

2009 HOUSE NATURAL RESOURCES

HB 1227

4

2009 HOUSE STANDING COMMITTEE MINUTES

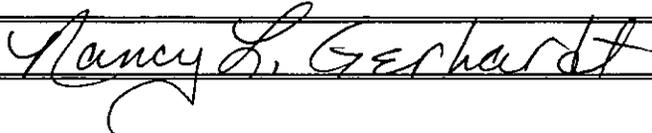
-Bill/Resolution No. 1227

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 1-19-09

Recorder Job Number: 7255

Committee Clerk Signature 

Minutes:

Chairman Porter – We want to open the hearing for HB 1227. Welcome to Citizens Night At The Legislature. Rep. Craig Headland

Rep. Headland – **See Attachment # 1.** I am from a very rural district and it has some really great hunting opportunities. I am here to introduce HB 1227 which is to increase opportunities for hunters of all ages and for those who wish to hunt for the first time. Since the bill has been filed, and in discussions with the ND Game & Fish, we have found a few areas that we would like to address. Mostly areas that needed clarification. I have had an amendment drafted. *Section 1* has new language which provides the director provides an online hunter safety education program for individuals who have reached the age of 18. This is to encourage adults who did not take hunter safety when they were young. It will give them an opportunity to do it in a setting more friendly to them. *Section 2* of the bill is the new language that would provide for the youth deer hunt in the state. An individual who has reached their 12th birthday on or before the opening of deer season may apply for this youth license. The youth would only be eligible to receive this youth license once in the two years of that age which it would be available. *Section 3* is a new section to provide for a free doe license for individuals under the age of 16 years old. In this case an individual may only receive 1 free doe license. *Section 4*

would allow for individuals under 16 years of age to not have to pay the fee for the habitat restoration stamp. *Section 5* would provide residents of the state the opportunity to hunt under a provisional license. This would only be issued one time and the individual that applies for this provisional license would only be able to hunt under the direct supervision of an individual of 18 years of age. *Section 6* is for the appropriation of \$60,000 for a grant to encourage the hunting by youth and the amendment would also create a new *Section 7* which would have the effective date, January 1, 2010. Questions

Bridger Anderson – I am Bridger Anderson and I am 10 years old. I live on a ranch 7 miles west of Carrington, ND. I have played football, wrestle, roped calves and team rope with my dad. I love to hunt. I received my first gun for Christmas in 2003 when I was 5. It was a red rider BB gun. That next summer I spent as much time as I could in our pasture hunting gophers. Later that year I got another BB gun of the coin 100 classic. I used this gun to shoot my first rabbit. In 2006 I received a gift from a friend of my parents who I helped move to his new home. It was a single barrel 20 gage shotgun that also has a 3030 rifle barrel that can be switched out with the 20 gage barrel. It is a small gun that fits me well. I took my first pheasant with this gun. This past summer I started target practicing with my bow & arrow. I was able to take my first deer this fall with my bow. My friend Brock Fredrickson let me borrow his two seat tree stand and set it up on our land. I sat in the tree stand every night after school waiting for the big one to show up. Brock was with me when I shot the deer. It wasn't exactly the big one I was hoping for. It had two small nubs, but they were in the velvet. I didn't care how little the deer was, I was excited that my heart felt like it was going to explode. Each year for as long as I can remember I have gone deer hunting with my Uncle Matt. He lets me ride along with him while he hunts. As much as I like riding along with Matt I would really like to be looking for my own deer to shoot. I hope you would pass HB 1227 so that I will be able to

shoot a deer with a rifle in a year and a half when I am 12. I have a lot of friends my age who do not like to hunt as much as I do. They would rather play video games than go outside and hunt. I don't own a WE and usually ask for more hunting gear and supplies for my birthday and Christmas. I feel lucky to be growing up in ND and lucky that my parents spend so much time hunting with me. My dad quit hunting years ago, but because of me he started again. Maybe HB 1227 will get more kids and parents involved in hunting and kids would find out that it is more fun than video games. I hope you will recommend passing HB 1227. It would mean a lot to me and many other kids in ND. Thank you for letting me speak today.

Chairman Porter – Thank you, any questions for Mr. Anderson? Further testimony in support of HB 1227?

Paul Schadewald – ND Game & Fish – See **Attachment # 2**.

Chairman Porter – Mr. Schadewald – In section 5 because there aren't any lottery tags that are a part of the provisional license it would just be the regular stamp. Would that be a big problem getting that implemented?

Mr. Schadewald - I talked with ITD folks and they said it would be tight, but we could do it. That system would have to pretty well be all on line. They would go on line and the system would keep track of giving them their one opportunity to have that license. We could do it, it would be tight. It is up to you. Our preference is always have a little more time. We are typical bureaucrats on handling that kind of stuff. We could do that one.

Chairman Porter – Rep. Keiser

Rep. Keiser – On Sect. 2 where you are limiting it to one, can create a problem for somebody who just barely makes it by turning 12 the day before the hunting season. They can get the tag the first year but they can't the 2nd year.

Mr. Schadewald – They could make go into the regular license lottery if they want to. But then they give up the right to have a youth deer tag. It does make it tight but they could sit out the season altogether and take it when they are 13 or 14 or 15. It is up to the individual in the family.

