

2009 SENATE NATURAL RESOURCES

SB 2165

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2165

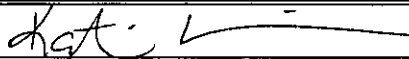
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 15, 2009

Recorder Job Number: 7045

Committee Clerk Signature



Minutes:

Senator Lyson opened the hearing on SB 2165, relating to an apprentice hunter program and hunter education requirements, all committee members were present.

Senator Aaron Krauter introduced SB 2165. This bill is a process where we are going to look at giving opportunities to encourage individuals to participate in outdoor activities such as hunting. We all understand that hunter education is **very** important and the numbers of hunting individuals are dramatically decreasing. This bill sets up a process where an individual can get a once in a lifetime validation, not a license, for that one season to experience that hunting environment. If or when they want to hunt again they have to go back and complete hunter's education. We have worked with the game and fish on the language of this bill.

Senator Lyson asked if people from out of state can fall under this bill.

Senator Krauter replied that line 17 says **any** individual so it could be a resident or nonresident. The only requirement is that they are born after December 31, 1961. They will have to go through the game and fish process to receive a validation. They also have to buy or apply for the appropriate stamps and license such as a deer tag and duck stamp.

Representative Darrell Nottestad, I felt that this bill is something needed in North Dakota.

The population of hunters in North Dakota is declining. The key to this bill is the last two lines

on the back page. Accompanied and the description of accompanied. This is as close to an element of safety as you are going to get in the field. To begin with my dad would always be with me out in the field. Dads aren't always available. If it helps and brings people into it, it will certainly enhance the state of North Dakota. I urge the committee to vote do pass for this bill.

Senator Triplett asked if there was anything in the law that would prohibit someone from going out and walking without a gun and if it was possible to learn about the hunting experience. Is there a qualitative difference in the experience of someone who gets to carry a gun rather than just walking?

Representative Nottestad, yes, it happens all the time. Kids go out walking with their folks or grandparents starting as young as four years old. If you are carrying a gun you become a part of the hunt, you have the opportunity of taking game if you chose to. Also young people gain a sense of safety when they are carrying a gun. The ones who are just along are thinking about other things.

Senator Schneider asked if other states have a similar program.

Senator Krauter responded yes. Minnesota started in 2007 and has issued 2,721 validations. Wisconsin and Michigan have also started programs like this.

Roger Ross, Deputy Director of the North Dakota Game and Fish Department, we would like to testify in support of SB 2165 (see attached testimony #1). The other thing we want to consider is the implementation date. If this bill were to pass it would go into effect in August. It may be good to have an implementation date of January of next year. It would take a while to set it up and it would give the applicant a chance at a deer license. A concept that we have is that they will all be sold over the internet. A majority of our licenses are actually sold over the internet. We would set up a special place for the application on the web page that would allow you to go to get validated and to get your license and registration on the internet.

Senator Lyson, so you think we should change the date because you couldn't get your deer or antelope license?

Roger Ross, yes it would help with the confusion of the first year. It might be a cleaner process if everyone starts at the beginning of a new license year.

Senator Erbele asked if they should put an emergency clause in the bill so it would be taken care of by the end of the session.

Roger Ross replied that he could see if IDT could get a program to match it up. If that is your desire I am sure that we could wrap up to that real quickly. The reason I suggest the end of the season is that would be simpler and give us some time to match up the programs and such.

Senator Lyson asked for Roger to get back to the committee in a couple days to see if IDT could it or not. The hearing on SB 2165 was closed.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2165

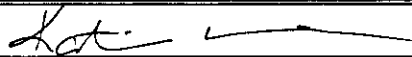
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 22, 2009

Recorder Job Number: 7512

Committee Clerk Signature



Minutes:

Senator Lyson opened the discussion on SB 2165, relating to an apprentice hunter program and hunter education requirements. All committee members were present.

Senator Lyson explains the reason for the emergency clause is so that they have time to apply for a deer license. Otherwise, this bill wouldn't go into effect until after August and they would be able to use it for small game but not deer.

Senator Erbele moves a do pass on the amendments.

Senator Schneider seconds the motion.

