of hunter education.

Chairman Nottestad said for the sake of the gentlemen's time, does anyone have any questions for either Jeff (Nelson) or Roger (Rostvet). We are speaking about a different bill and I did not know that at the time and I felt that we may need to verify.

Chairman Nottestad asked if there were any proposal that either side has to offer today.

Representative DeKrey said that he had talked to the sponsor of the bill and it is his bill and his feeling is that if we cannot pass 12 that the senators can take the house version back to the chambers and kill it.

Senator Triplett said they could do that.

Representative Hunskor said he does not want to see the youth season go by the wayside.

Senator Lyson said this bill has nothing to do with that.

Senator Triplett said they were all confused last time.

Chairman Nottestad said if this bill is killed in the senate the age will remain at 14. That can be done but I would rather see us take another run at it. I would be prepared to propose a new amendment to be looked at during the next meeting. I do not have it prepared yet but I would like to do that if it would be possible.

Senator Triplett asked if he could give them a clue as to the topic.

Chairman Nottestad said it would be a combination between 12 and 13 year olds and 14 year olds if that would be the case. It would be a combination of the youth season only and going into the additional but I don't have it fully put together yet. That would be my proposal.

Senator Lyson said he read his rules on conference committees and I may have read them wrong but I think it said after the third one if there is no movement that we should disband.

Chairman Nottestad said this is the third conference committee meeting. I don't care. If this is the wish of the committee, fine.

Senator Lyson said he may be wrong but that is the way that he read it.

Representative Hunskor asked what the definition of movement was.

Senator Triplett said she would be willing to look at your amendment but I am not making any commitment. I would be willing to come one more time.

Representative Hunskor asked if he could put his thoughts together and verbally tell us what they are. You are going to have the same thing in writing when you have it ready.

Chairman Nottestad said there were some changes that he would like to make but in essence it would be a combination of things. I am not sure that it would even work. I would see Jeff Nelson tomorrow to see if he could have it ready for me next week.

Senator Freborg said he was not sure if he had heard it right but someone said the sponsor would be just as happy to see the bill killed. Why wouldn't the sponsor want 13 rather than 14? It doesn't hurt my feelings but they wanted 12 and we thought we made an excellent compromise at 13 but it sounds like they would rather have 14.

Chairman Nottestad said it is hard to guess someone thoughts. It would probably be that if we can't work it this year maybe we can work it next time. That is certainly a possibility. Would you be willing to meet again or should we go the option of saying that we have reached termination. There was a general consensus that they would come back. He said that he would try to set it up it up preferably on Monday afternoon. He said that he would try to have something worthwhile at the next meeting. The conference committee was adjourned.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. JB 1149

House Natural Resources Conference Committee

Check here for Conference Committee

Hearing Date: April 10, 2007

Recorder Job Number: 5858

Committee Clerk Signature

Shirley Rinstad

Minutes:

Chairman Nottestad opened the conference committee and asked the clerk to call the roll.

Those present included Representatives Nottestad, DeKrey and Hanson (who is replacing Hunskor because of another meeting) and Senators Lyson, Freborg and Triplett. He said that

Representative Hunskor had been summoned to the governor's office to discuss some education matters and he felt that he should attend that meeting so he is being replaced by Representative Hanson.

Senator Freborg said he was supposed to be at the same meeting but this was his priority.

Chairman Nottestad brought forward a proposed amendment. See attached amendment .0202 marked as Item #1. He reviewed the amendment. It makes it clear that it can only be state residents. He said a 12 year old state resident under the amendment would be permitted to hunt but if he did not harvest a deer he would not be able to continue with the rest of the season so therefore keeping the younger person away from the full season. If a parent or guardian or the individual chose that they didn't want to sacrifice that and waited until they were 13 or older then they would hunt during the youth season and if they did not harvest a deer they would be able to continue on to the full season. Going into the fees this too was split. There would be no fee for the 12 year old because that individual would not be eligible to

hunt during the rest of the season but if they opted to wait for 13 or 14 then there would be a \$10.00 fee because of the fact that they would be involved in both seasons. I am sure this is not what everyone wants and certainly is not exactly what I would want either but it is a compromise offer to try to get us off of dead center.

Senator Lyson said he would doubt very much if they could pass this in the senate.

Representative DeKrey said he would make a motion to accept the amendment.

Representative Hanson seconded the motion.

Chairman Nottestad asked for discussion.

Senator Triplett said this was a technical question but when you were at the Legislative Council did they say why they were moving the word person in the early part of that sentence and then changing to resident in the part that applies to the youth.

Chairman Nottestad said to clarify so that it has to be a resident in North Dakota.

Senator Triplett asked if they saying that non residents are ok after age 14 but only residents under 14.

Representative DeKrey asked if that would be a one week season for the 12 year olds.

Chairman Nottestad said it would be what ever number of days that the governor would propose whether it would be a week or a weekend. That would be up to the governor.

Representative DeKrey asked that if they don't get a deer during that time they do not move into the regular season.

Chairman Nottestad said if they do not get a deer then they are done.

Representative Hanson said he thought it was 14 days.

Chairman Nottestad asked for further discussion.

Senator Lyson said he has seen things happen on the senate floor regarding these hunting bills and don't expect that it will pass.

Chairman Nottestad said his response would be that they are bringing them something back that we tried and if we didn't try we would be killing the bill as it is.

Senator Lyson said we tried to compromise at 13 and now you are coming back with this. I can't vote for it. I am sorry.

Chairman Nottestad asked the clerk to call the roll on the amendment. Let the record show 3 yes (Nottestad, DeKrey and Hanson) and 3 no (Lyson, Freborg and Triplett). The motion failed.

Senator Freborg said that perhaps the mistake that they made was not simply returning to the 14 year olds instead of 13 because that was our compromise. We have no place to go. That was our mistake when we got the bill. We have no place to compromise further.

Chairman Nottestad said we have two alternatives at this point. Number one is if we chose to reappoint a new conference committee and let them give it a try or if we have an impasse here and we chose to have it and then if you as a senate want to take the bill back on the floor and kill it and take that on your shoulders that this is what you have done that is the other alternative.

Senator Lyson said that this is our fourth meeting and so I think we have to change conference committee members.

Chairman Nottestad said yes that is true. I guess in that respect that decision is yours.

Senator Triplett asked how the process works.

Chairman Nottestad said he was sure either.

Senator Lyson said he thought it was going to take a motion one way or the other. He said he would move that we would suspend the conference committee and send the bill back to the senate as originally written.

Representative DeKrey seconded the motion.