Rep. Keiser – On Sect. 5, with the amendment that was proposed is it possible that the person could hunt with a someone that has never who has never hunted before, never handled a gun, but just happens to meet the qualifications stated.

Mr. Schadewald – There is a lot of older hunters who do not have hunter education.

Rep. Keiser – I'm talking about someone who never touched a gun.

Mr. Schadewald – It is very possible, not probable, but it theoretically could happen.

Rep. Keiser – Do you see that as a potential problem? The requirements that the person they are going with has had hunter education seems somewhat reasonable.

Mr. Schadewald – It is reasonable for some people, but again there are going to be grandparents who do hunt a lot and who are going to take their grandsons out. How do we do that? How do we sort those people out, it is rather challenging.

Chairman Porter – Please elaborate about provisional licenses.

Mr. Schadewald – Those programs have been looked on very favorably and have been implemented in quite a large number of states. It has been positive outcome on them. I don't know if they have had any bad experiences on people going to the field and not being properly supervised.

Chairman Porter – Further questions for Mr. Schadewald? Rep. Hunskor

Rep. Hunskor – In sect 5 it talks about hunting in any 2 seasons when the dept. is suggesting 1 season small game only.

Mr. Schadewald – The question would come up if we say 1 season or 2 seasons which are they hunting in. Which are they hunting in? Are they hunting in the water fowl season, are they hunting in the upland game season? The original bill has both residents and nonresidents in a provisional license and they have separate water fowl licenses, separate small game hunting licenses for other species and we would like a little clarification as to what they want us to do in that situation. I think the sponsor has now amended it so it would apply to residents only. That would eliminate that separation. Residents don't have a separate water fowl license from other small game license. Maybe just saying small game would probably accomplish things and make it a little clearer.

Chairman Porter – Further questions? Further testimony in support of HB 1227?

Clarence Bina – United Sportsman for ND – We endorse this bill as written, but would also accept some kind of amendments. Over all we believe the sooner and safer we can get youngsters in the field they will become permanent hunters and whether it be big game, birds even trappers or anglers. This is a hunting license bill and that is what I am going talk about. I took hunter safety course myself with my daughter when she was in college. I didn't have to take it but I did. I can testify to the quality of it. I just have one comment about that. On lines 14 & 15 because it an online course it may have some ambiguity here. The graduates have to take the practical. Maybe it is clear to you, but it isn't clear to us. It is actual handling of shotguns and rifles and handguns.

Chairman Porter – In my discussions with the department the practical would still have to be appended, although the written test could be completed on line.

Mr. Bina - #2, regarding fees, we will take as it is, and we believe the representative from G&F says it is user.

Chairman Porter – Questions? Further testimony in support of HB 1227? Opposition?

Foster Ray Hagar – Cass Co. Wildlife Club – We have to be opposed or maybe neutral. I am concerned with the portion that has to do with the 12 year old. The 12 year old ops to go deer hunting and then he has to sit out a year. The rest of the amendments we really do support.

We have a suggestion I think you should look at. See **Attachment #3**. Questions

Rep. Nottestad – You are talking youth 12 & 13 may hunt in the youth deer season. Would you change that so they can get 2 youth licenses? That is completely different than what it is now.

Mr. Hagar – Yes I would. It appears there is a movement to get the youth involved. So what would hurt if a 12 & 13 year old got hunt twice? I don't think it would hurt a thing. It would change from the 14 & 15 year old in the youth season, but they already get to hunt.

Rep. Nottestad – Do you recommend the provisions of the 12 & 13 year old follow through 2 rather than once.

Mr. Hagar – Yes, in this bill the 12 & 13 year olds could hunt twice. If they so choose, but I hate to see a 12 year old get a license which he could, and then he sits out when he is 13. Because it says a 1 time deal. We want the youth to hunt.

Chairman Porter – The language, as I read it, they get to hunt once in the youth season.

The age to hunt deer is 12. When they hit 12 they are illegible to be in a lottery from that point forward.

Mr. Hagar – Our club would prefer they hunt 2 years in the youth season before they move into the big lottery.

Chairman Porter – Just for clarification at 13 they could get a tag. Any questions for Mr. Hagar? Further opposition for HB 1227?

Mr. Schadewald – Mr. Hagar is correct on original version of the bill. The sponsor had an amendment that corrected that problem. The new wording is an individual may only receive 1

license to hunt deer in a youth season in a lifetime. The intent is they can take their choice on what year to take their youth season. After that they can go the regular season.

Chairman Porter – Any other questions for Mr. Schadewald? Any one else that wants to testify on this bill before I close this hearing? We will close the hearing on HB 1227.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1227

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 1-22-09

Recorder Job Number: 7608

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Chairman Porter – HB 1227 – I worked with Rep. Headland to clean the bill up with the input of the Game & Fish. See **Amendment #1**. What is left is section 1 – the age change, section 2 – with the wording for the youth season, and section 5 – the residence and the once season area and section 6 – the appropriation grant is also eliminated.

Rep. Drovdal – One other discussion held was the issue of the no fee.

Chairman Porter – This removes all the no fee language.

Rep. DeKrey – I move to accept the amendments.

Chairman Porter – I have a motion from Rep. DeKrey for the amendment 103 is there an 2nd?

