

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1311

2007 HOUSE NATURAL RESOURCES

HB 1311

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

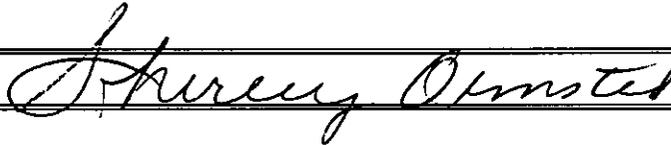
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1424

Committee Clerk Signature



Minutes:

**Chairman Porter** called the hearing to order regarding HB 1311.

**Representative Craig Headland** from District 49 came forward as a sponsor of HB 1311.

He said that it was brought to his attention that was an injustice that it takes to qualify for the youth hunting season. In these instances they had to go to their 11 year old boys and explain that they were not eligible to hunt in the youth hunting season, although they could hunt the following weekend during the regular season. This bill will simply that issue.

**Representative Hunksor** asked if these children would be under the supervision of their parents.

**Representative Headland** said that currently they are required to be under the supervision of their parents.

**Representative Don Dietrich** also came forward support of HB 1311. See written testimony attached as Item #1.

**Representative Hanson** asked what would happen if a young hunter was 16 on the first day of the youth hunting season and then turned 17 on the second day. Can he only hunt the first day?

**Representative Dietrich** said he would Game and Fish answer that but he said he thought they had to be 16 and under for the youth season.

**Representative Charging** asked that when the bill says "under the age of 16" that includes anyone under the age of 16 and is old enough to carry a gun.

**Representative Dietrich** said yes as long as they are old enough to carry a gun and are with a legal parent or guardian.

**Representative Charging** asked what age they had to be to go through hunter safety.

**Representative Dietrich** said that they could acquire a license at 12 years old.

**Representative Charging** asked if they could hunt under the age of 12 without a license.

**Representative Dietrich** indicated yes and they are doing that because they are allowing that in the other seasons, just not in the youth season.

**Chairman Porter** asked for further support for HB 1311.

**David Hill** was here in support of another bill but decided to support this one as well.

**Mr. Mike Donahue** representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota and he indicated they were in support of this bill.

Chairman Porter asked for testimony in opposition of this bill. There was none.

**Mr. Randy Krile** of the North Dakota Game and Fish Department came to the podium.

**Chairman Porter** asked him to address Representative Hanson's question regarding the birthday on day two of the youth hunting season.

**Mr. Krile** indicated that it was his understanding that if they were 16 on the first day, they could hunt. If they turn 17 on the second day, they could not hunt. It is unfortunate, but it may happen.

**Representative DeKrey** asked that if this could be changed.

**Mr. Krile** indicated that it would be a very easy fix.

There was no further testimony. The hearing on HB 1311 was closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

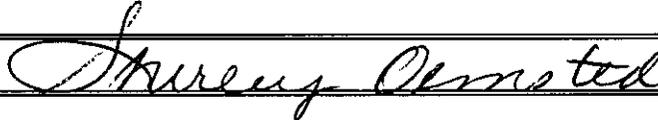
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1426

Committee Clerk Signature



Minutes:

**Chairman Porter** opened the committee with HB 1311.

**Representative DeKrey** made a motion to amend HB 1311 to say that "if a youth's seventeenth birthday occurs during the special hunting season, that person may hunt for the duration of the special youth season". There was a second by **Representative Solberg**.

A voice vote was taken and the motion passed.

**Representative DeKrey** made a motion for do pass as amended. It was seconded by **Representative Hofstad**. There was no discussion.

The clerk read the roll and there were 13 yes, 0 no and one absent. The motion carried.

**Representative Hofstad** will carry this to the floor.

70495.0101  
Title.0200

Adopted by the Natural Resources  
Committee

January 19, 2007

**House Amendments to HB 1311 (70495.0101) - Natural Resources Committee  
01/19/2007**

Page 1, line 13, after the period insert "If a youth's seventeenth birthday occurs during the special hunting season, that person may hunt for the duration of the special youth season."

Re-number accordingly

Date: 1-19-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1311

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken As amended

Motion Made By DeKrey Seconded By Solberg

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

*Vote*

Total Yes 14 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 1-19-07  
Roll Call Vote #: \_\_\_\_\_

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HD 1311

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amended

Motion Made By DeKrey Seconded By Hofstad

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

Total Yes 13 No 0

Absent 1

Floor Assignment Hofstad

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

*add - if 16 on first day - they can turn second day*

**REPORT OF STANDING COMMITTEE**

HB 1311: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1311 was placed on the Sixth order on the calendar.

Page 1, line 13, after the period insert "If a youth's seventeenth birthday occurs during the special hunting season, that person may hunt for the duration of the special youth season."

