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2003 HOUSE NATURAL RESOURCES

HB 1223



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03 Date 1213 Operator's Signature M

(assessed)

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1223

House Natural Resources Committee

Conference Committee

Hearing Date January 23, 2003

Tape Number	Side A	Side B	Meter #
3	XX		0-4500
ommittee Clerk Signatur	Cari M		
ommittee Clerk Signatur	I VIARA (° 7.		

Minutes:

Chair Nelson called the meeting to order.

Rep. Porter: Introduced HB 1223 relating to the opening date of pheasant season and the

hunting of pheasants on certain lands in the state. (See Attached Testimony)

Lanceford Johnson: Restaurant and lounge owner. Testified in favor of HB 1223. There will be a Pheasant capital of the world. We could be the place. This will be based on the attitudes of the people in the area.

Chair Nelson: In the Mott area the residents would get preferential treatment the 1st week.

What is the attitude of the Mott area in this?

Lance Johnson: There will some be concerns over resident hunting.

Rep. Clark: How does this affect your business?

Lance Johnson: It will have an impact. 20% of my business happens in the first week. 60%

between October and December. . **With Marked and Article Constantion** and the State of $-\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} \right) \left(\frac{1}{2$ 399 N. 8 的问题 The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the nagular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. Operator's Signature

Page 2 House Natural Resources Committee Bill/Resolution Number 1223 Hearing Date January 23, 2003

Dan Vodde: Testified on behalf of HB 1223. Rather have a one license policy like HB 1353,

but this bill would be a good compromise.

Rep. Norland: How do you find the hens in the first week?

Dan Vodde: They look very differently in the opener.

Rep. Norland: The birds grow a lot in that week.

Bill Pfifer: ND wildlife Society. Testified against parts of HB 1223. (See Attached

Testimony). Proposed an amendment.

Rep. Porter: Explained that the changes would move the opener very little.

Chair Nelson: What is you objection on a biological basis?

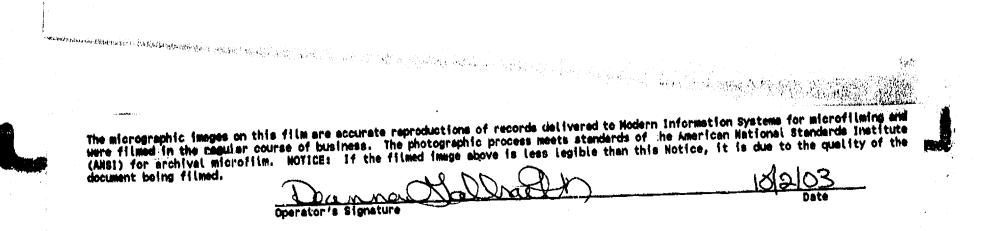
Bill Pfifer: The problem is the date is picked out of the sky to correlate with the federal.

Harold Neaumeyer: Cass County Wildlife Club. (See Attached Testimony).

Mike Donahue: Testified against HB 1223. The problem is the decisions have been made on this issue based on hanging a dollar sign on the resource. We thought this matter had been settled last year in the governors office. We are disturbed by this.

Chair Nelson: The legislature never had a part in that. This is the first time this has come up. It is not the intent of this committee to hang a dollar sign on the resource. I thought your organization wanted recognition for resident hunters.

Chair Nelson adjourned the meeting.



2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1223

House Natural Resources Committee

Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
1			2806-3375

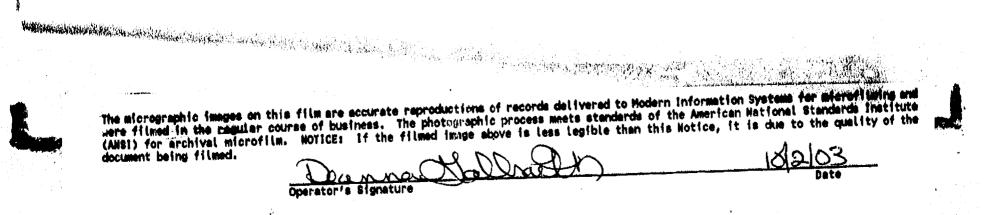
Minutes:

Chair Nelson reopened HB 1223.

Rep. Porter introduced an amendment seconded by Rep. DeKrey. Passed by voice vote.

Rep. Porter motioned for a do pass with amendments on HB 1223 seconded by Rep. Clark.

The Motion carries by a vote of 9-2-3. Rep. DeKrey will carry.



FISCAL NOTE Requested by Legislative Council 03/31/2003

Amendment to: HB 1223

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.

	2001-2003 Blennium		2003-200	5 Biennium	2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	······					1
Expenditures						
Appropriations						·

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

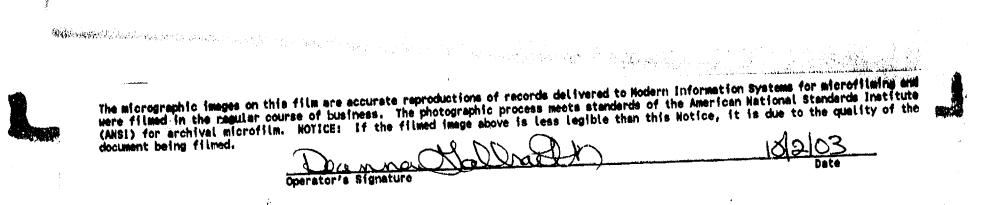
200	2001-2003 Blennium		2003-2005 Biennium			2005-2007 Biennium		
Counties	Citles	School Citles Districts		Cities	School Districts	Counties Cities District		

2. Natrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No significant fiscal impact is anticipated.

- 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.
 - E. 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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	03/31/2003



FISCAL NOTE Requested by Legislative Council 03/28/2003

Amendment to: HB 1223

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.

	2001-2003 Biennium		2003-2005	Biennium	2005-2007 Biennium		
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds	
Revenues							
Expenditures							
Appropriations							

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

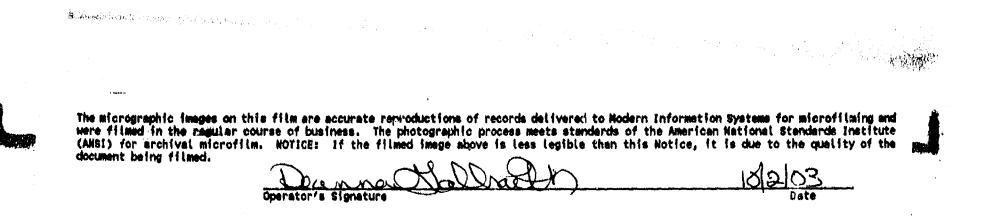
2001	2001-2003 Blennium School		2003-2005 Biennium			2005-2007 Biennium		
Counties	Citles	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No significant fiscal impact is anticipated.