Rep. Nottestad – 2nd

Chairman Porter – 2nd from Rep. Nottestad.

Rep. Hanson – I think we are trying to make an adult hunter out of an elementary student. A 12 year old kid. I've taught hunter safety. A 12 year old really isn't ready to use a deer rifle that shoots 3 miles. The two most dangerous hunting sports in ND are pheasants and deer. They pop up and you have to know what is beyond that target. I don't think a 12 year old is ready for it.

Chairman Porter – voice vote on amendment unanimous – motion carries.

Rep. Hanson – I might go along with it if the 12 year old would only hunt in the youth season, but you put him out with a 100,000 other hunters and things could happen. If they hunt in the youth season you have probably 10,000 or less.

Rep. DeKrey – Refresh my memory on the youth season. I was under the impression that was only the week before the regular season.

Chairman Porter – That typically takes place the first part of September.

Rep. Myxter – I have to agree with Rep. Hanson. I find it interesting the same time

Transportation they are trying to prevent 14 year olds from driving, yet we are going to let 12 year olds to handle a high powered rifle. I have mixed feelings, I agree with Rep. Hanson.

Rep. Hunskor – Will that 12 year old be able to hunt during the regular deer season.

Chairman Porter – Yes – 12 to 13. That was what Mr. Hagar had thrown up as a possible way to get the Cass Co. Wildlife Club to be in favor of the bill. We are the most restrictive state in the country when it comes to deer hunting. This age group at 12 is the safest statistical age group we have. They have completed their hunter ed. There is no way they can get a license without their parents without their parents thinking they are sure enough. Their parents virtually decide whether they should be hunting or not. They have to be with an adult or guardian in order to be afield at any time until they are 16. The same 12 year old the weekend after deer hunting can be laying out with his mother or father in a field shooting that same high powered rifle that goes 3 miles that Rep. Hanson is talking about shooting coyotes with absolutely no restriction. They can do that at 10 years old with no restrictions. The only restriction we have is for the taking of big game in ND. Is every child of 12 mature enough to do this sport? NO. Is it my responsibility to pick and choose which are and which aren't?

Rep. Nottestad – I agree that we need to look at this and permit 12 year olds. Some are mature enough and some are not. I will say this; a 12 year old permitted to hunt with an adult

they are going to have to do it. 12 year olds are going to listen. If they want to do it bad enough they will listen. 14 year olds can go out by themselves. Look at how many 9th graders will listen. They know exactly what they consider right, they know exactly what they want to do, and they jolly well will do it. A 12 year old under the supervision of adults, who are hunting, will learn those years, and will not be that scattered brained 14, 15, 16 year old when they are out there by themselves. As we look at other states, they have great success with this and I hope this bill could pass so ND could provide this opportunity for kids who really want it. This is a small group of kids who want it. If they want to do it bad enough they will do exactly what an adult shows them what to do.

Rep. DeKrey – Move a Do Pas As Amended.

Chairman Porter – A motion from Rep. DeKrey for a Do Pass As Amended is there a 2nd?

Rep. Hofstad – 2nd

Chairman Porter – Discussion

Rep. Keiser – With the provisional license that individual could hunt 1 year, and if they want to hunt again do they have to get another tag.

Chairman Porter – Yes

Rep. Hunskor – The young people we are talking about here would not have to have hunter safety, they could just go with their dad.

Chairman Porter – No

Rep. Hunskor – We are placing responsibility on the parents.

Chairman Porter – No. they do have to have hunter safety at 11. Once you reach your 12th birthday. If that 12 year old or 14 year old is hunting on their own land under the current law

they would not have to have hunter safety. If they are out hunting in the deer unit anyone over the age of 11 has to have hunter safety.

Rep. Hunskor – We are placing the responsibility on the parent to be with that child. You will have the exception; there may be 1 or 2 parents who aren't doing it right.

Rep. Kelsh – You said this group had the lowest statistics of accidents. Do you know which group has the highest?

Chairman Porter – Our age group has the highest. Mr. Schadewall talked about skipping a year because of some of the concerns, most of those concerns dealt with the tags we were taking from \$10 to 0. When we asked him during the hearing if they could implement this by the September youth season with the age requirement he felt they could.

Rep. Pinkerton – When you said 12 year olds were the safest could you clarify if that was the safest for self injury or any kind of injury?

Chairman Porter – My understanding was they are the safest age group for firearms accidents while afield. I don't know what the cut offs are.

Rep. Keiser – I would venture that would collate with the use of alcohol.

Chairman Porter – That wouldn't surprise me.

Rep. Hofstad – What is the economic impact?

Chairman Porter – The way the numbers are now on this fiscal note it would be a + \$12,000 to the Game and Fish Dept. fund. They estimated over the biennium it would be \$25,000 bump to the sale of the deer licenses and about \$10,000 expense for the computer fixes. I would guess that would be lower because there took the other computer things out. It would be a positive fiscal note now.

Rep. Hanson – Do you think it should be that they could hunt at 12 but whoever goes with them cannot have a firearm?

Chairman Porter – I think it gets to the point where we are micro managing how a parent is raising their kid. I think that falls back to the parent’s responsibility not to us to decide how they feel the safest way to do this. Any other discussion?

