

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2289

2007 SENATE NATURAL RESOURCES

SB 2289

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2289

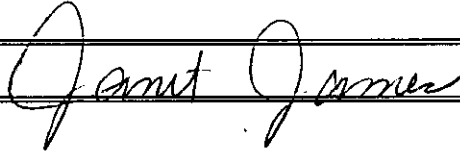
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: # 1873

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2289 relating to the youth pheasant hunting season.

All members of the committee were present.

Senator Aaron Krauter of District 31 prime sponsor of SB 2289 introduced the bill stating it is familiar as the issue was addressed last session. The bill creates a youth pheasant season in North Dakota. The bill was passed in the senate but not the house chamber last session although a youth pheasant hunting season was provided in the North Dakota Game and Fish Department appropriation bill which gave it a temporary status. This bill would give it a permanent status as a youth pheasant in North Dakota. The bill states the age bracket for a youth would be someone who has completed hunter education and up to the age of 16. This would make them eligible to hunt in the youth season which as stated in the bill is the Saturday and Sunday before the opening of the regular season. The purpose of the bill is to offer opportunities for youth but also offering safety in a positive experience. This is a proactive piece of legislation.

Mitchell Krauter a youth hunter testified in support of SB 2289 (See attachment #1). He also passed round to the committee pictures of his hunting success.

Daniel Patterson, a youth hunter testified in support of SB 2289 (See attachment #2).

Mark Molesworth, father of **Drew Molesworth** presented his son's testimony in support of SB 2289 as Drew was not able to testify as he was taking tests in school. Drew testified before the committee last session (See attachment #3).

Dennis Daniel testified in support of SB 2289 as Drew Molesworth is his grand nephew and assured the committee Drew was hooked on hunting and that the previous session's youth hunting bill had a lot to do with it.

Leland Bratlie, Dayton, North Dakota testified in support of SB 2289 asking the committee to pass the bill.

Senator Lyson asked for testimony in opposition to SB 2289.

Shawn McKenna, Executive Director of the North Dakota Wildlife Federation testified in opposition to SB 2289 stating that youngsters as young as seven years old can join adults hunting without hunter safety. So if a youngster does not have hunter safety, they are eliminated from this early hunting weekend. Although the federation believes in the hunter safety program and encourages every youth to take the program, this bill excludes those who do not have it.

Senator Lyson questioned at what age a youth is required to have hunter safety and wouldn't this bill encourage youth to attend the hunter safety course.

Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department answered that under 12 years of ages if accompanied by an adult.

Shawn McKenna agreed the bill might encourage the hunter safety.

Senator Lyson asked for neutral testimony of SB 2289.

Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department clarified HB 1311 has been moved out of committee with a do pass recommendation and is almost

identical to SB 2289 except hunter safety is not included in the house bill. The department's youth hunter safety program is designed with a 12 years curriculum or that age level of reading and comprehension level. Eleven year olds are allowed to take the course as well as some instructors making exceptions. A younger youth would not be able to comprehend the age level of the course. The bill introduced last session has been very successful but there have been complaints about how the season was set up from families where one child was not old enough to hunt the early season but could the next weekend or regular season.

Senator Lyson asked what the age requirements are for youth in regards to hunter safety.

Roger Rostvet explained being the hunter safety course is set up for 12 year olds and at 12 years of age thru 16 years of age the youth is required to have hunter safety and has to hunt with an adult. Under 12 years of age a youth is not required to have hunter safety as they hunt with an adult. Hunter safety classes are required for youth in order to acquire a license for up land game, small game, big game, etc.

Senator Lyson asked why youth younger than 12 allowed hunting without the hunter safety course.

Roger Rostvet answered because of the parental involvement.

Senator Constance Triplett asked for an explanation as to why the department does not develop a broader curriculum for different age levels.

Roger Rostvet answered that there is not a specific problem to address in the age group that does not hunt on there own nor is there an accident rate that warrants changes at this time.

Senator Triplett responded that just because there is not a high accident rate does not mean that the need is being met. If there was a hunter safety program for 8 year olds maybe the number of hunter participation might increase.

Roger Rostvet responded there are high numbers of 8 and 10 year olds hunting and the number continues to grow until about the age of 14 when they taper off.

Senator Layton Freborg asked for clarification if all youth require a license even before the age of 12 years when hunter safety is required.

Roger Rostvet confirmed this to be true.

Senator Lyson closed the hearing on SB 2289.

Senator Ben Tollefson made a motion for a Do Pass of SB 2289.

Senator Freborg second the motion.

A roll call vote for Do Pass of SB 2289 was taken indicating 6 Yeas, 0 Nays and 1 absent and was left open until Senator Heitkamp had the opportunity to vote when he returned from testifying in another committee.

