

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1311

2007 HOUSE NATURAL RESOURCES

HB 1311

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

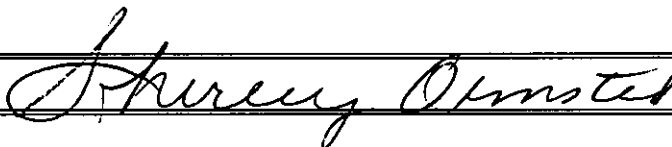
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1424

Committee Clerk Signature



Minutes:

Chairman Porter called the hearing to order regarding HB 1311.

Representative Craig Headland from District 49 came forward as a sponsor of HB 1311.

He said that it was brought to his attention that was an injustice that it takes to qualify for the youth hunting season. In these instances they had to go to their 11 year old boys and explain that they were not eligible to hunt in the youth hunting season, although they could hunt the following weekend during the regular season. This bill will simply that issue.

Representative Hunksor asked if these children would be under the supervision of their parents.

Representative Headland said that currently they are required to be under the supervision of their parents.

Representative Don Dietrich also came forward support of HB 1311. See written testimony attached as Item #1.

Representative Hanson asked what would happen if a young hunter was 16 on the first day of the youth hunting season and then turned 17 on the second day. Can he only hunt the first day?

Representative Dietrich said he would Game and Fish answer that but he said he thought they had to be 16 and under for the youth season.

Representative Charging asked that when the bill says "under the age of 16" that includes anyone under the age of 16 and is old enough to carry a gun.

Representative Dietrich said yes as long as they are old enough to carry a gun and are with a legal parent or guardian.

Representative Charging asked what age they had to be to go through hunter safety.

Representative Dietrich said that they could acquire a license at 12 years old.

Representative Charging asked if they could hunt under the age of 12 without a license.

Representative Dietrich indicated yes and they are doing that because they are allowing that in the other seasons, just not in the youth season.

Chairman Porter asked for further support for HB 1311.

David Hill was here in support of another bill but decided to support this one as well.

Mr. Mike Donahue representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota and he indicated they were in support of this bill.

Chairman Porter asked for testimony in opposition of this bill. There was none.

Mr. Randy Krile of the North Dakota Game and Fish Department came to the podium.

Chairman Porter asked him to address Representative Hanson's question regarding the birthday on day two of the youth hunting season.

Mr. Krile indicated that it was his understanding that if they were 16 on the first day, they could hunt. If they turn 17 on the second day, they could not hunt. It is unfortunate, but it may happen.

Representative DeKrey asked that if this could be changed.

Mr. Krile indicated that it would be a very easy fix.

There was no further testimony. The hearing on HB 1311 was closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1426

Committee Clerk Signature

Stacey Amsted

Minutes:

Chairman Porter opened the committee with HB 1311.

Representative DeKrey made a motion to amend HB 1311 to say that "if a youth's seventeenth birthday occurs during the special hunting season, that person may hunt for the duration of the special youth season". There was a second by **Representative Solberg**.

A voice vote was taken and the motion passed.

Representative DeKrey made a motion for do pass as amended. It was seconded by **Representative Hofstad**. There was no discussion.

The clerk read the roll and there were 13 yes, 0 no and one absent. The motion carried.

Representative Hofstad will carry this to the floor.

70495.0101
Title.0200

Adopted by the Natural Resources
Committee

January 19, 2007

**House Amendments to HB 1311 (70495.0101) - Natural Resources Committee
01/19/2007**

Page 1, line 13, after the period insert "If a youth's seventeenth birthday occurs during the special hunting season, that person may hunt for the duration of the special youth season."

Renumber accordingly

Date: 1-19-07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1311

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken As amended

Motion Made By DeKrey Seconded By Solberg

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

Vote

Total Yes 14 No 0

Absent 0

Floor Assignment _____

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

Date: 1-19-07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HD 1311

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By DeKrey Seconded By Hofstad

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

Total Yes 13 No 0

Absent 1

Floor Assignment Hofstad

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

add - if 16 on first day - they can hunt second day

REPORT OF STANDING COMMITTEE

HB 1311: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1311 was placed on the Sixth order on the calendar.

Page 1, line 13, after the period insert "If a youth's seventeenth birthday occurs during the special hunting season, that person may hunt for the duration of the special youth season."

Renumber accordingly

2007 SENATE NATURAL RESOURCES

HB 1311

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

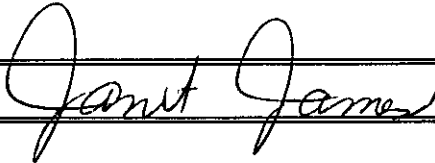
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 23, 2007

Recorder Job Number: # 3774

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1311 relating to the age requirement for the youth pheasant hunting season.

All members of the committee were present.

Representative Craig Headland of District 29 cosponsor of HB 1311 introduced the bill by explaining current law which allows youth to hunt the regular pheasant opener if they are under age 12. Current law does not allow a youth under age 12 to hunt the early youth pheasant opener, therefore the bill has been submitted. The bill is simple and over strikes "12 through and under" which effectively would allow youth under the age of 16 to hunt the youth opener. The bill has been amended so that if a youth turns 17 during the opening weekend, they are still allowed to hunt. He further presented his personal experience with friends and their youth who could not hunt because of their ages.

Senator Lyson questioned the amendment.

Representative Headland commented that was not his intension of the original bill and was amended in the house subcommittee.

Representative Don Dietrich of District 42 testified in support of HB 1311 (see attachment #1). Attached to his testimony is copy of a page from the North Dakota 2006-2007 Small game

guide (see attachment #2). He also read an e-mail he received from a constituent concerning HB 1311 and SB 2289 stating he understands HB 1311 would allow a hunter under the age of 16 without hunter safety to hunt in the youth season with an adult. SB 2289 would restrict the youth who have passed hunter safety. These bills do not make sense to him. He further presented his personal experience of hunting with youth and adults.

Senator Lyson asked if he agrees with house amend.

Representative Dietrich stated the house amendment was to accommodate the youth who have a birthday during the opening weekend.

Senator Constance Triplett asked him as a sponsor of both bills to compare and explain HB 1311 and SB 2289 when they seem to be contradictive to each other as one requires hunter safety and the other does not.

Representative Dietrich stated he signed on both bills because they are both youth bills and when he testified on SB 2289 he was hopeful it would be amended to eliminate the 12 year age group and had suggested such. He just wants a youth bill to be passed to they can hunt.

Senator Triplett inquired if HB 1311 was his preference.

Representative Dietrich agreed.

Mike Donahue representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in support of HB 1311 as they are opposed to SB 2289 because the 12 to 16 age requirement with no hunter safety requirement.

Senator Lyson asked how old he thought the youth should be.

Mike Donahue answered that personally maybe 9 years old would be okay and supports HB 1311 because both an 11 and 13 year old can hunt the same weekend. The amendment proposed by the house was in regards to the youth with a birthday on the opening weekend.