Chairman Porter - Call the roll for a Do Pass As Amended.

Yes 10 No 3 Absent 0 Carried Vice Chairman Damschen

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1227

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 1-29-09

Recorder Job Number: 8169

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Chairman Porter – 1227 had a fairly extensive amendment on it. Game & Fish wanted some language added to make sure on page 2 of the amended program. I think the next motion that would be appropriate would be to reconsider our action where we put the amendment on.

Rep. Drovdal – So Moved

Chairman Porter – We have a motion by Rep. Drovdal, a 2nd by Rep. DeKrey to reconsider our action on the previous amendment. Any discussion? All in favor – unison voice vote – opposed none - motion carries.

Rep. Keiser – Move the adoption of the new amendments.

Chairman Porter – A motion from Rep. Keiser and a 2nd from Rep. DeKrey to adopt amendment 020. Any discussion? All in favor – unison voice vote – opposed none – motion carries. Rep. Kelsh 0200 amendment makes it clear that the individual who can get the license is someone who has not completed the hunter education course.

Rep. Keiser – Move a Do Pass on HB 1227 As Amended – 2nd Rep. DeKrey. Discussion

Rep. Hanson – Explain who can hunt without a license without hunter safety.

Chairman Porter – It would be any resident over the age of 18 who has not completed the hunter safety program. That would qualify them for the once in a lifetime provisional license.

Rep. Hanson – So a young kid 12 or 14 has to buy a license, like somebody over 18.

Chairman Porter – That is correct. Any further discussion. The clerk will take the roll for HB 1227.

Yes 10 No 3 Absent 0 Carrier Vice Chairman Damschen

FISCAL NOTE

Requested by Legislative Council

03/16/2009

Amendment to: Engrossed
 HB 1227

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$5,000		
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 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 allows individuals who do not have the required hunter education course to purchase apprentice hunting licenses for small game and deer. This is a one time privilege. The bill also states the the game and fish director shall provide an online internet hunter safety course.

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.*

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.*

No impact.

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.*

About \$5,000 will be needed to modify computer systems to administer these changes.

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:	03/16/2009

FISCAL NOTE
Requested by Legislative Council
02/02/2009

Amendment to: HB 1227

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$30,000		\$30,000
Expenditures				\$10,000		
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 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).*

Under current law youth must be 14 or older to hunt big game with a firearm. This bill allows 12 & 13 year olds to get deer licenses. It also creates a no cost provisional license for residents over age 18 who do not have hunter education training. A mentor is required.

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 will be a small revenue increase because more youth deer licenses will be sold each year. HB 1227 also requires the Director to provide an online hunter education program. The Department is already developing this course, so this bill will not add to Department costs.

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.*

Allowing 12 and 13 year old to get deer licenses will increase revenue by about \$30,000 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.*

About \$10,000 will be needed to modify computer systems to administer these changes.

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 Schadewald	Agency:	ND Game and Fish Department
Phone Number:	701-328-6328	Date Prepared:	02/02/2009

FISCAL NOTE
Requested by Legislative Council
01/12/2009

Bill/Resolution No.: HB 1227

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$88,000)		(\$88,000)
Expenditures				\$10,000		
Appropriations				\$60,000		

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 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 allows 12 & 13 year olds to get a deer license before they turn 14. It eliminates the \$10 habitat restoration stamp fee for residents under age 16. Creates a no cost provisional license for both residents and nonresidents. Hunter education training not required. A mentor is required.

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.*

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.*

Free doe licenses for hunter under age 16 reduces revenue by \$80,000 per biennium. Eliminating habitat stamps for under 16 reduces revenue by \$33,000. Allowing 12 and 13 year old to get deer licenses will increase revenue by \$25,000 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.*

About \$10,000 will be needed to modify computer systems to administer these changes.

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.*

\$60,000 is appropriated for a grant program to encourage hunting by youths.

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/13/2009

1

90517.0102
Title.

Prepared by the Legislative Council staff for
Representative Headland
January 19, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1227

Page 1, line 5, remove "and" and after "appropriation" insert "; and to provide an effective date"

Page 2, line 6, replace "under this provision" with "in a youth season"

Page 2, line 15, after the underscored period insert "An individual may only receive one free doe license per year under this provision."

Page 2, line 30, after "for" insert "resident"

Page 2, line 31, after "for" insert "resident"

Page 3, line 1, replace "two seasons" with "one season"

Page 3, line 4, remove "who has completed the hunter safety education program under sections 20.1-03-01.1 and"

Page 3, remove line 5

Page 3, line 6, remove "section"

Page 3, after line 13, insert:

"SECTION 7. EFFECTIVE DATE. Section 5 of this Act becomes effective on
January 1, 2010."