Roll call was taken and all were in favor. **7 yeas, 0 nos,**

Senator Pomeroy moves a do pass as amended.

Senator Freborg seconds the motion.

Roll call was taken, **7 yeas, 0 nos,** bill passed.

FISCAL NOTE
Requested by Legislative Council
04/23/2009

Amendment to: Engrossed
 SB 2165

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues		\$15,000		\$30,000		\$30,000
Expenditures				\$5,000		
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 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).*

This bill allows youth ages 12 and 13 to hunt antlerless deer in the youth deer gun hunting season. This bill also requires an online hunter education course and an apprentice license system.

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.*

This bill adds younger youth hunters to the potential licensing pool. This will increase revenue by an estimated \$15,000 per year. There will be \$5,000 in onetime expenditures to set up the apprentice license system.

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.*

Game and Fish revenues would be increased by about \$30,000 per biennium from deer licenses. The number of apprentice licenses is expected to be small and probably will not result in significant additional revenue.

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.*

There would be a cost of about \$5,000 to establish an apprentice license system. The online hunter education course already exists so there would not be additional costs for that.

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.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	04/23/2009

FISCAL NOTE
Requested by Legislative Council
03/23/2009

Amendment to: Engrossed
 SB 2165

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

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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).*

This bill allows youth ages 12 and 13 to hunt in the youth deer gun hunting season. This is a once in a lifetime hunt. This bill also requires an online hunter education course and a provisional license system.

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.*

This bill adds younger youth hunters to the potential licensing pool. This will increase revenue by an estimated \$15,000 per year. There will be \$5,000 in onetime expenditures to set up the provisional license system.

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Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	701-328-6328	Date Prepared:	03/23/2009

Date: Jan 22, 2009

Roll Call Vote #: 21105

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By Sen. Pomeroy Seconded By Sen. Freborg

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	/		Senator Jim Pomeroy	/	
Senator David Hogue, Vice Chairman	/		Senator Mac Schneider	/	
Senator Robert S. Erbele	/		Senator Constance Triplett	/	
Senator Layton W. Freborg	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Schneider

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

REPORT OF STANDING COMMITTEE

SB 2165: Natural Resources Committee (Sen. Lyson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 3, after "requirements" insert "; and to declare an emergency"

Page 2, after line 2, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2009 HOUSE NATURAL RESOURCES

SB 2165

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2165

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 3-6-09

Recorder Job Number: 7544

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Vice Chairman Damschen – Open the hearing for SB 2165.

Senator Aaron Krauter – This is a process where we can allow an individual to get a hunter validation, which would allow them to hunt, 1 time without going through the hunter safety program. The reason I brought this piece of legislation in front of you is because, I look at this whole hunting experience in ND, and it is one of those that makes you feel good about it. You can take your kids out, you can take your family out, you can enjoy something outside, and it's just a wholesome type of activity. More family's can spend time together. When I think about that, I've got friends that grew up in the city. Be it Fargo, Grand Forks, Bismarck, Minot, or maybe Minneapolis and they come out to visit. They didn't grow up in an environment where they had a chance to go with their dad, uncle, or brother and start hunting. They come out and we walk along and they think this is kind of fun. The reality is they never had that kind of experience. I also have another friend that got married, and his spouse was over the age requirements for taking hunter safety. It was an environment where he wanted to get her involved in that process. They didn't want to be embarrassed to take hunter education with a bunch of young people. They finally decided they weren't going to hunt. There is a lot of little senerios out there, and this brought to my attention that we need to figure some of them out.

See **Attachment # 1 & 1-A**. Attachment 1 is the proposed amendment and Attachment 1-A is some information I got on the internet using Google. Questions?

Rep. DeKrey – Isn't this we put as an amendment on a bill last session that the senate killed twice during a conference committee?

Senator Krauter – I served on appropriations, I couldn't tell you that.

Rep. Keiser – On page 2, line 2 doesn't that "in" have to be an "and"? It makes no sense. How do you have visual contact in unaided verbal communication? It makes no sense.

Senator Krauter – Yes, it should be "and".

Rep. Hunskor – What age would this legislation consider an adult to be?