Chairman Nottestad called for a voice vote and it was unanimous.

Representative DeKrey said you just put it on the calendar and that is it.

Senator Freborg said he thought it was customary when you dissolve a conference committee that for that purpose you should appoint at least two new conferees on each side.

Usually it is not a whole new committee because it doesn't do much good to appoint one.

They should appoint at least two new and three if they want to but always two. I think that is customary.

Chairman Nottestad asked if they were to meet again what would be the purpose if we are going to kill the bill on the floor.

Senator Freborg said he thought they should appoint new conferees and they should continue to meet and if they cannot resolve it the problem in a meeting or two then it should go to the floor.

Chairman Nottestad said he would send that up.

Representative DeKrey said the majority leaders are the ultimate one to appoint a new committee.

Chairman Nottestad said he would tell them that they are at an impasse and to appoint a new committee. Any more comments? If not, the conference committee is adjourned.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1149

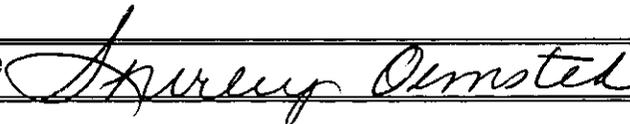
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: April 12, 2007

Recorder Job Number: 5975

Committee Clerk Signature



Minutes:

Chairman Damschen opened the conference committee on HB 1149. The clerk called the roll and those present included Representatives Damschen, DeKrey and Hunsakor and Senators Lyson, Freborg, and Triplett. He said the other committee members had the advantage of the history of the other committee meetings except him so I would just like to ask someone from the Senate side to give me an update on where you are at and why. I know the changes that you put in the bill and I would like some discussion.

Senator Lyson said you know the changes on the bill as it came to us at 12 and it had been moved from 14 to 12. We changed it to thirteen and added the fee and at that time during the meeting we offered to take the fee off and we thought we had negotiated once by changing it from 14 to 13 and that has been it.

Chairman Damschen asked if anyone else any further comments. I have a question as to 13 as opposed to 12. Is there some significance in this?

Senator Lyson said they had discussed this earlier and they thought that it had merit is that 12 is still in the elementary schools and at 13 you are going into junior high or middle school which is a big change in their life and we thought that this would be a big change for them too and it should coincide instead of just arbitrarily going from 14 to 12.

Chairman Damschen said maybe you all have already had these discussions.

Representative Hunskor said when they had the vote on the house amendments and I have pondered that and I think that it is a good experience for these kids before they are able to hunt during the regular season to have an experience of hunting with their Dad or an adult and so with that in mind I know the Senate didn't approve of this but it just seems that if twelve year olds were allowed to do this only during the youth deer season and you don't have many people out hunting then and that kind of addresses the safety issues because I know that was one of your concerns. They would not go into the regular gun season if they do not fill their tag and it would just be in the youth deer season with Dad or an adult and there wouldn't be many folks out there. Safety shouldn't be a huge issue and they gain that wonderful experience with their father and gain some experience for the time when they can do this on their own. I can understand the safety thing that when we get into the full gun season to a degree but I don't think safety would be a huge issue during the youth season.

Senator Triplett said to follow up on your first question as to what we were thinking as we thought we were compromising with 13 but I have been trying to keep up on the email traffic that has been coming on this one and one additional idea that I saw today and maybe you all saw it to was to maybe let the 12 year olds hunt without using high powered rifles so that might address the safety issue too. I thought I would throw that out on the table. I think that is our main concern is giving that high powered rifle to someone that age.

Chairman Damschen said there is such a different in the level of maturity even from 16 to 10. There are some 10 year olds that I would rather see carrying a rifle than the 16 year old and in fact some 25 year olds. My line of thinking is that I like the parents making the judgment.

Senator Triplett said you have to understand that we got an email along the way from a guy who has been letting his child hunt since the age of 3 so not all parents use good judgment apparently.

Chairman Damschen said he wouldn't suppose that he was carrying a rifle.

Senator Triplett said but he shouldn't have been carrying anything at the age of 3 in my humble opinion.

Chairman Damschen said that he was not sure if that meant that he was hunting or accompanying his father.

Senator Triplett said she thought he was carrying a gun or at least that is how she read it.

Chairman Damschen said well that parent might not be safe with a gun but I have no idea but I don't know that we are going to regulate complete safety into this no matter where we set the age.

Representative DeKrey said he had sat through all of these meetings and I think it is time that we just let the Senate take it back to their chamber and with the house amendment on it and whatever happens to that is fine. With that he would **move that the Senate recede from their amendments.**

Senator Lyson seconded the motion.

Chairman Damschen said there a motion has been made and a second that the Senate recedes from their amendments. Is there any discussion?

Representative Hunskor asked if we vote yes on this what happens. Does it go back?

Representative DeKrey said it goes back to the Senate.

Senator Freborg said you are going to lose the youth deer season.

Representative Hunskor said I know that we have a motion on the table but the thought that I had apparently doesn't work.

Senator Lyson said the answer to that question is that it is not gong to ruin the youth deer season it is just going back to 14 years old.

Senator Freborg said I mean if we take it back and kill the bill.

Senator Lyson said if we kill the bill it goes back to 14 but there is still a season.

Senator Freborg asked if they saw the language here for a youth season. That goes with the bill if we kill it. Only the old language is still in law.

Representative Hunskor asked the Senator if he was saying that the youth season would be done then if you kill it over there.

Senator Freborg said if we pass this motion and we both take it back to our respective houses and vote on it the house will kill this bill.

Representative DeKrey said the Game and Fish still has the authority to put in their proclamation about the youth season and I don't see them stopping it because it has been wildly successful.

Senator Freborg said you know we had it wrong once but I think this is the bill that we killed and brought back.

Senator Lyson said no. That was the youth pheasant season bill.

Representative DeKrey said it would kill this youth season but they would still have the same youth season that they have already had.

Senator Lyson said they would have a youth season at 14 years old.

Senator Freborg said for deer and for pheasant?

Senator Lyson said pheasant has nothing to do with this bill. That is the other bill.

Chairman Damschen said we are having enough trouble with this bill. He asked for any more discussion.

Senator Freborg asked what the motion was.

Chairman Damschen said the motion was for the Senate to recede from their amendments.

Senator Freborg said if we recede, we are going back to 12 years old.

Senator Lyson said it will come back to the senate for a vote.

Chairman Damschen said it would come to them as it came to them from the house.

Representative DeKrey said it would not have changed from the house so the house will not revote on it.

