

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2201/

2007 SENATE NATURAL RESOURCES

SB 2201

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2201

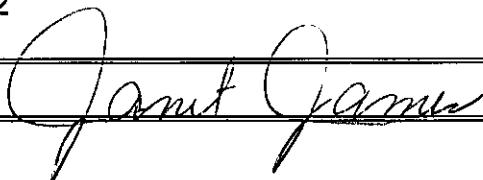
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: #1872

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2201, relating to establishing a North Dakota hunter educators association antelope license raffle.

All members of the committee were present.

Senator Joel Heitkamp of District 26 prime sponsor of SB 2201 introduced the bill stating the laurels of the North Dakota hunter educators association and how they would like to raise money by being able to raffle an antelope license tag. After conversations, he stated he is willing to amend the bill so the raffle tag stays within the state. He believes the association would also be willing to guarantee a North Dakotan would get the tag as the bill is not about a nonresident bidding up the tag but to raise some money for hunter education.

Senator Lyson agreed that an amendment is in order to remove "nonresident" from the bill.

Rodney O'Clair testified in support of SB 2201 (See attachment #1).

Leland Bratlie testified in support of SB 2201 (See attachment # 2).

Senator Lyson asked for testimony in opposition to SB 2201.

Shawn McKenna, Executive Director of the North Dakota Wildlife Federation testified in opposition to SB 2201 asking when the raffles will end. The federation understands raffles are

an excellent way to make money for organizations and they approve of the work that is being done by the hunter educators; however is a raffle the right way to make this additional funding. There should be other ways to make this money.

Senator Lyson asked for neutral testimony of SB 2201.

Senator Constance Triplett asked Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department, how many raffles are already out there.

Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department answered that there is an auction for big horn sheep, a mule deer, elk, moose and about three others. He further stated there are additional bills in the house for other raffles this session.

Senator Triplett asked if it was one license for each of these species.

Roger Rostvet responded it is usually one license for each except there is a bill in the house that would give a number of licenses for disabled people to hunting.

Senator Lyson asked if the number of raffles is hurting the game numbers.

Roger Rostvet responded all the organizations involved are fine organizations that put the money raised back into the resource. It may cause a little more work for the agency but it does help move their mission forward.

Senator Lyson closed the hearing on SB 2201

Senator Lyson asked a draft of an amendment to remove "nonresident" from the bill be drafted.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2201

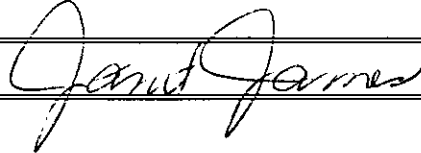
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: # 1874

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened discussion of SB 2201.

All member of the committee were present.

Senator Lyson reviewed the proposed amendment (See attachment #1).

Senator Constance Triplett commented the changes create an awkward sentence and does not flow well and should be rephrased.

Discussion was held how to amend the bill to flow better and extend the intent of the committee.

Senator Lyson directed the intern to work the language of the bill and present the proposed amendment to the committee at a later date.

Senator Lyson closed the discussion on SB 2201.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2201

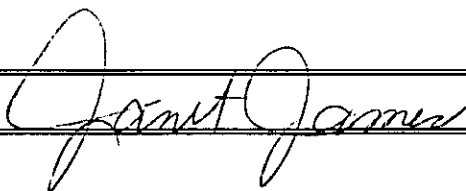
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: # 2018

Committee Clerk Signature



Minutes:

Senator Ben Tollefson, Vice Chairman of the Senate Natural Resources Committee opened discussion on SB 2201.

All members of the committee were present except **Senator Stanley Lyson** who had stepped out of the committee to testify at another hearing.

The intern had prepared an amendment as well as how the bill would appear as amended and distributed it to the committee for review.

Senator Joel Heitkamp made a motion to adopt the amendment as presented.

Senator Layton Freborg second the motion.

Roll call vote # 1 was taken indicating 6 Yeas, 0 Nays and 1 absent or not voting for adoption of the amendments as proposed.

Senator Constance Triplett made a motion for Do Pass as Amended of SB 2201.

Senator Jim Pomeroy second the motion.