Senator Heitkamp will carry SB 2289.

Senator Heitkamp returned to the committee and voted yes for the passage of SB 2289 making the final vote for a Do Pass of SB 2289 to be 7 Yeas, 0 Nays and 0 absent or not voting.

Written testimony in opposition to SB 2289 from **Foster Hagen** of the Cass County Wildlife Club was distributed to the members of the committee (See attachment # 4).

FISCAL NOTE
 Requested by Legislative Council
 01/17/2007

Bill/Resolution No.: SB 2289

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						
Appropriations						

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).*

This bill changes the age for participants in the youth pheasant hunting season from ages 12 through 16 to sixteen years of age or younger.

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.*

No fiscal impact.

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:	01/17/2007

Date: 1-25-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2289

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number Do Pass

Action Taken _____

Motion Made By Tollefson Seconded By Freborg

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 Heitkamp

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

REPORT OF STANDING COMMITTEE

SB 2289: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the
Eleventh order on the calendar.

2007 HOUSE NATURAL RESOURCES

SB 2289

2007 HOUSE STANDING COMMITTEE MINUTES

SB Bill/Resolution No. SB 2289

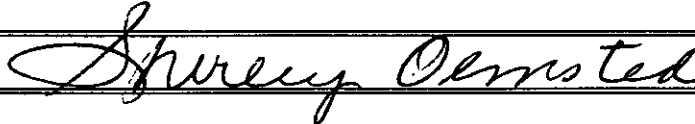
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3689

Committee Clerk Signature



Minutes:

Chairman Porter opened the hearing on HB 2289 and asked the clerk to read the title.

Senator Aaron Krauter, District 31, came forward as a sponsor of HB 2289. This bill is a bill we have seen before and is a friendly bill. This is an issue that we brought forward last legislative session. Through the process we ended up getting a temporary hunting season for youth to hunt pheasant on the Saturday and Sunday before the regular season. Today this is the process where we make this a permanent opportunity for youth to hunt in North Dakota.

This also provides an opportunity for some incentives for a young person to take hunter safety as that allows them to hunt on that Saturday and Sunday. We look at heritage in North Dakota as something we want to provide for the longevity of the future of the state. When you can provide for them to have a positive experience that is really all we want to provide for them.

Not every child has the chance to live in the country or live on a farm. To be able to go out as a young person and build a relationship with a landowner, you can't beat it. That is the future where a lot of hunting opportunities are going to have to be developed. This is someone from the city building a relationship with someone from the country and will provide a relationship that is going to last forever not only in hunting but as we proceed in life. There may be some concern about the minimum age requirement of completing hunter safety. Let me tell you I

think everyone wants to be safe when they go out in the field to hunt especially with parents.

When you take hunter safety, it gives us one of those tools and when you are out there hunting there is not a better way to reinforce that education you have received. This not only reinforces this to the young person, but it also reinforces this to the adult.

Representative Hunskor said there was some talk about 16 years of age and younger and he was wondering what his perspective was on that issue.

Senator Krauter said that to him hunting is a privilege when you are educated properly. An individual who is 8 years old can hunt without a license during the regular season when they are with the adult. That is the adult's responsibility along with that child. What I am looking at here in this process is that this gives them that new opportunity to hunt prior to the season and part of that incentive is to take hunter safety. Once you have completed that, your reward is to get to actually go out and hunt before the season. My reason for bringing this here is to build up that relationship on safety and that good opportunity to hunt. Part of that is to reinforce the safety that is behind that.

Representative Hunskor said he understood that and he thought this was a good bill. It is good to go back home and to hear some of the thoughts there. People at home think this is a little young and this gives us some ammunition to throw back at them.

Senator Krauter said that hunting is not about the killing, but is about the sport and the activity should be about the hunt. This is about providing the hunting as a sport.

Chairman Porter wanted to correct the record by saying that everyone needs a license to hunt, no matter what age you are.

Senator Krauter asked if you need a hunting license to hunt on your own property.

Chairman Porter said no and even an adult does not need a license to hunt on their own property.

Representative Don Dietrich of District 42 came forward in support of SB 2289. See attached written testimony marked as Item #1. He said this would be a much better bill if it were made to read as HB 1311. He read an email from a friend he had received that was requesting him to amend SB 2289 to read as HB 1311. He thought this would make SB 2289 a much better bill.

Representative Hanson asked if he was suggesting that both of these bills become identical and pass them both.

Representative Dietrich said he would love to see that.

Mr. Mitchell Krauter from Regent came forward in support. See attached written testimony marked as Item #2. He also brought along some deer slim Jims to share with the committee.

