

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1402

2007 HOUSE NATURAL RESOURCES

HB 1402

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1402

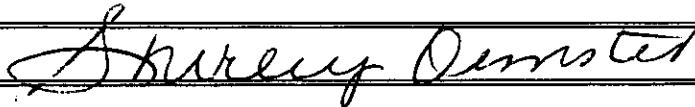
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2725

Committee Clerk Signature



Minutes:

**Chairman Porter** opened the hearing on HB 1402.

**Representative John Wall** of District 25 came forward as the sponsor of HB 1402. See written testimony marked Item #1. He discussed the amendment. Several experts will be following him with testimony.

**Representative Hanson** asked if this was ND residents only or could it be anyone.

**Representative Wall** said that they must be a resident of North Dakota.

**Chairman Porter** asked for a definition of organization. He asked specifically about the Make-A-Wish Foundation.

**Representative Wall** said that organization got out of the hunting wishes about ten years ago, but if one of their wish recipients wanted to hunt big game in ND, they could do this under the Lifetime people or other non-profit organizations in ND.

**Chairman Porter** said they dealt with a bill on baiting yesterday and it was very contentious to say the least. When I look at what you are trying to do to enhance opportunity for a child to actually have the game be close or come by them, would you be opposed to adding a part in here that allows baiting, in case the other bill would pass to say that baiting is illegal.

**Representative Wall** said he was not trying to dodge a question, but he said this is not necessarily about harvesting, but giving them the opportunity for a young person with a life threatening disease the experience of hunting. In some cases baiting probably would help.

**Representative Damschen** said he understood the intent of the bill and he thinks this is great. I do not understand why the organization needs a license.

**Representative Wall** said the organization would be the clearing house for the game and fish. Am I answering your question?

**Representative James Kerzman** was also in favor of this bill. He hopes the committee can support this bill. It is a very worthwhile project. It has so much to offer these children. I think it is good PR for the state as well. I don't think it will be abused.

**Representative Hunskor** asked if this bill were to come out in some form that would allow children to hunt, what would your thoughts be on the baiting issue.

**Representative Kerzman** said he agrees with Representative Wall that it should be a fair chase unless there is something like muscular degeneration.

**Mr. Clarence Bina** said he was here to speak on behalf of this bill. He is here on behalf of the children with these illnesses. Life isn't fair. Some children are not as lucky as other children. He belongs to many organizations that help children. He is confident that the game and fish could work with all the details of fine tuning this bill. There are a lot of organizations for children that are not charitable. You do not have to consider this a charitable act. You can consider this an act of good government.

**Mr. Brian Solum** from Fargo came forward in support of this bill. He is involved in the hunt of a lifetime. See attached packet of information about this marked as Item #2. It is their mission to make hunting dreams come true for North Dakota kids.

**Mr. Curtis Kenner** said this is a very good bill and he supports this. We get a great response from everyone that we approach and he would hope this committee would do the same.

There was no further testimony in support or opposition to this bill so the hearing was closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1402

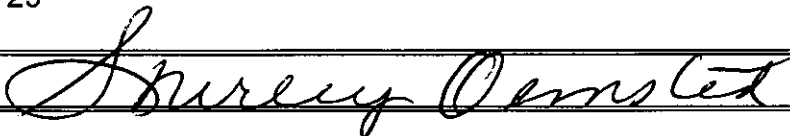
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2729

Committee Clerk Signature



Minutes:

**Chairman Porter** asked the committee to consider HB 1402.

**Representative Hanson** made a motion to accept the amendments by Representative Wall.

**Representative DeKrey** seconded the motion.

**Chairman Porter** asked for discussion. Hearing none, the motion carried.

**Representative Meyer** asked if that included the life-threatening language.

**Chairman Porter** said it did not.

**Representative Meyer** asked if they wanted to change that.

**Representative DeKrey** said this would apply to any child that gets sick. If you want to politically correct, go ahead.

**Representative Drovdal** said he would like to further amend and strike the language on page 1, line 16, beginning at one elk license and one moose license.

**Representative Keiser** asked to insert the word "and" after five deer licenses.

**Chairman Porter** asked for discussion.

**Representative Drovdal** said elk and moose licenses are difficult to get and some may never get one in a lifetime. It may cause some hard feelings

**Chairman Porter** said he agrees with him but the fact that this is a national organization and there are other states where the moose and elk are bountiful. If that is what the child wants, they can make arrangements to go to the other state. We have Make-A-Wish kids that want to go to Disney World and they have to leave the state to do that.

