

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2290

2007 SENATE NATURAL RESOURCES

SB 2290

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2290

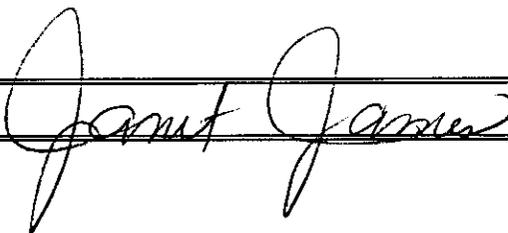
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: # 3126

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2290 relating to hunting big game from roads or highways.

All members of the committee were present.

Senator Ryan Taylor of District 7 prime sponsor of SB 2290 introduced the bill stating he hurriedly filed it on the behalf of a constituent, therefore he presented to the committee amendment .0101 (See attachment # 1). He further stated he supported the bill as amended. The original bill was broader than planned as they are not worried about bow hunting. The bill is about big game hunting and the fear of hunters shooting down a road or highway, not a section line or established trail. The concern is about safety as all know what a stray bullet is capable of doing. The bill also has an exception for handicapped hunters. He requested if the committee does not adopt the amendment, the bill should not proceed.

Mindy Goodman presented the written testimony in support of SB 2290 of the constituent Leland Goodman requesting the bill (See attachment # 2).

Leland Goodman testified in support of SB 2290 presented his personal stories of witnessing the unsafe practice of hunters shooting from and down roads. He stated he would like to include section line roads in the bill, but feels this would be an infringement on hunters to do

so. Most North Dakota hunters are well informed and careful but not all and this bill would make a difference.

Lynn Knogslie, Towner, North Dakota testified in support of SB 2290 stating this is a problem and is tired of getting shot at as well as his cattle. There are a lot of good hunters but the problem is increasing. North Dakota Game and Fish Department wardens cannot cover all the areas, so for safety and before someone is hurt or killed, pass SB 2290.

Andy Mork asked the committee to come to his farm and observe the deer, turkeys and other wildlife feeding in his yard. He asked what this is all about and what legal right does some one have to go on property not owned by them. He further stated what would happen with a test case of the Supreme Court that would point out what authority a person has to go on private land. It is trespassing.

Senator Lyson asked for testimony in opposition to SB 2290.

Dennis Daniel, testified in opposition to SB 2290 stating he has not seen the amendment although he expects it will help the bill. This will only add another bureaucracy to existing law as in the century code there is language regarding reckless endangerment and that is what is being talked about. There is nothing that can stop people who do not use common sense. If there is occurrence of this, take down the license number, call the sheriff and file a charge of reckless endangerment. This will be a felony but if this is in the century code it will be a misdemeanor. The law is there, we don't need additional law.

David Munsch testified in opposition of SB 2290 stating the bill is not necessary. He presented personal stories of witnessing dangerous hunting.

Bill Helphrey representing the North Dakota Bowhunters Association testified in opposition of SB 2290. After realizing "bow" was removed by the amendment, he raised concerns as to the

definition of "trail" and learning that was removed by the amendment, he did not anything further to say.

Mike Donahue representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in opposition to SB 2290 stating the organizations sympathizes with the safety concerns that generated the bill, but still opposes the bill even as amended.

Foster Hager representing the Cass County Wildlife Club testified in opposition to SB 2290 as written unsure of the amendment. He further stated he did not think a law should be passed for the poor hunter. He further stated there are just too many laws and there is already law for this problem.

Bob Burke, Bismarck, North Dakota testified in opposition to SB 2290 stating as a citizen and hunter has not witnessed this problem or violations.

Senator Lyson asked for neutral testimony and request Roger Rostvet to take the podium to answer if there is law regarding shooting from roads.

Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department stated there was no general law that prohibited shooting from roadways. It is just general good sense.

Senator Constance Triplett asked for a response if reckless endangerment would be adequate to deal with this situation.

Roger Rostvet responded he was not very knowledgeable regarding criminal law, but assumed there would be a very high standard for reckless endangerment.

Senator Lyson added reckless endangerment requires will and disregard of human life and safety.

Senator Triplett asked if game wardens witness something that looks like reckless endangerment, would they report it to the local authority.

Roger Rostvat answered those kinds of activities are usually reported by individuals witnessing the violation not the department wardens.

Senator Herbert Urlacher asked if posted land on section lines or certain roadways, is not that section land also posted,

Roger Rostvat responded that if privately owned land on both sides of a section line is posted is off limits except for publicly owned roads.

Senator Heitkamp asked what the procedure would be if a person is shot at and then calls the game warden. There would be conflicting statements between the hunter and the one shot at, so how does the department handle, that situation.

Roger Rostvat responded that it would be referred to the law enforcement office decided if it would be a prosecuted.

Senator Layton Freborg asked if there are records regarding these scenarios.

Roger Rostvat answered there are not records for specifically shooting from a road, but the number one reported accidents involve getting in and out of a vehicle.

Senator Heitkamp referred to a incident this year involving a moving vehicle on the interstate and a shooting.

Roger Rostvat confirmed this to be true although the specific are not confirmed.

