

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2293

2007 SENATE NATURAL RESOURCES

SB 2293

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2293

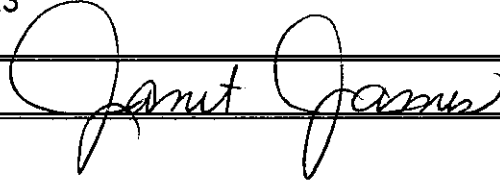
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: # 3123

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2293 relating to hunting, fishing and trapping privileges for active duty military members.

All members of the committee were present.

**Senator Robert Erbele** of District 28 prime sponsor introduced SB 2293 stating the bill came from a constituent who experienced this same honor many years ago. This bill honors the military people that are on active duty and gives them an opportunity to hunt, fish and trap while they are on leave. Many return home during a season and this gives them the opportunity to enjoy their time at home before being deployed again. It also is a way of saying thank you. Military leave papers and ID would be required to show they are on active duty.

**Jeff Langley**, Ellendale, North Dakota testified in support of SB 2293 and explained he is the constituent requesting the bill as this happened to him when he was serving at Minot Air Force base many years ago. He told the story of returning to Indiana and fishing with his grandfather twenty years ago and how great it was. What a great thing to do for those on leave from fighting the war on terror.

**Senator Lyson** asked for testimony in opposition and in a neutral position to SB 2293.

**Senator Joel Heitkamp** requested to ask the North Dakota Game and Fish Department how this would be enforced in the field.

**Paul Schadewald**, Chief Administrator Services Division of the North Dakota Game and Fish Department testified responded military orders and ID along with a driver's license are usually carried so the field game wardens would need to be trained to make it work.

**Senator Heitkamp** asked about the fiscal note.

**Paul Schadewald** answered it is almost impossible to put the fiscal note together although there has to be some impact and does not anticipate it to be very large.

**David Munsch** testified on SB 2293 giving his personal history of serving in the military and being able to hunt.

**Mike Donahue** representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in support of SB 2293. He further testified on his own behalf as retired military and requested clarification within the bill because each branch of the military has different forms (see attachment #1) and they could be confusing. He requested on Line 8 to include after duty add "U.S.C in title 10" and there would be no questions.

**Senator Heitkamp** commented the bill was pretty self explanatory and Game & Fish wardens in the field should be able to decide if the hunter is legitimately military on leave.

**Colonel Dave Thele**, Staff JAG Adjutant for the North Dakota National Guard testified in support of SB 2293 stating many of their military members love to hunt and this would be wonderful to have this opportunity. They will work with the North Dakota Game and Fish Department to make sure all the members are aware of the required documentation and will make sure this is not abused.

**Senator Lyson** closed the hearing on SB 2293.

**Senator Ben Tollefson** made a motion for a Do Pass of SB 2293.

**Senator Layton Freborg** second the motion.

A roll call vote for a Do Pass of SB 2293 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Ben Tollefson** will carry SB 2293.

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/18/2007

Amendment to: SB 2293

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

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$10,000)		(\$10,000)
Expenditures						
Appropriations						

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

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

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

Resident active duty military on leave would not be required to purchase licenses to fish, hunt small game or to trap. This would reduce license revenue and federal funding for the game and fish fund. It is very difficult to estimate, but it probably would be no more than \$10,000 per biennium.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The game and fish department has no solid data that would help in estimating the decrease in revenue from this bill. We can only estimate that the impact would be small and would involve only a couple of hundred people and a \$5000 reduction in revenue per year.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

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

<b>Name:</b>	Paul Schadewald	<b>Agency:</b>	ND Game and Fish Department
<b>Phone Number:</b>	328-6328	<b>Date Prepared:</b>	04/18/2007

**FISCAL NOTE**  
**Requested by Legislative Council**  
03/06/2007

Amendment to: SB 2293

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

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$10,000)		(\$10,000)
Expenditures				\$2,000		
Appropriations						

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

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

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

Resident active duty military on leave would not be required to purchase licenses to fish, hunt small game or to trap. This would reduce license revenue and federal funding for the game and fish fund. It is very difficult to estimate, but it probably would be no more than \$10,000 per biennium.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The game and fish department has no solid data that would help in estimating the decrease in revenue from this bill. We can only estimate that the impact would be small and would involve only a couple of hundred people and a \$5000 reduction in revenue per year.

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.*

The hunter education exemption would have a one time programming cost of about \$2,000 to modify the game and fish licensing software.

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

<b>Name:</b>	Paul T. Schadewald	<b>Agency:</b>	ND Game and Fish Department
<b>Phone Number:</b>	328-6328	<b>Date Prepared:</b>	03/06/2007

# FISCAL NOTE

Requested by Legislative Council  
01/18/2007

Bill/Resolution No.: SB 2293

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

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$10,000)		(\$10,000)
<b>Expenditures</b>						
<b>Appropriations</b>						

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

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

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

Resident active duty military on leave would not be required to purchase licenses to fish, hunt small game or to trap. This would reduce license revenue and federal funding for the game and fish fund. It is very difficult to estimate, but it probably would be no more than \$10,000 per biennium.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The game and fish department has no data that would help in estimating the decrease in revenue from this bill. We can only estimate that the impact would be small and would involve only a couple of hundred people and about \$5000 per year.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

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

<b>Name:</b>	Paul T. Schadewald	<b>Agency:</b>	ND Game and Fish Department
<b>Phone Number:</b>	328-6328	<b>Date Prepared:</b>	01/18/2007



**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2007 11:46 a.m.

**Module No: SR-27-2516**  
**Carrier: Tollefson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2293: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the  
Eleventh order on the calendar.

2007 HOUSE NATURAL RESOURCES

SB 2293

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2293

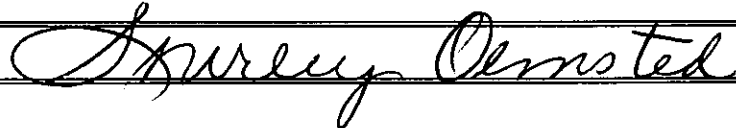
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4265

Committee Clerk Signature



Minutes:

**Chairman Porter** opened the hearing on SB 2293 and asked the clerk to read the title.

**Senator Robert Erbele** from District 28 came forward as a sponsor of SB 2293. He handed out an email that he printed from a constituent who obviously could not be here today because of the weather. He lives in Ellendale, ND. See written testimony marked as Item #1. I wish he could be here not so much to introduce the bill but I think you would appreciate his passion for North Dakota. He was a military man stationed in Minot for a time and met a North Dakota girl and married her. They have decided to make North Dakota their home. Sometimes I think it is good to see North Dakota through other eyes. He has a great appreciation for what we really do have here. If you follow the letter he was back home in Indiana visiting his grandfather and they wanted to go fishing. He said it was short notice and he didn't have a fishing license. His grandfather was very aware of their laws in Indiana and as long as he had his driver's license and his leave papers with him he did not need a fishing license so they were able to go. As they visited about this he thought this would really be a nice program for North Dakota to adopt. Many of our military service men and women are involved in conflict and probably the last thing from their mind is when they are sitting in Iraq is coming home to go fishing but once they are here and that opportunity arises they want to go. I think this is a good

way for the state to show a small gesture of our appreciation for what they do. In my conversations with Mr. Langley he did express to me his private frustration that he cannot hunt because he has not had hunter's safety. Chairman Porter and I have had some conversations about an amendment that he might offer that may further that part of it too. This would allow them to try it once before they sit in a classroom. He said he would appreciate their consideration of this bill and would urge a do pass.

**Representative Hanson** asked what would happen if a North Dakota resident was stationed in Grand Forks and went on leave. Can he hunt or fish then without a license?

**Senator Erbele** said we were talking active duty. Would he be actively engaged at Grand Forks?

**Representative Hanson** said if he was in the air force in Grand Forks.

**Senator Erbele** yes I guess that would be active duty.

**Representative Hanson** said then he could hunt on the period of time that he is on leave.

What about weekends when he is not on leave? Would he have to buy a license?

**Senator Erbele** said according to the bill and his discussions with his constituents you would have to have leave papers on you so that is the criteria.

**Representative Hanson** said what he was getting at is that if he just went out on a weekend he would have to have a license, but if he was on leave he wouldn't need a license.