Representative Hunskor said he would then go back to his question again. I know we have a motion. Is there any thought or does anyone go along with what I am talking about with the youth season just for the 12 year olds and that would be it. They couldn't hunt during the regular season.

Senator Triplett said we voted on that and voted it down.

Representative Hunskor said he wasn't here for that one. (He was replaced that day by Representative Hanson as Hunskor had an Education meeting.

Senator Freborg said he cannot understand why you don't want 13 years old rather than nothing. If your thought is that we will kill the bill you are going to get what you want. If we kill the bill you will get nothing. We are giving you in our amendment 13. That is a compromise. The law is at 14, you wanted 12 and we are going to say we will go to 13.

Representative Hunskor said if it goes back to the senate, is it 14 year olds.

Senator Freborg said 13 year olds will be out of it.

Senator Lyson said it is going to be 12 or 14.

Senator Triplett said unless you accept our amendment.

Representative Hunskor said so we can potentially knock the 13 year olds out of the picture.

Senator Lyson said they will be out of the picture.

Representative Hunskor said is that what we want to do.

Representative DeKrey said that is what the sponsor wants to do.

Representative Hunskor asked why would we want to leave this that the 13 year olds are the only ones that cannot do this. Because we are not agreeing this takes the 13 year olds out of the picture.

Senator Triplett said that is our question exactly.

Representative DeKrey said his only answer is that this is what the sponsor of the bill desired.

Senator Triplett said it is no longer his bill. It is our bill now and it belongs to all of us.

Representative DeKrey said he gets up tight when someone changes his bill all around.

Senator Freborg said if we recede we are going to take that bill back to the senate at 12 years old. If we kill it, then we are going back to 14 years old as is everyone else in North Dakota.

Representative DeKrey said that is where they are right now.

Senator Freborg said so what you are doing is taking a chance on the Senate. If we pass it you have 12 and if we pass it you have 14 which is in the law today. I am pretty sure that we will kill it. They were telling me a story the other day when they were adamant about the other bill. That took the youth hunting season with it.

Representative Hunskor said he knows the sponsor of the bill and he knows what his intentions are but this is about kids and I just don't understand why we wouldn't just let it be if it is going to be the 14 year olds and we are saying to the 13 year olds that you can't do it but we are giving it to the 14 year olds when initially we were at 12 years old.

Chairman Damschen said that he thought there was some feeling that 13 is a compromise between the existing law and the proposed law but it is really not a compromise between the senate proposal and the house proposal. I think the amendment that was defeated before was considered a compromise in the eyes of some of us. I am getting the feeling from the

● sponsor as well that if it can't be 12 it may as well be 14. Really the idea is that parents should make the call and if they have hunter training at 12 they should be able to hunt at 12.

Representative Hunskor said isn't it the end result that is important and that end result would be that we allow the youngest group possible to have that privilege?

Chairman Damschen said that was a matter of personal opinion. He asked the clerk to call the roll for the **Senate to recede from their amendments on HB 1149** which will go to the senate.

Representative Hunskor asked if we vote yes it will go back to the senate.

Representative Damschen said correct. Let the record show 5 yes, 1 no (Triplett) with all present. The conference committee on HB 1149 was adjourned.



**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1149 (, as (re)engrossed):

Date: 3-29-07

Your Conference Committee Natural Resources

<i>allied</i> For the Senate:	YES / NO		<i>aligned</i> For the House:	YES / NO	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the Senate (House) amendments on (S)(H) page(s) 844 -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1149 (, as (re)engrossed):

Date: 4-3-07

Your Conference Committee Natural Resources 2:30 PM

<i>attend</i> For the Senate:	YES / NO		<i>attend</i> For the House:	YES / NO	
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the Senate (House) amendments on (SJ/HJ) page(s) 844 -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1149

That the Senate recede from its amendments as printed on page 844 of the House Journal and page 612 of the Senate Journal and that House Bill No. 1149 be amended as follows:

Page 1, line 15, replace "person" with "resident"

Page 1, line 16, after "license" insert "for the youth deer hunting season"

Page 1, line 17, after "season" insert "and a resident who is thirteen years of age and who has not previously received a license to hunt during the youth deer hunting season may apply for and be issued a youth deer hunting license. A resident who is twelve years old may not hunt during the regular deer gun season; however, a resident who is thirteen years of age or older who does not harvest a deer during the youth deer hunting season may continue to hunt during the regular deer gun season"

Page 1, line 23, after "sixteen" insert "but older than twelve" and replace "a license" with "twelve year olds"

Page 2, line 1, remove "does"

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1149 (, as (re)engrossed):

Date: 4-5-07

Your Conference Committee Natural Resources 3:00 PM

attend

For the Senate:

YES / NO

attend

For the House:

YES / NO

	YES	NO		YES	NO
<i>Sen Lyson</i>			<i>Rep Nettleton</i>		
<i>Sen Freborg</i>			<i>Rep DeKrey</i>		
<i>Sen Triplett</i>			<i>Rep Munske</i>		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate)(House) amendments on (S)(H)(J) page(s) 844 -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1149 (, as (re)engrossed):

Date: 4-10-07

Your Conference Committee Natural Resources

10:30 am

For the Senate:	YES / NO		attend	For the House:	
	YES	NO		YES	NO
<input checked="" type="checkbox"/> Don Lynn			<input checked="" type="checkbox"/>	Rep Nettetal	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Don Freiberg			<input checked="" type="checkbox"/>	Rep DeKrup	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Don Suplett			<input checked="" type="checkbox"/>	Rep Harrison Hanstor	<input checked="" type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (~~Senate~~/House) amendments on (SJ/HJ) page(s) 844 -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1149 (, as (re)engrossed):

Date: 4-12-07

Your Conference Committee Natural Resources 4:00PM

attended For the Senate: YES / NO *attended* For the House: YES / NO

	YES	NO		YES	NO
<u>Sen Lysom</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rep Damasceno</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Sen Treborg</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rep DeKrey</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Sen Duplett</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Rep Hunsaker</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE) (HOUSE) (ACCEDE to) (RECEDE) from

the (Senate) (House) amendments on (SJ/HJ) page(s) 844 -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: DeKrey

SECONDED BY: Lysom

VOTE COUNT 5 YES 1 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1149: Your conference committee (Sens. Lyson, Freborg, Triplett and Reps. Damschen, DeKrey, Hunskor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 844 and place HB 1149 on the Seventh order.

