

2009 HOUSE NATURAL RESOURCES

HB 1504

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1504

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 2-5-09

Recorder Job Number: 8767

Committee Clerk Signature *Nancy L. Gerhardt*

Minutes:

Chairman Porter – Rep. Brenda Heller

Rep. Heller – This legislation would change deer licenses for certain disabled hunters to allow for a deer to be harvested by a designated shooter. Weston Berg will explain this legislation.

Weston Berg – See Attachment #1.

Chairman Porter – Any questions for Mr. Berg? Further testimony in support of HB 1504.

Senator Randel Christmann - I wanted to get on record for supporting this bill.

Chairman Porter --- Any further support of HB 1504? Any opposition of HB 1504?

Roger Kaseman – ND. Wildlife Federation - See Attachment #2 Questions

Chairman Porter - Further testimony in opposition to HB 1504?

Foster Ra Hager – It is a shooting bill. I can see an unethical person going to the nursing home and getting people who still own land and could go and shoot 5 or 6 or whatever number of deer. That is the reason it is open ended. One man could shoot 15 deer if he went to enough nursing homes. No one could enforce it. This is why we oppose this bill.

Chairman Porter – Further opposition to HB 1504. Close the hearing on 1504.

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1504

House Natural Resources Committee

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Hearing Date: 2-5-09

Recorder Job Number: 8839

Committee Clerk Signature

*Nancy L. Gerhardt*

Minutes:

Chairman Porter – This bill had some interesting testimony. Mr. Hagar actually gave us some testimony that made sense. It opened up a situation where someone had several relatives or friends in a nursing home and still owns land. You could shoot deer on each of those peoples lands.

Chairman Porter – Rep. Drovdal

Rep. Drovdal – I move Do Not Pass

Chairman Porter – A motion from Rep. Drovdal for a Do Not Pass. 2<sup>nd</sup> by Rep. Hofstad

Discussion.

Yes 11 No 0 Absent 2 Carrier Rep. Hunskor

Date: 2-5-09  
Roll Call Vote #: \_\_\_\_\_

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1504

House Natural Resources Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  As Amended

Motion Made By Drovdal Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hanson	✓	
Vice Chairman Damschen	✓		Rep Hunsakor	✓	
Rep Clark	✓		Rep Keish	✓	
Rep DeKrey			Rep Myxter	✓	
Rep Drovdal	✓		Rep Pinkerton		
Rep Hofstad	✓				
Rep Keiser	✓				
Rep Nottestad	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Hunsakor

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

**REPORT OF STANDING COMMITTEE**

**HB 1504: Natural Resources Committee (Rep. Porter, Chairman) recommends DO NOT PASS (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1504 was placed on the Eleventh order on the calendar.**

2009 TESTIMONY

HB 1504

HOUSE BILL NO. 1504

90598.0200

Sixty-first Legislative Assembly of North Dakota

Introduced by Representatives Heller, Kreidt Senator Christmann

A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to taking of big game for disabled individuals.

Written testimony of Weston Berg

Blind hunters can have a designated shooter shoot and kill their deer. North Dakota Game and Fish has a form to request that permit.

House Bill 1504 will extend a similar provision to disabled landowners allowing a designated shooter to shoot their deer. A doctor's statement is required.

Hunters use snowmobiles, four wheelers, or walk to access hunting areas. These are not options for one who is disabled. A disability permit to shoot from a vehicle is not an option when you can not get a vehicle to the hunting area. Nor is there an option for a disabled hunter who would likely suffer injury from hunting.

There is an abundance of deer. Every day there are more deer lying along the roads that have been hit by vehicles. Landowners provide feed and shelter for deer year round.

North Dakota has a gratis deer hunting tag for landowners. There is a deer out there for that gratis tag. HB 1504 will allow for that gratis tag to be filled, which could not otherwise be used when a landowner is disabled.

Thank you

Weston Berg

*Weston Berg*

A REQUEST FOR SPECIAL TOTALLY OR PARTIALLY BLIND PERMIT

1. \_\_\_\_\_  
(NAME) (ADDRESS) (CITY/STATE)

do hereby request Commissioner's special permission to shoot big game in North Dakota with a designated hunter, during this current year's big game hunting seasons. I certify that I am prevented from the normal big game hunting by reason of being totally or partially blind. I understand that a current big game hunting license is necessary for each species hunted or season participated in, in addition to the special totally or partially blind permit.

This permit shall allow the permittee to have a designated hunter, shoot & kill the animal shown on his/her license.

\_\_\_\_\_  
(Signature)

Drivers License Number \_\_\_\_\_ Date of Birth \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Color of Eyes \_\_\_\_\_ Color of Hair \_\_\_\_\_

Telephone \_\_\_\_\_

I hereby affirm of my own knowledge, that the above named requestor, is totally blind or whose central visual acuity does not exceed twenty/Two Hundred in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees. I do recommend that this person be granted special permission to have a designated hunter shoot and kill the big game animal listed on his/her license. Is this a permanent disability (yes)(no) (please circle one).

\_\_\_\_\_  
Name of Physician (Please type or print)

\_\_\_\_\_  
Phone No.

\_\_\_\_\_  
Physician's Business Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Physician's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved By (FOR OFFICE USE ONLY)



Roger Kaseman, Representing the North Dakota Wildlife Federation

Testimony Against HB 1504

Mister Chairman, members of the committee, the North Dakota Wildlife Federation opposes HB 1504. The law that this bill proposes to enact, is too vague to be good law. Lines 13, 14 and 15 on page 2, state that the "individual ... must be **on or as near as reasonably practical** to the eligible land described on the license application." What exactly does "reasonably practical" mean?

An elderly land owner in a care facility miles from the land described on the license application is **as near as reasonably practical** to the land described on the license application.

Page 2, line 16, describes the disabilities this bill addresses as, ... "a condition likely to result in injury or physical harm..."

An elderly man or woman, thin and frail, risks hypothermia when exposed to cold. That apparently meets the definition of disability in the proposed legislation.

An elderly woman suffering from osteoporosis cannot fire a high power rifle without breaking her shoulder. That qualifies her as disabled under this proposed law.

Mister Chairman, members of this committee, if you pass this bill you will create an impossible situation for Game Wardens charged with enforcing this new law. The new law would be too vague and ambiguous to be of any use in enforcing and prosecuting violators.

On a routine license check, does the Game Warden use his or her time to find the license holder who is **as near as reasonably practical** and question him or her to confirm who he or she designated to do the shooting?

This bill will put Game Wardens and prosecuting attorneys into an impossible situation. If there is a violation, does the prosecutor subpoena the license holder to testify that he or she actually designated the shooter the Warden contacted in the field? How will enforcing violations of this law come across to the public?

Hunting is an intensely personal experience that pits the hunter against a game animal in a battle of wits. The North Dakota Wildlife Federation supports laws and policy that accommodate disabled people who want to engage in and enjoy hunting. The Federation cannot support this bill because it takes hunting out of the equation. This bill doesn't accommodate disabled hunters; this bill eliminates disabled hunters from the hunting equation and in doing so, issues an open invitation to the less than ethical to obtain a second buck tag using a disabled person as a reason to obtain that second tag.