**Chairman Porter** said that would be correct.

**Lt. Colonel David Thiele** from the North Dakota National Guard came forward in support of the bill. Actually contrary to the testimony I can assure you that our deployed soldiers think a lot about hunting. When I talk to them that is a big issue for them. I can tell you that our Game and Fish has been very accommodating to their needs. As far as the question about the Air Force if he or she is a resident of North Dakota and they have leave papers and the way the

bill is drafted then they would be allowed to hunt. I would suggest that if they are an avid hunter or fisherman this is not going to work and they are going to pay for the license. The cost to our residents is pretty reasonable to hunt and fish and I don't anticipate anyone abusing this. But for the service men and women that are deployed and mobilized this is a great benefit to come home for two weeks of R&R and be able to hunt or fish. They may get an opportunity to shoot a few roosters if they are lucky enough to be home during that season or to do some fishing during the summer. They will have their leave papers and will be set to go. **Representative Hunskor** asked if the National Guard Reserves that are not activated would not fall in this category then.

**Lt. Colonel Thiele** said as long as you are on active duty and are on leave with your leave papers.

**Representative Hunskor** said in his day they had a three day pass. Is there such a thing or is that considered leave? Have they changed the terminology?

**Lt. Colonel Thiele** said you can get a pass when you are coming home from deployment or mobilization this would not be a pass situation. When I was on active duty and I wanted to take Friday off they would give you a pass for that.

**Chairman Porter** asked for further testimony in support of SB 2293. Hearing none, he asked for opposition to SB 2293.

**Mr. Roger Rostvet** of the North Dakota Game and Fish came forward at the request of Chairman Porter.

**Chairman Porter** said that hearing the concerns that Mr. Langley had as well as some correspondences that he has received regarding the hunter safety requirement in the state and also about a program that other states are doing, I have asked Mr. Rostvet to draft that language which has just been passed out to you. See attachment marked as Item #2. This

would create a new license called a provisional license. The other issue on the hunter education component of the North Dakota requirement and the department is planning on a four hour internet class targeted at individuals over 18. This is an adult learning situation that would give them the hunter education part. What this amendment would do is to allow hunters with a one time license to see if they like the sport.

**Mr. Rostvet** said this bill prompted some discussion about hunter recruitment and retention and the question keeps coming up about this. One of the things that come up is what about adults that move to this state and there is a feeling that a lot of people would like to experience hunting or at least try it. They may have never hunted before but you know the culture in North Dakota is quite different than in Los Angeles or New York. The culture in North Dakota revolves around hunting and fishing. A lot of people would like to try hunting and fishing but without hunter education they have to go through the full course. This amendment would allow those over the age of 18 to apply to the Game and Fish Department for a basic permit like you would when you are learning to drive a car. Basically for one year or one hunting season you would be able to purchase or apply for a licenses and basically test drive hunting. If you like it, then you can take the hunter education course. You may try it and find out it is not for you. A number of states have something similar to this.

**Chairman Porter** said he thought one of the important parts of this is even though they have a license, this is only activated when another legally licensed adult is with them so they are under the supervision of someone else while they are a field.

**Mr. Rostvet** said for that license to be activated they would have to be accompanied by a legally licensed hunter over the age of 18.

**Mr. David Munch** said he had some disabled veteran friends who like to fish and as long as we are amending this bill we should give them a chance at a free fishing license as well. This

would be an appreciation for them too. It is a bad situation when these disabled veterans have to spend the rest of their life in a wheelchair because of something that he did for his country.

As long as we are on these feel good bills we may as well include the veterans on this too.

**Chairman Porter** asked for any further opposition to SB 2293. Hearing none, the hearing was closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2293

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4269 (Beginning at 13:08 on tape)

Committee Clerk Signature

*Sturey Olmsted*

Minutes:

**Chairman Porter** asked the committee to consider SB 2293. He asked the committee to take out the proposed amendment from Mr. Roger Rostvet regarding the provisional license.

**Representative Hofstad** moved to accept the amendments.

**Representative Meyer** seconded the motion.

**Chairman Porter** asked for discussion.

**Representative Drovdal** asked for an explanation of the amendment.

**Chairman Porter** said the way the current law is written the only person who can go a field is a person that has had hunter safety. This would allow a one time provisional license if an individual who has not had hunter safety who is over the age of 18 and is going a field with someone who is legally licensed to hunt, which would mean they already have hunter safety, could go out and try hunting for a year. This is what it would do. In conjunction with this as part of our total recruitment package to hunting with HB 1200 and all the youth things that we are doing the other thing that Game and Fish is going to do is work on their hunter safety course for an adult learning situation over the internet so that an adult can take the hunter safety course online and then legally hunt. This is just part of this package.

**Representative Nottestad** he said he was assuming that this would include anyone, resident or non resident, over the age of 18.

**Chairman Porter** said that was correct.

**Chairman Porter** asked for further discussion. Hearing none, a voice vote was taken. The motion carried.

**Representative Meyer** made a motion for a **do pass as amended** on SB 2293.

**Representative Hofstad** seconded that motion.

**Chairman Porter** asked for discussion. Hearing none, he asked the clerk to call the roll. Let the record show 10 yes, 0 no with 4 absent.

**Chairman Porter** asked Representative Meyer if she would amend her motion **to be referred to appropriations**.

**Representative Meyer** said yes.

**Chairman Porter** said he just pulled the fiscal note and saw that it was a \$10,000 reduction that they will want to look at also.

The bill will be carried to the floor by **Representative Meyer**.



Date: 3-2-07  
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amended <sup>to be referred</sup> <sub>to app</sub>

Motion Made By Meyer 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 10 No 0

Absent 4

Floor Assignment Meyer

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

**REPORT OF STANDING COMMITTEE**

**SB 2293: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "new" insert "section to chapter 20.1-03 and a new"

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

Page 1, after line 10, insert:

**"SECTION 2.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**One-time hunter education exemption.** An individual eighteen years of age or older may receive a one-time exemption from the hunter education requirements of section 20.1-03-01.2 for up to one license year if that individual applies for the hunting license directly from the department. A license issued to an individual under this section is valid only when the individual is accompanied afield, and under the direct supervision of, a licensed adult who is in compliance with section 20.1-03-01.2."

Re-number accordingly

2007 SENATE NATURAL RESOURCES

CONFERENCE COMMITTEE

SB 2293

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2293

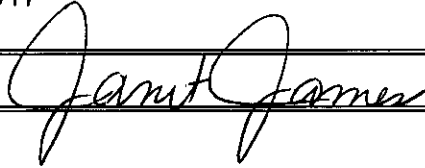
Senate Natural Resources Committee

XX Check here for Conference Committee

Hearing Date: March 29, 2007

Recorder Job Number: # 5617

Committee Clerk Signature



Minutes:

**Senator Ben Tollefson**, Vice Chairman of the Senate Natural Resources Committee opened the conference committee on SB 2293.

Committee members Senator Layton Freborg, Senator Joel Heitkamp, Representative Todd Porter, Representative Dawn Charging and Representative Lyle Hanson were all present.

**Representative Porter:** when the committee heard the bill in the house, it came over to us dealing directly with individuals in the armed services that are on active leave. The North Dakota Game and Fish Department contacted him regarding a concept they had been working on. One of the areas that have been dealt with this session is the recruitment and retention of hunters. There have been numerous bills relating to youth hunting. A study recently completed by the game & fish revealed an area of concern regarding the falling off of individuals in the 18 to 40ish to 50 year olds interested in hunting and not seeing a replacement of that fall off on the bottom side. There is not a mechanism in place for someone to try hunting before making a commitment to the hunter education course. From an adult stand point it is a quite a commitment to attend the classes to receive the certification to hunt.

The law says an individual has to complete hunter safety education in order to hunt although it does not indicate what type of course it needs to be. The game & fish is currently working on

an internet course for adults so they can complete the course without having to sit in a room with a bunch of 12 year olds. This would help fill the gap. He has had numerous contacts regarding military personnel who are fire arm trained yet cannot hunt. This internet based course would help bridge that situation. A number of states have implemented a learner's permit type situation as does section 2 does to the bill. This was not grasped out of thin air, but has been worked on for several years and now with all the information the department is ready to proceed with this concept. Not all adults are sure if they would like hunting and this bill would allow people to try it before they invest any further. If they like hunting then they could take the hunter education traditionally or on the internet. The North Dakota Game and Fish Department presented the amendments and Senator Erberle, prime sponsor of the bill is aware and okay with them.