Renumber accordingly

2007 SENATE NATURAL RESOURCES

HB 1311

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

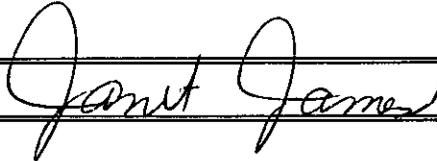
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 23, 2007

Recorder Job Number: # 3774

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1311 relating to the age requirement for the youth pheasant hunting season.

All members of the committee were present.

**Representative Craig Headland** of District 29 cosponsor of HB 1311 introduced the bill by explaining current law which allows youth to hunt the regular pheasant opener if they are under age 12. Current law does not allow a youth under age 12 to hunt the early youth pheasant opener, therefore the bill has been submitted. The bill is simple and over strikes "12 through and under" which effectively would allow youth under the age of 16 to hunt the youth opener. The bill has been amended so that if a youth turns 17 during the opening weekend, they are still allowed to hunt. He further presented his personal experience with friends and their youth who could not hunt because of their ages.

**Senator Lyson** questioned the amendment.

**Representative Headland** commented that was not his intension of the original bill and was amended in the house subcommittee.

**Representative Don Dietrich** of District 42 testified in support of HB 1311 (see attachment #1). Attached to his testimony is copy of a page from the North Dakota 2006-2007 Small game

guide (see attachment #2). He also read an e-mail he received from a constituent concerning HB 1311 and SB 2289 stating he understands HB 1311 would allow a hunter under the age of 16 without hunter safety to hunt in the youth season with an adult. SB 2289 would restrict the youth who have passed hunter safety. These bills do not make sense to him. He further presented his personal experience of hunting with youth and adults.

**Senator Lyson** asked if he agrees with house amend.

**Representative Dietrich** stated the house amendment was to accommodate the youth who have a birthday during the opening weekend.

**Senator Constance Triplett** asked him as a sponsor of both bills to compare and explain HB 1311 and SB 2289 when they seem to be contradictive to each other as one requires hunter safety and the other does not.

**Representative Dietrich** stated he signed on both bills because they are both youth bills and when he testified on SB 2289 he was hopeful it would be amended to eliminate the 12 year age group and had suggested such. He just wants a youth bill to be passed to they can hunt.

**Senator Triplett** inquired if HB 1311 was his preference.

**Representative Dietrich** agreed.

**Mike Donahue** representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in support of HB 1311 as they are opposed to SB 2289 because the 12 to 16 age requirement with no hunter safety requirement.

**Senator Lyson** asked how old he thought the youth should be.

**Mike Donahue** answered that personally maybe 9 years old would be okay and supports HB 1311 because both an 11 and 13 year old can hunt the same weekend. The amendment proposed by the house was in regards to the youth with a birthday on the opening weekend.

**Senator Triplett** commented on the unfairness of families with children two years apart who cannot hunt together on the opener because of the age limitation but it does beg the question as to where will it stop. With rules there always needs to be a line and with children there needs to be a right of passage with something to look forward to as they age.

**Mike Donahue** stated he would normally agree but this is about hunting where there is a limited number of licenses available.

**Senator Herbert Urlacher** stated the younger child needs to recognize and respect the law that they cannot hunt until a certain age.

**Mike Donahue** agreed.

**Senator Lyson** asked for opposing testimony and hearing none asked for neutral testimony.

**Terry Steinwand** Director of the North Dakota Game and Fish Department testified in a neutral position on HB 1311 stating this is an example of providing the opportunity for the youth of North Dakota. More responsibility and trust needs to be put on the parents to make a decision when their child is ready and responsible enough to hunt.

Senator Heitkamp asked for clarification that there is two parts within the bill to first set up so the group of youth can hunt with the younger age group. The second part is the bottom age limit is being removed.

Senator Triplett asked again that in the regular hunting season the youth seven and above would be able to hunt.

**Terry Steinwand** corrected her that there is no lower age and the two bills would be consistent with that issue.

**Jim Collins**, Bismarck, North Dakota testified in a neutral position of HB 1311 stating he had a different twist on the two bills under consideration. The one requires hunter safety and could

be considered a reward encouraging youth to take the course and that is the major difference between the two bills.

**Senator Triplett** stated she had suggested an age appropriate curriculum for hunter safety and asked his opinion.

**Jim Collins** agreed and the focus and topics could be age appropriate such as safe gun handling, etc.

**Senator Lyson** closed the hearing on HB 1311.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

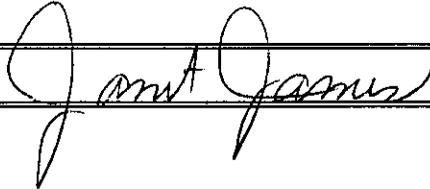
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: # 5107

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened committee work on HB 1311.