Roll call vote #2 was taken for a Do Pass as Amended of SB 2201 indicating 6 Yeas, 0 Nays and 1 absent. The vote was left open for Senator Lyson.

Senator Freborg will carry SB 2201.

Senator Lyson returned to the committee and voted yes to the motion for a Do Pass as Amended of SB 2201.

Final vote was 7 Yeas, 0 Nays and 0 absent or not voting.

FISCAL NOTE

Requested by Legislative Council

01/16/2007

Bill/Resolution No.: SB 2201

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$0		\$0
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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

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

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

The bill provides one antelope license per year for the hunter education association fund raising. This will have no fiscal impact for the ND Game and Fish Department.

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.*

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.*

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

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/16/2007

January 26, 2007

JF3
1-26-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2201

Page 1, line 11, replace "with" with ". Only" and replace "and" with "are"

Page 1, line 12, remove "nonresidents"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2201: 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). SB 2201 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "with" with ". Only" and replace "and" with "are"

Page 1, line 12, remove "nonresidents"

Renumber accordingly

2007 HOUSE NATURAL RESOURCES

SB 2201

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2201

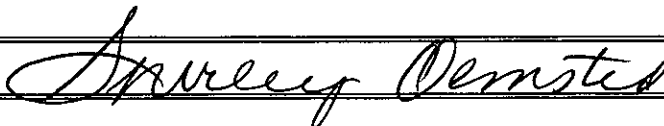
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3691

Committee Clerk Signature



Minutes:

Chairman Porter opened the hearing on SB 2201 and asked the clerk to read the title.

Senator Joel Heitkamp came forward as a sponsor of SB 2201. He indicated that this was a very simple bill and that the hunter safety educators want to be able to have something to raffle off. They had approached them and they wanted to put a bill in to do just that with an antelope. The bill originally could have gone to anyone, in state or out of state. The engrossment that you are seeing was the Senate Natural Resources Committee narrowing of it so that the antelope permit goes to an in state resident and you will may be hearing from some later who may think that this is good or bad. It certainly was the wishes of the Senate Natural Resources Committee. There did not seem to be a lot of objection to that and a lot less controversy making sure that antelope permit stayed in state. I just wanted you to understand that the version coming over from the Senate makes sure that it stays with a resident. If you think about this from a raffle standpoint they want to take them to their federation events and raffle them off. This is about the hunter safety instructors who give more than they ever get having the opportunity to raise a couple of bucks to see their programs go. Some of the antelope hunters that he had talked to thought this was a good thing.

Representative Nottestad asked how he would see this taking place since antelope is by unit. Would this be an area wide license or how do you see it?

Senator Heitkamp said that is why they left it up to the Game and Fish. If you read in the bill you will see the rules are set up through the Game and Fish. The intent is to leave this in the hands of the people who manage the game the best. There is that latitude in the bill.

Representative Nottestad said they could then exclude one unit if it was a poor area at that time.

Senator Heitkamp said that is how he would envision them administering this. If you have an area or zone that does not need any additional pressure then that would not be the area you would want.

Representative Hanson said the hunter safety educators were in the session a few years ago opposing their having to teach live ammunition shooting and according to this they are supposed to monitor an antelope hunt. That would probably have to have liability insurance. Do you have any idea what liability insurance would cost if these people want to do this?

Senator Heitkamp said this is their baby and not necessarily mine in terms of the verbiage. I don't know what that liability insurance would be. To me the risk would be minimal but I am sure the premium would be high.

Representative Hanson the reason they opposed shooting live ammunition was the liability part of it. If we get into them sponsoring a hunt they are going to have to have liability insurance and that is going run them five or six hundred dollars.

Senator Heitkamp said that fiscally this is about getting the money into the hunter safety pocket a couple bucks for a certain program.

Representative Hunsakor asked if this has been tried in other states and if so do you have any idea what kind of money has been raised. What did you envision here?

Senator Heitkamp said he did not have that answer on other states and to be honest, he didn't think this was going to make a lot of money but that is my own personal side of this. I would buy a ticket if my local hunter safety instructor asked me to buy a ticket. I just wouldn't be jumping up and down to go shoot an antelope.

Representative Hunskor said I am sure you know there are people who want to support this program who have money who wouldn't mind putting many thousands into this just to help the cause.

