

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SEN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2427

2001 SENATE NATURAL RESOURCES

SB 2427

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2427

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 2-15-01

Tape Number	Side A	Side B	Meter #
1		X	15.5 - 32.6
2	X		21.6 - 28.0
2-15-01	X		43.3 - 46.0
2-16-01	X		46.5 - end
		X	Start - 4.5
Committee Clerk Signature <i>Janet James</i>			

Minutes:

SENATOR FISCHER opened the hearing on SB 2427.

SENATOR BOB STENEHJEM of District 30, cosponsor, introduced SB 2427 A BILL

RELATING TO THE HUNTING OF DEER BY HANDICAPPED PERSONS. He testified that under current law it is possible for a handicapped person with a hunting license to shoot any deer in a specific hunting unit. SB 2427 would state that the handicapped hunter must stay within the species of deer, male or female.

MIKE DONAHUE, representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified on SB 2427 and urged a strong do pass.

PAUL CRARY, representing the Cass County Wildlife Club testified in support of SB 2427.

ROGER ROSTUET, of the North Dakota State Game & Fish testified in a neutral position of SB 2427 (See attached testimony).

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Senate Natural Resources Committee

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RAY HAGER testified in opposition to SB 2427. Being handicapped himself he appreciated the fact that he was able to take a mule deer after 5 days of hunting. He felt with the small group of handicapped hunters would not make alot of difference in the number of deer taken.

SENATOR FREBORGI as cosponsor of the bill his understanding is that there are some misuse of the present law and needs to be changed.

DAVID MUNSCH testified in opposition to SB 2427 and suggested perhaps there should be a separate season for the handicapped to hunt.

SENATOR FISCHER closed the hearing on SB 2427.

TAPE # 2 (21.6 - 28.0)

SENATOR FISCHER reopened the discussion on SB 2427.

SENATOR CHRISTMANN wanted to clarify that the if the bill is passed it would restrict a handicapped hunter from taking any species to either sex of the same species.

SENATOR KELSH made a motion for a "DO NOT PASS" of SB 2311.

SENATOR EVERY second the motion.

Discussion was held and the committee felt they needed clarification on one issue by the Game & Fish Department. The question was if you have a white tail license, can you take a mule deer in a unit that does have any mule deer license available? The Game & Fish Department was contacted and confirmed that only white tail deer can be taken and not mule deer.

Tape 2 (43.3 - 46.0)

After the confirmation from the Game & Fish Department,

SENATOR KELSIL made a motion for a "DO NOT PASS" of SB 2427.

SENATOR EVERY second the motion.

SENATOR FISCHER called for roll call vote (#1). The vote indicated 3 YAYS, 3 NAYS AND 1 ABSENT.

SENATOR KELSIL made a motion for "WITHOUT COMMITTEE RECOMMENDATION" of SB 2427.

SENATOR EVERY second the motion.

SENATOR FISCHER called for a roll vote (# 2) of SB 2427. The vote indicated 6 YAYS, 0 NAYS AND 1 ABSENT.

SENATOR EVERY will carry SB 2427.

FEBRUARY 16, 2001

SB 2427 was returned to the Committee.

SENATOR FREBORG made a motion to reconsider the Committee actions to which SB 2427 was Passed out of Committee.

SENATOR TOLLEFSON second the motion.

SENATOR FISCHER called for a roll vote (# 1) of SB 2427. The vote indicated 5 YAYS, 0 NAYS AND 1 ABSENT.

SENATOR TOLLEFSON commented that he was not present when testimony was presented on SB 2427 and that after visiting with the sponsor has a better understanding of the bill and had asked the chairman to reconsider the action taken the day before.

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Discussion was again held as to the size of the impact of handicapped hunting rules at the present time. The concern of misuse was also discussed along with the inability of species being able to become established in certain hunting units if this bill was passed.

SENATOR TOLLESON made a motion for a "DO PASS" of SB 2427.

SENATOR FREBORG second the motion.

SENATOR FISCHER called for a roll vote (# 2) of SB 2427. The vote indicated 3 YAYS,
2 NAYS, AND 1 ABSENT.

SENATOR FREBORG will carry SB 2427.

Date: 2/5
Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Kelsh Seconded By Every

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman		✓	Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann		✓			
Sen. Layton Freborg		✓			
Sen. John T. Traynor	A				

Total (Yes) 3 No 3

Absent 1

Floor Assignment _____

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

Date:

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES

Committee

☐

Subcommittee on

or

5

Conference Committee

Legislative Council Amendment Number

Action Taken

No Recommendation

Motion Made By

Secondded

By

Ergebnis

[illegible]

Total

(Yes)

62

No

C

Absent

/

Floor Assignment

Every

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

Date: 2-14-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken To reconsider action

Motion Made By Traynor Seconded By Tollefson

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 0

Absent 2

Floor Assignment _____

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

Date: 2-16-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Tollefson Seconded By Freborg

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every		✓
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh		✓
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 3 No 2

Absent 2

Floor Assignment Freborg

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

REPORT OF STANDING COMMITTEE (410)
February 16, 2001 1:26 p.m.