Senator Triplett commented on the unfairness of families with children two years apart who cannot hunt together on the opener because of the age limitation but it does beg the question as to where will it stop. With rules there always needs to be a line and with children there needs to be a right of passage with something to look forward to as they age.

Mike Donahue stated he would normally agree but this is about hunting where there is a limited number of licenses available.

Senator Herbert Urlacher stated the younger child needs to recognize and respect the law that they cannot hunt until a certain age.

Mike Donahue agreed.

Senator Lyson asked for opposing testimony and hearing none asked for neutral testimony.

Terry Steinwand Director of the North Dakota Game and Fish Department testified in a neutral position on HB 1311 stating this is an example of providing the opportunity for the youth of North Dakota. More responsibility and trust needs to be put on the parents to make a decision when their child is ready and responsible enough to hunt.

Senator Heitkamp asked for clarification that there is two parts within the bill to first set up so the group of youth can hunt with the younger age group. The second part is the bottom age limit is being removed.

Senator Triplett asked again that in the regular hunting season the youth seven and above would be able to hunt.

Terry Steinwand corrected her that there is no lower age and the two bills would be consistent with that issue.

Jim Collins, Bismarck, North Dakota testified in a neutral position of HB 1311 stating he had a different twist on the two bills under consideration. The one requires hunter safety and could

be considered a reward encouraging youth to take the course and that is the major difference between the two bills.

Senator Triplett stated she had suggested an age appropriate curriculum for hunter safety and asked his opinion.

Jim Collins agreed and the focus and topics could be age appropriate such as safe gun handling, etc.

Senator Lyson closed the hearing on HB 1311.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

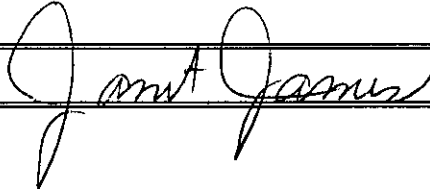
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: # 5107

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened committee work on HB 1311.

Senator Constance Triplett: we have heard, we just have not decided on it.

Senator Joel Heitkamp; we were hanging on to it.

Senator Lyson: agreed. Waiting to see what is done on the other bills to decide what we will do with this bill, so we will hold it over.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

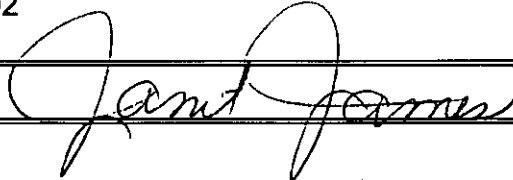
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 21, 2007

Recorder Job Number: # 5402

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened committee work on HB 1311.

All members of the committee were present except Senator Jim Pomeroy.

Senator Lyson: this bill remains from early in the session. We have been holding onto this bill waiting for action on other youth bills,

Senator Joel Heitkamp: sated he wanted to make sure he understood the bill.

Senator Lyson; there are two things, over striking 12 and making it 16 years and under.

Senator Heitkamp: was there a concern with hunter safety and opening the gate for people hunting without hunter safety.

Senator Lyson: that was one of the things and that currently they can hunt upland game at any age under a different bill, so that is wide open anyway. With this bill at age 16, it differs from deer hunting and so on.

Senator Heitkamp; we are defining youth in a different way.

Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department clarified that the bill defines the youth hunter differently than other bills. The youth deer season is 15 years

old and under, waterfowl is 15 years and under and this bill is 16 years and under. It is minor but it is a different variations describing youth.

Senator Lyson: stated in the proclamation.

Roger Rostvet: agreed.

Senator Herbert Urlacher: and they are all required to have hunter safety.

Roger Rostvet: this bill did arise that question. Hunter education is only required for youth 12 years of age and older. It was originally set up for a learning standard or level of comprehension of 12 year olds. The law provide that youth under 12 years old may hunt without hunter education if accompanied by their parents or guardian.

Senator Heitkamp: if the bill was amended to say any youth participating in this needs to have passed hunter safety, a 10 or 11 year old that we are now forcing to take hunter safety, the education course is not built for them. It is at a 12 year old and above level.

Roger Rostvet: we limited it, but on rare occasion a child birthday in a rural area where the course is only held every two years, we have allowed 10 year old. Youth younger than the comprehension level of the test do have trouble passing the test. If 7 and 8 are required to have the hunter safety, it would have to be pared down to that level to make sure that there were some chance of them passing.

Senator Heitkamp: is it the opinion of North Dakota Game and Fish Department that this bill can proceed forward and we are going to be safe out in the field and we don't need the requirement of hunter safety.

Roger Rostvet: past data indicates there is not a problem with the way the law is written right now.

Senator Heitkamp made a motion for a Do Pass of HB 1311.

Senator Urlacher second the motion.

A roll call vote for Do Pass of HB 13111 was taken indicating 6 Yeas, 0 Nays and 1 absent.

Senator Joel Heitkamp will carry HB 1311.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: April 2, 2007

Recorder Job Number: # 5677

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened committee work on HB 1311.

All members of the committee were present.

Senator Joel Heitkamp made a motion for the committee to reconsider the actions of the committee.

Senator Herbert Urlacher second the motion.

Roll call vote #1 to reconsider the actions of committee on HB 1311 was taken by voice vote indicating 7 Yeas, 0 Nays and 0 absent or not voting.

Senator Lyson explained the amendments.

Senator Heitkamp: section 1 clarifies the code. Section 2 adds the exemption and the other part is taking off the sunset.

Senator Constance Triplett: no, it was taken off before, what we are doing is adding the hunter safety.

Senator Heitkamp: right, that would be the third part of the bill, because it keeps the youth season alive. He further questioned the section 2 of the proposed amendments - exemption. A

person who hunts exclusively on the land which has recorded title, owner or operator. So there is an exemption for landowners.

Discussion regarding the landowner exemption being in code changing it from person to individual was held.

Senator Lyson: Section 2, line 12 allows Canadian hunters which might be in law already.

The reason for the amendment is to clean up the whole code.

Senator Heitkamp: you know it is going to get nasty.

Senator Lyson: to explain things a little further, one of the things is that by doing this the game and fish will have to get the hunter education designed for a lower age, they are stuck at 12 years of age and sometimes 11 year olds can take the course. With this amendment they will have to either lower the hunter safety age requirement or not have the kids hunting. They should be able to do this for 9 and 10 year olds.

Senator Layton Freborg: how did we ever get into this position to where we allow children to hunt in any season. We required hunter safety years ago because it is just as it says - they need to take a hunter safety course. But they do not get it under 12 years old, they might make an exception for some 11 year olds. Occasionally a 10 year old, but I bet we have all kinds of 8 year olds out there. How did we ever do that?

Senator Heitkamp: parents need to learn to look at their child and say "no". use a BB gun and come with. The hunter safety thing does take care of that.

Senator Freborg: then it is still up to the parent to say to their child that this year you are old enough to carry a gun.

Senator Ben Tollefson: up to this point it has been considered young kids under the supervision of the adult. That is not in code, but in inferred and that is not true any more.