Senator Krauter – I don't know – I can't answer that without conferring with Game & Fish.

Rep. Hunskor – My concern would be, if a 16 year old is considered an adult, and having had very little experience, and someone 50 years old from Chicago who doesn't know anything about hunting or guns, supposedly the 16 year old could take that 50 year old from Chicago out and maybe that wouldn't be a healthy situation.

Senator Krauter – Hunter safety is a program I went through about 6 years ago with my son. He got a higher grade than I did. It was one of those things he won't ever let me forget. I think individuals who have gone through hunter safety at a young age, their well trained, where, if they've gone through hunter safety I trust them. If they've got a license, and hunter safety, they should be good at what they're doing.

Rep. Hunskor – So, you would feel comfortable with someone age 16 being called an adult.

Senator Krauter – Yes.

Roger Rostvet – Game & Fish – See **Attachment # 2**. As far as the Game & Fish is concerned an adult is not 16, it's 18. Questions?

Rep. DeKrey – How close is this to the bill the senate killed twice last session?

Mr. Rostvet – Very close.

Rep. Hanson – Is this one on one, or can 1 adult have a whole class of students? It doesn't say that.

Mr. Rostvet – It does not refer to that, but it is actually it is written similar to state law right now. An individual under the age of 15 has to be accompanied by an adult. It is very similar language to the law right now on the books how we deal with people under the age of 16 when they hunt in the field. Anybody under the age of 16 right now in ND has to be accompanied by an adult. This goes a little bit further and says they have to be within close proximity, either earshot or voice or being able to be seen.

Rep. Hanson – You could have 2 students with you and 1 adult?

Mr. Rostvet – I would assume so under this bill.

Rep. Hanson – Or 10?

Mr. Rostvet – I don't think there is any restriction. The practical sense of it is, kids under 12 right now that are exempt have to be with adults. It could happen, but it wouldn't be one of our concerns.

Rep. Hanson – I went to legislative council and got the definition of a hunt. It doesn't say whether you can shoot or kill. Here the individual could be with an adult to hunt, but it doesn't say he can kill an animal.

Mr. Rostvet – I'm missing something.

Rep. Hanson – I went to the legislative and got the definition of what a hunt is. It says to hunt birds, animals, whatever, but it doesn't give the definition that you can shoot one of those animals. This just says you have to be with an adult to hunt.

Mr. Rostvet – There are other statutes that when you apply for a license that exempts you from killing or possessing wild life.

Rep. Hanson – I just told you what the definition is. You anticipate that when you hunt you can take an animal.

Mr. Rostvet – I see where you are coming from.

Chairman Porter – The way this is written, could a 16 year old who has never have hunter ed be an apprentice, and 16 year old who has had hunter ed be the person accompanying the apprentice?

Mr. Rostvet – No, on line 22 an apprentice may hunt only when accompanied by an adult licensed to hunt in this state.

Chairman Porter – So that would be an 18 year old.

Mr. Rostvet – yes, minimum of 18.

Chairman Porter – The other question I have is on page 2 the distances required, if you have 2 individuals out hunting, 1 with an apprentice license and one adult, and they don't have visual contact because they're walking through sunflowers or corn. Does that limit them then to the distance they could actually hunt? So they have to maintain that visual and verbal contact.

Mr. Rostvet – I think you could probably take it to that extend. This is more stringent.

Chairman Porter – This is what concerns me is that it is more stringent. This takes it to another level to have to be in contact. If you have 2 tree stands set up during gun season and they're 25 yards apart, and they can see each other and they can talk you could have them apart also under that same scenario.

Mr. Rostvet – Certainly.

Chairman Porter – We've included deer hunting. In the house version we did not include deer hunting – it was just an upland game hunt. Are we saying with this license are we saying they can put in for a buck or a doe tag and be just in the regular lottery for a deer?

Mr. Rostvet – Your assumptions are correct on those points from the standpoint that this would allow them to apply 1 time in the regular lottery. In a study the department did last year, deer hunting was the #1 species people want to hunt in ND. What really surprised me was over 35% of all people who started hunting in ND; their first experience hunting was deer hunting. If you are looking at a group to recruit to – that is an awful big group of people.