**Senator Joel Heitkamp:** to make sure he understands, there is no requirement under section 2 that the individual that goes a field without the benefit of hunter safety, has the internet course or anything. The only requirement is that he goes a field with somebody who has taken the course.

**Representative Porter:** that is correct. The year with the learner permit license, they would not have to complete any hunter safety course. It is a once in a life time they can buy a license as long as they go a field with a licensed adult who has had the course. After that they would have to complete a course if they wanted to continue hunting in North Dakota.

**Senator Heitkamp:** were there any other groups or just because you have military training that makes you have some level of expertise to go out and hunt. Was there talk about law enforcement ... what over groups are deemed worthy to do this.

**Representative Porter:** there is no "me too" to this amendment. It is for everybody. This exemption is for everyone over the age of 18.

**Senator Heitkamp:** but the original bill is about the military being able to go and hunt.

**Representative Porter:** the original bill was about military individuals on leave. But section 2 has nothing to do about military.

**Senator Tollefson:** this is a means to create an additional interest in hunting.

**Representative Porter:** yes, this is a recruitment tool. It puts an adult into the hands of another adult, who has had all the safety training along with the responsibility. A new hunter cannot go alone and can be compared to a learner's permit for driving.

**Representative Lyle Hanson:** another exemption that could be used, some states say that if you are over 18 or 21, you do not need hunter safety. This says everybody born after 1961.

**Senator Tollefson:** personally hunter safety is one of the best things ever done for young people and others. The hunter accident numbers have decreased due to that effort.

**Representative Dawn Charging:** is this going to be difficult procedure for the game & fish to follow. How are they going to track this one time exemption verses someone trying to sneak their way through.

**Representative Porter:** the North Dakota Game and Fish Department would be setting up a licensing mechanism that the license would have to be bought directly from them at the headquarter office and is an once in a life time mechanism. They felt there would be no problem and the fiscal note includes around \$2000. to modify their software to allow this to take place. As this is their amendment, I am sure they will comply with it being a once in a life time situation.

**Senator Layton Freborg:** can they apply for this one time license on line.

**Representative Porter:** the department was not clear on the ability to do that at the present time, they were going to look at their software and see how it would work without being duplication. The early indications are that they were going to work on that system to make

sure the social security number issue was in place. They would issue them only through their centralized licensing division.

**Representative Hanson:** was anything mentioned about applying for a big game license.

**Representative Porter:** this one time exemption will allow the individual to apply for any legal license or lottery for that one year period whether if it was for a deer, antelope, turkey, elk , moose and big horn sheep.

**Senator Ben Tollefson:** the only stipulation would be the new hunter would have to be with a licensed qualified hunter.

**Senator Freborg:** not sure about agreeing with the amendment. This bill started for the military and how anybody can do this.

**Representative Porter:** correct as long as qualified hunter is accompanying them.

**Senator Freborg** presenting his personal situation, some people should not be in the field hunting as they are not safe. What does direct supervision mean?

**Representative Porter:** direct supervision means exactly that. The game & fish department will not be putting anyone at risk. This addresses that an adult is responsibly for their actions and will make sure it is a safe situation.

**Senator Tollefson:** as good as the amendment might be, it is aside of the original intend of the bill. Perhaps this should have been a separate bill.

**Senator Freborg:** has any consideration given that these people are allowed to hunt only small game.

**Representative Porter:** the language is from the game & fish department. The answer would be no. This is a recruitment tool.

**Senator Heitkamp:** agrees that this has nothing to do with the original bill. This amendment defeats the concept that everyone born after 1961 is required to have hunter safety education.

Secondly, although a hunter has had the education that does not guarantee they are safe hunters. The goal to get hunter numbers to increase is good, but has a problem with allowing these people trying to discover if they enjoy hunting to win the prized hunting tags. It is not fair to those you have tried for years and have met all the hunting requirements. Talk about it.

**Senator Ben Tollefson:** we are at a standoff and out of time, so we will have to meet again.

**Senator Ben Tollefson** closed the committee conference.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2293

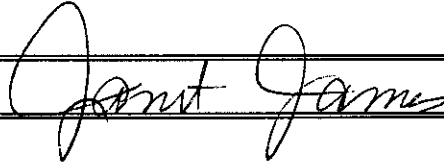
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: April 3, 2007

Recorder Job Number: # 5688

Committee Clerk Signature



Minutes:

**Senator Ben Tollefson**, Vice Chairman of the Senate Natural Resources Committee opened the committee conference on SB 2293.

All members of the committee were present to include **Senator Layton Freborg, Senator Joel Heitkamp, Representative Todd Porter, Representative Dawn Charging, and Representative Lyle Hanson.**

**Representative Porter:** the discussion of amendments (section 2) adopted by the house deals with the provisional hunting license and it struck him that the same situation exists today with kids. A child under 12 can hunt as long as they are under the direct supervision of an adult. Now we are taking an adult and giving them a one time exemption to see if they are interested in hunting and making sure they are with someone else who is safety conscious and under their supervision. From a safety standpoint and the message we are sending for retention and recruitment of hunters, all the bases are covered. After the last discussion and because the senate did not hear the testimony has asked the game & fish department to be here for questions or further information.

**Senator Tollefson:** is not a hearing for additional testimony but for information only.

**Senator Joel Heitkamp:** presented to the committee proposed amendments. These amendments take what Representative Porter is talking about and limit the scope to upland game. We can discuss waterfowl or not and this puts a sunset clause on the bill, so that two years from now, we can see if this has worked to recruit more hunters. His big concern is the one year exemption hunter winning the lottery draw for the elk or other desired license.

**Representative Porter;** asked of Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department for an explanation of the language that created the section 2 amendment and the safety standpoint of the department. Also how would the department implement the current language in section 2 in regards to lottery of elk, moose and big horn sheep?

**Roger Rostvet:** the language in the amendment is in response to the house amendment being very disadvantageous to the hunter safety program. The amendment was very complicated with a lot of different exemptions including military, people moving into the state or a new hunter starting up. It was drafted similar language from other states. The hunting culture in North Dakota is very strong compared to many other states. How many people this exemption will involve is hard to predict. The department is not doing a very good job of recruiting. This allows new hunters the opportunity to test the waters to see if they like hunting without the lengthy hunter safety course. If this all works in theory, this will put a lot more people into the hunter safety program.

**Senator Heitkamp;** do you see any potential problem with the department's amendment and how the one time exemption qualifying these experimenting hunters for the prize license.

**Roger Rostvet:** looking at this as an individual, it is not an entry hunt for them and would save a lot of grief eliminating the big three of elk, moose and big horn sheep.

**Senator Ben Tollefson:** have you looked at the amendment proposed by Senator Heitkamp.

**Roger Rostvet:** looking at it quickly, it eliminates the big three. His insight into this is that upland game is the usual introduction for youth and it might be deer for female adult beginners.

**Representative Porter:** in the amendment, with the limiting factor of saying small game hunting license, would that preclude someone from being able to hunt ducks, geese and sand hill crane, waterfowl kinds of birds.

**Roger Rostvet:** that depends on how you interpret the laws, certain places in definition calls small game, upland game and waterfowl and fur bearers and in some places it specifically refers to – it is questionable as small game has two definitions in the code. It is the way it has been set up.

**Representative Porter:** I don't have a problem when we are talking about the big three, even going as far as limiting antelope. I tend to agree that there are families involved in the deer hunting aspect and I understand that situation where that one time person comes in and skewing their chance of getting that mule deer buck out in the badlands. From an administrative stand, how difficult would it be to allow that individual a doe only type access into the deer season for that one year of the provisional license?

**Roger Rostvet:** not being a computer geek, but I would think it would be possible being it is set up on a different system all together. Basically block that application part without rewriting the whole program.