Renumber accordingly

VK
1/23/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1227

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, replace the first comma with "and" and remove ", subsection 3 of section 20.1-03-12, and"

Page 1, line 4, remove "section 20.1-03-12.1"

Page 1, line 5, remove "; and to provide an appropriation"

Page 1, line 15, replace "eighteen" with "sixteen"

Page 2, line 6, replace "under this provision" with "in a youth season"

Page 2, remove lines 9 through 27

Page 2, line 30, replace "hunters" with "residents"

Page 2, line 31, replace "hunters" with "residents"

Page 3, line 1, replace "two seasons" with "one season"

Page 3, line 5, after "20.1-03-01.2" insert "or has purchased a license to hunt within the previous year"

Page 3, remove lines 7 through 13

Renumber accordingly

Date: 1-22-2009
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1227

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By DeKrey Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hanson		✓
Vice Chairman Damschen	✓		Rep Hunskor	✓	
Rep Clark	✓		Rep Kelsh	✓	
Rep DeKrey	✓		Rep Myxter		✓
Rep Drovdal	✓		Rep Pinkerton		✓
Rep Hofstad	✓				
Rep Keiser	✓				
Rep Nottestad	✓				

Total (Yes) 10 No 3

Absent 0

Floor Assignment Damschen

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

REPORT OF STANDING COMMITTEE

HB 1227: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 03 NAYS, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, replace the first comma with "and" and remove ", subsection 3 of section 20.1-03-12, and"

Page 1, line 4, remove "section 20.1-03-12.1"

Page 1, line 5, remove "; and to provide an appropriation"

Page 1, line 15, replace "eighteen" with "sixteen"

Page 2, line 6, replace "under this provision" with "in a youth season"

Page 2, remove lines 9 through 27

Page 2, line 30, replace "hunters" with "residents"

Page 2, line 31, replace "hunters" with "residents"

Page 3, line 1, replace "two seasons" with "one season"

Page 3, line 5, after "20.1-03-01.2" insert "or has purchased a license to hunt within the previous year"

Page 3, remove lines 7 through 13

Renumber accordingly

VR
1/30/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1227

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, replace the first comma with "and" and remove ", subsection 3 of section 20.1-03-12, and"

Page 1, line 4, remove "section 20.1-03-12.1"

Page 1, line 5, remove "; and to provide an appropriation"

Page 1, line 15, replace "eighteen" with "sixteen"

Page 2, line 6, replace "under this provision" with "in a youth season"

Page 2, remove lines 9 through 27

Page 2, line 30, replace "hunters" with "residents"

Page 2, line 31, replace "hunters" with "residents" and after "age" insert "who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2"

Page 3, line 1, replace "two seasons" with "one season"

Page 3, line 5, after "20.1-03-01.2" insert "or has purchased a license to hunt within the previous year"

Page 3, remove lines 7 through 13

Renumber accordingly

Date: 1-29-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1227

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By Keiser Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hanson		✓
Vice Chairman Damschen	✓		Rep Hunskor	✓	
Rep Clark	✓		Rep Kelsh	✓	
Rep DeKrey	✓		Rep Myxter		✓
Rep Drovdal	✓		Rep Pinkerton		✓
Rep Hofstad	✓				
Rep Keiser	✓				
Rep Nottestad	✓				

Total (Yes) 10 No 3

Absent 0

Floor Assignment Damschen

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

REPORT OF STANDING COMMITTEE

HB 1227: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

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Re-number accordingly

2009 SENATE NATURAL RESOURCES

HB 1227

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1227

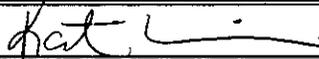
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 26, 2009

Recorder Job Number: 9770

Committee Clerk Signature



Minutes:

Senator Lyson Opens the hearing on SB 1227, relating to provisional hunting licenses.

Representative Craig Headland, District 29, introduces the bill. This bill has changed some in its form, but it has the three main objectives intact. Section 1 allows for the online hunter safety course, which game and fish is currently pursuing. Section 2 allows for a youth hunt for big game, deer specifically, at age 12 available once in a lifetime. Section 3 allows for a provisional license to try and encourage the people who have not had the privilege to hunt before. It also states that they would have to hunt with a mentor.

Senator Lyson I agree that we should be able to take the hunter's safety course on line, but I have a little trouble with 16 year olds taking it online. I think at that age they should be in a group area when they are taking courses like this. I would rather see the age set at 18. Can you tell me why you set it at 16?

Representative Headland that was changed in committee to appease the chairman. If you wish to make a change to 18 year olds then I would certainly be receptive to that.

Senator Lyson you can't hunt until you are 13 years old and it is for one time only. Why don't we leave it that way instead of changing it to 12 years old? If a 12 year old gets it then they can't hunt for a whole year before they can get a regular license.

Representative headland I believe that a 12 year old is responsible enough to hunt with a parent if they chose to. Currently they can carry a high powered rifle and walk along with their parents during the deer hunting season, with a fur bearer license. I think 12 years is a reasonable age. Other states have allowed this.

Senator Lyson I understand where you are coming from. I am asking if it is fair to them if they received their one time youth license at age 12 and then have to wait a year until they are 14 to get another one. Wouldn't it be better to leave it at 13?

Representative Headland I guess that is a matter of opinion.

Senator Freborg Providing that a kid turns 12 by the hunting season we would really have 11 year olds hunting in the youth season.

Representative Headland I don't believe that is the case. I didn't see it that way, but maybe it doesn't state it.

Senator Freborg Maybe I don't understand it, but it says providing their 12th birth date occurs prior to the regular deer season, and then they can hunt in the youth season. This means that 11 year old could hunt.

Representative Headland I don't believe that is the case, but maybe someone from game and fish could clear that up.

Senator Lyson we just passed a Senate bill that is almost identical to section 3.