Senator Lyson: it is wrong that a 7 or 8 year old can hunt during youth season without hunter safety but a 14 year old cannot if they do not have the hunter education. That does not make sense.

Senator Ben Tollefson: it is a good amendment.

Senator Lyson: this puts it on everybody's back to have it.

Senator Heitkamp: this is going to be a long haul. Others will not agree.

Senator Lyson: did think about this being delayed, but it is April and there is time to get it all done.

Senator Freborg: this bill has some selfish overtones to it. Compare it taking under age children into the bar. Is it any different?

Senator Jim Pomeroy: or compare it to driving.

Senator Freborg: shared an e-mail for Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department. It states that children under 15 of age must be accompanied by parents or guardian, when he thought it was 14 years of age. Which is it?

Senator Heitkamp: that is why he pointed out 17 year old, because every other law is 16 and below. He is fine with 17, but the point is when all these different age references, they are different for the species -

Senator Lyson: this is really for 16 unless the 17th birthday is during the season.

Senator Heitkamp made a motion to adopt the amendments as proposed 70495.0202

Senator Tollefson second the motion.

Roll call vote # 2 to adopt the amendments was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

Senator Constance Triplett made a motion for a Do Pass as Amended of HB 1311.

Senator Herbert Urlacher second the motion.

Roll vote # 3 for a Do Pass as Amended of HB 1311 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

Senator Joel Heitkamp will carry HB 1311.

Senator Lyson: the house committee should be concerned about what happened with this bill on the floor because it was killed. We brought it back so a good look better be made of these amendments.

Date: 3-21

Roll Call Vote #: 16

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1311

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Heitkamp Seconded By Urlacher

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

Total (Yes) 6 No 0

Absent _____

Floor Assignment Heitkamp

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

REPORT OF STANDING COMMITTEE (410)
March 21, 2007 2:38 p.m.

Module No: SR-53-5827
Carrier: Heitkamp
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1311, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1311 was placed on the Fourteenth order on the calendar.

Date: 4-2-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1311

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Memorandum action by committee on HB1311

Motion Made By Huck Seconded By Uhl

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

Total (Yes) 2 No 0

Absent 0

Floor Assignment _____

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

April 2, 2007

JB
4-2-7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1311

Page 1, line 1, replace "section" with "sections 20.1-03-01.2, 20.1-03-01.3, and"

Page 1, line 2, after "to" insert "hunter safety education requirements and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 20.1-03-01.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.2. Instruction required before issuance of hunting license - Age limits - Penalty. ~~No person~~ An individual born after December 31, 1961, except as provided in section 20.1-03-01.3, may not be issued ~~any a~~ hunting license in this state unless that ~~person individual~~ individual submits or exhibits the certificate of completion earned by that ~~person individual~~ individual for successful completion of the hunter safety education course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 or the ~~person individual~~ individual submits or exhibits a prior North Dakota hunting license issued to that ~~person individual~~ individual with that ~~person's individual's~~ individual's hunter education certificate number on the license. A certificate of completion issued by ~~any other another~~ another state or province of Canada is valid for all purposes. ~~Any person~~ An individual who purchases a hunting license without successfully completing ~~the a~~ a hunter safety education course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 is guilty of a class 2 noncriminal offense.

SECTION 2. AMENDMENT. Section 20.1-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.3. Exemptions Exemption. Sections 20.1-03-01.1 through 20.1-03-01.3 do not apply to:

- 1- ~~Persons under twelve years of age who hunt only with their parent or legal guardian.~~
- 2- ~~Persons individuals~~ individuals who hunt exclusively on land of which they are the record title owner or operator."

Page 1, line 12, after "under" insert ", who have completed a certified state or provincial hunter safety education course,"

Renumber accordingly

Date: 4-2-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1311

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt Amendment

Motion Made By Heitkamp Seconded By Tim

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 4-2-07

Roll Call Vote #: 3

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1311

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Triplett Seconded By Urlacher

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Heitkamp

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

REPORT OF STANDING COMMITTEE

HB 1311, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1311 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 20.1-03-01.2, 20.1-03-01.3, and"

Page 1, line 2, after "to" insert "hunter safety education requirements and"

Page 1, after line 3, insert:

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SECTION 2. AMENDMENT. Section 20.1-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.3. Exemptions Exemption. Sections 20.1-03-01.1 through 20.1-03-01.3 do not apply to:

- 1- ~~Persons under twelve years of age who hunt only with their parent or legal guardian.~~
- 2- ~~Persons~~ individuals who hunt exclusively on land of which they are the record title owner or operator."

Page 1, line 12, after "under" insert ", who have completed a certified state or provincial hunter safety education course,"

Renumber accordingly

2007 HOUSE NATURAL RESOURCES

CONFERENCE COMMITTEE

HB 1311

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

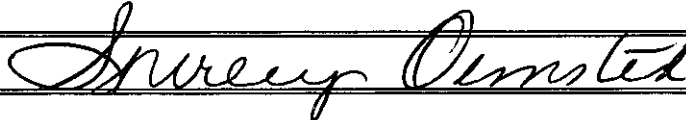
House Natural Resources Conference Committee

Check here for Conference Committee

Hearing Date: April 12, 2007

Recorder Job Number: 5935

Committee Clerk Signature



Minutes:

Chairman Porter called the conference committee to order and asked the clerk to call the roll.

All were present including Representatives Porter, DeKrey, and Hanson and Senator Lyson Freborg and Triplett. He said this bill has a long history and there were significant

amendments from the Senate. He asked if someone from the Senate would explain the amendments and where they are going with them.

Senator Lyson started by saying that this bill had failed in the Senate but was brought back to the floor with a motion offered to return this bill to the committee for reconsideration. Knowing that it failed on the floor the amendments that were drawn for this bill itself is page 1, line 12 said it would have to complete hunter safety as a requirement. They also added an amendment to try to keep from having to fight this thing every session that he has been here and it has been five and nobody is going to get a license unless they have hunter safety.

Senator Freborg said that the Senate is very happy with young hunters and hunters who have not taken the hunter safety course. There has been a lot of discussion and I am not sure if you have listened to any of it or not but they are adamant about excluding or making exemptions or the hunter safety course and they are adamant about very young hunters. One problem I think there was that a good share of the Senate didn't know how young people could

carry a gun until they got into this discussion on this bill and it didn't go over very well. I think this is partly a reaction to what happened.

Chairman Porter said in the discussions in the Senate Natural Resources Committee was their any discussion or conversation in regards to the number of hunting accidents in individuals under the age of 12 that prompted the exemption being taken out. I guess I am looking for a statistical reason why you think they are unsafe.

Senator Freborg said the subject came up but they were never presented with any factual statistics that made us believe that this was not just something that somebody said. If that statement about young hunters fairing better than the experienced hunter, is that the percentage of the total amount of accidents because that is only 10% of many very young hunters as there are of the total. We do not know. What that some kind of survey we don't know what it said and there was very little discussion only that someone had said that the accident rate with the very young hunters was less than what it is for the rest of the hunters whatever that means.