Mike McEnroe – Most hunter safety instructor's support the concept of the apprentice program. Whether or not the wording in this bill is exact right or not, I will leave that for you to decide.

Questions?

Rep. DeKrey – I am also co sponsor of the bill and I believed in it the last session when we passed it twice. I taught hunter safety education when I taught school until the state came out and said that wasn't an approved course. I've taken it twice with my boys. It's a good course, but I think it's an excellent way to recruit hunters.

Rep. Nottestad – I too am on the bill. I talked to Senator Krauter when he came to see me asking if I would go onto the bill. I looked at it as a way of bring some people into it. Since that time I've seen the statistics out of Washington State and they're very positive. In reference to Rep. Hanson comment about hunt. That is existing language as well. I think on both lines 10 & 12 that's old language so it has been used the same way. On a personal side I would love to take my one son-in-law, who never took hunter safety, he was never interested in it at that time, he lives out of state. I would love for he and I to have the opportunity to make use of this.

Chairman Porter – The way that apprentice is written, in this scenario can it be a nonresident that would come in for that 1 time apprentice license?

Rep. Nottestad – Yes, it could be a resident or a non-resident.

Vice Chairman Damschen – Further testimony in favor of SB 2165? Opposition?

Clarence Bina – United Sportsman – See **Attachment # 3**.

Chairman Porter – The concerns your organization has appears to be more toward the age of the individual to get this kind of license. Would your organization be more agreeable if the age is moved from 16 to 18 so it is an adult with an adult type of situation?

Mr. Bina – I don't know. This is the position of the board members.

Chairman Porter – There's a lot of states across the country that once you reach 18 the hunter education requirement goes away. If you wait until you're 18 you can start hunting without taking the hunter education course. ND falls into maybe the average or more restrictive categories that anyone after 1961 has to have it. Those states aren't showing any large numbers of fatalities or deaths or any problems with having individuals who have never had hunter safety out in the field.

Mr. Bina – That may be true. I don't know if that is the function of the number of young hunters in the field, or if it is the function of some other personal tottering or mentoring in handling fire arms and taking youngsters or oldsters to the range and teaching them to be proficient in handling firearms. I don't know what accounts for that. I just have my own experience. My only son was born in 1976. By 1983, I sat through the hunter ed. with him. When my daughter decided she wanted to start hunting, I went through the hunter education course with her and so I'm familiar with the course, not just observing.

Rep. Keiser – Does your organization support the expansion of the base of hunters in ND?

Mr. Bina – Yes, we believe in a whole range of outdoor activities, fishing, hunting and trapping.

Rep. Keiser – As you heard, other states have similar programs, it has expanded the hunter base and the safety record is as good as our safety program and perhaps better, so what's the issue?

Mr. Bina – I was surprised to hear that testimony. I don't dispute it. I can't account for the board not considering this if they had known that fact.

Rep. Nottestad – In your conversation with your board last night, was there any reference made to existing law, for example line 10, individuals under 12 may hunt with parents or legal guardian?

Mr. Bina – No

Rep. Nottestad – What is their position on this?

Mr. Bina – Both exemptions 1 and 2, the under 12 and hunting associate, the word mentioned, and that's not an issue.

Rep. Nottestad – So existing law is OK, but we better not have anymore.

Mr. Bina – Is that a question? United Sportsman does support new hunters coming on line every year. If we don't do that, that resource will die off.

Rep. Hanson – If you hunt under the present license 1 year, from then on you have to take the hunter safety course to get a license in ND.

Rodger Rostvet – It would allow you 1 “one” licensing season.

Chairman Porter – How would the preference points system work on a deer hunting under this provision if the individual put in, was denied, got their hunter safety prior to the next year, and put in again. Would they have a preference point under our existing system?

Mr. Rostvet – We had discussed that question, and that would not be law. It isn't a full license.

Chairman Porter – From a statistical standpoint who is the safest and who is the most dangerous?