Module No: SR-29-3684
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2427: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO PASS
(3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2427 was placed on the
Eleventh order on the calendar.

2001 HOUSE NATURAL RESOURCES

SB 2427

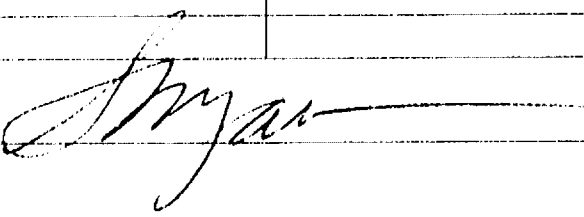
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2427

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1		x	43 to 3730
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on SB 2427.

Sen. Bob Stenehjem - District 30: I am here today to introduce SB 2427 on behalf of several constituents who called me in relation to a problem they saw happening. What 2427 does in its current form passed by the Senate simply states a person applying for a deer license in any specific unit, if they are going under the handicapped features in the law today would be required to shot a deer of the same species as the license they drew. Here's where the problem comes in. Currently under state law someone that can get the privilege of hunting under the handicapped statute can apply for a deer in any unit and can shoot any deer that is legal in that unit. Here's

what has been happening.. In some of those Badland units that have white tail doe and buck permits and mule deer buck and doe permits, they have figured out that if they put in for a white tail doe license, they are guaranteed to get that license, knowing full well in the fall when they go hunting, they will have the ability to shoot a mule deer buck. I have nothing against the amenities they get for their disabilities, but we found out that there are a lot of people that have figured out the system and they are getting a deer license every season in the Badlands. There are those of us that get a mule deer license every five years. This would put that restriction on them to shoot the deer they applied for and help the situation we are in. I hope you would favor this bill.

Rep. DeKrey: I have heard that the only requirement to be a handicapped hunter is if you qualify for the parking sticker? Is that the only qualification?

Sen. Stenehjem: After I testify here, there are some individuals from the Game and Fish Department that can answer that, but it is my understanding too. If you can get a MV handicapped sticker then you would qualify as a handicapped hunter.

Chairman Rennerfeldt: Any further questions of the committee? Anyone else here to testify in favor of SB 2427.

Mike Donahue - ND Wildlife Federation and United Sportsmen: (See written testimony). We support this bill for reasons stated by the Senator. We have had this discussion with Game and Fish and we have also looked to a bill the next session addressing things that need better definition in the code. We think this would help clean up the people taking advantage of the system.

Chairman Rennerfeldt: Any questions? Any one else in favor of this bill?

Francis Herauf: I am here in opposition to this bill. (See written testimony).

Chairman Rennerfeldt: You would like it amended to just include wheelchairs then?

Herauf: Like someone said, anyone can get a handicapped sticker, go to Game and Fish and get a permit to shoot out a window. This is not fair.

Chairman Rennerfeldt: Committee have any questions?

Rep. Klein: Would you propose the other person would not get to hunt at all then?

Herauf: No, no. I am not opposing that. I am opposing that someone with a back injury and other problems should be able to shoot a white tail or a muley cause they will be able to identify what that species is. I shot a deer this year at 280 yards. I could not identify whether it was a white tail or a muley. Because I was laying down. I can't make it through 2 inches of snow to find out what kind of deer it is. It is impossible.

Chairman Rennerfeldt: Any further questions of the committee? If not, thank you very much.

Anyone else in favor of this bill?

Roger Rostvedt - ND Game and Fish: The bill itself, we are neutral on. I want to explain how the system is implemented right now so they can have a better idea what the bill is about. Under current law, a person who is permanently unable to walk for the purpose of hunting or taking wild life. Originally the Department didn't have a definition of unable to hunt. About four years ago we adopted the handicapped accessible parking criteria, which is discerned by ADA as a reasonable explanation of walking. So current law allows individuals who are permanently unable to walk for the purpose of hunting to take a deer of any species or sex if that person is successful in drawing one or more permits for the unit they were issued. The eligibility requirements are the DOT handicapped accessible permit, either temporary or permanent prior to the issuance of the license. Current numbers for the fall of 2000 are approximately 1900 people who were eligible. There were 1746 permanent permits and 165 temporary. That total number of 1900 doesn't mean that there were 1900 people that took advantage of this, because some of

them had the upland game permit. That number of individuals receiving eligibility has increased significantly in the year 2000. Approximately 500 new permits were issued in the year 2000 up from the average of 300 a year. There was also a 165 temporary permits issued this year. This coincides with what has been happening with the DOT numbers. Currently DOT has 32,000 individuals with permanent handicapped permits and approximately 500 individuals at any one time with temporary permits. In talking with DOT they said their numbers appear to be increasing as people become aware of the availability of the permits. Also we do have an aging population in ND. A lot of the questions that come up were stated earlier, what is a person that is permanently unable to walk. The definition we use are the guidelines set by the ADA and adopted by the Highway Department for the parking permits. How this is interpreted by doctors is uncertain at this time. That is our criteria.

Rep. Drovdal: So if I am understanding you perfectly clear, if there is an individual in my community that has a sore back from an accident, he can walk, but he can qualify for this permit?