Senator Lyson to follow up on that, the young hunters are a much lower percentage of people than the other hunters so as we continue to lower we are going to have these accidents and I believe that. I believe that when we do that the burden is on our shoulders not only for the person that gets shot or gets injured but the psychological feedback that they get from children that have been involved in that accident.

Senator Triplett said to follow up on that information, one of the emails that she received which I found completely shocking was from a fellow that said he had taken his child hunting for the first time when he was three years old and the child had handled the gun. I found that almost unbelievable.

Representative Hanson said under present law they can take hunter safety at 12 right?

Chairman Porter said the age was 11.

Representative Hanson said so prior to that you don't need hunter safety.

Chairman Porter said that was correct but you need to be with a parent or legal guardian.

Representative Hanson said and you don't have to have the hunter safety course at 10 years old now. Do you want to have everybody take it?

Senator Lyson said yes if they want to go hunting.

Representative Hanson said so if we lower the age requirement and you want it to go down to zero.

Senator Lyson said if the person wants to hunt he is going to have to take the hunter safety education course before he can hunt.

Representative Hanson said so you want us to change the whole law.

Senator Triplett said in response to that last questions, we had talked to Game and Fish about the possibility of developing a course for younger students and younger hunters as apparently the course that is offered now is more geared to for 12 and 13 years and they are comfortable letting 11 year olds take it but below that they think the curriculum is too advanced so we did offer the possibility that they could develop a curriculum for the 7, 8, 9, and 10 year olds but I don't know if that is anything they are seriously thinking about. If it were at a lower level it would allow them to be educated in certain kinds of hunting.

Chairman Porter said there are some of us that feel that we do already have a course developed for those under 11 and it is called Mom and Dad.

Representative Hanson said are you talking about getting a watered down course for the other kids and then would they have to take the regular course later on.

Senator Triplett said she would think so if they wanted to do deer hunting and things that required more powerful weapons.

Chairman Porter asked if there was any discussion and statistics presented as I look at the prior seasons that a lot of the hunting accidents are happening with individuals that are exempted on the other side of this law and in the fifty year old, sixty year old and seventy year old range is where the vast majority of the accidents are occurring. Was there any discussion on moving that date from December 31, 1961 to December 31, of 1900?

Senator Triplett said no.

Chairman Porter said in looking at it you would think that if we were really concerned about hunting accidents and safety we would want to focus on the areas where the accidents are occurring. We don't have any statistics that say the accidents are occurring under eleven but we do have information that says they are occurring over the age of 50. If we are truly concerned about the safety of people afield, wouldn't that be another area to focus this on?

Senator Lyson said he thought he was throwing something in here that is completely off the mark of what we are talking about. We are talking about people that are responsible for themselves out there and a child is not. If you want to throw the thing that we have parents do it, then that is great. In my former life, I can tell you that it might sound good but it doesn't always happen. To put the two together, that doesn't even make any sense to me. Nobody is taking the child into affect here. Nobody can tell me that an eight year old child likes to shoot a shot gun and I can tell you when I was at home with the family and we wanted to see how many of these eight and nine year olds wanted to shoot a shot gun and not a one of them did. You are pushing them into something they don't want to do.

Chairman Porter said the other question that he would have is the other exemption that exists in this bill is individuals who hunt on their own land. Does that make them safer than someone who isn't hunting on their own land and shouldn't they also have to have hunter safety to hunt.

Senator Lyson said that portion of the bill was originally there and we did not tough that portion of the bill.

Chairman Porter said it is open and in front of us right now. If we truly want to have a blanket across the state of hunter's safety then we have to look at all the exemptions and all the aspects in order to target safety.

Senator Lyson said if you want to take out that exemption, I have no problem with it at all.

Chairman Porter said it is no typical protocol to ask outside information but the house never had any information relating to the statistical value on hunting accidents and I would certainly be interested from the department's standpoint to hear where the hunting accidents are happening and the age groups and the statistics you gather as the regulatory agency of hunting. He asked Mr. Roger Rostvet to come forward.

Mr. Roger Rostvet who is the deputy director of the North Dakota Game and Fish came forward to comment at the request of Chairman Porter. The question comes up as to what are the hunting statistics for age 11 and younger so I checked with the hunter education folks and especially our hunter education director and asked him point blank if he had any record of or know personally for the last 20 years of any accidents that has been caused by an eleven year old and he said no. There have been accidents in the home, accidents unrelated to hunting with younger children but nothing involved with hunting or the aspect of hunting with this group of individuals that we are talking about. That group is significant as there are approximately 1,780 people out there right now under the age of 12 that is hunting in 2005. Actually that group of eleven year olds there are more eleven year olds out there hunting in 2005 than any age group of individuals aged 62 and older. That means that there more eleven year olds out hunting than there were 65, 64, or 63 so it is a relatively significant group of individuals that has an extremely low accident rate for whatever reason.

Senator Lyson said maybe he could ask Roger a question.

Chairman Porter said you may senator.

Senator Lyson said if that is the case and parents are doing such a good job of doing this why don't we abolish the hunter safety thing and just let parents teach their kids and forget about this hunter safety.

Mr. Rostvet said that is a good question. One thing about the hunter education is that it is not just the hunter safety. We also talk about slob hunter's we introduce people as to how to relate with landowners and how the wildlife population works.

Senator Lyson said if the parents are so responsible they should be doing that too should they not.

Mr. Rostvet said well they should but the thing is that we are talking about a whole group that start after the age 12 or when they are away from their parents. Parents can do a good job. It is like being a parents and when our kids are in the car and we are watching them drive and they will do exactly what we want them to do but when you turn them loose on their own they don't exactly follow all the rules of the road so if you just look statistically at it this seems that in the last 20 plus years that this program the way it is set up now is doing very well. Logic would say that it shouldn't. I certainly can see the logic in looking at this and saying it probably shouldn't work right but it seems to. The concern that we have in the department is that developing another course sounds rather simple but in checking we couldn't find another state that has a program set up so that we could steal their classroom material rather than developing a whole new criteria. Most other states, in fact all states that we looked at, did not have a program for less than twelve. It is kind of a standard that has been set for the age of 12 and the states have adopted that and it would be a simple task to go out and steal someone's course so we would have to contract someone to do this for us. It would be a unique thing.

Chairman Porter said to be clear on the course content, it is a 14 hour course. Can you give us a little breakdown of blocks of time and how they are spent in those 14 hours of course?

Mr. Rostvet said the significant emphasis is on hunter safety. Another one is on just respect for what you are hunting and the other part is the respect for the people who own the land that you are hunting on. North Dakota is a private land state and there is a big emphasis on or trying to instill the idea of not becoming a slob hunter in the future and treating landowners with respect. That seems to be one of the areas that we sometimes forget about. We talk about hunter education and we focus solely on hunter safety and the actual education as far as ethics and landowners and respect for the game that is hunted is a significant part of the course.

Representative DeKrey said there are certain pieces of that course, and he used to teach it and he just finished the course twice with his boys that are absolutely mandatory that you pass. They are like the 10 commandments of gun safety and you do not get your certificate unless you can recite them from memory. It is not like you can get 70% or something. There are pieces of the course that are gun safety items that absolutely mandatory to pass to get your certificate.