**Chairman Porter** took a voice vote and the motion carried.

**Representative Meyer** wants to amend this again about the words life threatening.

**Representative DeKrey** seconded the motion.

**Chairman Porter** said it would change the wording from terminally ill to life threatening.

**Representative Meyer** said this determination is made already under these programs and not just anyone who gets sick applies for it.

**Representative Keiser** said it is a very significant expansion. The committee needs to understand that. When they call you terminally ill, they have made the determination that you are going to die. They could be wrong, but that is not common. Life threatening is a much different category and a lot of people are in this situation. There are a lot of people with life threatening diseases that are cured. Cancer is life threatening. It is a much broader category of people.

**Representative Meyer** said he would withdraw his motion if the committee wanted.

**Chairman Porter** said he agrees with Representative Keiser.

**Chairman Porter** did a voice vote and the motion failed.

**Representative DeKrey** made a motion for do pass on HB 1402.

**Representative Meyer** seconded the motion.

**Chairman Porter** asked for discussion. Hearing none, the clerk called the roll for a **do pass** as amended on HB 1402. Let the record show 14 yes, 0 no, with all present.

**Representative Hanson** will carry this bill to the floor.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1402

Page 1, line 3, replace "certain" with "a" and replace "organizations" with "organization"

Page 1, line 16, replace "an" with "one"

Page 2, line 2, replace the second "child" with "individual", replace "fourteen years of" with "of legal", and after "age" insert "to hunt the species for which the license is valid"

Renumber accordingly



Date: 2-2-07  
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1402

House Natural Resources Committee

Check here for Conference Committee

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

Action Taken MV amendment

Motion Made By Hanson Seconded By DeKrey

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

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

February 2, 2007

VR  
2/2/07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1402

Page 1, line 3, replace "certain" with "a" and replace "organizations" with "organization"

Page 1, line 16, replace "an" with "one", replace the first underscored comma with "and", and remove ", one elk license, and one moose"

Page 1, line 17, remove the first "license"

Page 2, line 2, replace the second "child" with "individual", replace "fourteen years of" with "of legal", and after "age" insert "to hunt the species for which the license is valid"

Renumber accordingly

Date: 2-2-07  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1402

House Natural Resources Committee

Check here for Conference Committee

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

Action Taken further covered

Motion Made By Drovdal

Seconded By Kelser

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. Kelser					
Rep. Nottestad					

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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



Date: 2-2-07  
 Roll Call Vote #: 4

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1402

House Natural Resources Committee

Check here for Conference Committee

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

Action Taken

To Pass as Amended

Motion Made By

DeKrey

Seconded By

Meyer

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

Total Yes 14 No 0

Absent 0

Floor Assignment Hanson

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

**REPORT OF STANDING COMMITTEE**

**HB 1402: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1402 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "certain" with "a" and replace "organizations" with "organization"

Page 1, line 16, replace "an" with "one", replace the first underscored comma with "and", and remove ", one elk license, and one moose"

Page 1, line 17, remove the first "license"

Page 2, line 2, replace the second "child" with "individual", replace "fourteen years of" with "of legal", and after "age" insert "to hunt the species for which the license is valid"

Renumber accordingly

2007 SENATE NATURAL RESOURCES

HB 1402

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1402

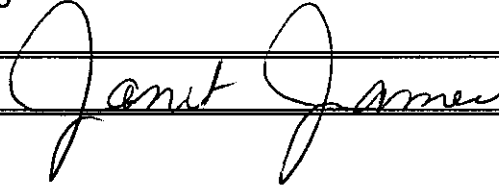
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 23, 2007

Recorder Job Number: # 3775

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1402 relating to the authority of the game and fish director to issue hunting licenses to a nonprofit organization and to establish once-in-lifetime hunting opportunities a for terminally ill children.

All member of the committee were present.

**Representative John Wall** from District 25 introduced HB 1402 (See attachment #1). He also presented an amendment to add so that one elk and/or one moose license would also be available annually at the desecration of the game and fish department. Even though these are limited tags, healthy hunters have many years to resubmit for the licenses whereas there is a limited opportunity for the terminally ill.

**Senator Lyson** requested the age of the children.

**Representative Wall** stated children would be under the age of 21 years old would to qualify. The original bill was for 14 to 21 years old, but because of action of other bills in committee the bottom end of the age was removed.



**Senator Constance Triplett** commented on the testimony presented during the fenced elk bill and the hunting of handicapped individuals donated by these businesses. She suggested that perhaps because of these opportunities, this should not be included in this bill.