Senator Urlacher told of a personal experience of a shot out tractor window.

Senator Lyson closed the hearing on SB 2290.

Senator Lyson further commented as a former sheriff, he has been called to such situations and those involved with minors, A law would be difficult to enforce.

Senator Heitkamp made a motion to adopt the amendments as proposed number .0101.

Senator Tollefson second the motion.

A roll call voice vote to adopt amendment 70805.0101 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

The committee will take up the bill at a later time.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2290

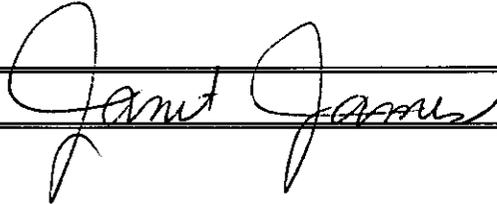
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 9, 2007

Recorder Job Number: # 3253

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee brought the committee to order.

Senator Lyson opened committee work on SB 2290.

All members of the committee were present except Senator Constance Triplett.

Senator Lyson stated the interim has done some research regarding this issue and stated he felt bill would be unenforceable. He agreed this issue of bullets being shot across roadways does occur, but waiting until law enforcement arrives, it is almost impossible situation.

Senator Layton Freborg commented that it would be is one's word against several, it will not do any good to involve law enforcement.

Senator Herbert Urlacher agreed.

Senator Joel Heitkamp commented that the only way this would work is with solid evidence and other than that is the yelling at each other in the section line.

Senator Urlacher made a motion for a Do Not Pass of SB 2290.

Senator Ben Tollefson second the motion,

A roll call vote for a Do Not Pass of SB 2290 was taken indicating 6 Yeas, 0 Nays and 1 absent.

 **Senator Urlacher will carry SB 2290**

[Handwritten signature]
2-9-7

PROPOSED AMENDMENTS TO SENATE BILL NO. 2290

Page 1, line 2, replace "from" with "on, over, or across"

Page 1, line 6, replace "from" with "on, over, or across"

Page 1, line 7, remove "or an arrow from"

Page 1, line 8, remove "a bow", replace "an established road or trail" with "a paved, gravel, dirt, or loose surface highway, paved or gravel county road, or gravel or raised township road", and remove "An individual may"

Page 1, remove lines 9 and 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2290: Natural Resources Committee (Sen. Lyson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "from" with "on, over, or across"

Page 1, line 6, replace "from" with "on, over, or across"

Page 1, line 7, remove "or an arrow from"

Page 1, line 8, remove "a bow", replace "an established road or trail" with "a paved, gravel, dirt, or loose surface highway, paved or gravel county road, or gravel or raised township road", and remove "An individual may"

Page 1, remove lines 9 and 10

Renumber accordingly

2007 TESTIMONY

SB 2290

Attachment #2

SENATE BILL NO. 2290

Testimony of:
Leland Goodman
802 77th St NE
Willow City ND 58384

I am pleased to testify on behalf of Senate Bill Number 2290 and request your consideration for a DO PASS in the interest of the safety of all motorists traveling our North Dakota roads and byways.

The goal of this bill is to raise the awareness of gun safety and hunter courtesy, not to infringe on the rights of big game hunters. During big game hunting, high power rifles are used and the distance of a bullet shot in a straight line can travel one to two miles. As hunters, we learn to be aware of buildings and members of our hunting party for the safety of those around us. We should also be aware and mindful of the location of roads and byways to avoid endangering passing motorists.

I have personally witnessed a group of hunters shooting at three deer crossing a county improved road where the right away was the only open shooting area and there was a school bus transporting children home from school $\frac{3}{4}$ of a mile down the road. Within the same week I witnessed 2 hunters shoot a deer on an improved township road in a ditch beside a motorist who braked to avoid hitting the deer. Having seen this happen, it is clear that it occurs more often than we think or even want to believe. In addition to roads within our viewing distance there are often roads and by ways with obstructed views due to hills or trees. Hunters must take responsibility for understanding the landscape and terrain which they hunt because a motorist is unaware of their distant presence and could become an innocent victim.

As hunters, we often feel the thrill and excitement of game in our sights, but as a bearer of weapons we must also understand the consequences of our actions. Restrictions on across the road shooting will make us all more mindful of our responsibility for community safety. I would rather debate this bill today with a clear conscious not marred by the memory of a preventable action. We can all learn to abide by new safety minded laws, but it is harder to live with the consequences of an unforgettable action that might result in the loss of life for an innocent victim.

I would like to thank the sponsors of this bill and the time and attention it has been given. As you debate this bill I hope that you consider the range of a high power rifle and the safety of ND motorists and recommend a DO PASS on Senate Bill No. 2290.

SB 2290

As it would read with the 70805.0100 amendments, beginning on Line 6:

Hunting big game on, over, or across roads or highways prohibited. Except as provided in subsection 10 of section 20.1-02-05, an individual may not discharge a firearm on, over, or across a paved, gravel, dirt, or loose surface highway, paved or gravel county road, or gravel or raised township road.