Senator Lyson said isn't that a good reason why everyone should be taking the course before they are hunting.

Representative DeKrey said this isn't the only bill from the senate where you guys have been pretty tough on youth and we are starting to question over there why is the senate being so strict on youth when there are articles in the paper that we have all read about how North Dakota is one of the most restrictive states in the nation and why do we have the safety records that we do amongst our youth then why are we penalizing them? That is what it looks like to me.

Senator Lyson said maybe that is why because we are the safest.

Representative DeKrey said well this goes farther than where we are at and we are the safest now.

Senator Freborg asked why is a child that we believe that is old enough to carry a loaded gun, why can't that child take the hunter safety source. What is it about this course that they can't do but they can carry a loaded gun? I don't understand it.

Chairman Porter said he would let Mr. Rostvet answer that.

Mr. Rostvet said you ask about this and it is hard to explain but maybe the easiest analogy is for example you are going to require someone to take Algebra. You set up a curriculum and generally it is done in the 9th grade. There is course content in there that deals with concepts and ideas that are rather independent. You can say that person take the algebra class when they are in the 5th grade and that is where you get the concepts and ideas. That is the same with the curriculum of the hunter education. We set it up with the vocabulary and the learning abilities and the concepts. Now parents under direct supervision can focus in on those concepts and ideas because they know that when an individual goes on his own that is where the breakdown comes. It is like expecting a child to take algebra in the 5th grade and then the child goes on to college and then prepared him with a 5th grade education in algebra and then in college they would not have had all the concepts. They might be able to fill in the xs and blanks but the concepts are missing. We can dummy it down and we could take the course and lower the standards but the conflict comes in when you take everybody's standards and move them down or do you try to set up two different courses. We deal with a lot of volunteer educators out there and there are six to seven hundred of them in the state. We have a real challenge trying to provide services right now in the state in the rural areas because of the lack of volunteers and the declining populations and things like that so setting up two different

courses with the state volunteers and in some of these rural areas they only hold one of them a year and sometimes they miss a year.

Representative DeKrey said there are kids in their area that drive to Bismarck or Jamestown because when it is offered in their area it just isn't time and there might be a church group or something so they end up driving 50 or 75 miles to take the course.

Senator Freborg said he still really doesn't understand and I am assuming that you can study for the test just like you do for a driver's license. You talked about the ability of a child and at what rate they can learn and I still don't understand it. If the child doesn't have that ability why are we giving them a loaded gun? They don't go together. I would think we could easily develop a test geared towards a 9 year old that would have a whole lot more in it towards hunter safety than none. We have never tried to test these people it looks to me. We have just simply exempted them and most parents are responsible but we all know that there are a lot of them that aren't. A lot of parents don't hunt. It just says a legal guardian. What is a legal guardian, the neighbor? If the parents don't hunt, what does that child do?

Chairman Porter said he knows what he did. He went with the next door neighbor and he taught me to hunt.

Senator Freborg said it doesn't say that you can do that.

Chairman Porter said he would let Mr. Rostvet answer that but inside of the Game and Fish regulations that legal guardian doesn't carry the same meaning that it does inside of medical community but Mr. Rostvet said you can certainly answer that legal guardian question.

Mr. Rostvet said the question really doesn't come up very often. I assume, as I was a warden for a number of years and I took a lot of kids out hunting and they were with adults and I don't know that it ever came up that I couldn't identify the youth not being with the appropriate individual. It may happen that someone would take the neighbor kid out but it doesn't seem to

be an issue with our folks in the field. Maybe somebody does like Representative Porter did and go out with some neighbor or cousin or uncle. The legal guardian is a rather high standard.

Senator Freborg said there are several places in the law pertaining to hunting so we should change guardian to adult. If it is going to happen then we should say it right.

Mr. Rostvet said he was not sure it was happening but in most places we do have it with a legal guardian or an adult but this one is very specific and says legal guardian. The answer to the questions is maybe there are a lot of those kids that aren't out there hunting out there now because the numbers are not as high in this level as they as they are at other ages.

Representative Hanson asked if they had a test that is different for special needs kids like when you take a driver's test and you get someone to read it for you.

Mr. Rostvet said yes they do. What it requires is basically a one person course or one on one course. It may require someone to read the test and we have had several training sessions for instructors on how to work with individuals with special needs. It requires a lot of individual time and sometimes they will take these individuals on one to one rather than take the regular course because of the additional time that is required.

Chairman Porter said one of the things that as we move forward on this, there are four different bills that are lying out there dealing with hunting age, hunter safety, exemptions and the age to hunt deer and they are all interconnected to the same. From a house standpoint, we are trying to reshape the committee so that they are all the same people because the discussion are very relevant to each other as these four bills that are lying there. One of the points that you brought up Senator Freborg was the fact that the hunter safety course is set right now at 12 and then the deer hunting age is set at 14 and you know the question that came up in that very discussion was if someone is old enough or felt to be old enough to take

the hunter safety course and be safe afield why then aren't they then old enough to hunt deer.

If that is the case and they still aren't mature enough to be safe at 12 because of the mandated age that they have to take the hunter safety course then maybe the next thing that we need to look at is moving that mandatory age to 14 rather than 12 that they have to have it by because that where we are saying that they are mature enough to hunt deer. Everything on these issues are starting to become intertwined and interconnected as we move into the remaining days of the session.

Senator Lyson in answer to Representative DeKrey's question about the senate being tough on age or youth, it seems that every session we are lowering and lowering more and so my answer to you is a question to you. When are you guys going to quit lowering the age?

Representative DeKrey said he thinks we are about at what we can go but I think that we have done this willy milly because we have looked at the statistics that they have given to us on accidents and when they are occurring and it is just fact that it is not occurring in the younger hunters that are supervised by their parents. It is occurring in the older hunters. But yet we are leaning on the younger hunters.

Senator Freborg said the older group that is supervising these children the ones that are shooting each other are supervising the children.

Representative DeKrey said he would say it is an older group than that who are having the accidents. It is not the ones that are afield with their children.

Chairman Porter said currently right now from an age standpoint anyone over 47 years old in the state of North Dakota is exempt from the hunter safety requirement. Right now it is at 47.

Senator Triplett said this is a follow up question about 1311. It said the governor can provide a pheasant season for youth ages 16 and under. There was no lower limit when it came from

the house so we thought that was a valid question and what did you all mean by that. What does 16 and under mean to you?

Representative DeKrey said there wasn't an age limit before we put this bill in. All this bill basically did was to have a pheasant season for our youth like we have a youth deer season so the original intent of the bill was that and it turned into a hunter safety bill over at the senate.

Chairman Porter said we need to end this because we all have conference committees to go to.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

House Natural Resources Conference Committee

Check here for Conference Committee

Hearing Date: April 13, 2007

Recorder Job Number: 6017

Committee Clerk Signature

Murley Osmsted

Minutes:

Chairman Porter called the conference committee to order. He indicated that the record should show all present including Representatives Porter, DeKrey and Hanson and Senators Lyson, Freborg and Triplett.