**Representative Hanson:** I did not know about the amendment being brought in and had suggested that the exemption would be for waterfowl only and upland game birds. I would resist not, not including deer into the amendment, especially mule deer, because it is difficult to draw a mule deer license.

**Senator Tollefson:** the amendment that has been presented would accomplish really what you are after in creating an interest into hunting how has not done any hunting.

**Roger Rostvet:** we do not know if there is a big demand for this, but we do know that nation wide hunters start after the age of 18, not that it is in North Dakota. Are we not recruiting such a high rate with the youth that there are not any other adults interesting in starting to hunt. On the female component, it would be advantageous to have some form of big game, but not necessary.

**Senator Heitkamp:** growing up with five sisters and now a wife and two daughters and have hunted with a lot of females who have decided to take up deer hunting whether they took hunter safety or not. But I am telling you some people do not belong a field with a rifle. What we are doing here is circumventing the law or hunter safety. When the amendment was discussed and brought forward, the intend was to make sure that if waterfowl was part of the issue, then yes. If we are confusing the code, then we can add it. We can have that debate, but I am not keen on including deer hunting in this. If they can't tell after a year of going out and shooting pheasants, ducks or geese whether they love to hunt, they have a problem in the first place.

**Representative Hanson:** a third of the gradis license applications are from females but question if they are given to spouses.

**Roger Rostvet:** or it could be they do not have hunter safety education and that is only way they can apply for a license as an alternative because the education class is not required.

**Senator Heitkamp:** what percent of the gradis licenses are filled on the owned land?

**Roger Rostvet:** no idea.

**Representative Porter:** we need a little time to digest this and figure out the waterfowl component and the doe only deer hunting component

**Representative Charging:** she has hunted more than some men ever will and questions if there is another way to find a solution to this. We talk about engaging older hunters and retention and there might be a better way.

**Roger Rostvet:** we do have adult only classes but we need to get by the per dyne of how we started hunting ourselves. We need to look at the older than average age of starting to hunt and whether they want to put in 14 hours of classes before they have a chance to discover if they would like to hunt. Compare it to playing soccer and having to have 14 hours of lessons before being able to kick the ball to decide if they like to play soccer or not.

**Senator Layton Freborg:** when are the hunter safety classes given and how many sites are there?

**Roger Rostvet:** between 600 to 700 hundred instructors state wide and there are generally classes available every other year. It is becomes more difficult in the rural communities and we have started an internet course which includes picking up the materials, doing the course study on-line before taking the practical and written exam.

**Senator Freborg:** is there any classes just prior to big game season because other states do this as they offer the test just days before the season open.

**Roger Rostvet:** basically no classes are available past August in North Dakota. A lot of classes are available right now because instructors want to get them finished before the deer deadline.

**Representative Hanson:** do the hunter safety instructors feel about eliminating the hunter safety courses.

**Roger Rostvet:** they have mixed opinions on the issue; most instructors are no keen on the idea. He has received a lot of e-mails stating they feel this is diminishing the course. In reality if there are a lot of people out there that this will make a difference, the number will increase.

**Senator Freborg:** did I hear you right as to how long it takes for the hunter safety course.

**Roger Rostvet:** fourteen hours plus the test.

**Senator Freborg:** and here we are letting people hunt without taking the test and this is a fourteen hour test? That's pretty rigid, isn't it? I say that because of personal experience with this Colorado test taking it two hours before the opener.

**Representative Charging:** change the criteria on the test with no hands on experience.

**Roger Rostvet:** no shooting required and never has been a requirement.

**Senator Heitkamp:** as this is debated, it is fair to say this is not just upland game in one definition and that waterfowl is included. That question should be off the table.

**Senator Tollefson:** we will recess until the next scheduled conference.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2293

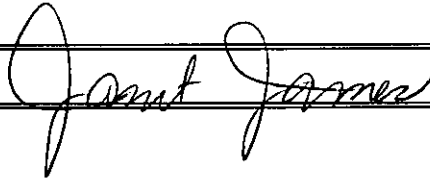
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: April 6, 2007

Recorder Job Number: # 5802

Committee Clerk Signature



Minutes:

**Senator Ben Tollefson**, Vice Chairman of the Senate Natural Resources Committee opened the third committee conference on SB 2293.

All members of the conference committee were present including **Senator Ben Tollefson**,

**Senator Layton Freborg**, **Senator Joel Heitkamp**, **Representative Todd Porter** and **Representative Lyle Hanson**. **Representative Dawn Charging** was absent.

**Representative Porter**: after meeting last, visited with Senator Heitkamp and Roger Rostvet of the North Dakota Game and Fish Department regarding the original premise of section 1 of the bill. The amendment is language that the department proposed to the House Natural Resources and asked for it to be included as a way of increasing hunter recruitment. For the house's standpoint they do not any ownership of the amendment and the way the law is written they have not wiggle room for this item. So in the area of hunter recruitment the house felt it would be a good deal. After the last discussion, in visiting with Roger Rostvet he provided replacement language to Senator Heitkamp proposed amendment .0203 as presented this morning (see attachment #1). Basically what this language says is that this one time license under this exemption is not eligible for any lottery type of licenses. The amendment takes care of the question related to duck, geese and upland game and also says they are eligible for any

deer over the counter licenses left over. Roger Rostvet was here and heard the concerns of the senate and this is the language they are now proposing to tighten the bill up and make it work.

**Senator Heitkamp:** Representative Porter did come to him and misunderstood each other therefore there are no formal written amendment to present to the committee. The big debate is whether there is going to be this exemption. The bill started out as being for military and now we are talking about hunter recruitment and whether this should be extended to over 18 and deer hunting. We are talking about getting new hunters in the field. He has spoken to a number of individuals with game and fish and this might all be about a handful of people. There are real questions about hunter safety, but this is Roger Rostvet's opinion.

**Senator Tollefson:** this is all about hunter recruitment and this is all uncertain if this will accomplish this.

**Senator Heitkamp:** were there doe licenses left un-bought last year.

**Representative Porter:** there were 140,000 licenses available last year and between 5,000 and 10,000 left in areas that had other problems of access, posting or some other problems. In the areas where there is hunter pressure and extra tags available are sold off.

**Senator Heitkamp** if you know that and no one is buying the licenses, then it would seem to be the argument on this amendment needs to be framed in whether or not an individual 18 years and above who has never taken hunter safety and who is getting this exemption should be hunting deer. If we frame the argument there, then we cut through the chase.

**Representative Porter** made a motion that the house recede from its amendments and further amend the bill based on Senator Heitkamp's .0203 with the replacement language I'm providing for section 1.

**Senator Heitkamp:** this is not my amendment – this one is. If we want to move this amendment, it can be moved under someone else's name other than my name.

**Senator Tollefson:** but we need a second before we can do anything.

No one would second the motion.

**Senator Freborg:** do any of these amendments have a sunset on them.

**Senator Heitkamp:** my amendment does.

**Senator Freborg:** so there is a sunset and under Senator Heitkamp's amendment is small game only.

**Senator Heitkamp:** which includes migratory birds.

**Senator Freborg:** and how many bills have we had this session that erodes the hunter safety laws. When that was passed it was the greatest thing that ever happened to provide safety for every hunter and we continue to try to erode that for various reason ever since. There is someone that always wants an exemption. Have you seen the amendment on another bill, but we might have a hard time with this.

**Senator Heitkamp:** what Senator Freborg is saying is something the house members did not get a chance to see in our chamber. When we went up there with the bill and basically – we had a 6-0 when we came out of committee and none of us jumping up and down for it - but when we went on the floor – we got rolled big time – and got told to take this back to committee and do something with it. We came back with hunter safety, so that we could come to committee and have a discussion not knowing where it is going to go from there. The message was pretty clear in the senate.

**Senator Freborg:** there are other ways to recruit hunter and I hope we can find those. We people are eighteen years old and have had no interest in hunting up to that point, I am not sure we should make this kind of exception to get them into the field.

**Representative Porter:** you already did the exception the way SB 2293 came over to us. You said that someone who is in the military does not have to hunter safety. So you already eroded.

**Senator Freborg:** and I wasn't any happier with that and that was in small numbers.

**Representative Porter:** but even in that section you are not saying they have to be with someone who has had it and will watch out for the safety, they can go out by themselves and sit in a tree and shoot the deer with no supervision. This concept, they have to have someone with them to monitor their safety. We do the same thing with kids under twelve.