Mr. Drew Molesworth came forward in support of this bill. See written testimony attached and marked as Item #3.

Mr. Kevin Remington, from Richardton, ND came forward in support of SB 2289. He thanked the committee for their efforts on youth hunting. He wanted to give his opinion as a sportsman, as a landowner, and finally as a father. He said as a sportsman, he can see no down side to this. He can only see benefits to it. He said hunting is a good thing and is one of those resources we have to share. As a landowner, he loves to let the youth accompanied by an adult come onto his land. He thinks this is a good experience for all. As a father, beyond the hunting aspect, this is an opportunity to share quality time with his children, away from the TV and computer games, away from cell phones and their friends. They talk about life in general including drinking, the meth problems in this state, about smoking and lots of other life issues and life lessons. It is a time to discuss these things without any interruptions. His best memories are the times he had with his father hunting and fishing. He urged a do pass on this bill.

Chairman Porter asked for any further testimony in favor of SB 2289. Hearing none, he asked for testimony in opposition of SB 2289.

Mr. Mike Donahue of the ND Wildlife Federation and United Sportsmen of ND said they concur with most things that have been heard this morning except that they would like to remove the sunset clause. They do not agree with the part indicating which youth can hunt and would also like the amendments made that would support those of HB 1311.

Mr. Paul Schadewald came to the podium at the request of Chairman Porter.

Chairman Porter asked what age the child could take hunter safety course and how full the classes are.

Mr. Schadewald indicated the age to be 11 and the classes are very full. This age has to do with the context of the course materials. They want them to be able to understand the reading materials and the way it is presented. He indicated the classes are very full and there is a steady demand for these classes. In some of the larger cities, they are having several hundred students. It is a challenge to get classes for everyone that wants to take it.

Representative Hunskor asked if he said you could not take the hunter safety course if you are under 12.

Mr. Schadewald said the minimum age is 11.

Chairman Porter closed the hearing on SB 2289.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2289

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3696

Committee Clerk Signature

Surely Oensted

Minutes:

Chairman Porter asked the committee to consider SB 2289.

Representative Keiser made a motion for a do not pass.

Representative Hofstad seconded the motion.

Chairman Porter asked for discussion.

Representative Keiser said the alternative would be to amend this bill as suggested and make it identical to HB 1311 and then you have two bills that are crossing back over. I think the other bill has better policy. I support Senator Krauter's concept and I think it is a good one. I don't think that hunter safety will be much of an issue with young people who want to hunt. They are going to sign up for hunter's safety. It may have some merit, but I think we should use the other bill as our vehicle.

Chairman Porter asked for further discussion. Hearing none, he asked the clerk to call the roll on a **do not pass on SB 2289**. Let the record show 7 yes, 5 no, with 2 absent.

Representative Keiser will carry this bill to the floor.

Date: 2-22-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2289

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By Keiser 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 7 No 5

Absent 2

Floor Assignment Keiser

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

*Do not pass
provisions*

REPORT OF STANDING COMMITTEE

SB 2289: Natural Resources Committee (Rep. Porter, Chairman) recommends DO NOT PASS (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2289 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2289

Attachment #1

SB 2289
Senate Natural Resources Committee
Senator Lyson, Chairman

Good morning Chairman Lyson and committee members of the Senate Natural Resources Committee. My name is Mitchell Krauter from Regent, North Dakota. I am here today to testify in support of SB 2289, which would make permanent a youth pheasant hunting season.

Senate Bill 2289 is good for young people of North Dakota because it gives us a chance to go out and hunt pheasants before they all get spooky. It gives me a chance to take my time and practice all the things I learned in my hunter safety classes.

In the winter of 2003, I took the hunter safety classes with my dad. It was a lot of fun. The classes lasted about six weeks. We learned alot about different firearms and how to hunt safely. My first year of pheasant hunting I had a 410 shot gun. Now I use a Remington 20 gauge and hope to get a 12 gauge.

The past two years we had friends come out to our farm for the youth pheasant hunt. It was a lot of fun. I have some pictures of our success . I made some friendships that I hope will last forever.

I am asking that you vote for a Do Pass on SB 2289 and give us young hunters a great experience.

Thank you,

I also brought along some deer slim jims I had made from my youth deer tag.

SENATE BILL 2289

SENATE NATURAL RESOURCES COMMITTEE

JANUARY 25, 2007

DANIEL PATTERSON

My name is Daniel Patterson, I live in Bismarck. I am 15 years old and I go to Horizon Middle School. I have completed a Hunter Education class and have been hunting in the Youth Pheasant Season for two years. Those two years were great.