Mr. Rostvet – On a nationwide basis it's kind of a mixed bag. There is a tendency toward Baby Boomers being the most likely to be in an accident.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2165

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 3-13-09

Recorder Job Number: 10927

Committee Clerk Signature

Stanley L. Gerhardt

Minutes:

Chairman Porter - Take up 2165. Vice Chairman Damschen asked to have some time to work up some amendments for our last remaining hunting bill of the year.

Vice Chairman Damschen – See Attachment # 1. Remember I'm on this bill, but I found one I like better. I had amendments made to make this bill look like the bill I like better. The one that had the internet hunter safety education program lowering age to 12 and then the provisional license. This makes this bill exactly like the one we previously passed.

Chairman Porter – Questions for Vice Chairman Damschen?

Vice Chairman Damschen – I move the amendment.

Chairman Porter – We have a motion from Vice Chairman Damschen, is there a 2nd?

Rep. Hofstad – 2nd.

Chairman Porter – 2nd from Rep. Hofstad. Discussion?

Rep. Myxter – If we've already passed this bill what's the point of this bill?

Chairman Porter – Beings this is a senate bill, and we don't know the fate of the house version it will give us some discussion power in a conference committee.

Rep. Myxter – OK thank you.

Chairman Porter - Further discussion? All those in favor – YEA – 12 ---- No – Rep. Hanson.

Motion carries. We have an amended bill in front of us.

Rep. Keiser – Move a Do Pass As Amended.

Chairman Porter – We have a motion from Rep. Keiser is there a 2nd?

Vice Chairman Damschen – 2nd.

Chairman Porter – 2nd from Vice Chairman Damschen for a Do Pass As Amended.

Discussion? The clerk will call the roll on a Do Pass As Amended for SB 2165.

Yes 6 No 5 Absent 2 Motions Fails

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2165

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 3-19-09

Recorder Job Number: 11271

Committee Clerk Signature

Nancy S. Gerhardt

Minutes:

Chairman Porter - Take up 2165. See **Attachment # 1**. I have further clarified the amendment. In sect. 2, it sets out 3 provisions' now that make it read better. What it does is says that deer hunting in your 12th and 13th year is a regular lottery license that is only good during the youth season. That provision means the adult under the current law that accompanies the youth cannot carry a gun. Then it goes on in #b and says in the youth season they can at any point and time get that special youth tag from 12 until 15. Then subdivision "c" just talks about the regular deer gun tag, so if they turn 14 before the season starts they can get the regular gun tag. Then on the back on page 2, it changes the provisional license different on what it was on the original senate bill, it raises it to 18, like we had previously done in the house and that is all it does.

Rep. Drovdal – Is the 12 year old required to have hunter safety?

Chairman Porter – Yes, at 11. Once you've reached 11 you have to have it to get a license to hunt anything. You have to be with an adult or guardian until you are 16. The way we have it worded now with the 12 & 13 year olds to deer hunt the adult would not be carrying a gun, that's the way it's worded.

Rep. Nottestad- How many years would it be possible for that youth to hunt during that youth season?

Chairman Porter – They could hunt only once with that youth license. During the youth season 3.

Chairman Porter – They have to at 12 and 13. Then they have the one optional regular youth tag, so they could be in there 3 times in the youth only.

Rep. Nottestad – They could opt to use the drawing if they chose to do so all three times.

Chairman Porter – No, just 2.

Rep. Nottestad – 2 and then 1 drawing.

Chairman Porter – 1 youth tag and 2 drawings.

Rep. DeKrey – I move the porter amendment 0404.

Chairman Porter – We have a motion to move 0404.

Vice Chairman Damschen – 2nd.

Chairman Porter – And a 2nd. Discussion.

Rep. Hanson – On that provisional license you have to hunt with someone that has had the hunter safety course, how about hunting with someone without the hunter safety course born before 1961?

Chairman Porter – My understanding, when I talked with the Game & Fish about that wording, was because they aren't required to have it before 1961, that individual would still be available to hunt on the provisional license.

Rep. Hunskor – A 15 year old has to have an adult with them.

Chairman Porter – Yes

Rep. Hunskor – At the age of 15 can that adult carry a gun then?

Chairman Porter – Yes, under the current scenario, without this at 14 & 15 the adult can carry a gun, and that stays the same. The only thing we change is at 12 & 13 they can't.