Senator Hogue I was going to ask how section 3 and the senate bill differ.

Representative Headland I am not familiar with the senate bill.

Darin Goens, National Rifle Association, we are in favor of this bill. The National Rifle Association is part of a group called Families of Field. They started to see a drastic decline in hunters nationally. In response to that they were charged with commissioning a study to find out what some of the reasons are for that. One of the reasons they identified was the age

restrictions that exist in some states. Thirty states have no age limit; it is a matter of parental responsibility. They allow kids to go hunting when they are able to. As we all know, one 14 year old differs from a 12 year old, differs from a 16 year old. Under current law it is a worse situation, because you are rubber stamped safe and capable of hunting. This issue boils down to letting parents make those decisions. We have looked at the safety records in those 30 states with no hunting age limits. The International Hunters Education Association compiles statistics and they have found that in those 30 states the statistics are better. In North Dakota, there is no age limit on small game. If you look at the statistics, most accidents typically happen during small game hunting. While deer hunting the mentor has control. They help them line up the shot, check the background to make sure it is clear, carry the ammo etc. The NRA is the leading organization in gun safety.

Senator Lyson as an instructor, wouldn't you rather have a 16 year old in your class room rather than having them take it online?

Darin Goens if I am going to address the online hunter safety program, I think it goes back to parental responsibility. I think that most of the firearm safety and training that goes on has already happened. It is a test that it has been absorbed. I think that can be done online. But the bottom line is these kids have already had experience with their parents or those older than them, and to think that a student comes into hunter safety with no experience with a firearm is wrong 99% of the time.

Senator Lyson I asked if you would rather see a sixteen year old in the classroom or have them take it online.

Darin Goens I am completely comfortable with it online. I will wrap it up. I think that I have made my point that the safety issue is important. My final point is that the people who support

this bill take their kids hunting, they are not non-hunters. Why would we want to be taking our relatives out and putting them in a non safe situation?

Senator Triplett You were talking about people making the choice to keep their own children home if they didn't think it would be safe. For some of us it is not the concern about the 12 year old being safe it is about the farm family a quarter of a mile away whose children might be out in the yard and get hit by a shot from a 12 year old who doesn't pay attention to the background issue. The person holding the gun is probably the least likely one to be injured by the gun. That is the degree of safety we are talking about so maybe you can address that for me. I would like to see these studies you are referencing.

Darin Goens I would be happy to do that. I completely agree with you. The concern is not about the one shooting. These states break down the statistics into age or persons firing the shot and the age of the person wounded. It is just not happening that much. Hunting is actually one of the safest activities out there. We are having fewer and fewer kids interested in hunting every year so there is a reason we want the age limit lowered. If there was a safety issue we would be the first ones to throw a red flag.

Senator Schneider you mentioned that in South Dakota they recently dropped the age from 12 to 10. If we were to pass this bill would you be back next session asking us to do the same thing?

Darin Goens well first of all our overall position is that it is an issue of parental responsibility and that we should follow the states with no age. A parent should decide if the kid is ready or not. I think 12 years is perfectly reasonable, and that is what the majority of the 20 states left have.

Paul Schadwald, Chief administrative Services for the Game and Fish Department, We are generally favorable of the bill. We would like to clarify some things. We are already developing

an online course. The original age limit was set at 18 years but we said we would be willing to go with 16 years. On page two of the bill it makes it clear that you must be 14 years old to hunt deer in North Dakota. It does provide an exception that the kid must be 12 years old at the start of the season. We would read that as they would have to be 12 years old at start of the youth season. We also read that it allows them to hunt in the regular deer season and hunt in the youth season only once. That is the same way we do it now for 14 and 15 year olds. This bill states that they can hunt deer at age 12, not just in the youth season. We support the concept of having an apprentice license. There are some differences between section 3 and the bill the senate passed. The senate bill had age limit of 16 and this one has age 18. The senate bill allowed apprentice hunters to hunt deer and this one does not. The senate bill also requires the apprentice hunter to be within visual contract from the mentor. The senate bill requires the apprentice hunter to pay for a license and this bill does not. We support the concept and we would be willing to work on any wording in the bill.

Senator Hogue you said that one of the differences between the two bills is the scope of the game that can be hunted under them. With this bill the apprentice is restricted to big game is that right?

Paul Schadwald it says in lines 12 through 14 that they can hunt any license but those issued by lottery. Since all the big game and turkey licenses are issued by big game they couldn't hunt by default.

Senator Hogue do you have any information with the increase of risk if the age goes from 14 to 12?

Paul Schadwald I asked our hunter education folks that and they have quoted information in the exact opposite. The people having accidents are those higher in age not the younger ones.

We are getting mixed reviews on the age limit but we do not have a study to show that there is a higher risk with younger hunters.

Foster Ray Hager, Cass County Wildlife Club, we oppose this bill. (See attached testimony). If we let the 12 and 13 year olds hunt in the youth season, then they will be with a parent or another licensed hunter. This states that they must be within reach, which is hands on supervision.

Senator Lyson what does your group think about letting 16 year olds take hunter safety online?

Foster Ray Hager my group teaches a great number of kids hunter safety and we think it is just an easy way to do. We think they should be in a classroom with an instructor at all times. Many hunter education organizations, because they teach it in the winter time, they don't go out and shoot the gun, but they handle it in the classroom.