Rostvedt: If he qualifies for the handicapped accessible parking qualifications, we would accept that and issue him a handicapped hunting permit.

Rep. Drovdal: You have heard the testimony of the gentlemen up here that was obviously not able to walk. But we do have people healthier than myself that drive around with handicapped stickers. I would be all for tightening this definition up. Do you have any recommendations in tightening that definition up?

Rostvedt: The department would welcome that, from the standpoint that right now we are relying on somebody else's definition. We are relying on a definition open to interpretation by a physician.

Rep. Porter: You and I discussed earlier about what Minnesota has done to curtail the abuse of the handicapped system from physicians. Could you explain that process?

Rostvedt: Just recently a number of newspaper articles in Minnesota addressed this concern. They addressed it by putting some type of penalty on the provision for not following the ADA guidelines, currently in ND I checked with the DOT. There is no penalty for a physician not to sign one of those. It simply says he can sign it and there is no penalty for it.

Rep. Drovdal: Currently under ND law we allow handicapped individuals that do receive hunting licenses to hunt from a vehicle?

Rostvedt: Yes, they can drive off trails on private land for hunting purposes.

Rep. DeKrey: I had a constituent contact me, is there such a thing as a designated shooter? This person had only one eye, but he could hunt deer and he was upset that he couldn't have a designated shooter. Is that in code anywhere?

Rostvedt: Yes, blind people in ND can hunt and have a designated shooter as long as that person meets the qualifications for licensing.

Rep. DeKrey: Do they have to be legally blind?

Rostvedt: Yes.

Vice Chair Nelson: Does the department look at this issue as being severe enough for this type of legislation?

Rostvedt: This is one that if we look at the total number of 1900 people statewide. On a statewide issue, probably no concerns. However, there is one of fairness. There are certain individuals who are not like the individual who was up here before that camp in the Badlands for a week, hike the Badlands, have a handicapped accessible permit and get two doe tags and harvest two mule deer bucks each. That is what this bill is concerned about. I think anyone with compassion and

common sense would say, any individual in a wheelchair or permanently unable to walk in the true sense should be afforded special privileges. However, of that small percentage of misuse going on, is what prompted the bill.

Vice Chair Nelson: In the event that we would try to make the determination on this piece of legislation and try to tighten this up, are you going to want to make that decision as to who would qualify for this particular license, and who would be disqualified from that?

Rostvedt: I believe that there are laws dealing with handicapped individuals and the language has been very specific such as for cross bows, where they have to have lost an appendage. This one is probably most open to interpretation.

Vice Chair Nelson: Do you feel you could manage that?

Rostvedt: I think in order to not be challenged, this would have to be amended to clear up that loose definition of unable to walk for hunting purposes. If you say unable to walk, that would clear that up right there. For the purpose of hunting, the question comes up, does that mean unable to drag a deer a ¼ mile, unable to hike over hills, the confusion comes in the unable to walk for hunting purposes.

Vice Chair Nelson: If we find the right doctor is it safe to say that each one of us around this table could be considered a handicapped hunter?

Rostvedt: I do have a little more faith in the medical profession.

Rep. Nottestad: I wonder what type of legislative intent would have to be written to give you that authority. I live opposite the Minnesota border and there has been a lot in the papers about this in Minnesota. I think what you are doing may be fine, but I don't think it will work. You will not penalize doctors for signing this. It is abuse. It is virtually mocked. My cousin stopped an individual who was shooting pheasants from the side of road and they informed him, they

pointed to the handicapped sticker, they can do anything they want to do. So what type of legislative intent would you want at this point?

Rostvedt: I think the statement I made earlier about the definition for hunting purposes does confuse the issue because then you can take that to the extent of what hunting purposes mean. You mentioned earlier, going out in a wheelchair, those situations are fine, however, somewhere there is a line between unable to walk a ¼ mile and ADA rules are actually fairly well defined, they say 200 feet is the maximum you can walk unassisted, or whatever. However, I am not so sure that when you go to K-mart and that kind of thing, I am not sure that there isn't a small percentage of misuse that drives people.

Chairman Rennerfeldt: Any further questions? Anyone else care to testify in opposition to this bill?

Ray Hager: I have looked into this bill quite a bit and did some research on my own. The reason this bill surfaced and Sen. Stenehjem said that, there's a few people that take advantage of this bill, but there are only 1900 people that have even applied for a handicapped license through the Department of Game and Fish. There are no records kept as to how many of those people hunt deer. You must go to a doctor and be able to prove that you are handicapped. You must go through the regular lottery to get a license and you must designate the area that you wish to hunt in. Then if you are lucky enough to get that license, you have to take that license to the Game and Fish Department and they stamp that license, "any deer". So if you have mule tail doe, you can shot a white tail deer. I think we are making a mountain out of a molehill, we are talking about only 8-900 people. There are only approximately 16 units that have mule deer and that is how this issue started. Some old duffer had a white tail doe license, shot a great big mule deer buck, went home and rubbed his neighbor with a little sandpaper and that guy got upset and

complained to Sen. Stenehjem. Sen. Stenehjem said several people, well, that could mean anything. You are looking at me and saying, well, he's not handicapped...well, I have had 14 knee operations and I have a kneecap missing on one of my legs. I can walk pretty good on the carpet, but rough ground is a problem. I think the problem is, if you have a doctor for four years, he may give you a handicapped permit and you may infringe upon the system. The way this bill is written I think it infringes upon a few handicapped people that might be lucky enough to have a white tail doe license and shoot a mule deer buck. They still have to go through the lottery. We have some problems about hunting in ND. Some people take advantage of the system.