HB 1149 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

HB 1149

Item #1

**House Bill No. 1149
Tuesday – 23 January, 2007
Testimony of Rep. Don Dietrich**

Good evening Mr. Chairman and members of the Natural Resources Committee. For the record, my name is Representative Don Dietrich, serving District 42 in Grand Forks. District 42 encompasses the University of North Dakota and the surrounding residential and business community.

I am here this evening on Citizens Night to introduce House Bill 1149 relating to deer hunting age requirements and license fees.

House bill 1149 will allow youth of the age 12 years on or before the opening day of deer hunting season to apply for and to be issued a deer hunting license. Youth who wish to obtain a hunting license in North Dakota must successfully complete the North Dakota Hunter Education Class for which a certificate is issued.

HB 1149 will set the big game hunting fee for youth under age sixteen at \$10.00, and no fee for a big game license to hunt does during the youth deer hunting season, except as provided in a gubernatorial proclamation issued to section 20.1-08-04.1.

As a 4-H Instructor as well as a certified level 1 shotgun instructor for the National Sporting Clays Association, I have been involved in the instruction of several hundred youth over the past 40 years. I have found these youngsters to be very responsible, safety conscious, as well as excited to get involved in hunting.

We have a great opportunity with this bill to provide expanded hunting opportunities for our young hunters.

I urge you to strongly consider sending this bill to the Legislative Assembly with a unanimous DO PASS VOTE.

Thank You.

NOTE:

I would like to expound on the Hunter Education Course that has been developed by our Game & Fish Department.

It is a 14 hour course that focuses on safety, ethics and hunting regulations as well as basic wildlife biology.

Students must be at least 11 years old to attend and be certified.

I personally have hunted with several youngsters hunting upland birds as well as out prairie dog shooting.

These young hunters are very safe, in fact, I have found them on the most part to be safer then many adults that I have hunted with, and will no longer will hunt with.

While instructing on the skeet, trap, sporting clays range as well as the rifle range, I have found my young students to be thoughtful, safety conscious as well as courteous.

With the advent of the Hunter Safety Program in North Dakota, we have developed and continue to develop safe hunting practices



Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF FOSTER HAGER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON

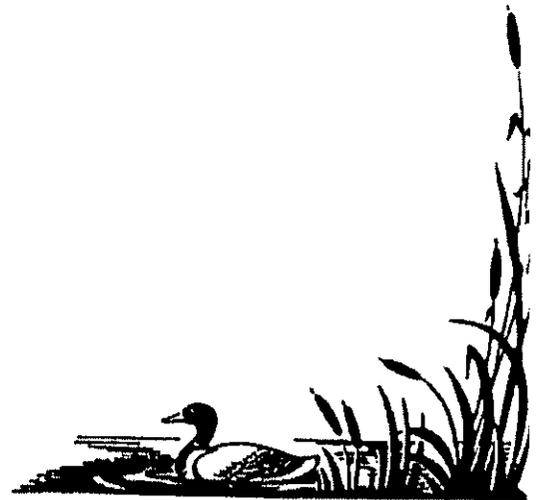
HB 1149
January 23, 2007

Mr. Chairman and Members of the Committee:

The CCWC opposes this bill because we feel 12 years of age is too young to hunt with a high power rifle.

Line 15, 16 & 17, if we interpret those lines correctly, they state that a person may apply for and be issued a deer hunting license if that persons 12th birthday occurs before the opening date.

Please oppose this bill.



House Bill No. 1149
Tuesday – 22, February 2007
Testimony of Rep. Don Dietrich

Good morning Mr. Chairman and members of the Natural Resources Committee.

For the record, my name is Don Dietrich, serving in the House of Representatives in District 42, Grand Forks. District 42 encompasses the University of North Dakota and the surrounding residential and business community.

I am here this morning to introduce House Bill 1149 relating to deer hunting age requirements and license fees.

House bill 1149 will allow youth of the age 12 years on or before the opening day of deer hunting season to apply for and to be issued a deer hunting license.

Youth who wish to obtain a hunting license in North Dakota must successfully complete the North Dakota Hunter Education Class for which a certificate is issued.

HB 1149 will set the big game hunting fee for youth under age sixteen at \$10.00, and no fee for a big game license to hunt does during the youth deer hunting season.

As a 4-H Instructor as well as a certified level 1 shotgun instructor for the National Sporting Clays Association, I have been involved in the instruction of several hundred youth over the past 40 years. The ages of the youngsters that I work with, range from 8 years old to 18 years of age. I have found these youngsters to be very responsible, safety conscious, as well as excited to get involved in hunting.

Following my testimony in the House Natural Resources Committee, a representative from the North Dakota State Game & Fish Department gave supporting testimony. This representative provided information regarding safety issues that were brought up during testimony. Data was provided that showed that in surrounding states that allowed youth big game hunting at the age of 12 years, youth big game hunters were very safe and hunting accidents actually declined in those states.

I have been contacted by several parents and grandparents who are very excited about the hunting possibilities they will have with their children and grandchildren.

We have a great opportunity with this bill to provide expanded hunting opportunities for our young hunters. It is my understanding that HB 1149 will allow approximately 4000 new hunters a chance to enjoy hunting opportunities with their families.

I most certainly hope that the Senate Natural Resources Committee will give a unanimous DO PASS consideration for HB1149.

Thank You – and I will stand for any questions.

HB 1149

Mr. Chairman and members of the Senate Natural Resources Committee, thank you for accepting my written testimony regarding House Bill 1149. Scheduling conflicts prevented me from attending today's hearing.

I have been a Hunter Education instructor for 14 years and an avid hunter. While I recognize and support efforts to encourage youth participation in hunting and fishing, I urge you not to support H.B. 1149. Having taught for 14 years, I see first-hand that a majority of 12- and 13-year-old hunters are not physically, mentally, and emotionally ready to participate in big game hunting. My experience is based, in part, on the fact that for 12 of the 14 years I've taught, we were fortunate enough to be able to offer live fire for our students, which is not mandatory for Hunter Education certification.

Students used .22 caliber rifles, not high-powered rifles, in our live fire. I can personally attest to the fact that many students that age cannot physically handle a smaller rimfire rifle in a controlled situation, let alone in a hunting situation involving a high-powered rifle where an adult is not immediately at their side. When you factor in the emotional and mental maturity necessary to make an instantaneous judgment, including species and sex identification and safety issues, many children of that age are not capable of sound decisions. And, unfortunately, once that shot is fired it cannot be taken back.