**Senator Freborg:** the difference is that these people – in the original bill all had weapons training.

**Representative Porter:** then that is exactly right, then maybe we should expand that to say law enforcement officers do not need hunter safety either because they have had the same weapons training.

**Representative Hanson:** is that drafted by the department.

**Representative Porter:** yes.

**Senator Tollefson:** well I look at SB 2293 in a couple ways. First, we presume the military personnel have some weapons training and second, I think it is in recognition or an extra benefit for those military folks on leave. We seem to be doing a lot of that and I'm not saying that is bad, but I think that was the purpose of the bill.

**Representative Hanson:** what was the original motion on Heitkamp's amendment?

**Representative Porter:** that we recede from our amendment and then reamend to include this language as section 1 and section 3 is the expiration date. So this language would be section 1, section 2 would be what is in the bill about the military members and the section 3 is about the expiration date.

**Senator Freborg:** if we pass the amendment with deer in it, just to let the committee know, I will strongly oppose it on the floor. This is a lot closer to what is acceptable and I only say that because we found out what the people on the floor think.

**Representative Hanson:** but this one does not have the deer in it.

**Senator Heitkamp:** but you asked what the earlier motion was and this language made it section 1, so that it took my section 1 out in that motion, keep the expiration date and what I am saying that was not the Heitkamp amendment, it was what game & fish wanted. When I say game and fish, I want to stress, this is a Roger Rostvet thing not all in agreement here on this amendment. For the record, I think Senator Freborg is right about the reaction of the senate floor on this. If we want to get some new hunters in the field and we want to try this and we are willing to get beat up by the hunter safety guys.... I'm getting all the same nasty emails, if we want to try this, and we want something to track in two years from now and have this debate, my amendment did that. I don't see people gobbling up these extra doe licenses, so then the debate is over whether or not if these people with the exemption belong out in the field with a deer rifle or not.

**Senator Tollefson:** anyone without the training can go and shoot deer...

**Senator Heitkamp:** to get off the bubble, I made a motion for my amendment .0203.

**Representative Hanson:** second for discussion.

**Senator Freborg:** to make it clear, I will vote for this to get it out of here, but depending on the discussion and how adamant they said the other day, I may vote against it on the floor. So you understand that.

**Representative Porter:** the verbatim language I cannot support because if the concept is to limit lotteries and deer hunting, then that language does not do it because if you look at the amendments side by side to the language the department created so that it would include

waterfowl hunting does not exist. So I don't think that section 1 is the right language. Now if **Senator Heitkamp** idea is to just exclude lotteries and deer hunting and allow small game and waterfowl, then that is not the correct language.

**Senator Tollefson:** it is my impression, Senator Heitkamp that -- did the fish & game say small game included by migratory.

**Senator Heitkamp:** they said there is two or three examples in the code where migratory birds are referred to as small game - there is a lot of cross references and was hoping that when game & fish went about this, they know what was said in committee and know what the intent was. I got that sense from Roger last time and if this amendment fails -- lets vote on the amendment first.

**Senator Freborg;** if there is any doubt what so ever in game and fish in determining if small game includes waterfowl, all we have to so in our discussion, so that it is on record, is to say that it is our intent that small game also means waterfowl.

**Senator Heitkamp:** and I said that when I offered the amendment.

Roll call vote #1 to adopt the amendment .0203 was taken indicating 3 Yeas, 2 Nays and 1 absent.

**Senator Heitkamp:** can I make a suggestion. Obviously we will be meeting again and

**Representative Porter** can bring some amendments to the table, because this amendment as I see them are done. They are off the table. I will not offer them again and maybe if he wants to bring some folks from the game & fish to speak to his amendment - lets bring the director in and hear from him on this. The reason I say that is not to undermine Roger, but when I am getting calls on the side from game & fish members, saying they are not all comfortable with this, I think we need to hear from the boss. If that is okay Representative Porter.

**Representative Porter:** Senator Heitkamp, the administration was totally on board with the amendment that came over from the house, so the boss is on board.

**Senator Heitkamp:** okay, but then I am getting mixed messages from staffers.

**Representative Porter:** absolutely, and looking at this I think we can finish this and I think we can finish this right now. All I am saying is that, we are putting something into century code, we know what the right language is, we don't have to go off legislative intent, so don't have to confuse the department. All we have to do is take the language that the department provided us and overstrike that language that says in addition, "licenses remaining to hunt deer after the second lottery may also be purchased", then the language is right. That is all we have to do. And there is no and, ifs or buts about it and includes that we told them to make us an amendment that included waterfowl and upland game, they have done that. They put that other exemption in, cross the language out and then we have it.

**Representative Hanson:** what are you crossing out.

**Representative Porter:** that sentence that starts " in addition licenses remaining to hunt deer after the second lottery may be purchased".

**Senator Tollefson:** that would be excluded;

**Representative Porter:** right, take that out of there and then you have the right language. That was my reason for voting no on this ... because we have the right language, we can just do it.

**Representative Hanson:** this would include waterfowl, upland game birds and rabbits or whatever is considered small game too.

All: No deer – no lottery.

**Representative Porter** made a motion to adopt the amendment as he described.

**Senator Heitkamp** second the motion.

Discussion.

**Senator Heitkamp:** he is right if we replace section 1 with this and took the deer out and the lottery out it really does what my amendment did. So you are right about that and if we were ready to support the last one, this one seems to be something I can support. But I do want to say to Representative Porter because I know the passion he has on the issue, I do not like going up upstairs and getting rolled the way our committee got rolled and have people talking about what in the world are they thinking about down there., so that every bill we carry they start looking at it with a fine toothed comb. When this comes out of here we are going to have some work to do on the floor to convince people that this is good idea. We might have compromised here, but we are still are in a lot of trouble with our colleagues on this.

**Representative Hanson:** has it ever brought up how many people will apply for this.

**Representative Porter:** they talked about individual circumstances and individual calls to the department from individuals over 18. Would they be able to day 1 or 100, no.

**Senator Heitkamp:** but that is part of the reason for the sunset. Two years from now we will are going to get a chance to look at some number and see if Roger was right about this.

**Senator Freborg:** I apologize. Go through the amendment again.

**Representative Porter:** on this sheet it would be all of the language on Senator Heitkamp's amendment except section 1 would be this language and the language that would be crossed off would be after the word lottery, four lines down, that next sentence " in addition, licenses remaining to hunt deer after the second lottery, may also be purchased". So what would be available if section 1 is adopted as part of the motion, what would available to hunt then, would upland game and waterfowl.

**Senator Freborg:** and the sunset clause would stay in.

All agreed. As Senator Heitkamp has presented.

Roll call vote #2 for the adoption of the amendment was taken indicating 4 Yeas, 1 Nay and 1 absent.

Discussion was held as to who carried SB 2293 on the floor.

**Senator Ben Tollefson** will carry HSB 2293 and Senator Heitkamp added he would help.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2293

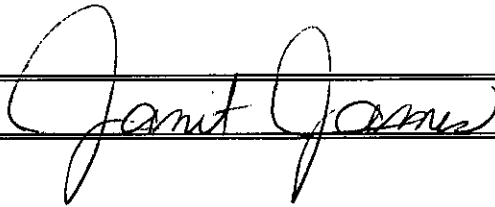
Senate Natural Resources Committee

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Hearing Date: April 13, 2007

Recorder Job Number: # 6010

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the second assigned Conference Committee on SB 2293 relating to hunter education requirements and to hunting, fishing, and trapping privileges for active duty military members.

Members of the committee included **Senator Stanley Lyson**, **Senator Layton Freborg**, **Senator Joel Heitkamp**, **Representative Todd Porter**, **Representative Duane DeKrey**, and **Representative Shirley Meyer**.

All members of the committee were present.

**Senator Lyson**: what happened with this bill it came on the senate floor and the amendments came to the floor and were killed on the floor.

**Senator Joel Heitkamp**: the conference committee's recommendation was rejected.

**Representative Todd Porter**: well it was passed once and then it was reconsidered and then it was rejected. I just happened to be listening that day. That was a great speech.