**Senator Constance Triplett**: we have heard, we just have not decided on it.

**Senator Joel Heitkamp**; we were hanging on to it.

**Senator Lyson**: agreed. Waiting to see what is done on the other bills to decide what we will do with this bill, so we will hold it over.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

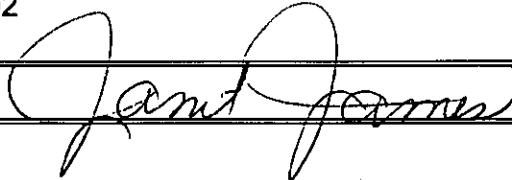
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 21, 2007

Recorder Job Number: # 5402

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened committee work on HB 1311.

All members of the committee were present except Senator Jim Pomeroy.

**Senator Lyson:** this bill remains from early in the session. We have been holding onto this bill waiting for action on other youth bills,

**Senator Joel Heitkamp:** sated he wanted to make sure he understood the bill.

**Senator Lyson;** there are two things, over striking 12 and making it 16 years and under.

**Senator Heitkamp:** was there a concern with hunter safety and opening the gate for people hunting without hunter safety.

**Senator Lyson:** that was one of the things and that currently they can hunt upland game at any age under a different bill, so that is wide open anyway. With this bill at age 16, it differs from deer hunting and so on.

**Senator Heitkamp;** we are defining youth in a different way.

**Roger Rostvet**, Deputy Director of the North Dakota Game and Fish Department clarified that the bill defines the youth hunter differently than other bills. The youth deer season is 15 years

old and under, waterfowl is 15 years and under and this bill is 16 years and under. It is minor but it is a different variations describing youth.

**Senator Lyson:** stated in the proclamation.

**Roger Rostvet:** agreed.

**Senator Herbert Urlacher:** and they are all required to have hunter safety.

**Roger Rostvet:** this bill did arise that question. Hunter education is only required for youth 12 years of age and older. It was originally set up for a learning standard or level of comprehension of 12 year olds. The law provide that youth under 12 years old may hunt without hunter education if accompanied by their parents or guardian.

**Senator Heitkamp:** if the bill was amended to say any youth participating in this needs to have passed hunter safety, a 10 or 11 year old that we are now forcing to take hunter safety, the education course is not built for them. It is at a 12 year old and above level.

**Roger Rostvet:** we limited it, but on rare occasion a child birthday in a rural area where the course is only held every two years, we have allowed 10 year old. Youth younger than the comprehension level of the test do have trouble passing the test. If 7 and 8 are required to have the hunter safety, it would have to be pared down to that level to make sure that there were some chance of them passing.

**Senator Heitkamp:** is it the opinion of North Dakota Game and Fish Department that this bill can proceed forward and we are going to be safe out in the field and we don't need the requirement of hunter safety.

**Roger Rostvet:** past data indicates there is not a problem with the way the law is written right now.

**Senator Heitkamp** made a motion for a Do Pass of HB 1311.

**Senator Urlacher** second the motion.

A roll call vote for Do Pass of HB 13111 was taken indicating 6 Yeas, 0 Nays and 1 absent.

**Senator Joel Heitkamp** will carry HB 1311.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: April 2, 2007

Recorder Job Number: # 5677

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened committee work on HB 1311.

All members of the committee were present.

**Senator Joel Heitkamp** made a motion for the committee to reconsider the actions of the committee.

**Senator Herbert Urlacher** second the motion.

Roll call vote #1 to reconsider the actions of committee on HB 1311 was taken by voice vote indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Lyson** explained the amendments.

**Senator Heitkamp**: section 1 clarifies the code. Section 2 adds the exemption and the other part is taking off the sunset.

**Senator Constance Triplett**: no, it was taken off before, what we are doing is adding the hunter safety.

**Senator Heitkamp**: right, that would be the third part of the bill, because it keeps the youth season alive. He further questioned the section 2 of the proposed amendments - exemption. A

person who hunts exclusively on the land which has recorded title, owner or operator. So there is an exemption for landowners.

Discussion regarding the landowner exemption being in code changing it from person to individual was held.

**Senator Lyson:** Section 2, line 12 allows Canadian hunters which might be in law already.

The reason for the amendment is to clean up the whole code.

**Senator Heitkamp:** you know it is going to get nasty.

**Senator Lyson:** to explain things a little further, one of the things is that by doing this the game and fish will have to get the hunter education designed for a lower age, they are stuck at 12 years of age and sometimes 11 year olds can take the course. With this amendment they will have to either lower the hunter safety age requirement or not have the kids hunting. They should be able to do this for 9 and 10 year olds.