Representative Lyle Hanson, I am a past hunter safety instructor and I have taught over 200 kids. Out of those 200 students I only felt 1 of them was capable of handling a deer rifle. Deer and pheasant hunting are the top two accident causing events relating to hunting. I feel that a 12 year old is not ready to shoot a deer. We are actually one of the states who have no age restrictions on hunting except for big game hunting. I checked with about 10 or 12 other instructors whether they thought 12 year olds were capable of hunting with a rifle and one guy said maybe and the others said no.

Clarence Bina, United Sportsmen's of North Dakota, I am here to oppose section 2 of the bill. On January 13, I did testify in favor of the bill on behalf of the United Sportsmen's. We are opposed to this section of the bill, but are in favor of the other two. In rare instances some 12 year olds are capable of handling a high powered rifle, but there are very few. We took a survey recently and we feel that the age is best left at 14.

Senator Triplett Can you give us the summary of the survey?

Clarence Bina I do not have it with me now, but I can get it for you.

Senator Erbele can you tell us about your organization?

Clarence Bina we goal is to sustain wildlife habitat, hunting/fishing opportunities, and recreational opportunities in a way that keeps the environment clean and is in compliance with land owners.

Senator Erbele How many members do you have and where are most of them located at?

Clarence Bina well in round numbers the largest area is Jamestown with 300 members, Williston is second with 200 members, Bismarck has 50 members, Fargo and Grand Forks both have between 45 -50 members. We also have 5 or 6 members in Dickinson.

Senator Erbele so rural people are not supporting your organization?

Clarence Bina I just listed the regions that are members reside in. Since the species specific groups have formed they have split us up.

Mike McEnroe, North Dakota Chapter of the Wildlife Society, I have also instructed hunter's education. The Game and Fish Department has had an online course for the last 3 to 4 years. It is available for those 18 years and older. It involves two in person meetings.

Senator Lyson do you have a suggestion on the age group that should be allowed to take the online course?

Mike McEnroe I think the way it is set up now is working and should be left that way.

Senator Erbele would you feel that it would tie in better with section 3 where the provisional licenses are for 18 year olds?

Mike McEnroe they would be consistent with each other.

Senator Hogue does the online course include a link where there they can watch the movies that are presented in the classroom?

Mike McEnroe it doesn't have links to the exact movies that the North Dakota hunter education program uses, but it does have a number of other videos with the same concepts.

Roger Kaseman, North Dakota Wildlife Federation, We aren't taking a stand on this bill because it is not going to affect the game populations or hunting pressure. I have four hunter safety cards. In each case I went through with kids or grandkids. The interaction that goes on in the classroom is the most important part. I am not against online courses, but to do so the kid is giving up something.

Senator Lyson closed the hearing on SB 1227.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1227

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 27, 2009

Recorder Job Number: 9831

Committee Clerk Signature

Minutes:

Senator Lyson Opens the discussion on HB 1227.

Senator Hogue I have some amendments for this bill that would address some of the concerns people have with it. I will present them to the committee as soon as I get them.

Senator Lyson we passed a bill just like section 3 of this bill that passed unanimously on the floor. I wonder if we wouldn't be better off trying to keep that one alive. We will hold this bill another day until you get your amendments.

Senator Hogue I just thought since we still have control over this apprentice provision and I would like to amend it so we can tell the senate body that it is the same as the one we passed out.

The committee talked about amending the bill so section 3 reads the same as SB 2165.

Senator Hogue asked Paul to explain the difference between the two bills.

Paul Schadwald in SB 2165 the age is 16 where as this one is 18. SB 2165 applies to all game and this bill applies on to small game. There is some difference between how close the apprentice needs to be from the mentor in the two bills. Those were the major differences between the two bill.

Senator Lyson closed the discussion on HB 1227.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1227

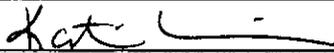
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10852

Committee Clerk Signature



Minutes:

Senator Lyson opens the discussion on HB 1227.

Senator Hogue explained and handed out the amendments.

The committee discusses splitting up the amendments so they can vote on them separately.

Senator Erbele As far as the way the amendment is written the language on page 2 from lines 1 through 8 will be over struck as well correct?

Senator Triplett all of page two is over struck with the amendment. Some of page 2 was legislative fix up of the language. Since they have gone through the work I wonder if we can just leave those corrections in place and remove the part about the 12th birthday.

The committee discusses what will be left and what will be over struck. They also discuss how the amendments compare with the bills they have passed out of committee.

Senator Schneider to me the statistics don't really show if we allow 12 year olds to engage in this activity that it would be a bigger risk. The parents could obviously withhold that from their kids. I would like to keep the language in the amendment.

Senator Lyson I do not believe that a 12 year old is not physically or mentally ready to carry a high powered rifle that could kill someone within 3 miles.

Senator Erbele I don't see where the money is an issue for individuals less than 18 years of age. I think it is lack of numbers not money that keeps the youth from hunting.

Senator Hogue I felt misunderstood on this issue. There is no question that the over whelming majority can afford these things. The amendment and my original bill are not directed at the 85% that can afford the fees it is directed at the 15% who can't.