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 - C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	03/31/2003



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FISCAL NOTE

Requested by Legislative Council 02/04/2003

Amendment to: HB 1223

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.

	2001-2003 Blennium		2003-2005	5 Biennium	2005-2007 Blennium		
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds	
Revenues							
Expenditures							
Appropriations						· · · ·	

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

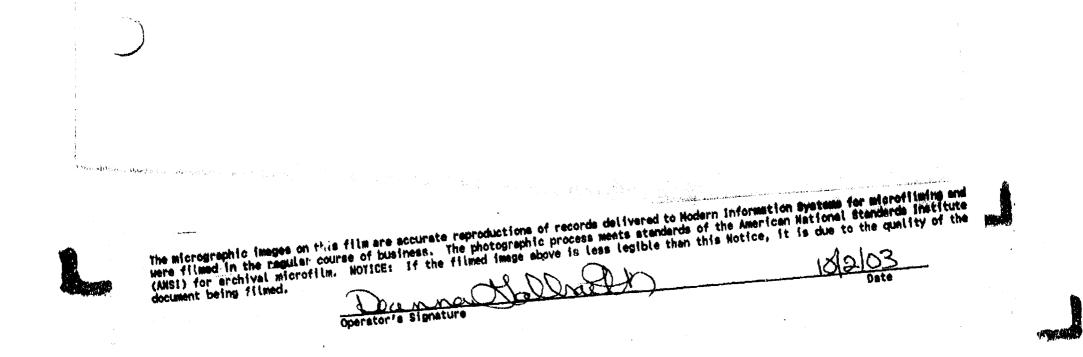
1	200	1-2003 Bienn	num	200	3-2005 Bienn		200	D-ZUU/ Dienn	
	Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
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2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No significant fiscal impact is anticipated.

- 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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	02/04/2003



FISCAL NOTE

Requested by Legislative Council 01/13/2003

Bill/Resolution No.: HB 1223

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.

	2001-2003 Blennium		2003-200	5 Biennium	2005-200	7 Biennium
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

200	1-2003 Blenr	num	2003-2005 Biennium 2005-2007 Bienniu			nium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			000111100		1041 Pt4	Countres	011110	
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2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No significant fiscal impact is anticipated.

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- 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, of the effect on the blennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/13/2003

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30226.0201 Title.0300

Adopted by the Natural Resources Committee

January 30, 2003

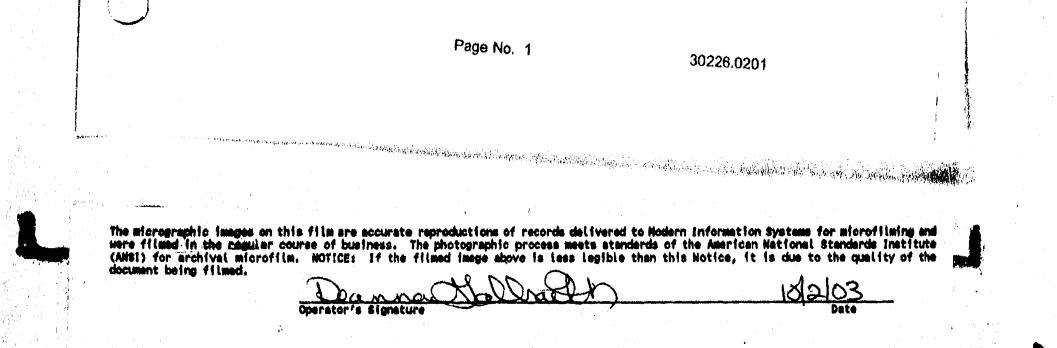
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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1223

Page 1, line 7, replace "begins" with "may not open earlier than"

Page 1, line 8, replace "Saturday immediately following the opening of duck season" with " first Saturday of October of any given year"

Renumber accordingly



Date: 1/3//03 Roll Call Vote #: /

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES **BILL/RESOLUTION NO.** 1227

House House Natural Resources Committee

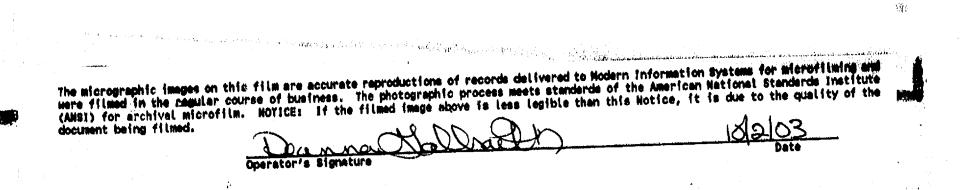
Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do 1433 AS AMENDED Motion Made By Corter Seconded By Clark

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson					
Vice-Chairman Todd Porter					
Rep. Byron Clark					
Rep. Duane DeKrey					
Rep. David Drovdal	V				
Rep. Lyle Hanson					
Rep. Bob Hunskor					
Rep. Dennis Johnson					
Rep. George Keiser					
Rep. Scott Kelsh					
Rep. Frank Klein		X			
Rep. Mike Norland		VV			
Rep. Darrell Nottestad					
Rep. Dorvan Solberg					
Total (Yes) <u>9</u> Absent <u>3</u>		No	2		
loor Assignment <u>Dette</u>			••••••••••••••••••••••••••••••••••••••	· · · · · · · · · · · ·	

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



REPORT OF STANDING COMMITTEE (410) February 3, 2003 10:09 a.m.

Module No: HR-20-1504 Carrier: DeKrey Insert LC: 30225.0201 Title: .0300 1. N. W.