**Senator Layton Freborg:** how did we ever get into this position to where we allow children to hunt in any season. We required hunter safety years ago because it is just as it says - they need to take a hunter safety course. But they do not get it under 12 years old, they might make an exception for some 11 year olds. Occasionally a 10 year old, but I bet we have all kinds of 8 year olds out there. How did we ever do that?

**Senator Heitkamp:** parents need to learn to look at their child and say "no". use a BB gun and come with. The hunter safety thing does take care of that.

**Senator Freborg:** then it is still up to the parent to say to their child that this year you are old enough to carry a gun.

**Senator Ben Tollefson:** up to this point it has been considered young kids under the supervision of the adult. That is not in code, but in inferred and that is not true any more.

**Senator Lyson:** it is wrong that a 7 or 8 year old can hunt during youth season without hunter safety but a 14 year old cannot if they do not have the hunter education. That does not make sense.

**Senator Ben Tollefson:** it is a good amendment.

**Senator Lyson:** this puts it on everybody's back to have it.

**Senator Heitkamp:** this is going to be a long haul. Others will not agree.

**Senator Lyson:** did think about this being delayed, but it is April and there is time to get it all done.

**Senator Freborg:** this bill has some selfish overtones to it. Compare it taking under age children into the bar. Is it any different?

**Senator Jim Pomeroy:** or compare it to driving.

**Senator Freborg:** shared an e-mail for Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department. It states that children under 15 of age must be accompanied by parents or guardian, when he thought it was 14 years of age. Which is it?

**Senator Heitkamp:** that is why he pointed out 17 year old, because every other law is 16 and below. He is fine with 17, but the point is when all these different age references, they are different for the species -

**Senator Lyson:** this is really for 16 unless the 17<sup>th</sup> birthday is during the season.

**Senator Heitkamp** made a motion to adopt the amendments as proposed 70495.0202

**Senator Tollefson** second the motion.

Roll call vote # 2 to adopt the amendments was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Constance Triplett** made a motion for a Do Pass as Amended of HB 1311.

**Senator Herbert Urlacher** second the motion.

Roll vote # 3 for a Do Pass as Amended of HB 1311 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Joel Heitkamp** will carry HB 1311.

**Senator Lyson:** the house committee should be concerned about what happened with this bill on the floor because it was killed. We brought it back so a good look better be made of these amendments.

Date: 3-21

Roll Call Vote #: 10

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1311

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO Pass

Motion Made By Heitkamp Seconded By Urlacher

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) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Heitkamp

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

**REPORT OF STANDING COMMITTEE (410)**  
March 21, 2007 2:38 p.m.

**Module No: SR-53-5827**  
**Carrier: Heitkamp**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1311, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1311 was placed on the Fourteenth order on the calendar.

Date: 4-2-07

Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1311

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Memorandum action by committee on HB1311

Motion Made By Heitkamp Seconded By Urlacher

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:

April 2, 2007

  
4-2-7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1311

Page 1, line 1, replace "section" with "sections 20.1-03-01.2, 20.1-03-01.3, and"

Page 1, line 2, after "to" insert "hunter safety education requirements and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 20.1-03-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-01.2. Instruction required before issuance of hunting license - Age limits - Penalty.** ~~No person~~ An individual born after December 31, 1961, except as provided in section 20.1-03-01.3, may not be issued ~~any a~~ hunting license in this state unless that ~~person~~ individual submits or exhibits the certificate of completion earned by that ~~person~~ individual for successful completion of the hunter safety education course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 or the ~~person~~ individual submits or exhibits a prior North Dakota hunting license issued to that ~~person~~ individual with that ~~person's~~ individual's hunter education certificate number on the license. A certificate of completion issued by ~~any other~~ another state or province of Canada is valid for all purposes. ~~Any person~~ An individual who purchases a hunting license without successfully completing ~~the a~~ a hunter safety education course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 is guilty of a class 2 noncriminal offense.

**SECTION 2. AMENDMENT.** Section 20.1-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-01.3. Exemptions Exemption.** Sections 20.1-03-01.1 through 20.1-03-01.3 do not apply to:

- 1- ~~Persons under twelve years of age who hunt only with their parent or legal guardian.~~
- 2- ~~Persons~~ individuals who hunt exclusively on land of which they are the record title owner or operator."

Page 1, line 12, after "under" insert ", who have completed a certified state or provincial hunter safety education course,"

Renumber accordingly



Date: 4-2-07

Roll Call Vote #: 3

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. 1311

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Triplitt Seconded By Urlacher

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 Triplitt	✓	
Sen. Herbert Urlacher	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Heitkamp

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