States where it is legal for children younger than 14 years of age to hunt deer do not have similar hunting situations as what takes place in North Dakota. Those situations typically involve hunting from stands or blinds where an adult is in the child's immediate presence. The deer is typically walking or standing. However, here in North Dakota many hunting situations involve walking through heavy cover such as cattails and/or tree rows and shelterbelts. It can be physically demanding for an adult to work their way through such heavy cover like cattails, let alone a child. It is easy to lose physical control of the firearm in those situations as someone with shorter legs stumbles and falls. During our live fire, I repeatedly had to remind our students to keep their fingers off the trigger until they were ready to shoot. In hunting situations, if that finger is on the trigger of a high-powered rifle when a youngster stumbles or falls in cattails or other heavy cover, it is an accident in the making.

While it could be argued that it should be parental judgment as to whether or not a 12- or 13-year old is capable of deer hunting, I would counter with the proven fact that

one of the main reasons there are so many efforts to encourage youth hunting is that, unfortunately, in today's society the role of the parent has diminished in encouraging their children to hunt because of increasing single-parent households and less familiarity with hunting. Many parents are simply not familiar with what it takes emotionally, mentally, and physically to deer hunt responsibly.

Another aspect of the bill that concerns me is that there is no fee for young hunters if they apply for an antlerless deer license. Giving away a license does nothing to instill a sense of value, respect or responsibility, which is something we in Hunter Education stress. It is well understood that when there is a vested interest in something, those with that vested interest hold it more dearly and with more respect. When there is no fee for a deer license, there is also no sense of value and that, simply put, is wrong.

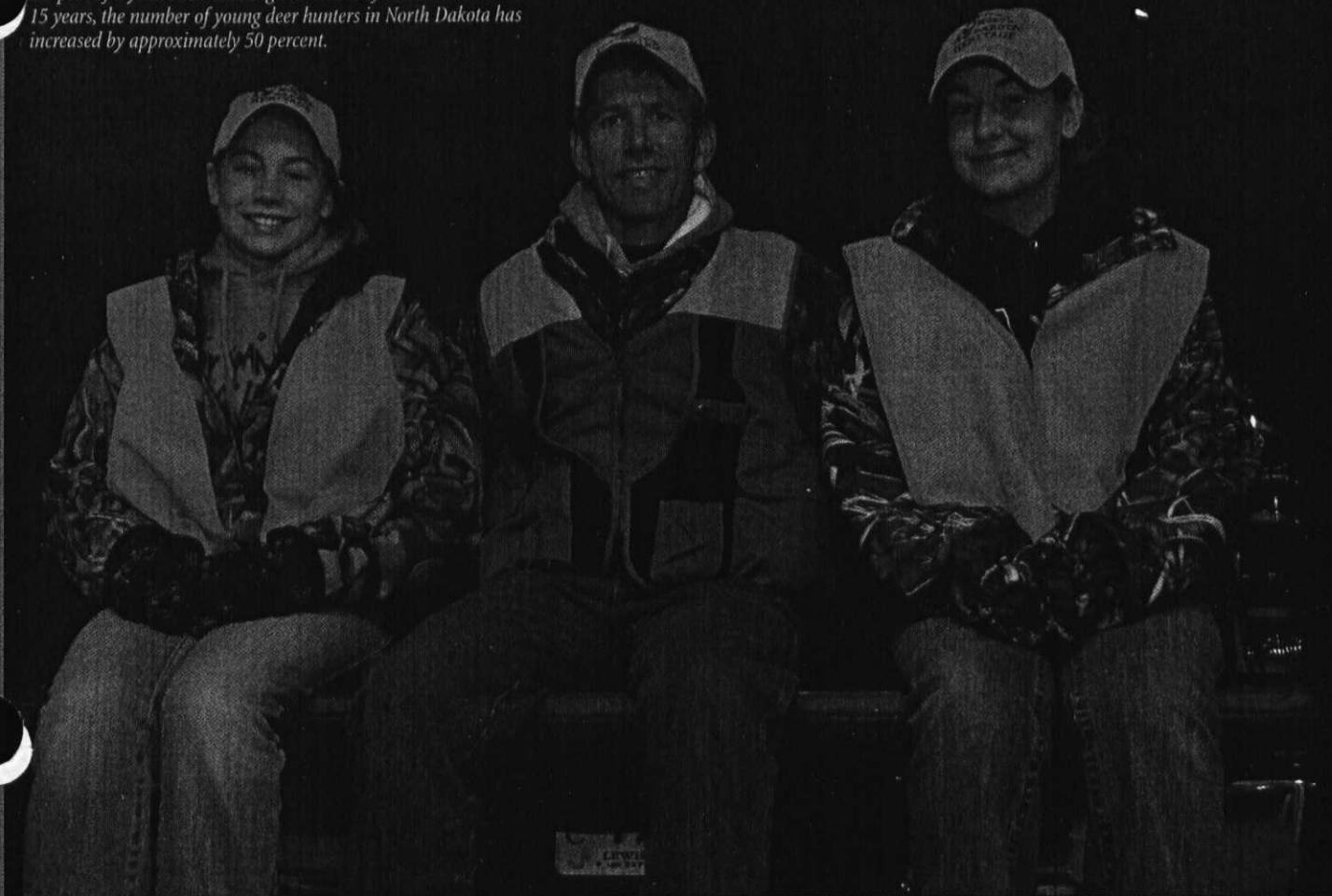
I thank you for doing the right thing and that is not to support House Bill 1149.

Respectfully submitted,

Patricia Stockdill

1450 42nd Ave NW
Garrison ND 58540
(701) 337-5462, phone
(701) 337-5459, fax
stockpat@restel.net

Brian Kroshus, Bismarck, and daughters Megan (left) and Alyssa (right), prepare to leave Bismarck early one morning during opening weekend of deer season in 2006. The two girls are part of a youth deer hunting movement of sorts. Over the last 15 years, the number of young deer hunters in North Dakota has increased by approximately 50 percent.



YOUNG HUNTERS

North Dakota Experiencing Positive Gains

By Craig Bihrlle

If you look past the smile of a young hunter posing with her first deer, or his first duck, you'll see a statistic that is getting a lot of attention of late.

Across the country, the number of first-time-hunter smiles is declining. It's not a fall-off-the-cliff decline, but rather a long-term trend that indicates fewer kids, and a lower percentage of kids, are taking up hunting.

This trend, if it is not reversed, has long-term implications for conservation funding, conservation promotion, and perhaps the ability for state natural resource agencies to manage some wildlife populations.

At the moment, however, North Dakota is not following the national trend.

In an era when simply matching historical participation rates would be enviable, the number of North Dakota resident hunters

At the moment, however, North Dakota is not following the national trend.