Vice Chair Nelson: Any questions? Any one else to testify in opposition of SB 2427?

David Gray: I think the solution to this problem is very simple, let's not circumvent the lottery, let's not give out special privileges. We now have 1900 registered handicapped people when it comes to hunting that are totally unregulated. All we have to do is eliminate this upgrading of the doe tag to the buck tag. This bill should be amended to include either species, either sex. People say there is not a problem, but killing the wrong species or sex of a deer is a criminal offense. Game wardens last year issued 16 violations in that category. Here, we allow a handicapped person to switch sex and species. The lottery is a good system.

Vice Chair Nelson: Any questions? Any further testimony in opposition?

Dennis Miller: I am opposed to this bill which prohibits us from taking either species of deer. I have hunted since 1955. 46 years of hunting. The last ten years I have gone out with Mr. Herauf, who is a quadriplegic in a wheel chair. It has taken us ten years to get him in a position so he could get a one shot, clean kill deer. 10 years of hunting on our own private land. I think if we changed this and take away any species, you just eliminated the handicapped from getting a deer. I don't want to wait another 10 years for him to get another deer. If we look at these laws for

whatever reason they come to be, we must think them through. I know you will do a great job on that and I appreciate it. If we restrict a handicapped person, you have eliminated a lot of chance. There is something that needs to be done, I think there are some handicapped people out there that need to be reevaluated every 3-4 years. Because when I go out to Carson or Elgin and meet a person with a handicapped permit that is not in the least bit handicapped, he gets to shot out of the window and any deer he wants... There are people taking advantage of the system, and that is what we have to change. Game and Fish need to do the policing of who is handicapped.

Vice Chair Nelson: Any questions?

Chuck Stebbins - People with Disabilities: I don't hunt. I am here to offer some clarification if I could and a few thoughts of my own. I think there is abuse of the placards. There was a time anyone could just walk in and get one without any kind of information from a doctor. That has tightened up a little bit, but there is still abuses going on. I don't think every one with a placard should get "handicapped" privileges as far as hunting goes. Rep. Nelson asked if any of you guys could get a doctors slip and get a parking placard. Yes, you can. The definition of ADA and Social Security is if anyone has an impairment that affects one or more major life activities. Major life activities -walking, talking, thinking, hearing, seeing. Another thing, I get a little uncomfortable when we start restricting things for people with disabilities. We have come along way as far as equality. Being able to hunt and get any species of deer because of the situation you are in isn't bad. I get concerned when you start talking about special privileges. All this really is, is trying to level the playing field. I would encourage you to look at that in that respect.

Rep. Winrich: Do you have any suggestions on how we might change the definition of "unable to walk for hunting purposes" to accommodate those who really need the privilege and eliminate the ones who abuse it?

Stebbins: The way I read this, it says a person who is permanently unable to walk. If someone were able to go into Game and Fish with a placard and say they are entitled to handicapped privileges, I don't know how much more specific you can get. If unable to walk, in my mind, says anybody who is using a wheelchair for permanent mobility. I don't know how much more specific you can get?

Rep. Winrich: As I understand it, the problem is unable to walk for the purpose of hunting. And does that mean if the hill is steep enough and you can't walk up it that ...if it just said unable to walk, that would fix it.

Stebbins: When you get into definitions, we could talk ourselves into a whole other area. If we look specifically at the definition that Social Security has had for years and that is what the ADA would use also. Major life activities. It won't be easy, but I would encourage you if you go in that direction that you would include the people who are using the hunting privileges to be included on the committee who makes the decision. Maybe we could get some level ground for the people who need the advantage.

Vice Chair Nelson: Any questions? Any further testimony in opposition to SB 2427?

Mike Christianson: There are times that I have had to take doe, had to take a buck. I get my first shot, whatever I get and I'm done. Five years ago, I had to take a mule deer because I couldn't find a white tail. It is rough out there in a chair. I don't like this bill here.

Vice Chair Nelson: Any questions? Further testimony.

Lynda Miller: I am a licensed in-home caregiver. If you pass this bill, you will need an amendment to define handicapped hunter. (see written testimony).

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House Natural Resources Committee
Bill/Resolution Number SB 2427
Hearing Date March 8, 2001

Vice Chair Nelson: Is there any further testimony on SB 2427. If not we will close the hearing on SB 2427. The chair will appoint a subcommittee to look at some options on SB 2427. That subcommittee will be made up of Rep. Drovdal, Porter and Winrich.