REPORT OF STANDING COMMITTEE

HB 1223: Natural Resources Committee (Rep. Nelson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1223 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "begins" with "may not open earlier than"

Page 1, line 8, replace "Saturday immediately following the opening of duck season" with " first Saturday of October of any given year"

Renumber accordingly

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Operator's Signature

Page No. 1

HR-20-1504

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2003 SENATE NATURAL RESOURCES

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HB 1223

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1223

Senate Natural Resources Committee

Conference Committee

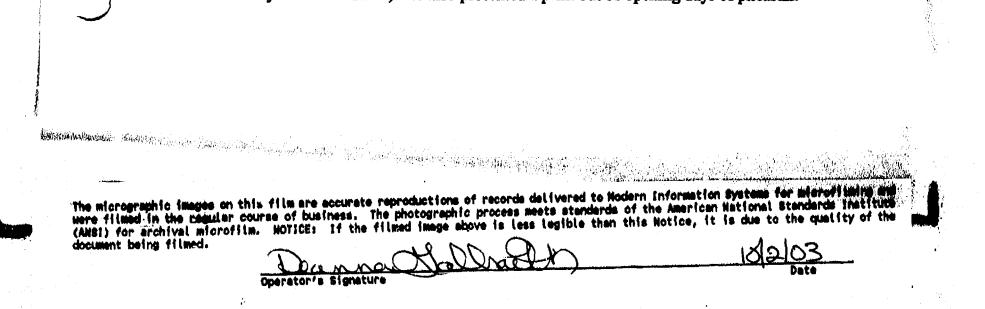
Hearing Date 3-13-03

Tape Number	Side A	Side B	Meter #
1		X	27.2 - end
2	X		0.0 - 2.9
Committee Clerk Signat	ure and	1 James	
Ainutes:	T		

Senator Thomas Fischer. Chairman of the Senate Natural Resources Committee opened the hearing on HB 1223 relating to the opening date of pheasant season and the hunting of pheasants on certain lands in the state.

All members of the committee were present.

Representative Todd Porter sponsor of HB 1223 presented the bill stating he had constituents contact him stating they were unhappy with the way things turned out for the opening of pheasant season feeling they were penalized because they do not hunt ducks. He stated the bill was not in best form and presented amendments to fix it (See attached). The intent of the HB 1223 is to open the pheasant season as early as October 1st in any given year as long as it does not conflict with the opening of duck season. This is important to the North Dakota Game & Fish Department as well as the people who do not want the openings on the same weekend. (See attached testimony and amendment). He also presented a print out of opening days of pheasant



Page 2 Senate Natural Resources Committee Bill/Resolution Number HB 1223 Hearing Date 3-13-03

season (See attached). He also presented to the committee written testimony from Lawsford Johnson of Mott, ND (See attached).

Harold Neameyer representing the Cass County Wildlife Club testified in support of HB 1223 (See attached Testimony).

Pat Candrian of the Cannonball Company (40.9) testified in support of HB 1223 stating he felt HB 1223 was a win-win bill for the state of North Dakota.

Bill Pheifer representing the North Dakota Chapter of the Wildlife Society testified in support of HB 1223 but is reluctant to have the state legislature set regulations and season opening dates. He thinks the Game & Fish Department using their best biological reasons should decide the dates.

Dean Hildebrand, (45.7) Director of the North Dakota Game & Fish Department stated the department was in support of HB 1223.

Mike Donahue presenting the North Dakota Wildlife Federation and the United Sportsmen Club of North Dakota testified in opposition to HB 1223 (See attached testimony). He also presented a list of signatures of some 600 hunters opposed to early pheasant season opener (see attached).

David Munsch testified in opposition HB 1223 stating he thinks the bill is discriminatory against non residents who pay a higher fee.

There was no neutral testimony on HB 1223.

Senator Ben Tollefson. Vice Chairman of the committee closed the hearing on HB 1223.

1990 - Anna Bhanna Bhanna Bhanna an Bhanna Bhan 1991 - Anna Bhanna B 1 . A Little Laborer The micrographic images on this film are accurate reproductions of records delivered to Momern Information Sections for microfilming and were filmed in the capular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOVICE: If the filmed image above is less legible than this Notice, it is due to the quality of the incomment halos different document being filmed. 03 300 2 Operator's Signature Å

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1223

Senate Natural Resources Committee

Conference Committee

Hearing Date 3-14-03 Discussion and Action

Tape Number	Side A	Side B	Meter #	
1		X	17.2 - 23.5	:
Committee Clerk Signatu	ire Gan	nd Jame		
Minutes:				

Senator Thomas Fischer opened the discussion of HB 1223.

All members of the committee were present.

Discussion was held regarding the concerns of some of the members of the committee that if the

North Dakota Game & Fish Department should be told when a season should be opened. The

decisions should be made by the Game & Fish who will use biological science.

Senator Ben Tollefson made a motion for a Do Not Pass of HB 1223.

Senator Michael Every second the motion.

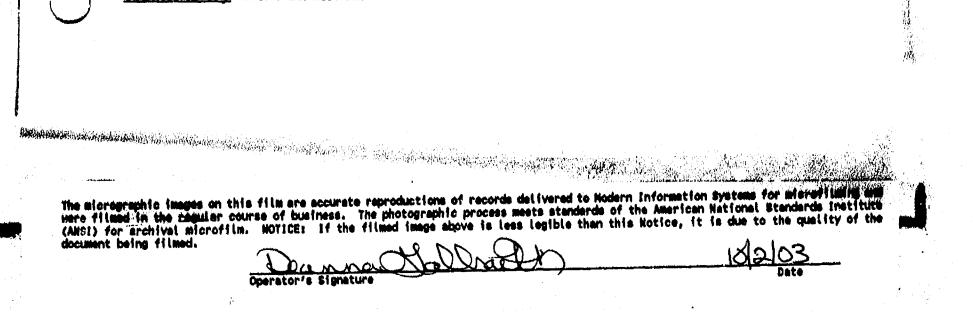
Discussion was held as to whether the amendment should be added before it is presented to the

floor.

The motions were withdrawn.

Senator 'Tollefson made a motion to accept the amendment #30226.0301.

Senator Every second the motion.



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Page 2 Senate Natural Resources Committee Bill/Resolution Number HB 1223 Hearing Date 3-14-03

Roll call vote # 1 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

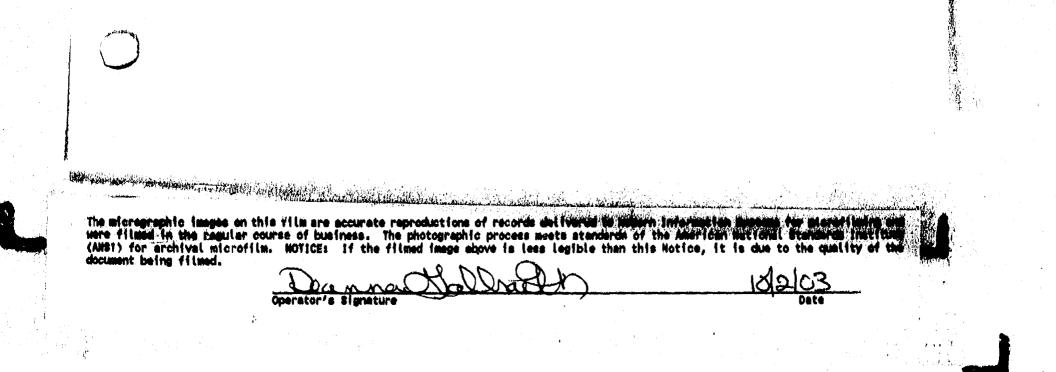
Senator Tollefson made a motion for a Do Not Pass as amended of HB 1223.