In an era when simply matching historical participation rates would be enviable, the number of North Dakota resident hunters has increased to its highest level – ever.

has increased to its highest level – ever. The percentage of youngsters in the mix is higher than at any other time for which reliable statistics are available.

And yet, North Dakota Game and Fish Department officials are just as concerned as

their counterparts in other states. On the horizon is a significant population shift that will mean fewer kids available to start hunting, and more longtime hunters reaching the age when they start to scale back.

Recruitment and Retention

This whole issue is wrapped up in a broad term called “recruitment and retention,” or the process of introducing kids – or adults – to outdoor activities and holding their interest. It’s nothing new in North Dakota. The Game and Fish Department, governor, legislature and wildlife groups across the state have long recognized the value of hunting – to individuals, and the state. A number of initiatives designed to reverse downward trends in license sales have their roots in the drought years of the late 1980s and early 1990s, when resident hunting (and fishing) license sales and participation fell dramatically, both among kids and adults.

Among the efforts are the Pathways to Fishing and Hunting programs at the North Dakota State Fair, establishing the special youth deer season and opening some Canada goose closure areas to youth waterfowl hunters in 1994, special youth waterfowl weekends, Game and Fish YOUTH access program, youth pheasant season in 2005, and countless projects and mentored hunts by individuals and wildlife clubs to give kids opportunities to experience hunting.

Statistics indicate these efforts are paying off. The number of 14- and 15-year-olds who bought a deer license in 2005 was about 50 percent higher than it was in 1990. The number of 14- and 15-year-olds buying some type of hunting license is higher by percentage, and by pure numbers, than almost any other age group of North Dakota hunters.

Special opportunities, however, are not the only reason youth participation in North Dakota has increased. Since 1990, pheasant, deer and waterfowl hunting prospects have greatly improved. In recent years the Game and Fish Department has issued record numbers of deer licenses. The state is coming off a decade of some of the best duck and goose production in the last 75 years, and pheasant hunting, statewide, is pretty much the best anyone under the age of 50 has experienced in their lifetime.

North Dakota General Game and Habitat License Sales

(This license is required of anyone who hunts in North Dakota, except landowners hunting on their own land.)

Year	# Sold	ND population
1967	78,120	
1970	82,107	618,000
1974	95,806	
1977	93,320	
1980	88,807	653,000
1985	89,751	
1990	81,637	638,000
2000	96,483	642,000
2005	107,791	637,000 (est)

In 2005, the number of general game licenses sold was the highest ever, or 16.9 percent of the entire state population.

North Dakota Student Population Statistics

Total Enrollment Grades K-12 All Schools

Year	Enrollment
2005	105,381
2000	117,400
1995	128,178
1990	126,209
1985	128,621
1980	129,720
1975	146,636
1970	163,074

* The greatest total enrollment for a senior class in the last 45 years occurred in the 1969-70 school year, at 12,262, according to North Dakota Department of Public Instruction statistics. Second was 1976-77 at 12,215.

* The smallest first grade class in the last 45 years occurred in 2005-06, at 7,644.

* The smallest total enrollment occurred in 2005-06 at 105,381.

Mostly likely because of this perceived greater expectation of success, the number of adults who buy some type of hunting license has also increased significantly. In 1990, the Game and Fish Department sold 86,797 general game licenses, required of everyone who hunts in North Dakota, except landowners hunting on their own land.

In 2005, that number was more than 107,000, a 23 percent increase. Since North Dakota's population did not increase at all during those 15 years, "We probably recruited a whole lot of people back into hunting," says Game and Fish Deputy Director Roger Rostvet.

People like Don Shuler, Lincoln, who hadn't hunted for many years because he says it just took up too much time. But then a neighbor who had access to some good pheasant hunting land invited him along. The fun was back and Don's son, Lance, took the state's hunter education course so he could go along as well.

It's difficult to determine the degree to which each of these factors influenced what has taken place in North Dakota, but the combination has worked. The primary challenge, according to Rostvet, is maintaining the state's wildlife resources.

In North Dakota, studies have documented that approximately 25 percent of people who hunt or fish in one year may not buy a license the next year. Put another way, the

pool of people who at one time or another have hunted in North Dakota is considerably larger than the number who actually buy a license in any given year. For many, the likelihood of participation is based on potential for success. The trends are evident in license sales that are tracked through good times and bad. License sales go up when opportunities are good. License sales go down when opportunities are reduced.

Right now is a good time for hunting in North Dakota. Adult hunters are participating at a higher rate than in the past. So are kids. The concern, however, is numbers. North Dakota's largest age group is people in their 40s. That's also the age grouping in which hunting participation is highest. Close to 25 percent of all North Dakotans in their 40s had a deer license in 2005. That's about the same rate as for young hunters in the 14-17 age group.

The challenge, however, is that in 2005 North Dakota had about 1,300 more 44-year-olds than 14-year-olds. The number of 8-year-olds, the kids who will reach deer hunting age just a few years from now, was about 900 less than the number of 14-year-olds in 2005. The trend is roughly the same in many other states where there are fewer kids coming up to replace the hunters in the middle age group who will be dropping out in years to come.

Even if the rate of kids hunting in North

Dakota remains the same at around 25 percent, the raw numbers will decline unless a greater percentage of the people who start hunting, stay with it, or the rate of annual turnover is reduced. The good news is, that's where there's the most potential for improvement.

In North Dakota, deer hunting participation falls off noticeably after young hunters reach age 18. Beyond that, the state has a significant number of young adults who got a start in hunting, but for whatever reason – school, work, new families, moved away from home area, etc. – just lost interest.

For example, if all ages from 14-54 participated at the same rate as just 14- and 15-year-olds, North Dakota would have an additional 16,000 deer hunters each year.

That's the retention side, and it's as much of a challenge for the outdoors as it is for any other recreational activity. People, both kids and adults, explore many interests in their lives. Some they like. Others they don't.

Hunting isn't for everybody. Not every kind of hunting is of interest to everyone who hunts, hence you have waterfowl hunters who don't pursue pheasants, and deer bowhunters who don't hunt deer with a gun.

But one concern across the country is that many youth aren't getting a chance to try hunting to see if they have an interest because of state regulations that are considered by some as barriers to attracting new hunters. Other factors include an ongoing population shift from rural to urban areas, competing recreational activities, electronic entertainment and single-parent households.