**Senator Heitkamp**: Thank you!

**Representative Porter**: that was the one when Senator Dever got up and made a motion to reconsider and the conference committee report was brought back.

**Senator Heitkamp**: right, but it was rejected on the floor of the senate.

**Senator Layton Freborg:** do you know why it was reconsidered?

**Representative Porter:** no.

**Senator Freborg:** well to save the part dealing with the serviceman.

**Representative Porter:** well then lets talk about that part then.

**Senator Freborg:** that is why Dever did it. There may have been other thoughts, but Dever wanted to give those servicemen that opportunity. That is why he did it.

**Senator Lyson:** I sat right next to him and that was his point.

**Representative Porter:** I talked with Senator Erbele about the bill and the way it was put in and he didn't realize that the way he worded the bill would allow someone who has never had hunter safety, who is on active military leave to hunt without a license. His intentions were or his thought process was that the person already had hunter safety and that they would then have military leave papers and they just would not have to purchase a license. What the exemption does is sets up an again a situation where the military person on leave, does not have hunter safety, can hunt by showing their leave papers. They get off active duty and they can never hunt again until they take hunter safety. So, section 2 is not, in my mind, a workable section the way it is written either.

**Senator Lyson:** I think the idea of section 2, was to military being home on leave from the service. The experience they had in the service took place in hunter safety training....

**Representative Porter:** well let me ask this question then, when they are not active and they had that training, then they still can't hunt because they do not have hunter safety. Let's just say that they come home on their two weeks, they are on active duty and come home for two weeks and have never had hunter ed and they can hunt without a license by just having their leave papers with them because they are on active duty. The next year, they're back as a

reserve member or National Guard member, they still have the military training and they can't go get a hunting license.

**Senator Lyson:** exactly, until they have hunter training.

**Representative Porter:** so what makes them safe for the two weeks they are on leave and unsafe again the following year when they have had the training.

**Senator Lyson:** what we are trying to do is follow the law except for the time they are on leave. We are trying to give the guys who are on leave from over seas or where ever else, the opportunity to hunt but only for the time they are on home leave are they able to do that.

**Representative Porter:** well it is still in my mind, if they're safe for that two week time period, why aren't they safe all of the time. I don't understand why they need hunter safety then at all, ever. Why don't we just grant them a permanent exemption because their training makes them safe?

**Senator Lyson:** if we are going to get into a discussion like that, I don't think it has anything to do with this bill, personally. If we are going to get into that, we can go way back to some of the others ones that say, if mommy and daddy taught him how to hunt when he was young, why do we need hunter safety?

**Representative Shirley Meyer:** would you like a woman's perspective on this and it is kind of different. When the game & fish first brought this to the House Natural Resources Committee on trying to increase the numbers, with the amount of woman now that are getting married and their husbands are big hunters and they want to try it,.. and... I looked at section 1 separately where there is a lot of woman that want to hunt but they do not know if they want to spend a number of week to get a hunter safety course and allow then to go out and hunt with their husband and see if they like it or not. After this year if they decide to like it, they would be required to take a hunter safety course, but just looking at it just totally from that prospective

and not considering section 2, I really thought it was a good idea. They would have the husband or spouse there and they could see if they like it or not and it would not require ....to me I thought about it more like a driver's permit training.

**Senator Lyson:** and I would say to you, that you can do the same thing by going along and walking with and still get the excitement of the hunt.

**Representative Meyer:** well that was my thought on section 1 where I thought it would work to increase our numbers.

**Senator Lyson:** the one time hunting exemption had nothing to do with military. It had strictly to do with somebody that wants an opportunity to go out and hunt without hunter safety. I had numerous e-mails from hunter safety instructors on this.

**Senator Heitkamp:** that matters! We heard many times this is a game & fish's proposal to try to get more hunters out in the field. It was not that long back when some of us in the rural area were trying to fight to keep some people out in the field that might not even been in state, because we saw it as good for commerce and good for our area and we lost. We got rolled on that one. This is twice up on the senate floor that the Senate Natural Resources Committee came out 0 for 2 when it came to some of these issues. The message from the senate floor has been pretty clear, they expect hunter safety and they don't expect a loosening of this. If North Dakota Game and Fish Department had a plan to deal with the problem of left \_\_\_\_\_ sportsman and woman out in the field, they should have come to it with game & fish, said here is our proposal, here is what we are going to do. Part of the problem that lies in that is the fact that certain individuals from game & fish may be saying it, but I get e-mails and phone calls from other people from game & fish that say wait a minute, this is undermining it. The whole thing is starting to be not worth it.

**Senator Lyson:** the whole thing that bothers me about this one is that I did not hear one word on safety hunter from the public hearings about a free year to hunt. I heard it loud and clear from my constituents that they do not like it.

**Representative Duane DeKrey:** if we just backed off on the one time hunter exemption and then said on section 2 they could get a free license but they had to hunter safety qualified, would the senate go for that. Because having done some time in the military, I can tell you that in military training you get a lot of weapons training but you don't get any of the ethics part which is probably a big share of the hunter education course than the actual weapons and safety training is. So, they are still missing....there is no doubt in my mind anyone coming home from leave on military, knows how to handle weapons. That is what you do for 8 grueling weeks of basic training, whether you go to a combat unit or not after you get done with basic training, you still are going to miss the piece of hunter ethics. If we just back off of the one time exception, because I get the feeling you are not interested in that at all, but this is not the only bill we have talked about hunter education being real important; so ....

**Senator Lyson:** I do not have a big hang up on these military people having hunter safety, cause these guys coming home on leave at the age they are now, if they want to be a hunter they've already have had hunter safety.

**Representative DeKrey:** that is kind of my point, that if we make it a requirement that if they have to have hunt safety, I bet you 99% of the time, they have already had it.

**Senator Heitkamp:** so what the bill would really do is just give them that free license.

**Representative DeKrey:** so I will run this motion up the tree that the house recedes from its amendments and further amends to require hunter education in section 2 of the bill.

**Representative Porter** second the motion.

Roll call vote for the house to recede from the house amendments and to further amend that hunter safety is required for military in section 2 of the bill was taken indicated 6 Yeas, 0 Nays and 0 absent or not voting.

**Senator Heitkamp** will carry SB 2293.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2293 Conference Committee**

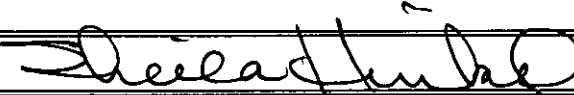
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: **April 20, 2007 am**

Recorder Job Number: **6191**

Committee Clerk Signature



2293 SNAT

*All members present:*

**Chair S Ben Tollefson, S Herb Urlacher, S Constance Triplett**

**Rep. Todd Porter, Rep. Duane Dekrey, Rep. Shirley Meyer**

9:00 am session

**Chair Tollefson:** What are the differences of opinion?

**Rep. Porter:** When we looked at it from the House's standpoint, I guess in all honesty, we have a differencing of opinion, I think everyone likes or appears to like the military exemption, the House on their promotion of recruitment and retention, likes that many states have learner's permits for adults in the area of hunting, and that's what section one accomplishes, and the way that we had this discussion with the difference, the conference committee on how it should be worded, and draft. I didn't get them to me, what we looked at last time is a one-time exemption, the .0400 version is the version I asked to have drafted so it didn't include any lottery licenses, it was a one-time exemption for the hunter education requirement as long as they were with another adult, license as long as they were with someone who had hunter safety, that one-time exemption to see if they wanted to commit to the 14 hours for hunters ed.

The department presented in front of the conference committee, the information that they felt, were a lot of states were headed, we know of a brand new division in Missouri, where they went down to age 16, there is a provision in Texas, a providing to age 16, a one time provision license.

**Chair Tollefson:** Fish and game were ok with that?

**R Porter:** Yes, Game and Fish came to us, this deals with what they found out across the country, with statistical data where the gap where the fall-off is, the fall-off for hunters, is for age 18-50 range; people who haven't been exposed to hunting, don't want to commit to a 14 hour course knowing if they like it or not, so they never take the opportunity, the group of people who were never exposed to it, want to take a trial run before they commit to the 14 hours of training. This language in .0400 will do that. One piece of 0490 that wasn't on there that was discussed after.