Senator Every second the motion.

Roll call vote # 2 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Layton Freborg will carry HB 1223.

Senator Fischer closed the discussion on HB 1223,



2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1223

Senate Natural Resources Committee

Conference Committee

Hearing Date 3-21-03 Reconsideration and Action

Tape Number	Side A	Side B	Meter #
1		X	30.0 - end
	\wedge		
Committee Clerk Signati	ire (anit	James	
inutes:	1		

Senator Ben Tollefson opened the discussion on HB 1223.

All members of the committee were present except Senator Michael Every.

Senator Thomas Fischer made a motion to reconsider the action on HB 1223.

Senator Stanley Lyson second the motion.

A voice vote was taken indicating acceptance of the motion.

Senator Fischer made a motion for Do Pass as Amended of HB 1223.

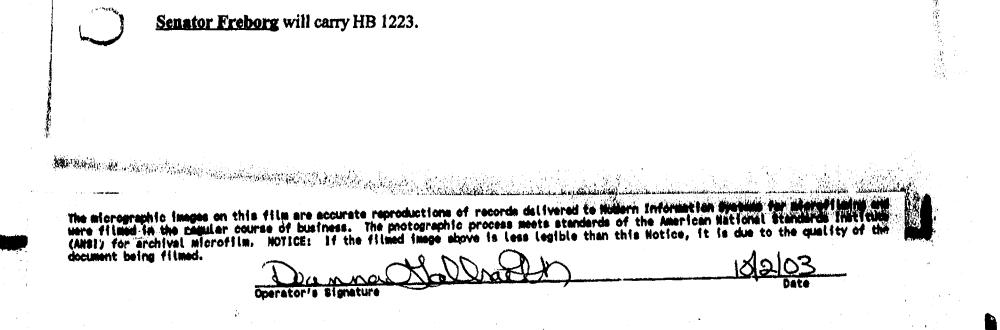
Senator Lyson second the motion.

Discussion was held as to Section 1 and who should decide these issues, the Game & Fish

Department or the Legislature. Should the legislators empower themselves as politicians to

become the biologists for the Game & Fish Department.

Roll call vote #2 was taken indicating 4 YEAS, 2 NAYS AND 1 ABSENT OR NOR VOTING.



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30226.0301 Title.0400

Prepared by the Legislative Council staff for Representative Porter February 6, 2003

3-14-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1223

Page 1, line 7, after the boldfaced period insert "The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend."

Page 1, line 8, replace "on" with "and the season may not commence earlier than"

Renumber accordingly

Page No. 1



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Operator's Signature Date

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Senate Senate Natural Resource	:CS		• • • • • • • • • • • • • • • • • • •	Com	mitte
Check here for Conference C	Committee				
Legislative Council Amendment			Δ		
Action Taken $\gamma \underline{N}_{i} + \underline{0}$	-acy	st_	Annul 30	226	.03
Motion Made By Tolled	U) Se	conded By FADA		
			June Dy		
Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer			Senator Michael A. Every		
Senator Ben Tollefson			Senator Joel C. Heitkamp		
Senator Layton Freborg Senator Stanley W. Lyson					
Senator John T. Traynor					
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		······			
		No	0		
otal (Yes)					

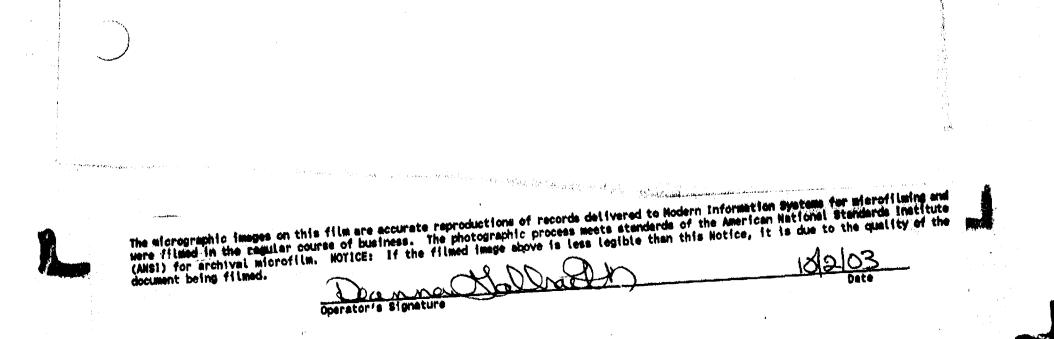
If the vote is on an amendment, briefly indicate intent:

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and the second The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the capular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 10/2/03 Operator's Signature

			Date: 3-14 Roll Call Vote #: 2	03	
2003 SENATE STA B	ANDING C ILL/RESO	юмм	ITTEE ROLL CALL VOT		
Senate Senate Natural Resourc			- 	Comm	ittee
Legislative Council Amendment 1 Action Taken Motion Made By	D	o N	conded By Over	Amen	ded
				•	
Senators	Yes	No	Senators	Yes	No
	Yes.	No	Senators Senator Michael A. Every	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson	Yes	No	فتحيي يترافعهم محصورية كشأك كالمود بالكوي الالاميمية فمصور فالمتجرب فالمتناه بيون فيعوا والمواد	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg	Yes	No	Senator Michael A. Every	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson	Yes	No	Senator Michael A. Every	Yes	<u>No</u>
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg	Yes,	No	Senator Michael A. Every	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson	Yes	No	Senator Michael A. Every	Yes	<u>No</u>
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson	Yes	No	Senator Michael A. Every	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson	Yes	No	Senator Michael A. Every	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson	Yes	No	Senator Michael A. Every	Yes	<u>No</u>
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson		No	Senator Michael A. Every	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson		No	Senator Michael A. Every	Yes	No
Senators Senator Thomas Fischer Senator Ben Tollefson Senator Layton Freborg Senator Stanley W. Lyson		No	Senator Michael A. Every	Yes	No