**Representative Wall** stated he was aware of the bill and the donated hunts that were provided by the elk farmers, but he believes he would rather see these children harvest the animals under the fair chase hunting rules

**Representative James Kerzman** of District 31 cosponsor of HB 1402 testified stating that as a parent any time we can enhance a child's life the returns are many referring to his personal experiences with his own children. This can also happen with society and as a state. This bill will offer opportunities for a terminally chills and their family. He also agrees that an elk and/or moose license should be included.

**Representative Don Dietrich** of District 42 cosponsor of HB1402 testified that after listening to the other testimony he commented if he ever was drawn for a tag he wishes he could transfer it to a terminally ill child if they wanted it and that maybe next legislative session there should be a bill to in that regard. He told his personal story of hunting with his granddaughter how precious time is with her as she was seriously ill at one time.

**Curtis Kenner** ambassador for the North Dakota chapter of the Hunt of a Lifetime organization testified in support of HB1402 presenting printed information to the committee (see attachment #2). He stated the North Dakota chapter has already made some dreams come true with hunting and fishing adventures and HB 1402 can help to further those opportunities. The Chapter has had two applications and provided for each in the first year of their existence.

**Mike Donahue** representing the United Sportsmen of North Dakota and the North Dakota Wildlife Federation testified in support of HB 1402.

**Senator Joel Heitkamp** asked if the two organizations would support amending the bill to include one or both elk and/or moose license.

**Mike Donahue** stated the two organizations would be fine with that amendment.

**Senator Lyson** asked for testimony in opposition to HB 1402.

**Senator Lyson** requested the North Dakota Game and Fish Department to take the podium and asked why the amendment to remove the elk and/or moose hunting opportunity.

**Terry Steinwand**, Director of the North Dakota Game and Fish Department speculated that because it is a once in a lifetime opportunity HB 1402 was amended, but stated the department had no problem to include both the elk and moose tag in the bill.

Senator Heitkamp asked which is more difficult to get.

**Terry Steinwand** stated the moose is more difficult because the elk population is high right now resulting in the Theodore Roosevelt Park issue of over population.

**Senator Heitkamp** asked if there is needs to be a "either or" amendment on the bill.

**Terry Steinwand** stated he did not think there was much difference as the children do deserve to have the opportunity.

Senator Heitkamp further stated the success rate of the hunt would be rather low.

**Terry Steinwand** agreed the success rate would be less than healthy hunters and probably as low as 2% and from a management perspective it would be a nonexistent change.

**Senator Heitkamp** stated that with that low of a success rate why amend the bill to remove the elk and/or moose license.

**Senator Lyson** closed the hearing on HB 1402.

**Senator Heitkamp** made a motion to amend HB 1402 to add back into the bill an elk and/or moose tag.

**Senator Ben Tollefson** second the motion.

**Senator Triplett** asked for a copy of the original bill to refer to the language used.

The inter read to the committee the original bill.

Roll call vote #1 to adopt the proposed amendment was taken by voice vote indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Ben Tollefson** made a motion for a Do Pass as Amended of HB 1402.

**Senator Triplett** second the motion.

Roll vote #2 for a Do Pass as Amended of HB 1402 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Constance Triplett** will carry HB 1402.

Date: 2-23

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1402

Senate Natural Resources Committee

Check here for Conference Committee

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

Action Taken To Amend to add elk + moose

Motion Made By Heitkamp Seconded By Tollefson

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

Total (Yes) 7 No 0

Absent 0

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

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



**REPORT OF STANDING COMMITTEE**

**HB 1402, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1402  
was placed on the Sixth order on the calendar.

Page 1, line 16, after the first "licenses" insert ", one elk license, one moose license,"

Renumber accordingly

2007 HOUSE NATURAL RESOURCES

CONFERENCE COMMITTEE

HB 1402

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1402

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 29, 2007

Recorder Job Number: 5629 (Beginning at 6:35 on the tape)

Committee Clerk Signature

*Aurley B. Munsted*

Minutes:

**Chairman Drovdal** called the conference committee together on HB 1402 and asked the clerk to take roll call. All were present including Representatives Drovdal, Clark and Hanson and Senators Freborg, Lyson and Triplett. He asked someone from the Senate to give an explanation of the amendments that they made to HB 1402. He said he understood that their amendment included one elk license and one moose license.

**Senator Freborg** said he would assume they were opposed to this because of the tight lottery on these.

**Chairman Drovdal** said that was correct. We did discuss that in our committee and we felt that the license was difficult to get and these animals were rather hard to hunt. We thought it would be more fun for the father than the child if he is terminally ill.