Senator Heitkamp said he is sure the hunter safety folks would take their money today if there were individuals like that. I see this as proactive. There is an awareness that comes with someone putting a ticket in front of you with you having the option to buy it. If you don't want it then don't buy it. When it says that you are buying this for the hunter safety folks there now becomes some ownership in it. There is something good about that.

Representative Hanson said that the hunter safety instructors are part of a state agency and this agency has a twenty five million dollar balance carried over from the previous biennium. Don't you think they can afford to run anything that the hunter safety instructors have without forcing these people to go out and sell raffle tickets?

Senator Heitkamp said that would be a question better directed to the Game and Fish. I am going to go back to the awareness issue. This is a group of local activists who are saying this is our program, this is our baby, and we are going to do things to support it and raise a few bucks for it. I think that is a good thing. You have to have some to sell. If you were raffling a half a hog, you can get this anywhere. To get an antelope permit for some people is a big deal.

Representative Keiser asked if there could be an unanticipated consequence with this bill. You have a group of amazing people who volunteer and give a tremendous amount of time

teaching these courses. Some of them will be gung-ho about this opportunity and some won't be. It might just turn them off about participating in this program.

Senator Heitkamp said we can all go back to that in our own lives. There are three kinds of people involved here. There is the kind that really goes out and sells the tickets and there are the kinds that just buy them themselves. There is also the kind that will throw them back. If your group wants this, then to me your problem doesn't lie in the legislature giving the empowerment, the problem lies in whether your group is active enough to make this happen. Going back to what Representative Hanson said about the Game and Fish having the twenty four million dollars in the bank and maybe they need to hit them up for support on this. It lies internally in the organization. My point is they need to deal with this within the organization.

Mr. Rodney O'Clair came forward as a representative of the North Dakota Hunter Education Association came forward in support of this bill. See written testimony marked as Item #1.

Representative Drovdal said on the 2nd page of your testimony you highlighted the portion about the first time hunter. If my grandson was going hunting for the first time, I would want to take him. Is it required to have a hunter safety educator take them on the hunt?

Mr. O'Clair said no. The raffle ticket is for anyone in the state and this would be a license for someone to hunt an antelope in North Dakota as directed by the North Dakota Game and Fish Department. What we are looking to do with the monies raised is to take first time hunters on a mentored hunt. This is where we would spend the money raised. This is not necessarily a youth. In our hunter educator classes we have people who have moved here from out of state, and especially women and mothers who for the first time are handling guns. They would like to do some hunting and don't know how to do it. We would go to a private landowner and seek permission to hunt their land. A hunter educator would mentor that hunter for whatever game

is legal at the time. It might even be prairie dogs. It doesn't have to be a game animal. We would show them how to ethically do the hunt.

Representative Drovdal asked about the expenses you would have on a mentored hunt.

Mr. O'Clair said there may be travel involved. We like to buy a gift for the landowner like perhaps a thermos that the student can present to them after the hunt. This would be something we can present to the landowner to say thank you. In some cases we may have hunters that do not have a firearm. We would have some firearms that they could borrow, but we would have to provide the ammunition. After the hunt, we like to cook the game and perhaps do some camping and this would cover some of those costs. We are also looking at putting up some billboards and buying some advertising to remind people about hunter safety and what we call the ten commandments of hunter safety. We would like to spend some money on getting that word out. We would like to also do some shooting range events where there is a considerable cost. We would like to put them on at several locations in the state. We want to try different things.

Representative Drovdal said when you provide the firearms this again brings up the liability issue. Have you looked into what liability would be for the group and what that cost would be?

Mr. O'Clair said they know they are going to have to look into liability insurance. They have put off that investigation until they know if the bill has passed. We do have some people that we can contact to find that out. We also need to review with the Game and Fish. Because of our liaison with them, our liabilities may be covered under that. We know that when we do live fire as hunter educators we are covered by the Game and Fish Department as part of the class.

Representative Hunskor asked him to talk about the Hunter Education Association. He was wondering if there was a local association by county and how many of them are there.

Mr. O'Clair said there are between six and seven hundred education instructors in the state. There are about 130 that actually belong to the Hunter Education Association. It is from that group that we would try to draw those instructors to mentor the hunts. Hunter educators are located throughout the state and I could not tell you how many of our members come from a particular location.