*2 amendments delivered to Rep. Porter at 9:10*

They are hot off the press, lets make sure they are correct, the appear to be. It was never the intent of the sponsor to exempt military personnel from the hunter education requirement.

They would be able to hunt with release papers, then, the dual standard would be set up, if on military they could hunt, and when in a civilian, needed to complete the training.

**Chair Tollefson:** Questions?

**Rep Dekrey:** You have two amendments, we don't need them both?

This would be clarified, the .06 amendment is a one-time exemption back in, but then once a civilian, would need hunters' education?.

**Rep Porter:** Yes, in section one it also leaves in place the component, that the section one has to be revisited by the next Legislative assembly, and Game and Fish can present further information on the exemption.

**Discussion**

**Sen Triplet:** Your language is the one-time exemption, it was putting back what was taken out?

**Rep Porter:** Yes, making a one-time exemption license, limited to licenses not issued by a lottery, like deer, antelope, etc. could not be issued under this exemption, it would just be upland game, waterfowl licenses.

**Sen Triplett:** On the military, regarding leave papers, looks like there was some information, on hunter gun knowledge, I'd like you to understand why there is the hunter's component into that .

**Rep Dekrey:** I think that there's a real understanding what they get in the hunter's education course, lots of people it is only gun safety, but gun safety is a small part of the course, there are certain things in the course that you have to demonstrate in the course that you can do with weapons that are mandatory, you will not pass the course unless you can do them, the greater share is hunter ethics, reacting with land owners, a military person, weapon skills for military would be second to none. They will learn hunter interaction with other hunters, Sen. Erbele never wanted to exempt them from that. He just wanted them to be able to go hunting when they came home on leave.

**Sen Triplet:** It seems we're developing a conflict, between these two topics here for the military, they have to have their hunter's training.

**Rep Porter:** I do think there is a little bit of difference, the one part that is different, the way the wording is in section 2, the individual on leave for home is not restricted to hunt with someone who has a license, they can grab a shotgun and hunt by themselves if they want. The individual in Sec. 1 who has had no formal safety or weapons training, has to be with another legally licensed adult in order to go out in the field, they can go out and hunt in section 2.

They just can't go out and go hunting.

**Rep Meyer:** On the military leave, they can hunt deer, antelope, elk, they could do that and in section 1, that's off the table.

**Chair Tollefson:** Lottery hunting is not allowed

**Sen Triplett:** If you had someone who was on leave from the military didn't have a hunting training, and hearing about it from their buddies, if they got the training before going hunting.

**Sen Urlacher:** During the hunting season.

**Sen Triplett:** Are we giving them anything or wasting paper? It must mean something to someone.

**Rep Porter:** We needed to have this, I don't mind removing that requirement, as long as they are in the military and have leave papers, they can hunt with no license. That isn't a problem.

**Sen Triplett:** The reason I'm bringing up, it sounds conflicting, the bill, it seems critical, the gun safety skills, need to have education. It seems like an odd bill to me when you run those things together.

**Rep Porter:** One of the things on weapons training is a contrast, when the military is training, their soldiers for training, they are training them differently than weapon safety, one of the easiest examples is how to cross a fence, they wouldn't unload an M16 to cross the fence, if we rely only on military training, they are taught differently and the different safety concerns, or, driving in the Humvee, they are not taught to unload their guns driving downtown, but in Bagdad, you would have to have it. Removing it is not a problem, it seems like a totally different situation..

**Sen Tollackson:** Many of the things are added to the bill, I saw it as an addition for military I think the removal of that requirement would work. It was just part of their recreation during their leave time.

**Rep Porter:** Move.0206 with the section of the bill exemption page 1, line 10 language.

**Rep Dekrey:** Second:

**Sen Triplett:** What are your feelings on this S Tollefson? I think we have some obligation to hold the spirit of the bill. It feel that it is being ripped away a little bit.

**Chair Tollefson:** If removal of page 1, line 10 would help that? I think it would be closer to the real purpose of the original bill.

**Sen Urlacher:** I think we're on the right track.

**Roll call on House Recede from the House amendments, adopt amendments**

**Vote 5 Yea, 1 Yay (S. Triplett nay)**

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2293 Conference Committee - Settled**

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: **April 20, 2007 8:00 pm**

Recorder Job Number: **6231**

Committee Clerk Signature



*RE: Servicemen hunting without a license when on leave from service.*

*Members present:*

**Chair Tollefson, Sen. Urlacher, Sen. Triplet**

**Rep. Porter, Rep. Damschen, Rep. Meyer**

**Chair Tollefson:** We will accept the action by Todd Porter to straighten out the problem.

**Rep Porter:** I move the HOUSE RECEDE FROM THE AMENDMENT

**Rep Triplett:** Second

**Vote on the removal of amendment – 6-0-0 Passed**

**ADJOURNED** *Total 44 seconds*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2293

That the House recede from its amendments as printed on pages 755 and 756 of the Senate Journal and page 859 of the House Journal and that Senate Bill No. 2293 be amended as follows:

Page 1, line 1, after "new" insert "section to chapter 20.1-03 and a new"

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

Page 1, line 3, after "members" insert "; and to provide an expiration date"

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**One-time hunter education exemption.** An individual eighteen years of age or older may receive a one-time exemption from the hunter education requirements of section 20.1-03-01.2 to hunt small game for up to one license year if that individual applies for the small game hunting license directly from the department. A small game hunting license issued to an individual under this section is valid only when the individual is accompanied afield by, and under the direct supervision of, a licensed adult who is in compliance with section 20.1-03-01.2."

Page 1, after line 10, insert:

**"SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2009, and after that date is ineffective."

Re-number accordingly



*JCS*  
4-6-7

PROPOSED AMENDMENTS TO SENATE BILL NO. 2293

That the House recede from its amendments as printed on pages 755 and 756 of the Senate Journal and page 859 of the House Journal and that Senate Bill No. 2293 be amended as follows:

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Page 1, after line 10, insert:

**"SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

Date: 4-6  
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2293

Senate Natural Resources

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken H Recedes from H Amendments + adopts Amendment

Motion Made By Porter Seconded By Heitkamp

Senators	Yes	No	Senators	Yes	No
Senator Ben Tollefson	✓		Rep. Todd Porter	✓	
Senator Layton Freborg		✓	Rep. Dawn Charging		
Senator Joel Heitkamp	✓		Rep. Lyle Hanson	✓	

Total (Yes) 4 No 1

Absent 0

Floor Assignment Tollefson - Porter

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

**REPORT OF CONFERENCE COMMITTEE**

**SB 2293:** Your conference committee (Sens. Tollefson, Freborg, Heitkamp and Reps. Porter, Charging, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 755-756, adopt amendments as follows, and place SB 2293 on the Seventh order:

That the House recede from its amendments as printed on pages 755 and 756 of the Senate Journal and page 859 of the House Journal and that Senate Bill No. 2293 be amended as follows:

Page 1, line 1, after "new" insert "section to chapter 20.1-03 and a new"

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Page 1, after line 10, insert:

**"SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

SB 2293 was placed on the Seventh order of business on the calendar.

70704.0205  
Title.0500

Adopted by the Natural Resources  
Committee

April 13, 2007

*FB*  
4-13-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2293

That the House recede from its amendments as printed on pages 755 and 756 of the Senate Journal and page 859 of the House Journal and that Senate Bill No. 2293 be amended as follows:

Page 1, line 10, after "license" insert ", if the resident has complied with the hunter education requirements of section 20.1-03-01.2"

Renumber accordingly

Date : 4-13-07  
 Roll Call Vote # : 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2293**

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken H needs from H Amend. + adopts Amend + requires Hunter Safety in Section 2

Motion Made By DeKey Seconded By Porter

Senators	Yes	No	Representatives	Yes	No
✓ Senator Stanley Lyson	✓		Rep. Todd Porter	✓	
✓ Senator Layton Freborg	✓		Rep. Duane DeKrey	✓	
✓ Senator Joel Heitkamp	✓		Rep. Shirley Meyer	✓	

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Heitkamp + Porter

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

**REPORT OF CONFERENCE COMMITTEE**

**SB 2293:** Your conference committee (Sens. Lyson, Freborg, Heitkamp and Reps. Porter, DeKrey, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 755-756, adopt amendments as follows, and place SB 2293 on the Seventh order:

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Renumber accordingly

SB 2293 was placed on the Seventh order of business on the calendar.