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



Date: 3-21-03 Roll Call Vote #:

Inon

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 1223

recension the bill

Senate	Senate Natural Resources	

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Fishin Seconded By

	Senators	Yes	No	Senators	Yes	No
	Senator Thomas Fischer			Senator Michael A. Every		
	Senator Ben Tollefson			Senator Joel C. Heitkamp		
	Senator Layton Freborg					
i	Senator Stanley W. Lyson					
	Senator John T. Traynor			()		
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Floor Assignment

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

and the second sec The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document busine filmed. document being filmed. Dete à, D76 M2 እሳ Operator's Signature

30226.0302 Title.0500

Prepared by the Legislative Council staff for Senator Heitkamp March 24, 2003 DSSED HOUSE BILL NO. 1223

1.22 2011

PROPOSED DIVISION OF ENGROSSED HOUSE BILL NO. 1223

DIVISION B (Failed)

Section 1 of the bill

(Adopted)

The remainder of the bill

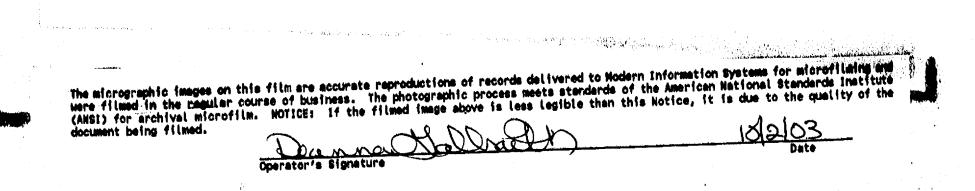
Renumber and correct the title accordingly

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Page No. 1 30226.0302 The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the capular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. Operator's Signature

				ITTEE ROLL CALL VOTE DN NO. ノ _ン ころろ	LS -	
Senate Senate Na	atural Resources				Com	nitto
Check here for	Conference Com	mittee				
Legislative Council	Amendment Nun	nber				
Action Taken		15	01	Anglad	<u></u>	<u></u>
				conded By	. <u></u>	
Motion Made By	FIGHT		Se	conded By		
Sena	terrest in the second se	Yes	No	Senators	Yes	No
Senator Thomas F	والمستعمل المنجوي فيعادتهم ويتكلف فيتعر بأن			Senator Michael A. Every		ļ.,
Senator Ben Tolle		K		Senator Joel C. Heitkamp		~
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If the vote is on an amendment, briefly indicate intent:



REPORT OF STANDING COMMITTEE (410) March 21, 2003 12:43 p.m.

Module No: SR-51-5423 **Carrier: Freborg** Insert LC: 30226.0301 Title: .0400 A State

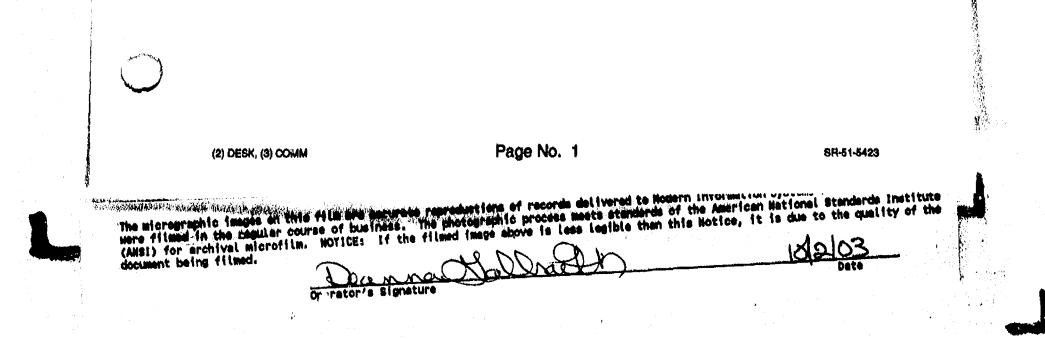
REPORT OF STANDING COMMITTEE

HB 1223, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1223 was placed on the Sixth order on the calendar.

Page 1, line 7, after the boldfaced period insert "The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend."

Page 1, line 8, replace "on" with "and the season may not commence earlier than"

Renumber accordingly



2003 HOUSE NATURAL RESOURCES

CONFERENCE COMMITTEE

12

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N DAVIDA

HB 1223

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1223

House Natural Resources Committee

Conference Committee

Hearing Date April 8, 2003

Tape Number	Side A	Side B	Moter #
1		XX	469-1956
Committee Clerk Signatu	re Certi Man		

Minutes:

Chair Porter opens the conference committee on HB 1223.

Sen. Fischer: The bill was fine until the Heitkamp buzz saw went through it.

Rep. Porter: The sponsors want an all or nothing concept. The tradeoff was section 1. It is a good compromise.

Sen. Fischer: Heitkamp's objection was that this is a game and sish issue. It should be regulated by game and fish. I disagree with that. Game and Fish will not do it unless there is legislative push behind it.

Rep. Porter: Some might view this as micro managing but this has become such a hot political issue that no one will ever touch it again. This will be a detriment to all. It is our responsibility to settle this. We are tying to find a middle ground on this.

Rep. Hanson: If we have a late duck season, the pheasant season could start earlier.

Rep. Porter: They cannot conflict on dates.

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Operator's Signature

Page 2

House Natural Resources Committee Bill/Resolution Number 1223 Hearing Date April 8, 2003

Sen. Tollefton: Some have brought up the maturity of the bird. If you don't know what you are

shooting at don't shoot.

The Senate recedes from the Amendment.

Sen. Tollefson moves the original amendment. Sen. Fischer seconds it. The amendment

passes.

憲法部合派 The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the capalar course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. Operator's Signature X Δ Date $\dot{\nu}$

REPORT OF CONFERENCE COMMITTEE (420) April 11, 2003 11:04 a.m.

Module No: 8R-65-7482

'neert LC: 30226.0303

REPORT OF CONFERENCE COMMITTEE

HB 1223, as engrossed: Your conference committee (Sens. Fischer, Tollefson, Every and Reps. Porter, F. Klein, Hanson) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1108, adopt amendments as follows, and place HB 1223 on the Seventh order:

That the Senate recede from its amendments as printed on page 1108 of the House Journal and page 971 of the Senate Journal and that Engrossed House Bill No. 1223 be amended as follows:

Fage 1, line 7, after the boldfaced period insert "The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend."