The youth waterfowl weekend is one of several special opportunities the Game and Fish Department offers to provide a quality experience for young hunters. In addition to little competition for places to hunt on public or private land because regular waterfowl seasons aren't open, youngsters also get the benefit of the full attention of their adult mentor.



CRAIG BIHRLE

The Youth Hunting Report

While youth hunting has been a relevant topic for years, the national attention level has increased significantly the last two years following release of a study called the Youth Hunting Report. Research for the report was conducted by consulting firms Southwick and Associates and Silvertip Productions, as well as the U.S. Sportsmen's Alliance. The National Shooting Sports Foundation and

National Wild Turkey Federation sponsored the research.

The report was basically a call for action to make it easier for youth to get a start in hunting as early as possible. So far, in several states that did not allow any hunting by kids before age 12, legislation has passed to reduce the minimum age for some or all types of hunting, as long as the young hunter is accompanied by a parent or other adult.

Many of these states are already seeing significant license gains among kids who otherwise would not have been able to hunt.

Those types of changes mirror what is already occurring in North Dakota, where youngsters can start hunting everything, except big game with a firearm, at their parents' discretion, at any age up through 11. At age 12, youngsters must have completed the state's hunter education course to receive a license.

Young hunters of any age, however, have to buy a general game and habitat stamp, so there is a way to determine the ages at which kids get started hunting. Game and Fish records of electronic license sales, and Harvest Information Program registrations required of all migratory bird hunters, regardless of age, indicate only a handful of kids get a hunting license before age 8. A few start hunting at 8. A few more start at 9 and then the number increases every year up through age 15.

By the time North Dakota kids reach age 14 when they can hunt big game with a firearm, most have already hunted something else, such as upland game or waterfowl. "In North Dakota, the first thing that kids hunt for, for the most part, is not deer," Rostvet stated.

The Youth Hunting Report based many of its recommendations on data from the National Survey of Fishing, Hunting and Wildlife Associated Recreation conducted in 2001. The U.S. Fish and Wildlife Service does the survey every five years to track a variety of hunting and fishing related information.

One of the data sets highlighted hunting participation in the United States. The survey indicated that nationally, 4.23 percent of youth ages 6-15 hunted in 2000. The participation rate for ages 16 and above was 6.15 percent. Comparing the number of youth hunters to the number of adult hunters provided what the report called a "hunter replacement ratio," or a value that relates to the number of young hunters coming up versus the number of adult hunters they will be replacing.

The national average was .69, or 4.23 divided by 6.15. Youth Hunting Report authors indicated that a replacement rate of roughly 1.0 was needed just to maintain hunter numbers.

The replacement rate North Dakota received was .53, which, when taken at face value, creates the impression that the state is not doing well when it comes to attracting new hunters. However, there are other factors to consider.

North Dakota Deer License First Lottery by Age Group (not including gratis)

Tracking deer license applications by age provides some insight into participation patterns. In each of the years highlighted, the number of people applying in the first lottery decreases markedly after age 17, then eventually goes back up. The key statistic for North Dakota is that over the 15 years from 1990-2005, the number of individuals in each of the younger age groupings went up considerably. For reference purposes, the special youth deer season began in 1994.

Age	1990	2000	2005
14	1,898	2,573	2,753
15	1,472	2,146	2,144
16	1,468	2,039	1,992
17	1,311	2,114	2,060
18	1,126	1,686	1,644
19	1,108	1,623	1,710
20	1,067	1,545	1,741
25	1,319	1,378	1,674
30	2,111	1,428	1,505
35	2,088	1,665	1,584
40	1,635	2,149	1,767
45	1,104	1,943	2,112
50	694	1,492	1,956
55	533	966	1,427
60	455	592	947
65	302	410	546
70	177	287	331

Numbers within age classes of Minnesota deer hunters in 2005.

The accompanying list of Minnesota deer hunter numbers indicates a similar trend - a distinct falloff after age 17.

Age	Hunters
12	6,858
13	9,072
14	9,868
15	10,401
16	9,743
17	9,193
18	7,970
19	7,343
20	7,229
21	7,074
22	6,983
30	6,422
32	6,082 (lowest)
45	9,907 (highest)

In North Dakota, kids ages 6, 7, 8 and 9 account for an insignificant number of hunting licenses in the 6-15 age group. Peak participation within that age group is from 14-year-olds.

In 2000, the year from which report statistics were generated, more than 2,500 North Dakota 14-year-olds applied for a deer license. From a population of about 10,000 14-year-olds in the state at that time, that's a participation rate of nearly 26 percent.

In 2005, the number of 14-year-olds who applied for a deer license was even higher, at 2,753, even though the population in that age group dropped to under 9,000. The number of 14-year-olds in the mix of deer hunters was higher than any other single age group, both by raw count, and by percentage.

The rate of deer hunting participation for 14-17-year-olds in 2005 was 25.9 percent. The rate for ages 18-54 was 21.6 percent. Comparing the two yields a replacement rate of 1.19.

The difference between this and the figure used in the Youth Hunting Report, is that the groupings are ages where hunters are most likely to have started, and have not reached the age where they start dropping out in significant numbers (after age 54).

If only a few North Dakotans hunted deer, these figures wouldn't mean much. But of all people who hunted in North Dakota in 2005, more than 80 percent bought at least one license to hunt during the youth or regular deer gun season.

Clearly, at the moment, North Dakota's recruitment has not only kept pace, but has increased significantly over the past decade.

The Next 20 Years

The bottom line for North Dakota is this. At present, more North Dakota 14- and 15-year-olds are trying hunting than has ever been the case. Given similar resources, there's no reason to believe the percentage of North Dakota youth who start hunting will decline dramatically in the immediate near future.

The raw numbers, however, are more of a concern. Even at 20 percent participation, which is well above the national rate, North Dakota will lose a couple hundred young hunters per year, starting in about five years. Twenty years from now, that *will* make a difference.

2005 the number of ninth-graders was at 8,900. This is the biggest class in North Dakota's school system right now. The number of fifth-graders in 2005 was about 7,800.

In 3-4 years the state will have 1,100 fewer

potential deer hunters to draw from. And yet, if North Dakota can maintain the percentages, it will still have enough hunters.

The challenge, it seems, is not so much introducing people to hunting, as it is keeping them interested once they start. Or put another way, how do we keep people from dropping out?

That's a topic that will likely generate considerable discussion over the next several years. But one thing is certain. If the state doesn't have good quality habitat in sufficient acreage to produce wildlife, there will be little to hunt, and likely fewer hunters.

CRAIG BIHRLE is the Game and Fish Department's communications supervisor.