Representative Hanson asked if they had checked with the Game and Fish Department to see if they could get money from them to fund these programs.

Mr. O'Clair said that if HB 1200 would pass there is a chance that they could get grants from them. Right now the hunter educator association has tried to put a little separation between ourselves and the Game and Fish Department so that they can do things that are not influenced politically. That is why we have that separation. All of our members come from various walks of life. Not every hunter educator believes that we should lower the hunting age for deer to 12. Not every hunter educator believes that we should have the antelope tag. That is a way of life and not everyone agrees in the state of ND. The consensus of the group is that we need to do something to recruit hunters and this includes youth or first time hunters. We have not approached Game and Fish for grant funds. They do make some grants for the education program for some of the shoots. We are probably looking at more money than they have to grant.

Representative Hanson asked him if he remembered Jerry Meyer from Jamestown. His wife worked for the U.S. Fish and Wildlife Service and she was in charge of the rifle ranges. She was working out of Denver and worked on getting grants. Has your organization ever applied for any of those federal grants?

Mr. O'Clair said he did not know about those and have not applied to any federal organization for grants. We are hoping not so much for grants but to increase our own activity. We feel

that we can get more advertisement for our group and more support for hunter education if we can hand out pieces of paper, even if it is a raffle ticket, and kind of advertise our group as well.

Representative Hanson said this is the second bill going through requesting an antelope tag and people are getting concerned. The number of youth that are taking the hunter safety course is going up which was brought out in the testimony on HB 1200. We aren't loosing youth. We are gaining youth but we are loosing total license sales in the state of North Dakota.

Mr. O'Clair said he could explain that. He attributes this to the fact that in our grade schools we are loosing students. Classes are dropping all the time and Jamestown is looking at closing another grade school because of enrollment and birthrates in North Dakota. The mean age is raising in our hunter education classes. We are seeing more people who want to take our course so they can go to other states and hunt as well. We just completed a class this week and that particular class was limited to those students 16 and over. We had people at a Jamestown class where there were people from Fargo who came because of the timeliness of the class. They wanted to take it this early in the year was because they were applying out of state for other tags. That is part of the reason we are getting some of the older participants. It might explain why our class numbers are up but our license sales, at least for the small game licenses are down.

Representative Keiser asked how much they hoped to raise in this auction.

Mr. O'Clair said because they are limited to sales to residents, we are hoping that a five dollar raffle ticket will raise maybe ten thousand dollars. This will give us a good start and this may also attract other dollars with the advertising and getting the word out. We want to be active in this and we are not asking for grants or something that would cost the state money. We are

looking at one tag. We do know that several groups did come forward in the senate hearings asking where this would end. This is just a branch off the normal lottery system for an antelope tag. The mentored hunt would be the biggest part of our program. We want to do more advertising during the hunting season and see the hunter accident rate to continue to fall. That is our goal.

Chairman Porter said HB 1200 was before them earlier in the session and it had two million dollars in appropriations from Game & Fish reserve funds that included everything that you wish to do here. Short of taking someone antelope hunting, everything you are asking for is in HB 1200. I don't remember seeing the hunter education instructors in testifying in favor of that bill.

Mr. O'Clair said they did not testify on HB 1200 because they had already approached Senator Heitkamp to introduce this bill for them and they didn't want to be in competition with them. We realize that we could have dropped this bill but because of some of the politics of the Game and Fish there is never the assurance that you will get that grant. That is the base level of where things go. We want to have a little bit more control on what we are teaching and doing as an association rather than being at the whims of the political person that you appoint that actually has to answer to the governor as a director.

Chairman Porter said you talked about the decrease in license sales. We were told by the Game and Fish Department that it is not as bad as we are hearing. There is no problem with youth recruitment and there is no problem with youth rates of license purchases and that is why they were testifying in opposition to HB 1200. Now we are seeing your testimony where you say there is a problem.