Page 1, line 6, replace "on" with "and the season may not commence earlier than"

Renumber accordingly

Engrossed HB 1223 was placed on the Seventh order of business on the calendar.

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Page No. 1

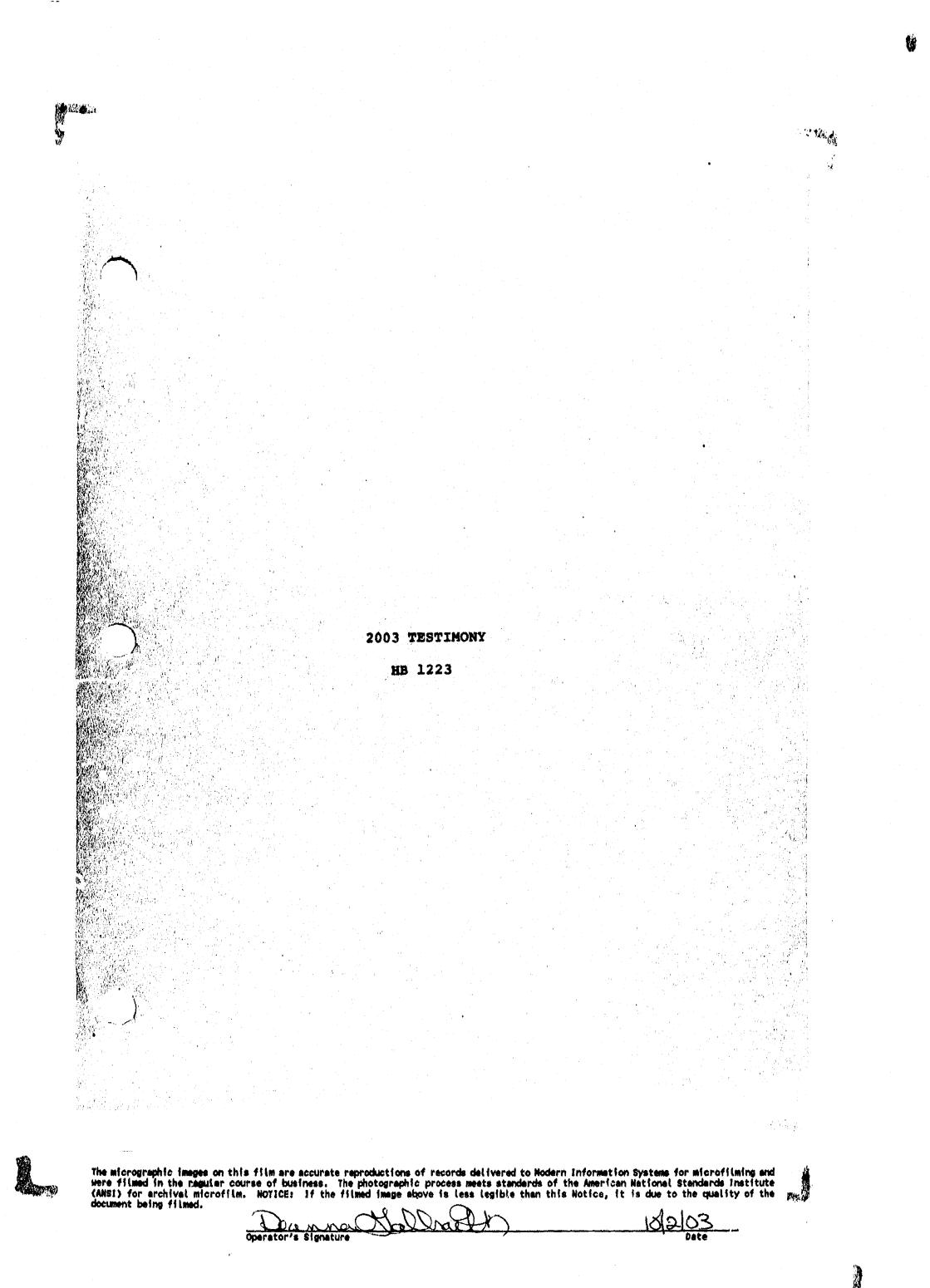
SR-65-7482

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5.00

HOUSE OF REPRESENTATIVES NATURAL RESOURCES COMMITTEE REPRESENTATIVE JON NELSON, CHAIRMAN JANUARY 23, 2003

TESTIMONY BY REPRESENTATIVE TODD PORTER

IN SUPPORT OF HB1223

Chairman Nelson and members of the Natural Resources Committee my name is Todd Porter, Representative from District 34 in Mandan. I stand before you in favor of HB1223.

HB 1223 would accomplish two things in regards to pheasant hunting in North Dakota. In section 1 of the bill pheasant season would be opened the week after the opening of duck season. In most years this would mean the second Saturday in October. As the calendar moves, every 4th year the seasone would open on the first Saturday in October. I realize that there is concern over this issue tying the opening date to the duck season as this has moved recently. I would not object to an amendment that would allow the opening no earlier than the first Saturday in October as long as that date doesn't conflict with another season openor.

During the last interim there was plenty of discussion regarding a game and fish policy change that would have opened pheasant season one week earlier this year. I want to recap a couple of the arguments:

1. There was no public process used to determine the policy change.

2. There is a biologic concern that the rooster color hasn't changed.

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The legislative process is certainly the right venue to decide policy change. This is the representative form of government and it is our responsibility to make informed decisions on the policies of North Dakota and their impact upon the state.

The biology concerns that an individual would potential shoot a hen because some of the later hatched roosters won't have their colors is absurd. I start hunting grouse and partridge in areas where pheasants also live. I don't shoot every bird my dog points at. I have to be responsible in making sure that I identify every bird or animal I shoot at prior to pulling the trigger.

There has been comment out on the hunting web sites that I must have sold out to the outfitters and fee hunter operations. I want to set the record straight. I supported the ND Game and Fish position from the first time I talked with Commissioner Hildebrandt regarding an extra week of pheasant hunting. I have heard from a number of my constituents and I also feel that in those years when there is extra time between opening seasons there is no reason that I am not out hunting pheasants. To those who made the statements regarding "selling out", I can only respond that I am committed to enhancing a promoting hunting throughout ND and I understand compromise in order to better everyone's opportunity to enjoy our great outdoors.