Rep. Keiser – Why are they not charging a fee for the provisional license?

Chairman Porter - When we had discussed this all the way through last session and through this session, it was that basic carrot to try to get people who aren't interested, once in a lifetime to come out and see if we can't get them interested in hunting. It was a recruitment tool we were using. Seeing no further discussion, all those in favor say Yea – unanimous voice vote – opposed – none. Motion carries.

Rep. DeKrey – Move Do Pass As Amended

Chairman Porter – We have a motion for a Do Pass As Amended on SB 2165. Is there a second?

Rep. Pinkerton – 2nd.

Chairman Porter – And a 2nd. Discussion

Rep. Hanson – You don't need a license so you could get by without buying an upland license?

Chairman Porter – A deer license – Yes.

Rep. Hanson – You would have to buy a water fowl license.

Chairman Porter – Yes. If you are going use a provisional license to hunt ducks you would have to have a water fowl stamp.

Rep. Hanson – To hunt pheasant you would have to have to buy the small game license. You wouldn't need the certificate for the deer either?

Chairman Porter - No – well, you would not need a small game license. It would be free to hunt small game and deer for 1 year. To hunt ducks you would need a duck tag. Seeing no further discussion, the clerk will call the roll on a Do Pass As Amended.

Yes 13 No 0 Absent 0 Carrier Vice Chairman Damschen

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2165

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director shall also provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. However, an individual may apply for and be issued a deer hunting license if that person's twelfth birthday occurs on or before the opening date of deer hunting season. An individual may only receive one license to hunt deer in a youth season in a lifetime. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense.

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Provisional license for residents over eighteen years of age. The director shall establish a provisional license for residents over eighteen years of age who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2. A provisional license issued under this section entitles an individual to hunt during any one season for which licenses are not issued by lottery. An individual hunting with a provisional license issued under this section may only hunt under the direct supervision of an individual over eighteen years of age who has completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2 or has

purchased a license to hunt within the previous year. The director may not charge a fee for a provisional license issued under this section."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2165

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age eighteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
 - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age may participate in a youth season once in a lifetime;
 - b. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age may participate only in the youth deer hunting season; and
 - c. An individual whose fourteenth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age must participate in the regular deer gun lottery and, subject to subdivision a., may use that license for either the youth deer hunting season or the regular deer gun season.

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Provisional license for residents over eighteen years of age. The director shall establish a provisional license for residents over eighteen years of age who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2. A provisional license issued under this section entitles an individual to hunt small game and deer during any one season. An individual hunting with a provisional license issued under this section may hunt only under the direct supervision of an individual over eighteen years of age who has completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2 or has purchased a license to hunt within the previous year. The director may not charge a fee for a provisional license issued under this section."

Renumber accordingly

March 19, 2009

VR
3/19/09
172

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2165

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
 - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age may participate in a youth season once in a lifetime;
 - b. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age may participate only in the youth deer hunting season; and
 - c. An individual whose fourteenth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age must participate in the regular deer gun lottery and, subject to subdivision a, may use that license for either the youth deer hunting season or the regular deer gun season.

2022

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Provisional license for residents over eighteen years of age. The director shall establish a provisional license for residents over eighteen years of age who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2. A provisional license issued under this section entitles an individual to hunt small game and deer during any one season. An individual hunting with a provisional license issued under this section may hunt only under the direct supervision of an individual over eighteen years of age who has completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2 or has purchased a license to hunt within the previous year. The director may not charge a fee for a provisional license issued under this section."

Renumber accordingly

Date: 3-13-09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SR 2165

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 KEISER Seconded By DAMSCHEN

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

Total (Yes) 6 No 5

Absent 0

Floor Assignment _____

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

Date: 3-19-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2165

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 DeKrey Seconded By Pinkerton

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

Total (Yes) 13 No 0

Absent 0

Floor Assignment Damschen

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

REPORT OF STANDING COMMITTEE

SB 2165, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2165 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
 - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age may participate in a youth season once in a lifetime;
 - b. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age may participate only in the youth deer hunting season;
and
 - c. An individual whose fourteenth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age must participate in the regular deer gun lottery

and, subject to subdivision a, may use that license for either the youth deer hunting season or the regular deer gun season.