Representative DeKrey said that he understood that basically the Senate was requiring hunter safety. Is that correct?

Senator Lyson said yes it is.

Representative DeKrey said that this is consistent with what they got this morning so he would make a motion that the House recede from their amendments

Representative Hanson seconded the motion.

Chairman Porter asked for discussion. Hearing none, the clerk was asked to call the roll.

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

It was corrected by the intern that the **House would ACCEDE to the Senate amendments on HJ Pages 1437 – 1438 and place HB 1311 on the 7th order.** Chairman Porter concurred that this was their intent.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

House Natural Resources Conference Committee

Check here for Conference Committee

Hearing Date: April 20, 2007 3:00 PM

Recorder Job Number: 6214

Committee Clerk Signature

Aurely Olmsted

Minutes:

Chairman Porter called the conference committee to order and indicated that all were present except Representative Hanson. Those present included Representative Porter and DeKrey and Senators Lyson, Freborg and Triplett. Chairman Porter said that the house rejected the conference committee report on HB 1311. Part of the discussion has been in regards to the hunter education requirements and in the discussion the language that came back that I passed out is 0203 that would amend 0200 to require Game and Fish to do a study of the hunter education requirements and hunter safety for the age of all hunters and report back to the legislative council by July 1, 2008. The question that has been brought up is going back to the 0200 language that HB 1311 has and it says that the youth under the age of 17 can participate in a youth pheasant season and a youth pheasant season proclaimed by the governor.

Senator Lyson said is that sixteen and under.

Chairman Porter said yes that would be sixteen and under.

Senator Lyson said does that mean that when someone has a birthday that comes up on that first weekend they don't have to stop hunting? That is the only reason that was in there. I think that is one of our amendments.

Representative DeKrey asked what the effects of their amendments on youth pheasant season.

Chairman Porter said the affect of the amendment would be going back to the old 200 version and that there would be youth pheasant season and that there would be a study done during the next interim by Game and Fish looking at hunter safety education requirements and hunter safety for all ages. It would have two sections.

Representative DeKrey said so we wouldn't be changing the ages then?

Chairman Porter said no. They would be studying that.

Representative DeKrey made a motion to accept the Porter amendment .0203.

Senator Lyson said he would second it for the purpose of discussion.

Chairman Porter said we have a motion and a second. Is there any discussion?

Senator Lyson said he didn't feel like he could vote for it because he didn't think it was going to pass the senate. That is my feeling just because of the conversation that was on the senate floor.

Representative DeKrey asked Senator Lyson what the senate would accept.

Senator Lyson said he thought they would accept the youth hunting season in there because the youth hunting seemed to be placed at the bottom of 1311 version 0300 but they are not going to accept the sixteen and under portion.

Representative DeKrey said but we didn't change anything.

Senator Triplett said she though they were working on the 0200 version.

Senator Lyson said that he didn't believe any other conference committee from the senate would accept it.

Senator Triplett asked if we accept the amendment for the study and we take the version 0200 version and just put a period after the word youth (on line 12) would everyone be

comfortable with that? It would delete the age of sixteen and under and the rest of that statement. It would say that the governor, in the governor's proclamation may promote a pheasant hunting season for youth. It would delete the rest of line 12 and all of lines 13, 14 & 15 and let Game and Fish do their thing since it is a mandatory study and it would just be for one time. It is just an idea.

Representative DeKrey said so you are basically further amending the amendment .0203.

Senator Triplett said I am just throwing out an idea to see if it has any attraction.

Chairman Porter said he would not have any problem with that.

Representative DeKrey said he didn't have any problem with that either and if you want to make that a replacement motion I would be more than happy to second it.

Senator Lyson asked again how the statement would read. He asked if it would read "the governor, in the governor's proclamation, may provide a pheasant hunting season for youth" period and then it would leave out the rest of the sentence beginning with age.

Senator Triplett said they would leave everything out after the word youth. We would stop there and then would add the part about the study.

Chairman Porter said Section 2 would be the study.

Senator Freborg said so now we take the language out speaking to the age, tell me what age they will be able to hunt.

Chairman Porter said with that language it would be up to the North Dakota Game and Fish and the Governor to decide. Legally on the opening day of pheasant season or the second Saturday in October it would be any licensed individual under the age of twelve without hunter safety and any licensed individual twelve and over born after 1961 with hunter education.

That is the way it is currently today.

Senator Freborg said he asked that question for Senator Triplett not knowing for sure if she knew that. It is very possible that anyone is eligible.

Senator Triplett said she was looking for a way to get us out of here. As long as we have a mandatory study I guess I am hoping that this will get it done but if you don't like it you tell I but I am thinking that if we actually went this way I would have to change what I was thinking and they probably should still have the dates in there.

Chairman Porter said it doesn't have to because basically what we would be saying is that the department can maybe want to make it for a full week. The way it is right now is that it is restricted in century code to two days but if the department thinks it would work for a week so be it. We would leave it up their professional judgment. I don't have a problem with that at all.

Senator Triplett said she wanted to clarify this. If we use the word "shall" study and if it passes in that form am I clear that the Legislative Council is required to study it.

Chairman Porter said this study is not a legislative council study. This is a mandatory internal study to report back to us. This will happen. The Game and Fish will report the results to the Legislative Council. This will take place. He asked her if she would make that motion.

Senator Triplett said she was looking for some support from her Senate colleagues.

Senator Freborg said if Senator Triplett thinks that is good enough he would have to support it temporarily at least.

Senator Lyson said he was going to support it but maybe he might suggest for the purpose of that study I can tell you I will be here next session so Game and Fish better get off what they are sitting on and get something done or they will see a much stronger bill next session.

Representative DeKrey said he may not be here but he will study it anyway.

Chairman Porter said there really is no guarantee for any of us.

Senator Lyson said he would withdraw his second to the motion.

Representative DeKrey said he would withdraw his motion.

Senator Triplett made a motion that senate would recede from its amendments as found on page 1437 of the house journal and that engrossed HB 1311 be amended as follows: On page 1, line 12 you would insert a period after the word youth and delete the remainder of line 12, all of 13, 14 and 15 and accept the words of amendment 0203.

Representative DeKrey seconded the motion.

Chairman Porter asked for discussion. Hearing none, he asked the clerk to call the roll. Let the record show 5 yes, 0 no with 1 absent. The motion prevailed.

The conference committee was adjourned.