Section 2 of the bill addresses concerns that I have heard regarding access. I think when you look at hunting in North Dakota, access is always the topic of conversation. Hunting leases are becoming more common as is out right purchase of land for the purpose of hunting. By allowing resident only access the first week of pheasant season every year you are making a policy change that enhances access to our resident hunters and allows them the use of our public land and plots land without the premise of private property rights issues.

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When you look at hunting in ND and access during the seasons you have to remember that landowners control this sport. Times have changed and with those changes has come access concerns that we are going to address in other bills. I will tell you that private landowners also control the opening date of all hunting seasons on the majority of land in ND by allowing access to their property. In essence all this bill would do is allow an earlier opening date on public land and plots land.

Mr. Chairman and committee members I know that there will be opposition to this measure today presented by resident hunters. I ask that you consider this bill as a package with section 1 and 2 and consider it as a compromise as not all resident hunters are opposed to the concept and not all landowners are in favor of this concept.

I would be happy to answer any questions you may have.

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North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



TESTIMONY OF BILL PFEIFER NORTH DAKOTA CHAPTER OF THE WILDI IFE SOCIETY PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE ON HB 1223, JANUARY 23, 2003

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society opposes Section 1 of HB 1223.

Decisions involving the management of fish and wildlife in North Dakota, including the setting of any seasons, should remain the responsibility of the game and fish department. Management of any species involves many factors including biology, habitat, landowner tolerance, and economics. Collectively, these factors provide the necessary information to determine if, and when, any harvest season should occur. The game and fish department is the most knowledgeable in gathering and assembling the necessary data and then determining the best management plan.

Flexibility is a key management factor and can be provided by proclamation; legislation loses this flexibility due to the lag time in the process.

There are many flaws of basing the opening of a pheasant season upon the opening of a duck season. There is no correlation; one is migratory, and the other is not. The duck season opener is based within certain parameters depending upon a set of conditions in the flyway.

The opening of a duck season is not announced until August due to gathering northern flyway information. This late announcement shortens schedules for planning vacations, guide and travel reservations, and application for licenses. The pheasant season opener can be provided much earlier through proclamation thereby facilitating travel arrangements.

The legislature should not be in the business of wildlife management, therefore The Wildlife Society opposes that portion of HB 1223 which involves setting the opening

of the pheasant season.

Dedicated to the wise use of all natural resources



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30226.0200

Fifty-eighth Legislative Assembly of North Dakota

HOUSE BILL NO. 1223

1.1

Introduced by

Representative Porter

Senators Cook, Trenbeath

1 A BILL for an Act to create and enact a new section to chapter 20.1-04 and a new section to

2 chapter 20.1-08 of the North Dakota Century Code, relating to the epening-date of pheasant

3 eeasen and the hunting of pheasants on certain lands in the state.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 SECTION 1. A new section to chapter 20:1-04 of the North Dakota Contury Code is 6 -- created and enacted as follows:

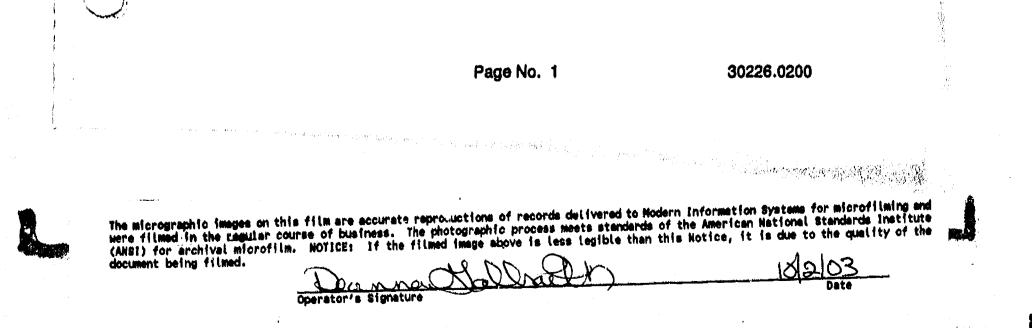
Phoseant-coason - Opening. The open-or-lawful coason on pheasant begins one-half A -hour before cunrice on the saturday immediately following the opening of duck season.

9 -SECTION-2: A new section to chapter 20.1-08 of the North Dakota Century Code is
 10 created and enacted as follows:

11 Small game proclamation - Pheasants. The governor, in the governor's proclamation, 12 shall prohibit a nonresident from hunting for the first seven days of the pheasant season on land 13 owned or private land enrolled by the department for the purposes of hunting or on land for

14 which the department pays in lieu of tax payments.

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Cass County WILDLIFE CLUB Box 336 Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER CASS COUNTY WILDLIFE CLUB PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE ON HB 1223, JANUARY 23, 2003

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club is opposed to HB 1223 Section 1, relating to the pheasant opener. It would be a more stable system if we lived by the system prior to 2002.

We are in support of Section 2 that allows residents to hunt state controlled land. This should benefit resident youth and their families by reducing the pressure on these areas. Many residents have nowhere else to hunt but state lands.

HB 1223 would have better served our desires if it had been presented as two separate bills.

-----4 - 1 - 1 - 1 - 1 - 1 - 1 NAMES AND A STREET The micrographic images on this film are accurate reproductions of records delivered to Nodern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANBI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quelity of the document being filmed. Operator's Signature 1

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SENATE NATURAL RESOURCES COMMITTEE SENATOR TOM FISCHER, CHAIRMAN JANUARY 23, 2003

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IN SUPPORT OF HB 1223

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The first effect of this bill would be in 2006. The opening date for pheasant season would be 1 day earlier than in 2005. In 2007, the opening date would be 1 day earlier than in 2006. In 2008 the date would again be the second weekend of October.

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1. There was no public process used to determine the policy change.

2. There is a biologic concern that the rooster color hasn't changed.

The legislative process is certainly the right venue to decide policy change. This is the representative form of government and it is our responsibility to make informed decisions on the policies of North Dakota and their impact upon the state.

The biology concerns that an individual would potential shoot a hen because some of the later hatched roosters won't have their colors is absurd. I start hunting grouse and partridge in areas where pheasants also live. I don't shoot every bird my dog points at. I have to be responsible in making sure that I identify every bird or animal I shoot at prior to pulling the trigger.

There has been comment out on the hunting web sites that I must have sold out to the outfitters and fee hunter operations. I want to set the record straight. I supported the ND Game and Fish position from the first time I talked with Commissioner Hildebrandt regarding an extra week of pheasant hunting. I have heard from a number of my constituents and I also feel that in those years when there is extra time between opening seasons there is no reason that I am not out hunting pheasants. To those who made the statements regarding "selling out", I can only respond that I am committed to enhancing a promoting hunting throughout ND and I understand compromise in order to better everyone's opportunity to enjoy our great outdoors.