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Page 1, line 10, after "license" insert "if the resident has complied with the hunter education requirements of section 20.1-03-01.2"

Page 1, after line 10, insert:

**"SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

  
4-20-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2293

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Page 1, after line 10, insert:

**"SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

Date: FRIDAY 4-20-07 9 AM  
 Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2293**

**Senate Natural Resources Committee**

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken House Receded, Adopt Amendments

Motion Made By R. Porter Seconded By R. Dekrey

Senators	<u>AY</u>	Yes	No	Representatives	<u>AY</u>	Yes	No
Senator Tollefson, Ben	✓	✓		Rep. Porter, Todd	✓	✓	
Senator Urlacher, Herb	✓	✓		Rep. Dekrey, Duane	✓	✓	
Senator Triplett, Connie	✓		✓	Rep. Myer, Shirley	✓	✓	

Total (Yes) 5 No 1 (TRIPLETT)

Absent 0

Floor Assignment \_\_\_\_\_

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

*By Sheila Hinko*

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

Bill Number 2293 (as (re)engrossed):

Date: 4-20-07 8pm

Your Conference Committee NAT RES SNAT

For the Senate:

For the House:

<u>CHAIR</u>				
<u>SEN TOLLESON</u> ✓			<u>REP. PORTER</u> ✓	
<u>SEN URLAHER</u> ✓			<u>REP. BERBEI</u> ✓	
<u>SEN TRIPLETT</u> ✓			<u>REP. MEYER</u> ✓	

*APPROPRIATE*

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

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_

\_\_\_\_\_ 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: 4-20-07

HOUSE CARRIER: \_\_\_\_\_ SENATE CARRIER: \_\_\_\_\_

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

MOTION MADE BY: REP PORTER  
 SECONDED BY: SEN TRIPLETT  
 VOTE COUNT: 2 YES 0 NO     ABSENT

**REPORT OF CONFERENCE COMMITTEE**

**SB 2293:** Your conference committee (Sens. Tollefson, Urlacher, Triplett and Reps. Porter, DeKrey, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 755-756, adopt amendments as follows, and place SB 2293 on the Seventh order:

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2293:** Your conference committee (Sens. Tollefson, Urlacher, Triplett and Reps. Porter, Damschen, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 755-756 and place SB 2293 on the Seventh order.

SB 2293 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

SB 2293

SB2293

Attachment #1

**REQUEST AND AUTHORITY FOR LEAVE**

This form is subject to the Privacy Act of 1974. For use of this form, see AR 600-8-10.  
The proponent agency is ODCSPER. (See Instructions on Reverse)

1. CONTROL NUMBER

**PART - I**

2. NAME (Last, First, Middle Initial)	3. SSN	4. RANK	5. DATE
---------------------------------------	--------	---------	---------

6. LEAVE ADDRESS (Street, City, State, ZIP Code and Phone No.)	7. TYPE OF LEAVE	8. ORGN, STATION, AND PHONE NO.
	<input type="checkbox"/> ORDINARY <input type="checkbox"/> EMERGENCY <input type="checkbox"/> PERMISSIVE TDY <input type="checkbox"/> OTHER	

9. NUMBER DAYS LEAVE				10. DATES	
a. ACCRUED	b. REQUESTED	c. ADVANCED	d. EXCESS	a. FROM	b. TO

11. SIGNATURE OF REQUESTOR	12. SUPERVISOR RECOMMENDATION/SIGNATURE <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL	13. SIGNATURE AND TITLE OF APPROVING AUTHORITY
----------------------------	---	--

14. DEPARTURE		
a. DATE	b. TIME	c. NAME/TITLE/SIGNATURE OF DEPARTURE AUTHORITY

15. DEPARTURE		
a. NUMBER DAYS	b. DATE APPROVED	c. NAME/TITLE/SIGNATURE OF APPROVAL AUTHORITY

16. DEPARTURE		
a. DATE	b. TIME	c. NAME/TITLE/SIGNATURE OF RETURN AUTHORITY

17. REMARKS

Chargeable leave is from \_\_\_\_\_ to \_\_\_\_\_

**PART II - EMERGENCY LEAVE TRANSPORTATION AND TRAVEL**

You are authorized to proceed on official travel in connection with emergency leave and upon completion of your leave and travel will return to home station (or location) designated by military orders. You are directed to report to the Aerial Port of Embarkation (APOE) for onward movement to the authorized international airport designated in your travel documents. All additional travel is chargeable to leave. Do not depart the installation without reservations or tickets for authorized space required transportation. File a no-pay travel voucher with a copy of your travel documents or boarding pass within 5 working days after your return. Submit request for leave extensions to your commander. The American Red Cross can assist you in notifying your commander of your request for extension of leave.

19. INSTRUCTIONS FOR SCHEDULING RETURN TRANSPORTATION:

For return military travel reservations in CONUS call the MAC Passenger Reservation Center (PRC):  
Should you require other assistance call PAP:

20. DEPARTED UNIT	21. ARRIVED APOD	22. ARRIVED APOE (return only)	23. ARRIVED HOME UNIT
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**PART III - DEPENDENT TRAVEL AUTHORIZATION**

25.  (Space available or required cash reimbursable)     ONE WAY     ROUND TRIP  
 (Space required) TRANSPORTATION AUTHORIZED FOR DEPENDENTS LISTED IN BLOCK NO. 25

DEPENDENT INFORMATION			
a. DEPENDENTS (Last name, First, MI)	b. RELATIONSHIP	c. DATES OF BIRTH (Children)	d. PASSPORT NUMBER

**PART IV - AUTHENTICATION FOR TRAVEL AUTHORIZATION**

26. DESIGNATION AND LOCATION OF HEADQUARTERS	27. ACCOUNTING CITATION	
DATE ISSUED	29. TRAVEL ORDER NUMBER	30. ORDER AUTHORIZING OFFICIAL (Title and signature) OR AUTHENTICATION

*Item #1***Erbele, Robert S.**

---

**From:** Jeff Langley [jlangley@nd.gov]  
**Sent:** Thursday, March 01, 2007 3:37 PM  
**To:** Erbele, Robert S.  
**Subject:** FW: Servicemen's Fishing Privilege

*Jeffrey A Langley*

Jeffrey A. Langley, Director  
Dickey County Tax Equalization  
D.E.M. Public Information Officer  
Ellendale, ND 58436  
Phone: (701) 349-3249 x7  
Fax: (701) 349-4639

---

**From:** Jeff Langley [mailto:jlangley@nd.gov]  
**Sent:** Wednesday, January 10, 2007 3:02 PM  
**To:** Robert Erbele (RErbele@state.nd.us)  
**Cc:** Representative Michael Brandenburg (MBrandenburg@state.nd.us)  
**Subject:** Servicemen's Fishing Privilege

When I joined the Air Force in 1982, I retained my Indiana driver's license and my parents address as my place of residence. This allowed me, under federal law, to maintain my Indiana residency while serving the AF in the ND. Many service personnel continue to do this even today.

One summer while on leave in Indiana, I visited my grandfather. He asked me if I wanted to go fishing. I stated that I would, but, I needed to go a get a fishing license. He asked me if I still had my Indiana driver's license, and I stated that I did. He then explained that with my Indiana driver's license, my military active duty ID card, and my approved leave form, I was permitted to fish under Indiana law without obtaining a formal fishing license.

I would appreciate your support of a bill enacting this same privilege in North Dakota, for our service personnel, while on leave from active duty. I felt, and do feel to this day, a great sense of appreciation from the state and people of Indiana for my service.

*Respectfully submitted,*

*Jeffrey A Langley*

3/1/2007

*Item # 2*

An individual eighteen years of age or older may receive a one time exemption from provisions of NDCC 20.1-03-01.2 for up to one license year, provided that individual applies for those hunting licenses directly from the Department. Licenses issued under these provisions are valid only when that individual is accompanied afield and under the direct supervision of a legally licensed adult who is in compliance with NDCC 20.1-03-01.2.