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

Bill Number HB 1311 (, as (re)engrossed): Date: 4-12-07

Your Conference Committee Natural Resources 10:00 am

For the Senate:	YES / NO		attend	For the House:		YES / NO	
<u>✓</u> <u>Don Lyson</u>			<u>✓</u>	<u>Rep Porter</u>			
<u>✓</u> <u>Don Freberg</u>			<u>✓</u>	<u>Rep DeKrey</u>			
<u>✓</u> <u>Don Ripett</u>			<u>✓</u>	<u>Rep Hanson</u>			

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate) amendments on (S/HJ) page(s) 1437 -- 1438

____, and place _____ on the Seventh order.
____, adopt (further) amendments as follows, and place _____ on the Seventh order:
____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

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

DATE: _____
CARRIER: _____

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

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

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

Bill Number HB 1311 (, as (re)engrossed):

Date: 4-13-07

Your Conference Committee Natural Resources

~~8:30 PM~~
1:30 PM

attend
For the Senate: YES / NO *attend* For the House: YES / NO

	YES	NO		YES	NO
<i>Sen Lyson</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Rep Porter</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Sen Freborg</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Rep DeKrey</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Sen Rupertt</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Rep Hanson</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

the Senate amendments on (S/H) page(s) 1437 -- 1438

and place _____ on the Seventh order.

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

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

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

DATE: _____

CARRIER: _____

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

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1311, as engrossed: Your conference committee (Sens. Lyson, Freborg, Triplett and Reps. Porter, DeKrey, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1437-1438 and place HB 1311 on the Seventh order.

Engrossed HB 1311 was placed on the Seventh order of business on the calendar.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1311

That the Senate recede from its amendments as printed on pages 1437 and 1438 of the House Journal and page 1248 of the Senate Journal and that Engrossed House Bill No. 1311 be amended as follows:

Page 1, line 2, after "season" insert "; and to provide for a game and fish department study"

Page 1, after line 20, insert:

"SECTION 2. GAME AND FISH DEPARTMENT STUDY - HUNTER SAFETY EDUCATION REQUIREMENTS - REPORT. The game and fish department shall study, during the 2007-08 interim, hunter safety education requirements and hunter safety for all ages of hunters. The game and fish department shall report its findings and recommendations to the legislative council by July 1, 2008."

Renumber accordingly

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

Bill Number HB 1311 (, as (re)engrossed) Date: 4-20-07

Your Conference Committee Natural Resources

For the Senate:

For the House:

	<i>amend</i> YES / NO			<i>attendance</i> YES / NO	
<i>Sen Lyson</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Rep Porter</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Sen Treborg</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Rep DeKrey</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Sen Triplett</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Rep Hanson</i>	<input type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (S/J/H) page(s) 1437 -- _____

_____, and place _____ on the Seventh order.

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

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

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

DATE: _____

CARRIER: _____

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

MOTION MADE BY: Sen. Triplett

SECONDED BY: Rep. DeKrey

VOTE COUNT 5 YES 0 NO 1 ABSENT

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

Bill Number HB 1311 (, as (re)engrossed)

Date: 4-20-07

Your Conference Committee Natural Resources

3:00 PM
Meeting Room

For the Senate:

For the House:

attenuated YES / NO			attenuated YES / NO		
<u>Sen Lyson</u>	<u>X</u>		<u>Rep Porter</u>	<u>X</u>	
<u>Sen Heborg</u>	<u>X</u>		<u>Rep DeBruin</u>	<u>X</u>	
<u>Sen Triplett</u>	<u>X</u>		<u>Rep Hanson</u>	<u>X</u>	

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

the (Senate/House) amendments on (SJ/HJ) page(s) 1437 --

_____, and place _____ on the Seventh order.

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

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

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

DATE: _____

CARRIER: _____

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

MOTION MADE BY: Rep. DeBruin

SECONDED BY: Sen. Lyson

VOTE COUNT YES NO ABSENT

Revised 4/1/05

more amendment withdrawn

2007 TESTIMONY

HB 1311

Item #1

**HB1311
Youth Pheasant Hunting Season
Testimony of Don Dietrich
19 January, 2007**

Good Morning Mr. Chairman and members of the committee. For the record my name is Don Dietrich, Representative from District 42 in Grand Forks.

I am appearing before you today in support of HB1311 which is designed to allow a 2-day pheasant hunting season for youth 16 years of age and younger. I believe that is very important to create an opportunity for our youth to enjoy a weekend of pheasant hunting without having to compete with the vast numbers of adult hunters.

As a certified 4-H Instructor as well as a Certified Level 1 Sporting Clays Instructor, over the 40 plus years of instruction, I have had the opportunity to instruct several hundred youth between the ages of 6 and 17 years of age. These young shooters become involved in the shooting disciplines to improve their shooting skills for hunting as well as for competition. When asked about hunting, the majority of these young people can hardly wait to get out in the field with family and friends.

I personally have hunted with dozens of youngsters and am always amazed at how thrilled they are when they bag their first pheasant, grouse or duck. I also must note that these very same youngsters have been very safety conscious during these hunts.

By allowing a two day youth season, we give our youth a wonderful opportunity to be in the field enjoying the sport of hunting without the competition for land access. With youth being involved in computer and video games on such a large scale, creation of outdoor activities and interests should be important in the their lives.

Members of the Natural Resources Committee, HB1311 is a great bill for our youth, and I urge your support.

Thank You.

**HB1311
Youth Pheasant Hunting Season
Testimony of Don Dietrich
23 February, 2007**

Good Morning Mr. Chairman and members of the committee. For the Record, my name is Don Dietrich, Representative from District 42 in Grand Forks. District 42 encompasses the University of North Dakota As well as the surrounding residential and business area.

I am appearing before you today in support of HB1311 which is designed to allow a 2-day pheasant hunting season for youth 16 years of age and younger. I believe that is very important to create an opportunity for our youth to enjoy a weekend of pheasant hunting without having to compete with the vast numbers of adult hunters.

As a certified 4-H Instructor as well as a Certified Level 1 Sporting Clays Instructor, over the 40 plus years of instruction, I have had the opportunity to instruct several hundred youth between the ages of 6 and 18 years of age. These young shooters become involved in the shooting disciplines to improve their shooting skills for hunting as well as for competition. When asked about hunting, the majority of these young people can hardly wait to get out in the field with family and friends. I personally have hunted with dozens of youngsters and am always amazed at how thrilled they are when they bag their first pheasant,

grouse or duck. I also must note that these very same youngsters have been very safety conscious during these hunts.

By allowing a two day youth season, we give our youth a wonderful opportunity to be in the field enjoying the sport of hunting without the competition for land access. With youth being involved in computer and video games on such a large scale, creation of outdoor activities and interests should be important in the their lives.

Included with my handout, is a page from the North Dakota 2006-2007 Small Game Guide. I yellow highlighted the top left portion of the page noting "General Requirements" This section of the guide explains Hunter Education Requirements, Exemptions, and Minimum Age. As you will see in this portion of the guide, youth under the age of 12 may hunt upland game in North Dakota during the "Regular Hunting Season." With this in mind, I would hope that the Youth 2-Day Pheasant Season would include these same youngsters.

Members of the Natural Resources Committee, HB1311 as passed by the House, is a great bill for our youth, as well as for their families, and I urge your support.

Thank You. I will stand for any questions.

1. GENERAL REQUIREMENTS

Hunter Education Requirement. Persons born after 1961 must complete a certified Hunter Education course and present the certificate earned to the license vendor to purchase a hunting license. Certificates from other states or Canada are valid. Exemptions: Persons who hunt on land they own or operate and persons under 12 years of age under 12 may hunt if they have appropriate licenses and are accompanied by parent or guardian).