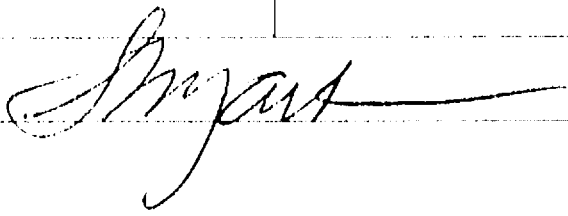
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2427

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 16, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 1078
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will call the Natural Resources Committee to order. Call the roll. Let's take out SB 2427.

Rep. Drovdal: Your sub committee on 2427 met yesterday and came up with some amendments to improve the definition of the current bill. What it does is says that a person that is permanently unable to walk and who receives or obtains a license is entitle to convert one license to obtain any sex or species of deer in the unit in which the license is issued. Notwithstanding any other law or any provision contained in the Governor's proclamation. A person who is permanently unable to walk is entitled to apply for a license on a deer regardless of whether a

person received a license to hunt deer in a prior year. That is what the amendment will do. It redefines the definition of handicapped. A person can actually not walk. Where currently it is anyone who can get a handicapped sticker for their vehicle. It tightens the grip on the 1900 licenses.

Chairman Rennerfeldt: So the cannot walk? It means you cannot walk or you cannot walk for any distance?

Rep. Droydal: You can't walk.

Chairman Rennerfeldt: Wheelchair...?

Rep. Droydal: Wheelchair, walker, crutches, permanently unable to walk.

Rep. Porter: One of the other things we have to keep in mind, this doesn't have anything to do with the other part of the handicapped laws for Game and Fish where a person can get a permit to drive off trail because they might have a heart condition and are unable to walk up a hill. That person can still apply for the regular lottery deer tag and still receive it and still go out to Game and Fish and get a permit to drive off the trail, go up to the top of the hill with their pickup, and go where a person without a disability could never go. This only provides a license to shoot a deer for people that are permanently unable to walk. The other provision remains the same and that individual can still drive off trail, they just can't cash it in for a better permit.

Rep. Porter: I move a do pass on the amendments.

Rep. Solberg: I second.

Chairman Rennerfeldt: I have a do pass on the amendments. Any discussion?

Rep. Klein: Did you say that if someone breaks their leg a week before deer season, it wouldn't affect them. You are not permanently disabled. This does or doesn't affect that

Rep. Droydal: You have to apply before hand in June and if someone broke their leg a week before, it doesn't apply to them. Unless you plan way ahead.

Rep. Winrich: What Rep. Porter said about the other section of the law, would still be valid here. That person could go to Game and Fish and because of the broken leg, get a permit to drive off trail. But they would not be able to apply specifically for a handicapped license that is convertible to any other species.

Rep. Keiser: I am a little confused. The major changes covert to one license. How does this change the previous language relative to unable to walk?

Rep. Droydal: Currently, the Game and Fish is using the definition of ADA uses, which is anybody that qualifies for a sticker in your vehicle for being handicapped. Under these amendments the only ones that qualify for these would be a very tight definition of people who are actually wheelchair bound, or have to use a walker all the time.

Rep. Keiser: I think that is wonderful, but you haven't addressed that part of the language in the bill? So how do these amendments change what the bill was doing before? These amendments have nothing to do with the walking. These amendments only address the converting of a license.

Rep. Droydal: The amendments also take out the phrase "for the purpose of hunting or taking wildlife" which opens up the definition of handicapped. It does address handicapped people are entitled to two licenses and the sub committee says that only one of those can be converted to any species.

Rep. Keiser: I agree 100% with that statement. But, these amendments did not address whether or not you use the handicapped sticker.

Rep. Porter: The handicapped sticker portion of it is whether or not the person would be able to drive off the trail or not for the purpose of taking a deer. This is a stand alone statute in the code

that defines who is eligible for a special kind of deer license. The other one is totally separate. When we talked to Game and Fish they said that they were using the same definition for both. They were using the Dept. Of Transportation definition for both. By removing the word, for the purpose of hunting or taking wildlife would restrict it down to about 1000 people from the person with a sore back that walked in and wanted it converted. It would restrict it down to the individuals we felt were the people targeted with this piece of legislation to begin with, the wheelchair bound. By removing that part of the sentence they felt it would restrict it enough for them that they could enact a program the way they think it is supposed to be.

Rep. Keiser: I just don't think your argument holds any water. The bill, the language is not addressed at all. Permanently unable to walk, it is not addressed. It is not defining what that is. We haven't changed that language, all we have done is limited the license.

Rep. Porter: They were still, Game and Fish were going to be looking at the ADA guidelines and they were going to put that definition in their rules from the ADA and that would take care of it. Rather than put an ever-changing definition in the statute, we thought they were better off to define it with ADA stuff and they could change it as the Federal requirements changed.

Rep. Keiser: Now, I understand.

Rep. Porter: What we didn't want to do was end up with a three page law that defined it. We wanted the Department to define it using the ADA standards. They need to comply with those.

Rep. Keiser: There isn't a bigger area for law suits than in the ADA area. So they can do it by rule. I would bet Minnesota put it into statute to avoid the arbitrary nature of the rule.