I have hunted on land south of Elgin and on Senator Krauter's land. The times that I went to Senator Krauter's land during Youth Pheasant Season were a great experience.

One time my Dad and I went hunting at Senator Krauter's farm during Youth Pheasant Season. I thought it would just be Mitch Krauter and I, then I heard from my dad that another group was coming. I didn't know what to think. Before they got there, I went out to the car to get ready. After a few minutes, they arrived. I saw in the car that it was my friend, Drew, from school. We had talked about going hunting together before, but never had.

When we were hunting, there were pheasants everywhere. There was a lot of shooting and it was just Mitch, Drew and I. Our dads helped us by walking in the tall grass and corn, and by showing us how to be safe.

On our last walk when we were almost at the car, I heard shooting, but could not see who was shooting. Then I found out that Drew shot his first pheasant with his dad by his side.

I have always had a great time hunting during the Youth Pheasant Season because I don't have other people shooting before I do.

My dad taught me about the pheasants and the surroundings during Youth Pheasant hunts, about how they nest, and how they go out and eat in the mornings and afternoon. I would love it if I could still hunt during the Youth Pheasant Season, and I know other kids would too.

I ask for a "Do Pass" recommendation.

SB 2289 TESTIMONY
SENATE NATURAL RESOURCES COMMITTEE
BY: DREW MOLESWORTH
JANUARY 25, 2007

Mr. Chairman and members of the committee: for the record, my name is Drew Molesworth and I am 14 years old. Two years ago, Senator Krauter wrote the first youth pheasant season bill and I testified in front of both the Senate and the House Natural Resources Sub-committees. I appreciated your vote in the Senate, but unfortunately, the House did not pass the bill. Fortunately, a temporary season gave us a chance to try it out and see if it was a good idea. I am here again, to support making the youth season permanent.

When I testified 2 years ago, I had still not shot my first pheasant. This year, during the youth season, I shot my first and second pheasant. It was a wonderful experience for me, and I'm sure that all over the state other kids felt the same way getting their first pheasant. It was nice to have a crack at the pheasants before the adult season opened and I'm sure it increased my chances. If you were to pass this bill this year, kids everywhere could feel this joy for years to come.

I can tell you from experience that hunter education was very important in my becoming a safe hunter. That is why I support restricting the younger age to those who have completed hunter education. If you were to watch the news or look in the newspaper, you only hear about adults having hunting accidents. I believe this is because of the quality of the hunter education program in North Dakota.

In conclusion, I said it before and I'll say it again. I hear that you are always looking for ways to keep young adults living in North Dakota. Hunting is one of the best things about living in North Dakota. If you really want to keep young people in this state, get them hooked on hunting.

Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012

Attachment #4



TESTIMONY OF FOSTER HAGER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE
ON

SB 2289

JANUARY 25, 2007

Mr. Chairman and Members of the Committee:

My name is Foster Hagen speaking on behalf of the Cass County Wildlife Club, an organization of over 200 sportspeople, organized to promote conservation of wildlife, sportsmanship in hunting and fishing, and to support proper management of these resources.

We oppose SB 2289 because it makes it impossible for an eleven year old to hunt in the early youth season.

Do we want young people to hunt or not?

Please give this bill a **DO NOT PASS**.



Item #1

**SB 2289
22 February, 2007
Youth Pheasant Hunting Season**

Good Morning Mr. Chairman and members of the Natural Resources Committee,

For the record, my name is Don Dietrich, Representative in the House, serving District 42 in Grand Forks. District 42 encompasses the University of North Dakota and the surrounding residential area.

I am here today in support of SB 2289. SB 2289 allows for a youth pheasant hunting season by governor's proclamation.

As a 4H Instructor as well as a National Sporting Clays Instructor, I have been involved in youth shooting sports and instruction for over 40 years. While instructing the youth in North Dakota, I have found them to be very conscientious, enthusiastic, as well as very safe in the handling of firearms. At all of the shooting courses that I hold or have held, these youngsters are excited at the prospect of hunting and the chance to put their new skills to the test in the field.

The youth hunting season is a wonderful idea as well as a great opportunity for our youth to enjoy pheasant hunting for a two day season without the competition for land or from all the adult hunters who are in the field.

In my opinion, SB 2289 is a good bill, but would be much better if it contained the same language as HB 1311 which has been passed in the House.

I have been contacted by parents and grandparents with concerns regarding the 12 year minimum age restriction. During the regular upland hunting season, there are no age restrictions in regards as to what age a youngster may hunt as long as they are with a parent or guardian, and I would hope that SB2289 would be amended to contain the same language as HB1311 and make SB2289 a much better bill.

Thank you Mr. Chairman and members of the Committee, I will stand for any questions.