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When you look at hunting in ND and access during the seasons you have to remember that landowners control this sport. Times have changed and with those changes has come access concerns that we are going to address in other bills. I will tell you that private landowners also control the opening date of all hunting seasons on the majority of land in ND by allowing access to their property. In essence all this bill would do is allow an earlier opening date on public land and plots land.

Mr. Chairman and committee members I know that there will be opposition to this measure today presented by resident hunters. I ask that you consider this bill as a package with section 1 and 2 and consider it as a compromise as not all resident hunters are opposed to the concept and not all landowners are in favor of this concept.

I would be happy to answer any questions you may have.

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		Waterfowl (USFWS)	Pheasant (Current 2nd Sat.)	Pheasant (1 st. Sat.)	Pheasant (1 wk after Waterfowl)
	2001	9-29	10-13	10-6	10-6
	2002	9-28	10-12	10-5	10-5
	2003	10-4	10-11	10-4	10-11
	2004	10-2	10-9	10-2	10-9
	2005	10-1	10-8	10-1	10-8
	2006	9-30	10-14	10-7	10-7
	2007	9-29	10-13	10-6	10-6

OPENING DATES

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Operator's Signature Date

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3-13-03

To: Ropressintative Todd Porter North Dakota House of Representatives FAX # 201-328-1271

From: Lawsford Johnson Thi Harvest Moon Ristavcantand Loungs P.O. Box 565 Motti ND 58646 701-824-4242

RE: BENAts Committe Hearing on Mr. Portor's Bill to open Phersont Serson the Weekend following the Duck Season Opener and limiting access of public and public curolled land to resident Hunters the First weekof Her Stason.

Mr. Chairman, Commin Has Momburs,

I Annin support of this bill. I am wable to attend this hearing, but I would like to voice my support.

An Additional arsk of Phiasant Hentings at the bigining of the STASON, would have a major impaot on my business and the majority of other businesses in our rural area. Economics have been tough for our rural area and we rely on the support of Phiasant Hunters to stay in business. One additional week at the beginning of the season could make the difference between closing and staying in business during hard sconomic times.

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PAGE 01

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The Philasants Ars & great recourse For our Area. As long as the Philasant Population remains strong 1 it makes good economic serves to use the recourse effectively.

I have heard some commute From representations of sporting groups in the state, that you can't put a price tag on the Phenoant. I disagree with this, I field this repourse is like affer resources such as coal and oil. As long as we don't about it, this resource is building to our rural area. In this cust the Phenoant Population would experience A dramatic decrease, are can agive our hunting aptions accordingly.

Phiasant Huntirs that wild to travil any distance, Are more likely to take advantage of an additional which at the biginning of the season bicanse the change of bad weather is liss than at the End of the TRASON:

I have spoken with numerous landowners and hunters about the coloring of a dult U.S. young birds. Everyone I have spoken with says there are young birds throughout the first four weeks of the season. IF a true sportsman isn't suge of a bird the dosn't pull the trigger.

I would estimate an additional week of hunting part the big ining of the season, would amount to the suty-thousand plus dellars in additional revenue for my business alone.

Our state is trying to encourage tourism. We have non-resident Hurter: that look forward to visiting and supporting our state. Why would we want to Prevent this. They speak well of our state to

Tourism 134 FAU hasn't Addressed Hub I Am curriers why our The micrographic images on this film are accurate reproductions of records delivered to Hodern Information Systems for microfilming and were filmed in the capular course of business. The photographic process meets atendards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. **Operator's Signature**

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I am also in support of limiting hunting on public land or Public surveyed land to Resident Hunters the first week of the season.

The majority of non-resident Hunters that sugport my establishment Are in Envoral this also. They have made as will make Arrangements to hurt private land. They are not trying to prevent resident hunters From sugaring the sport.

I hear sportsmans groups claiming they don't have access to land For hunting because it is all loosed up, or they can't afford to pay for necess.

Almost All of the land owners out here Are Five and researable. prople. They have the opportunity to supplement thesir income during hearing support with fee hearing. As the season progresses, there is less hearing pressure and Access becomes more available and less expressive. Most of the landowners invest in feed and protection for the Phenomets. They also want to see the birds properly harvested so we don't have an over abundances of roosters.

I have suggested, to many hunters, that they just make the Effort to contact the land owners and Ask. Building a good relationship with the landowner will be for more productive than trying to limit his options.

I Fist His Bill is A good compromuses For All interested particles and I encourage you to support it.

Thank-you for your time and consideration.

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Toddi I had to write this in a hurry. Feel Free to use all or part of it. You may paraphrons if you would like. I am also sending a letter From a non-resident hurter you can share with the committee if you needed likes. He has no problem with that. Ð

thank you , longth

having Johnson

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Cass County WILDLIFE CLUB Box 336

Casselton, ND 58012

TESTIMONY OF HAROLD NEAMEYER CASS COUNTY WILDLIFE CLUB PRESENTED TO THE SENATE NATURAL RESOURCE COMMITTEE ON HB 1223, MARCH 13, 2003

Mr. Chairman and Members of the Committee:

The Cass County Wildlife Club is now in full support of HB 1223. We fully agree with the opening date of pheasant hunting never being earlier than the first Saturday of October.

We fully support allowing only residents to hunt public lands the first week. We think this may be of benefit to North Dakota youths. We hope this ends the hassle created last year about the opening of the season.

The Cass County Wildlife Club gives its support to HB 1223.



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TESTIMONY REFERENCING HB 1223 ENGROSSED By Mike Donahue, Lobbyist #215 March 13, 2003

Senate Natural Resources Committee

The United Sportsmen of North Dakota and the N.D. Wildlife Federation oppose the pheasant season opening: part of Section 1 of this bill.

That part of Section 1 is what the Governor did (and then rescinded) in 2002. We ask that you consider the huge outcry made to the Governor. Namely, his decision was made solely for commercial interests and the majority of the hunting public does not want a game animal resource managed for commercial reasons. We hold to that principle.

Please amend "Opening" language out of the bill. If need be, give the entire bill a DO NOT PASS.

S. M. M. Signel an and the state of the state o The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and use filmed in the capular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image shows is less legible than this Notice, it is due to the quality of the document being filmed. **Operator's Signature** ŕ