Rep. Droydal: We did look at Minnesota. (some discussion on Minnesota rules)

Rep. Nottestad: Was Paul Schadwald there?

Rep. Porter: No, Roger Rostvedt, the Deputy Director was here.

Page 5
House Natural Resources Committee
Bill/Resolution Number SB 2427
Hearing Date March 16, 2001

Rep. Winrich: Did you run this by Paul?

Rep. Porter: No, he felt very comfortable with it and their ability to stay current with the ADA requirements and the legal ramifications of not staying up with ADA. They can make the changes rules wise.

Chairman Rennerfeldt: What does the committee think? Should we do it? All those in favor of the amendments signify by saying Aye. Opposed? Amendments carry. We have the bill before us as amended.

Rep. Droydal: I move a Do Pass as Amended.

Rep. Porter: I second.

Chairman Rennerfeldt: Any further discussion? If not, call the roll.

MOTION FOR A DO PASS AS AMENDED

YES 15 NO, 0

CARRIED BY REP. DROVDAL

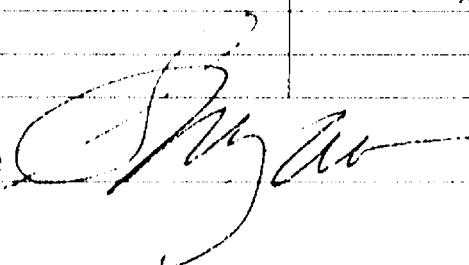
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2427

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 22, 2001

Tape Number	Side A	Side B	Meter #
1		x	3860 to 4891
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: Let's reconsider SB 2427.

Rep. Keiser: I move to reconsider our action on SB 2427.

Rep. Drovdal: I second.

(Discussion on why we need to reconsider the amendment.)

MOTION TO RECONSIDER CARRIED BY VOICE VOTE.

Motion made and accepted to remove old amendments.

Rep. Drovdal: I move the new amendments to SB 2427. (Amendments pertaining to the description of "handicapped".

Page 2
House Natural Resources Committee
Bill/Resolution Number SB 2427
Hearing Date March 22, 2001

Rep. Winrich: I second.

(Discussion on amendments)

Chairman Rennerfeldt: I have a motion for a Do Pass on Amendments.

MOTION CARRIED BY VOICE VOTE.

Rep. Droydal: I move to further amend this bill.

(explains additional amendment)

Vice Chair Nelson: I second.

(More discussion on further amendment.)

MOTION CARRIED BY VOICE VOTE.

Rep. Droydal: I move a do pass on SB 2427.

Rep. DeKrey: I second.

Chairman Rennerfeldt: Any further discussion? If not, Sue call the roll.

MOTION FOR A DO PASS AS AMENDED

YES, 14 NO, 0

1 ABSENT AND NOT VOTING

CARRIED BY REP. DROVDAL

Date: 3/16/01
Roll Call Vote #. 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2427

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Drovdal Seconded By Rep. Porter

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin	✓				
George Keiser	✓				
Frank Klein	✓				
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Drovdal

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

definition of handicapped
Rep. Dr. de pass Amendments Amends carry by ✓
Rep. Solberg Ind

Prepared by Maggie Walsh, Legislative Intern, for
Representative Drovdal
March 16, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2427

Page 1, line 6, overstrike "for purposes of hunting or taking"

Page 1, line 7, overstrike "wildlife"

Page 1, line 8, after entitled insert "to convert one license", remove the overstrike over
"~~of~~", remove "of the" and "for which"

Page 1, line 9, remove "the license is valid"

Page 1, line 12, overstrike "for purposes of hunting or taking wildlife"

Renumber accordingly

March 16, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2427

Page 1, line 6, overstrike "for purposes of hunting or taking"

Page 1, line 7, overstrike "wildlife"

✓ Page 1, line 8, after "entitled" insert "to convert one license", remove the overstrike over "or",
remove "of the", remove "for which"

✓ Page 1, line 9, remove "the license is valid"

Page 1, line 12, overstrike "for purposes of hunting or taking wildlife"

Renumber accordingly

Amendment

Date: *3/22/01*
Roll Call Vote #: *1*

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *SB 2427*

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number *10792.0203 . 0300*

Action Taken _____

Motion Made By *Rep. Drovda* Seconded By *Rep. Nelson*

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman			Lyle Hanson		
Jon O. Nelson - Vice Chairman			Scot Kelsh		
Curtis E. Brekke			Lonnie B. Winrich		
Duane DeKrey			Dorvan Solberg		
David Drovda					
Pat Galvin					
George Keiser					
Frank Klein					
Darrell D. Nottestad					
Todd Porter					
Dave Weiler					

Total (Yes) _____ No _____

Absent _____

Floor Assignment *Carried by Voice Vote*

If the vote is on an amendment, briefly indicate intent:
further amend license - using

PROPOSED AMENDMENTS TO SENATE BILL NO. 2427

Page 1, line 6, overstrike "permanently" and overstrike "walk for purposes of hunting or taking"

Page 1, line 7, overstrike "wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Page 1, line 11, overstrike "permanently"

Page 1, line 12, overstrike "walk for purposes of hunting or taking wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Renumber accordingly