Mr. O'Clair said he did not bring the statistics with but he said he quoted two numbers that were in the North Dakota Game and Fish publication that shows small game license sales

were down. Overall license sales are up and this does not necessarily contribute that to youth. North Dakota is tracking as many out of state hunters as in state hunters because we have had some mild winters and there are huge pheasant populations. We are still concerned about the recruitment into the hunting sports because the number of youth in North Dakota is decreasing. The school records are proving that. The demographics show that birthrates are down in North Dakota. We also want to do this as a mentor to first time hunters and not necessarily the youth.

Chairman Porter said one of the other things that came out during testimony of HB 1200 is that Game and Fish are already doing numerous granting opportunities out to youth and schools and is already doing what they feel is an adequate job of recruitment. Your testimony says they aren't and your group wants to do more.

Mr. O'Clair said that is true. They think the demographics of the students say different. Currently the money for the grant programs comes from Pittman Robertson funds and this also gets used for game management areas. I think that is probably a better use of the grant money so that is why we want to go to the public and raise some dollars. We want more involvement in what we do. We are not begging for money or grants. We are begging for the opportunity to share our skills and to have an active role in what we are doing. We can go to them and ask for money but politically there is no assurance that we will get the funds. If our governor is not a hunter, a non hunter could be put in that director position and there would be no grants encouraging hunting in the state.

Representative Clark asked if they had ever considered raffling a truck.

Mr. O'Clair said no.

Representative Hofstad wanted clarification that the proceeds of this raffle would not just be for mentoring this hunt.

Mr. O'Clair said that was correct. This would be for anyone who wanted to hunt legal game with a willing landowner who in most cases may have their land posted but we think by doing this they may open the gates for us especially knowing this first time hunter is with an educator. We do not intend to guide the antelope hunt. It is only to provide someone an opportunity to get the antelope tag.

Representative Hunskor asked if there wouldn't be an advantage to have someone there locally teaching them hunting and safety versus other grants Game and Fish may have and those kids taking the same materials possibly through people they would not know. Is there an advantage to having someone in that community working with the kids versus other scenarios of educating them in hunter safety?

Mr. O'Clair said there is an advantage to use local people especially if those local people are hunter educators. We would like to have those local people involved with our organization. Our dues are only \$10.00 per year and this money is used to make grants. We would enlist the help of a lot of local wildlife clubs. We would need some of the local people to help recommend first time hunters and landowners and access.

Representative Hunskor said that he had indicated that there are already many towns that have hunter educators. Many of them are in your association and are already there.

Mr. Ernie Trudow came forward in support of HB 2201. He is also a hunter educator and has been for 30 years. He wanted to address how hunter education is done in North Dakota. He wanted to associate this with a car license. If you go out to get a license for a car you have to attend some classes, read some literature and take the test and then you actually have someone go out and they give you a driving exam. You get in the vehicle with them and they make sure that you know what you are doing before you are issued a license. The way hunter education works in this state is there is no absolute requirement to go out and really prove

yourself with a firearm. We do a lot of gun handling and show film and we teach them how to be safe with this. What we don't have is a good vehicle to provide an opportunity to actually fire a firearm and in a real situation spend time in the field and hunt. This tag will help provide funds to do that. It is an idea that we have kicked around for a long time and while Game and Fish supports the idea that it would be great if all hunter education classes could have a live fire sequence because it is much more instructional but the way to do that is not there. When we started teaching this program in the state, we are all volunteer and there is no pay in this. We have provided our own equipment and brought firearms in and the Game and Fish provided educational aids like films, booklets, and those things that are required. As time went on they have provided us with some firearms and some other educational aides, but most of it was left up to us as volunteers to provide these things for the students. We hope that the funds generated by this tag will give us the opportunity to get out and actually have some hands on with some of these students. We work with a lot of single parent families. Many times they don't have a mentor but this would provide the opportunity. There is no cost for this class.

Chairman Porter said when he took the hunter safety class there was no discussion about shooting targets. In the scheme of things, Capital City Gun Club has always had an offer on the table to the hunter education safety classes and instructors to come out and use that facility. No one ever does. Should we be making live fire a mandatory part of the hunter safety program?

Mr. Trudow said it would be the best case scenario but this would not always be available all over the state. I also think this would be a scheduling issue and would take more volunteer hours. By law we put in 14 hours of instruction now and it would take another 6 to 8 hours to do the live fire. Our average class is 35 students and it would add a substantial amount of