Minimum Age. Persons under 15 years of age afield with firearms must be accompanied by parent, guardian, or adult authorized by their parent or guardian.

2. LICENSES

Most hunting licenses are in the form of stamps which must be affixed to the back of a FISHING, HUNTING AND FURBEARER CERTIFICATE. Stamps and licenses must be signed in ink.

Pheasant, partridge, grouse, duck, goose, swan, merganser, sandhill crane, coot, crow, snipe, dove, woodcock, and squirrel hunters must possess general game and habitat licenses and small game licenses (exception: nonresidents hunting only waterfowl do not need a small game license, residents and qualifying nonresidents under 16 years of age do not need a small game license, and nonresident crane hunters need either a small game license or a waterfowl license). In addition, all duck, goose, swan, and merganser hunters 16 years of age or older must possess federal migratory bird hunting stamps; all crane, swan, and pinnated grouse hunters must possess special permits, and all nonresident duck, goose, swan, merganser, and coot hunters must possess nonresident waterfowl licenses. All migratory game bird hunters must be certified annually through the Harvest Information Program (HIP).

Harvest Information Program (HIP) - All migratory game bird hunters must register annually with the Migratory Bird Harvest Information Program (HIP) before hunting ducks, geese, swans, mergansers, coots, cranes, snipe, doves and woodcock. Before your license to hunt is legal you must register by calling toll free 1-888-634-4798. After answering a brief survey you will receive a HIP registration number which must be recorded on your fishing, hunting and furbearer certificate. (NOTE: if you purchase your hunting license at the Department's Bismarck office, through the Department's website, or by phone with the toll-free number you can easily be HIP registered. If you participated in the spring snow goose conservation hunt you should have already been HIP registered.) HIP is a US Fish and Wildlife Service program designed to measure the harvest of migratory birds for management purposes.

Nonresident small game hunters may hunt statewide but must select two 7 day hunting periods or one 14 day hunting period. They may purchase more than one small game license per year.

Hunters and trappers are required to purchase licenses, except any resident, or member of his or her family permanently residing with him or her, may hunt small game, trap or snare during the open season without a license upon land owned or leased by him or her, but otherwise is governed by seasons, limits, and all other regulations. Please refer to the 2006-2007 Furbearer Guide (tan colored brochure) for specific furbearer season details.

Residents do not need a license to take unprotected species of wildlife. Nonresidents hunting only unprotected species of wildlife (prairie dogs, rabbits, skunks, gophers) need only a nongame license.

A resident combination license is available which consists of fishing, small game, general game and habitat, and furbearer licenses.

Nonresident youth hunting licenses. A nonresident under age sixteen need only purchase a North Dakota resident fishing, hunting and furbearer certificate and a North Dakota resident general game and habitat license to hunt small game and waterfowl except swans and wild turkeys; provided, that the nonresident's state, or province or territory of Canada, of residence provides a reciprocal licensing agreement for North Dakota residents who are also under age sixteen. (Currently states of CO, CT, ID, KY, MI, MN, MO, MS, NE, NJ, OH, TN, TX, and WI qualify.) To be eligible, a nonresident youth may not have turned sixteen before September first of the year for which the license is issued and must possess a certificate of completion for a certified hunter education course. The nonresident youth may only hunt under the supervision of an adult family member or legal guardian who is licensed to hunt small game or waterfowl in this state and is subject to the same regulations as that youth's adult family member or legal guardian.

Nonresident full-time students living in North Dakota, who are attending a state or tribal college, or a private institution of higher education, may qualify for purchasing resident (non lottery) license. Please contact the Department for details.

MIGRATORY BIRD HUNTING STAMP. No persons 16 years of age or older, including landowners, shall hunt, kill, or take ducks, geese, swans or mergansers without having in his or her possession a federal migratory bird hunting and conservation stamp (duck stamp) for the season and validated by his or her signature written across the face of it in ink.

Hunting on North Dakota Indian Reservations - If an individual hunts exclusively on Indian lands within the exterior boundaries of an Indian Reservation; a tribal license is required and a state hunting license is not required. Hunting on non Indian lands within the exterior boundaries of an Indian Reservation requires a state hunting license. Game taken legally with a tribal license within the exterior boundaries of an Indian Reservation may be possessed and transported anywhere in North Dakota.

3. DEFINITION OF TERMS

"Game" shall include any of those species of small game, or furbearers as defined in Section 20.1-01-02 of the North Dakota Century Code.

"Small Game" shall include all game birds (including waterfowl) and tree squirrels.

"Upland Game" shall include sharp-tailed and sage grouse, pinnated grouse (prairie chicken), Hungarian partridge, pheasants, ruffed grouse, and tree squirrels.

"Migratory Game Birds" shall include ducks, geese, swans, mergansers, coots, cranes, snipe, dove and woodcock. All hunters must be HIP registered.

"Waterfowl" shall include ducks, geese, swans, mergansers, and coots.

"Daily Bag Limit" (Daily Limit) means the maximum number of the particular game referred to in single or aggregate for which a bag limit is prescribed and that one hunter, legally licensed by this state, may take or kill for that species during a single hunting day, within the boundaries of this state to include Indian Reservations.

"Possession Limit" means the maximum number of the particular game referred to (except waterfowl and migratory game birds) that a hunter, legally licensed by this state, may have in his/her actual possession during any phase of any single hunting trip, venture, or expedition of more than one day. No more than a daily limit may be taken on any one day. The possession limit at ones personal permanent residence is unlimited.

"Possession Limit for Waterfowl and Migratory Game Birds" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

"Migratory Bird Preservation Facility" any person or business for hire or other consideration, taxidermist, cold storage or locker plant facility, or hunting club which receives, possesses, or has in custody any migratory game birds belonging to another for purposes of picking cleaning, freezing, processing, storage or shipment.

"Possession of Shot other than Non-Toxic Shot" means in the gun, or in the pockets, or within reach while in the process of hunting. See non-toxic shot regulations described in this guide.

4. CROWS

Open Area:		Statewide
Fall Season	Opens:	August 12
	Closes:	October 22
Spring Season	Opens:	March 17
	Closes:	April 29
Daily Limit:		There is no
Possession Limit:		limit on Crows
Shooting Hours:		1/2 hour before sunrise to sunset

In addition to the crow season, crows may be taken when committing or about to commit degradation as specified in federal law (50CFR21.43).

5. CANADA GEESE (September Season)

Open Area:		Statewide
Opens:		September 1
Closes:		September 15
Daily Limit:		5
Possession Limit:		10
Shooting Hours:		1/2 hour before sunrise to sunset

Besides possessing the required licenses listed in section 2, hunter must be HIP registered. Residents and nonresidents are eligible to hunt.

Nonresidents who hunt during this season in Sargent and Richland counties may do so without counting against their 14 day, 7 day, or two 7 day hunting period restrictions. Otherwise, nonresidents may hunt only during the period that their nonresident waterfowl license is valid and must stay within selected zones (exception - statewide license does not restrict to zones).