March 22, 2001

VR
3/22/01

HOUSE AMENDMENTS TO SB 2427

HOUSE NATURAL RESOURCES 03/23/01

Page 1, line 6, overstrike "permanently" and overstrike "walk for purposes of hunting or taking"

Page 1, line 7, overstrike "wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Page 1, line 8, after "entitled" insert "to convert one license", remove the overstrike over "of", remove "of the", and remove "for which"

Page 1, line 9, remove "the license is valid"

Page 1, line 11, overstrike "permanently"

Page 1, line 12, overstrike "walk for purposes of hunting or taking wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Renumber accordingly

Amendment

Date: 3/22/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2427

House Natural Resources

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number

10792.0204

Action Taken _____

Motion Made By

Rep. Drovdal

Seconded
By

Rep. Winrich

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman			Lyle Hanson		
Jon O. Nelson - Vice Chairman			Scot Kelsh		
Curtis E. Brekke			Lonnie B. Winrich		
Duane DeKrey			Dorvan Solberg		
David Drovdal					
Pat Galvin					
George Keiser					
Frank Klein					
Darrell D. Nottestad					
Todd Porter					
Dave Weiler					

Total (Yes) _____ No _____

Absent

Carried by Voice Vote

Floor Assignment _____

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

descrip of handicapped

Date: 3/22/01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2427

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Drovdal Seconded By Rep. DeKrey

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin	✓				
George Keiser	✓				
Frank Klein					
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 14 No 0

Absent 1 absent

Floor Assignment Rep. Drovdal

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

REPORT OF STANDING COMMITTEE

SB 2427: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2427 was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "permanently" and overstrike "walk for purposes of hunting or taking"

Page 1, line 7, overstrike "wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Page 1, line 8, after "entitled" insert "to convert one license", remove the overstrike over "or", remove "of the", and remove "for which"

Page 1, line 9, remove "the license is valid"

Page 1, line 11, overstrike "permanently"

Page 1, line 12, overstrike "walk for purposes of hunting or taking wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Renumber accordingly

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2001 SENATE NATURAL RESOURCES

CONFERENCE COMMITTEE

SB 2427

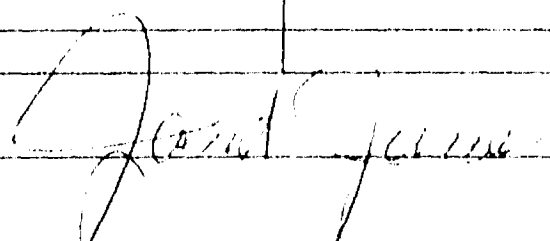
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2427

Senate Natural Resources Committee

☒ Conference Committee

Hearing Date 4-5-01

Tape Number	Side A	Side B	Meter #
1	X		Start - 41.1
Committee Clerk Signature 			

Minutes:

SENATOR FREBORG opened the Natural Resources Conference Committee on SB 2427.

Roll was taken with SENATORS FREBORG, FISCHER, EVERY, REPRESENTATIVES DROVDAL, NELSON and WINDRICH present.

The Representatives explained the rational of their amendments to SB 2427 explaining that after listening to testimony it became clear that the problem was not to restrict the handicapped but was in the definition of a handicapped person. The North Dakota Game and Fish Department have no description of a handicapped person for issuing licenses. This causes abuse and taken advantage of the system. The purpose of the amendments was to make sure it was truly the handicapped who were issued these licenses. At the present time the Game and Fish Department define a handicapped person as anyone who has a handicapped sticker for their veichle and the representatives feel this is way to loose of a criteria. So the Game and Fish Department came up with a definition of a handicapped person as described by the amendments. The Representatives

also amended to restrict that only one of the two licenses issued could be used for any species and the other license would have to be used as species defined.

SENATOR FREBORG as a cosponsor the SB 2427 corrected the representatives stating that the original intent of the bill was not to allow any species with the license permit and of course not anyone can get a handicapped vehicle permit. It does have to be issued with a physician's signature. Discussion was held as to the amendments not allowing much latitude and someone could be missed. If that would be the case, a hunter could still apply for off road hunting privileges but would not be allowed the any species privilege.

Discussion was held as to defining "handicapped" and how the department wanted set criteria because in current law "for the purposes of hunting" is too open for interpretation.

Numbers of license applications were discussed and the Representatives felt the amendments lowered the number enough to take care of the abuses and still give those that are truly handicapped the opportunity to get a deer.

Anyone with a handicapped vehicle license can still get permission to drive off road but cannot convert the hunting license to take a deer other than what was drawn in the lottery.

It was further discussed that the intent of the sponsor of SB 2427 was no longer contained in the bill as amended. The intent of SB 2427 was to not convert the hunting license or any species. The Representatives agreed that the Bill did not contain everything the sponsors wanted but it will cut down the number of abuses.

SENATOR EVERY made a motion for the Senate to accede to the House Amendments on SB 2427.

REPRESENTATIVE DROVDAL second the motion.