Deer Hunting Minimum Age

In the Youth Hunting Report, North Dakota was labeled as a "restrictive" state as far as hunting regulations because its minimum age for hunting deer with firearms is 14, compared to most other states in the country where the minimum age is 12 or lower. The premise of the "restrictive" designation is that North Dakota's high minimum age is a barrier to increased youth participation.

Here's some statistics from our neighbors to the east and south, which allow firearms deer hunting at age 12.

Age	2005 Deer Season			
	# Hunters MN	% Of Population	# Hunters SD	%SD
12	6,858	9.7	1,767	15.7
13	9,072	12.6	1,525	13.5
14	9,868	13.3	1,403	12.47
15	10,401	13.5	1,430	12.7

Alyssa Kroshus shows off the deer she bagged on opening weekend of the regular deer gun season in 2006. Alyssa also hunted during the youth deer season in September, but, like many other junior high students, had other activities that limited her opportunities during the nine-day season in September. The ability to hunt early, and then join older sister Megan (pictured) and dad Brian on their hunt during the regular season, added to the anticipation of her first deer hunt.



BRIAN KROSHUS



BUFFALOBERRY PATCH

BY GREG FREEMAN, DEPARTMENT NEWS EDITOR

Positive Mule Deer Trend Continues

North Dakota's mule deer population remains in good shape, based on aerial observations during the state Game and Fish Department's fall reproduction survey.

Bruce Stillings, big game biologist, Dickinson, said two primary indicators – ratio of fawns-per-doe, and bucks-per-doe – were near long-term averages. The fawn-to-doe ratio was .85 fawns per doe, and the buck-to-doe ratio was .40 bucks per doe.

Observers who accompanied pilots in fixed-wing planes, counted 2,192 mule deer during the October survey, which encompassed 19 study areas and 240 square miles in western North Dakota. Each spring, biologists survey the same study areas to determine a population index.

Surveys continue to indicate a population with stable recruitment and good numbers of adult bucks, Stillings said.

"The badlands mule deer population continues to move in the right direction," he said.



RON WILSON

Registration Available for Hunter Education Classes

Individuals interested in taking a hunter education class in 2007 can now register on the North Dakota Game and Fish Department's website.

Access the Game and Fish home page at gf.nd.gov, click on the online services tab, and "online course enrollment" under the hunter education heading. Classes are listed by city, and can also be sorted by start date. To register for a class, click on "enroll" next to the specific class, and follow the simple instructions. Personal information is required.

The entire list of classes for 2007 is not yet available, and only those that are finalized are listed on the website, said Jim Carter, hunter education coordinator. "Classes will be added as they are finalized," Carter said. "So if there is not a class listed in your community, it probably is because details are still pending."

Those who do not have access to the Internet and want to sign up for a class can call the hunter education program in Bismarck at 328-6615. Registration at retail stores is no longer available.

State law requires anyone born after December 31, 1961 to pass a certified hunter education course to hunt in the state. Hunter education is mandatory for youth who are turning 12 years old, and children can take the class at age 11.

Enough Salmon Eggs Collected

Fisheries crews concluded another successful salmon spawning effort in 2006, reports Jeff Hendrickson, North Dakota Game and Fish Department fisheries biologist, Riverdale.

Last fall, more than 700,000 eggs from chinook salmon in Lake Sakakawea and the Garrison Dam Tailrace were collected. "This will be enough for stocking in North Dakota, with some extra eggs for Montana," Hendrickson said.

Because of reduced forage and low water projections, the Game and Fish Department will stock fewer salmon than typical in 2007. "Current plans are to stock approximately 100,000 salmon," Hendrickson said. "Under normal water level and forage conditions, as many as 500,000 salmon are stocked annually in Lake Sakakawea."

Chinook salmon begin their spawning run in October. Since salmon cannot naturally reproduce in North Dakota, Game and Fish Department and Garrison Dam National Fish Hatchery personnel collect eggs and transport them to the hatchery.

Once eggs hatch, young salmon spend several months in the hatchery before being stocked in Lake Sakakawea.

Anglers Note Panfish Limits

Anglers are reminded that statewide limits on yellow perch, bluegill, crappie, white bass and rock bass are 20 daily and 80 in possession.

The reduction in panfish limits has been in place since April 2006.

In addition, Kraft Slough in Sargent County, which is open to ice fishing only, has a reduced limit on yellow perch of 10 daily and 20 in possession; Pipestem Dam in Stutsman County has a reduced limit on crappie of 10 daily and 20 in possession; and Odland Dam in Golden Valley County has a reduced limit on yellow perch and bluegill of 10 daily and 20 in possession.

Anglers should refer to the 2006-08 North Dakota Fishing Guide for additional winter fishing regulations.

Attachment #4

To: Chairman of the Senate Natural Resource Committee
Subject: HB 1149
From: Lancer L. LaBar
Date: February 16, 2007

Dear Senators,

I am writing requesting this testimony be read at the hearing scheduled for February 22, 2007 at 9:30 am, concerning HB 1149.

This bill will lower the deer hunting age from 14 to 12. While this may seem too young to many, I feel this is a very important step in preserving the hunting heritage of this state. Forcing the youth of this state to wait until age 14 before being able to hunt, only reduces the chance that they will continue hunting later in life. I personally know youth who have hunted that fourteenth year, and never again hunted after that, and in one case the youth even bagged a 7x7 whitetail buck which scored around 150 points. In order to keep the interest of these youth we need to lower the age limit. Maybe then, instead of getting into drugs, alcohol, and sex, they will become adults that are more responsible.

While I completely support the lower age requirement, I do feel that this bill needs some amending. I ask that you amend the bill to require the Game and Fish to set up a separate youth season all together, requiring the youth to:

- Hunt with a parent or guardian
- Hunt only during the youth season
- Hunt the youth season from age 12-16, after which they could opt to apply for the adult season.
- Hunt strictly from a blind, stand, or by "still-hunting."

Some of these may seem a bit harsh, but I feel it is much safer for all hunters if the youth are hunting in a separate season. Also by restricting them to hunt from a stand, blind or by the use of "still-hunting", not only are we reducing the risk of them being injured, but we are also increasing the chance of them having a successful hunt by reducing the hunting competition. However, this will only work if all youth hunters are required to do this. We cannot have some hunting from stands, and blinds, while others are driving coulees, as for this would be unsafe.

I have complete faith in our legislative assembly to amend this bill properly, and come away with a bill that will benefit all hunters of this state. I thank you for your time and look forward to seeing the results on this issue.

Sincerely,

Lancer L. LaBar