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Provisional license for residents over eighteen years of age. The director shall establish a provisional license for residents over eighteen years of age who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2. A provisional license issued under this section entitles an individual to hunt small game and deer during any one season. An individual hunting with a provisional license issued under this section may hunt only under the direct supervision of an individual over eighteen years of age who has completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2 or has purchased a license to hunt within the previous year. The director may not charge a fee for a provisional license issued under this section."

Renumber accordingly

2009 SENATE NATURAL RESOURCES

CONFERENCE COMMITTEE

SB 2165

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2165

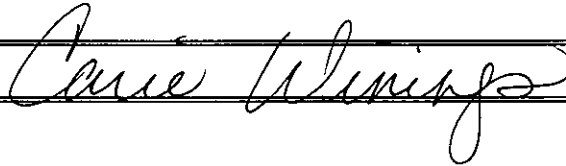
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date 04/16/2009

Recorder Job Number: 11917

Committee Clerk Signature



Minutes:

Conference Committee

Members Present:

Senator Freborg– Chairman

Representative Porter

Senator Erbele

Representative Damschen

Senator Pomeroy

Representative Hanson

Senator Freborg: Opened the conference committee on SB 2165.

Representative Porter: Explains the amendments by the House.

7.05 **Senator Freborg:** Any other comments?

Representative Hanson: On all the versions of 2165, we have direct supervision. Do we have a definition of direct supervision any place in the century code?

Representative Porter: It might be a good idea to ask Mr. Rostvet.

7.57 **Roger Rostvet, Director, North Dakota Game and Fish:** There are several places in century code that it talks about children under 16. They are not allowed in the field without an accompaniment by an adult or guardian. It is also reinforced in the Governor's proclamation and spelt out a little more clearly that it has to be who that person is. I see no particular

problem with either one of these. There certainly is enough coverage in both the century code and the Governor's proclamation to explain who should be accompanying.

Representative Porter: When it gets down to the direct supervision component, could you have the adult or guardian at one end of a field and have the kid walking a half mile away up through the middle of the corn field and consider that to be direct supervision?

Roger Rostvet: Under the current one they have to accompany but there are no specific distances or the site or place. On a practical nature we have never had a problem with that because current state law says that they have to be accompanied for any hunting under the age of 15 by an adult. We have just not had a problem out there. Right now it appears that the current language is working.

10.24 **Representative Hanson:** So the parent can drive up to a slew and sit in the car and tell his son to go out and walk the slew and they could be a half mile away – that is direct supervision?

Roger Rostvet: Under that scenario he would not be accompanied because he is not out of the vehicle. The law says accompany in the field.

Senator Erbele: In our original bill we called it instead of provisional license; we had called it apprentice hunter validation. In that language we had for the purposes of this section that accompanied meant to stay within a distance of another individual that prevents uninterrupted visual contact and unaided verbal communication. Does that clarify that any better?

Roger Rostvet: It would spell it out completely if there was a question. It has not been deemed a problem at this time. It would be a clarification whether it is necessary or not.

Senator Erbele: What do you see the substance as different between the hunter validation and your provisional license section?

Representative Porter: We had various discussions in regards to that section in both bills.

The one general discussion that we had was whether they would be able to hunt deer and in a previous version that we passed in a different bill deer hunting was not in there. That was a debate back and forth in the House. I think that other than the title of what you are going to call it, I don't think there is a whole lot of difference between the two other than the fact that the Senate did go into a little more detail as far as what the word accompanied meant. We kind of went back to what the department told us that there hasn't been a problem with the current language in the proclamation and the century code.

14.12 Senator Erbele: I do see that both of them address small game and deer and the wording is much the same aside from accompaniment. If we need clarity then it is in here. It seems to me you would want someone within natural sight and sound.

Representative Porter: I guess I wouldn't have a big problem in doing that. We kind of went off the adage that it was already working.

Senator Freborg: Any further questions for Roger?