Page 3

Senate Natural Resources Committee

Bill/Resolution Number SB 2427

Hearing Date 4-5-01

SENATOR FREBORG called for roll vote #1 of SB 2427 indicating 4 YAYS, 2 NAYS AND 0 ABSENT OR NOT VOTING.

Motion failed.

SENATOR FISCHER made a motion for the Senate to accede to the House Amendments on SB 2427.

SENATOR EVERY second the motion.

SENATOR FREBORG stated that he thought this bill as amended was being done for a very few abusers and are fixing a problem that is minute.

SENATOR FREBORG called for roll vote # 2 of SB 24247 indicating 5 YAYS, 1 NAYS AND 0 ABSENT OR NOT VOTING.

SENATOR FREBORG closed the Conference Committee meeting on SB 2427.

Date: 4-5-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate Natural Resources Committee

☐ Subcommittee on _____

or

☒ Conference Committee

Legislative Council Amendment Number

Action Taken To Continue To H. Arrangements

Motion Made By

Seconded

By

[illegible]

Total (Yes) 4 No 2

Absent

Floor Assignment

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

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate Natural Resources Committee

Subcommittee on _____

or

☒ Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate -10 accede to H Amendment

Motion Made By Aschew Seconded By Ovey

[illegible]

Total (Yes) 5 No 1

Absent *D*

Floor Assignment _____

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

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2427: Your conference committee (Sens. Freborg, Fischer, Every and Reps. Drovdal, Nelson, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1034 and place SB 2427 on the Seventh order.

SB 2427 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2427

**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT
SB: 2427 DEER HUNTING BY HANDICAPPED INDIVIDUALS
SENATE NATURAL RESOURCES COMMITTEE
FEBRUARY 15, 2001**

Current law has provisions to allow individuals who are permanently unable to walk for the purposes of hunting, the ability to take a deer of any sex or species of deer if that person was successful in obtaining one or more deer licenses in the unit the license was issued.

Eligibility:

- Department requires DOT handicapped access permit (temporary or permanent) prior to issuance of permit.

Current numbers:

- For the fall of 2000 there were approximately 1,900 individuals eligible (1,746 permanent and 165 temporary) .
- The number of individuals receiving eligibility has increased significantly in the year 2000, approx. 500 new or renewed permanent permits (permanent permit valid for 5 yrs) and approx 165 temporary permits.
- The ND DOT currently has over 32,000 individuals with permanent handicap permits and approximately 500 individuals with temporary permits at any one time. Their number appears to also increasing as more people become aware of the permits and as our population ages.

GOOD MORNING CHAIRMAN FISCHER AND MEMBERS OF THE NATURAL RESOURCE COMM.

My name is Lynda Miller and I am here today to testify against the way Senate BILL 2427 is written for the folks who are in wheelchairs and for the very few who also love the sport of hunting. The general public really does not have a clear understanding of what is involved to get a wheelchair bound individual ready for hunting trip, or any outing. Most spinal cord injury individuals can not tolerate the cold. Therefore, special safety precautions need to be addressed before attempting to leave town. Try to imagine an electric wheelchair plowing snow, or even letting down a lift on uneven ground to let themselves out of a van. It is impossible.. but yet with help, these individuals can have enjoy a sport for which they love. I can relate to all of these activities.

For the past 5 years or more ,I have assisted with the real challenges as well as, the joy that came after a harvest of an animal. Shooting from the window with such a narrow area sounds good, but in reality their chances are very slim. The way the bill has been written for any species and any sex has greatly improved their chances to harvest anything at all. I have seen abuse with the current legislation. Some have made it difficult for those individuals that really need all the help that they can get. A whitetail or a mule deer is very hard to discern when lying down, and a button buck of any species as well.

That is why I am asking your committee to amend this bill,so that any WHEELCHAIR BOUND hunter may harvest any deer.

Thank you for the opportunity to discuss this issue with your committee.

Good morning Chairman Fischer and members of the Natural Resources Committee.

My name is Francis Herauf and I am here in opposition to Senate Bill 2427.

I feel if this Bill is amended, people with disabilities, especially those who use wheelchairs should be allowed to shoot any deer, whether it be a white tail or mule deer.

The reason I say this is because it is difficult for someone in a wheelchair to plow through the snow to see what species the deer is; or when the animal is lying down.

It is difficult to identify the species when you are sitting in your vehicle.

I am allowed to shoot from my vehicle and by the time I decide if it is a white tail or mule deer it most likely is gone.

This past deer season is the first time I retrieved a deer in 5 years of diligent effort. The weather conditions were less than desirable. I took a doe on a long shot but couldn't have been sure of the species.

Thank you for your time.

TESTIMONY SUPPORTING SB 2427

By Mike Donahue

March 8, 2001

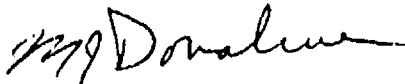
House Natural Resources

The United Sportsmen of North Dakota and the N.D. Wildlife Federation support SB 2427.

We believe this bill adds to the fairness of the lottery for all sportsmen. We believe it will help somewhat in the management of the white tail and mule deer herds.

We ask for a **Do Pass**.

Thank you.



Mike Donahue
Lobbyist #258