The committee discusses what they like about the amendments and don't like about them.

Senator Lyson we already killed the amendment that eliminates the fees for youths. I don't want the bill to fail because of an amendment we already voted on.

Senator Hogue well we can put it on there and the Appropriations could take it off if they don't like it.

Senator Lyson we have to get the amendment adopted on the floor first and I don't want the whole amendment to fail.

Senator Hogue Moves to adopt amendment .0102.

Senator Triplett seconds the motion.

A voice vote was taken and the motion failed.

The committee discusses the amendments again.

Senator Hogue hands out an amendment that is the same as the first with the exception of sections 4 and 5.

Senator Pomeroy moves a do pass on amendment .0202

Senator Triplett seconds the motion.

A voice vote was taken and the motion passed.

Senator Schneider moves a do pass as amended and re-referred to the Appropriations committee.

Senator Pomeroy seconds the motion.

Roll call was taken and the bill received a do pass as amended on a vote of 7 to 0.

Date: 3/12/2009

Roll Call Vote #: #2 1227

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate _____ Natural Resources _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Amendment

Motion Made By Senator Schneider Seconded By Senator Pomeroy

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	/		Senator Jim Pomeroy	/	
Senator David Hogue, Vice Chairman	/		Senator Mac Schneider	/	
Senator Robert S. Erbele	/		Senator Constance Triplett	/	
Senator Layton W. Freborg	/				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Hogue

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

Re-referred to Appropriations Committee.

REPORT OF STANDING COMMITTEE

HB 1227, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provisional hunting licenses" with "an apprentice hunter program"

Page 1, line 3, remove "and subsection 1 of section 20.1-03-11"

Page 1, line 4, replace "hunting licenses and requirements" with "an online internet hunter safety education program"

Page 1, line 14, replace "sixteen" with "eighteen"

Page 1, replace lines 17 through 24 with:

"SECTION 2. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Apprentice hunter validation. An individual born after December 31, 1961, who is sixteen years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication."

Page 2, remove lines 1 through 19

Renumber accordingly

2009 TESTIMONY

HB 1227

#2

North Dakota Game and Fish Department Testimony
House Bill 1227

HB 1227 deals with a half dozen key topics. The ND Game and Fish Department supports this bill, but asks that some sections be amended. I will go over this bill section by section.

1. Section one states that the Director shall provide an online hunter education program for individuals age eighteen or over. Game and Fish is in the process of improving our online course. We would prefer that the age for this course be **sixteen rather than eighteen.**

2. The Department supports this section changes the minimum age for deer gun hunting from age 14 to age 12. It is our understanding that the intent is to allow youth hunters from age 12 through 15 to hunt in the special youth season that is established by Governor's proclamation. This is to be a once in a lifetime hunt. These young hunters may also hunt in the regular deer gun season and get license in the regular deer license lottery. Hunters age 12 and 13 would not be able to hunt moose, elk, bighorn and pronghorn.

3. Currently deer licenses for youth under age 16 cost \$10. Licenses for those over age 15 cost \$20 each. This bill states that, "There is no fee for a doe license issued to an individual under sixteen years of age." **The Department does not support this free license concept.** We think our hunters are willing to support our programs and do not believe that it is advisable to issue free licenses. Also the recently completed recruitment and retention study did not identify fees as a recruitment issue.

4. Section four eliminates the \$10 habitat restoration stamp fee for those under age 16. There are approximately 1700 youth under age 16 hunting each year. This change will require the Department to produce a special license for these hunters. We think the current licensing fee structure is adequate and would prefer that this section not be changed.

5. Section five creates a provisional license for both resident and nonresident hunters over age 18. This license allows the hunter to hunt without having completed the hunter education course. It is also recommended that this section be for small game hunting only rather than for one or two seasons. Be advised that for nonresidents there are two separate licenses – one for waterfowl and one for small game other than waterfowl. The Department supports this section.

6. Section 6 provides an appropriation of \$60,000 in grants to encourage hunting by youths.

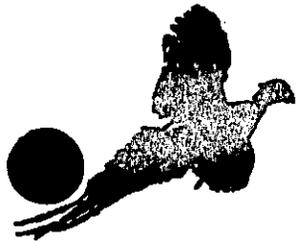
7. The ND legislative session often runs will into April. The 2009 deer gun license lottery starts in May and other licenses are on sale shortly after that. This gives the Department almost no time to do software modifications and to print new licenses. It is requested that **sections 2, 3, 4 and 5 all have an effective date of January 1, 2010.**

ATTACHMENT # 3
Cass County
WILDLIFE CLUB
Box 336
Casselton, ND 58012



Youth twelve (12) and thirteen (13) may hunt deer in the deer youth season. They may not hunt in the regular season in November. Parent or guardian must accompany the youth and be within 15 feet of said youth at all times.





Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



**TESTIMONY OF FOSTER RAY HAGER
CASS COUNTY WILDLIFE CLUB
AMENDMENT**

on
Engrossed HB 1227
February 26, 2009

Section 2, Page 2 Line 2, 3, 4, 5

However, individuals who are twelve (12) and or thirteen (13) may hunt deer in the deer youth season. They may not hunt in the regular deer season in November. These individuals must be under direct supervision of the parent or legal guardian and be within reach, hands on supervision.