**Senator Lyson** said they had talked to Game and Fish and they had no problem with it because they didn't see that there would be a very large amount of harvesting done.

**Senator Triplett** said this goes to the second point that it may not be a successful hunt most of the times, but we asked them what percentage difference it would make on this in terms of the lottery and they said none. They didn't see any impact on the lottery at all.



**Representative Clark** asked if we increased the number of deer licenses and antelope licenses from the bill that originally came out or is that the way it came out.

**Chairman Drovdal** said he did not remember for sure.

**Representative Hanson** said it was five and two.

**Senator Triplett** said all that they did was put the bill back in the original form.

**Senator Freborg** said he was assuming this is white tail deer.

**Representative Hanson** said it could be any kind of deer.

**Senator Freborg** asked how do you determine that.

**Representative Hanson** said it just says deer so that means anything.

**Senator Freborg** asked if they ask for what kind they want. Do they ask for a mule tail deer license or what do they ask for?

**Senator Lyson** it is the same thing with the mule deer licenses.

**Chairman Drovdal** said it doesn't say one way or the other.

**Senator Freborg** said he was wondering who would make the determination.

**Representative Clark** asked if the governor would make that determination.

**Chairman Drovdal** said if he recalled correctly, the house did vote to take the elk and moose out of the license.

**Representative Hanson** said he would throw an idea out. If they were going to put the elk and moose back in he would suggest a cow elk and a cow moose rather than the way it was originally in the bill. It is easier to draw a cow moose or elk.

**Senator Freborg** said he thought this particular group might have trouble hunting elk or moose.

**Representative Hanson** said it took him 15 days.

**Senator Freborg** said sometimes they hunt the entire season and they never get a shot.

**Representative Clark** asked if they could split the baby in half and give one elk license.

**Chairman Drovdal** said if his recollection was right the house was pretty strong about not giving them an elk license. They agreed with the idea that the ill person certainly would be great to have in the field, but they thought that the youth would have just a good a time with a deer as an elk.

**Senator Triplett** asked about changing the numbers on the deer and antelope and change it to 8 deer license and 4 antelope licenses.

**Senator Lyson** said they voted that way because if this is their wish, you don't know how they feel. They are terminally ill and if that is one of their wishes, then they should be able to do that.

**Representative Hanson** asked if in the discussion, how many terminally ill children will be applying. Was that ever brought out in your testimony?

**Senator Lyson** said he didn't think that it was.

**Senator Freborg** made a motion that the *Senate recede from their amendment and further amend by lines 16, changing 5 to 8 and 2 to 4.*

**Senator Triplett** seconded the motion.

**Chairman Drovdal** asked for discussion.

**Senator Freborg** asked the clerk to repeat the motion. The clerk said the "Senate will recede from their amendment and further amend line 16 by changing 5 to 8 and 2 to 4."

**Representative Hanson** asked if they should amend it to white tail deer.

**Senator Freborg** said he didn't think they were going to loose many mule deer bucks with this but asked Representative Hanson if he wanted to change it to white tail deer.

**Representative Hanson** said it didn't matter.

**Chairman Drovdal** said that mule deer have been taking over a lot of the white tail area.

There is a surplus in both. I really don't think it will make a lot of difference. If this child is sick and if it is his wish, it shouldn't matter. He asked the clerk to read the roll vote on HB 1402.

***Let the record show 6 yes and 0 no with all present.***

**Senator Triplett** will carry the bill to the Senate and **Chairman Drovdal** will carry the bill to the House.

The conference committee was closed.

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

Bill Number LB 1402 (as (re)engrossed):

Date: 3-29-07

Your Conference Committee Natural Resources

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

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

the (Senate)/House) amendments on (S/H) page(s) 845 --

and place \_\_\_\_\_ on the Seventh order.

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

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

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

DATE: \_\_\_\_\_  
CARRIER: Triplett & Droudale

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

MOTION MADE BY: Freborg

SECONDED BY: Triplett

VOTE COUNT 6 YES 0 NO 0 ABSENT

**REPORT OF CONFERENCE COMMITTEE**

**HB 1402, as engrossed:** Your conference committee (Sens. Freborg, Lyson, Triplett and Reps. Drovdal, Clark, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 845, adopt amendments as follows, and place HB 1402 on the Seventh order:

That the Senate recede from its amendments as printed on page 845 of the House Journal and page 613 of the Senate Journal and that Engrossed House Bill No. 1402 be amended as follows:

Page 1, line 16, replace "five" with "eight" and replace "two" with "four"

Renumber accordingly

Engrossed HB 1402 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

HB 1402