Senator Erbele: If we move back to section 1, you are doing something for 16 year olds the online hunter education; how much of that is being done and why?

Roger Rostvet: We started that about 2 to 3 years ago on a limited basis just to see how that would work. It appears to work. We have used 16 as a cut off age. We don't want to get it down into the 12, 13, 14 age group. Once they hit about the age of 16 they are very unlikely to go into the hunter education in the classroom setting. This would be more user friendly at 16.

Senator Erbele: Then they would still have to physically have a session on handling the gun?

Roger Rostvet: The way we currently have it everyone who takes the online course has to come in for the final exam and practical course.

17.52 Representative Hanson: Do you think we should spell out what you just said in the century code?

Roger Rostvet: In my reading of the bill, it says the director shall provide. It doesn't spell out technically exactly the program. With how things change year to year you hate to tie it down too specifically.

Senator Erbele: What is the time frame that the youth are hunting deer right now and what is the usage of that?

Roger Rostvet: It held in September for 10 days. Currently it ranges between 2000 and 1600 participants a year.

Senator Erbele: Do you see moving it to 13 year olds as increasing that number beyond the first year?

Roger Rostvet: What we would expect to see is the first year to have an influx and then after that there would be no difference in the number coming into the system.

Representative Hanson: Can they hunt both the youth and the regular season?

Roger Rostvet: Yes if they are unsuccessful during the youth season, then they can hunt during the regular gun season.

Representative Hanson: Clarifies what the season exactly is.

Representative Porter: Have you tracked the success out of that September season?

Roger Rostvet: Yes we have. Generally it runs around 54% to 56%.

Representative Porter: Do you think that it has a little bit to do with the way that it is set up; that the adult cannot carry the gun and that there isn't a question of who is pulling the trigger?

Roger Rostvet: I hope that isn't the case.

23.47 Discussion: A short discussion occurred on what the provisional license would mean, and the director's role in that. Also, it was brought up what legislative council's view was.

Senator Erbele: It was said that under the age of 16 they need to be accompanied by an adult, is that by law or proclamation?

Roger Rostvet: It is in the century code and in the proclamation in more detail.

Senator Freborg: Is there anything else for this meeting?

Representative Porter: I would like to wait to hand out what I have since we are about out of time.

Senator Freborg: Adjourned the conference committee.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2165

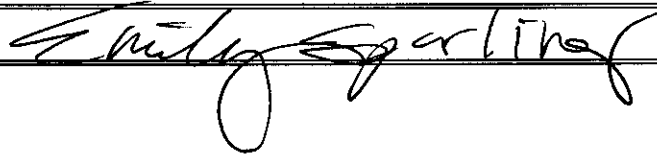
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: 04/22/2009

Recorder Job Number: 12054

Committee Clerk Signature



Minutes:

Chairman Freborg Opened the hearing on SB 2165.

Senator Erbele Passed out an amendment and explained its content. See attachment #1.

Representative Porter Thanked Erbele for his initiative to find the common ground on this issue. This language will get the bill through both chambers. The 12 and 13 year old youth part really addresses the concerns about having visual contact with young hunters and alleviates some of the testosterone driven situations. The apprentice hunter program is a great recruitment tool. The internet education piece fits well with the overall legislation that really fits with recruitment and retention of future generations. I would move Senator Erbele's amendment.

Representative Damschen Second

Representative Hanson I am still opposed to section 3 simply because a 12-15 year old still has to take a hunter safety course where someone who is older does not have to take it for the first year. The question that we had before about someone who is older not wanting to take the test because they had to take the class with a bunch of younger kids. Now with the online course I don't think we need section 3. I would like to further amend to remove subsection 3.

Representative Porter I would resist that substitution. I think that over the last biennium there has been enough information presented that this program has proven to be a valuable recruitment tool to get adults into hunting. The hunter ed component of this is worded in such a way that they you sort of have to hold their hand for the first year. In a lot of states after you reach 18 the hunter ed requirement goes away. So people could be moving here from other states that had provisions like this. I do think that with all the information we have gotten about the hunter apprentice program is a valuable recruitment tool to get individuals into hunting. I would resist that replacement motion.

Representative Damschen I would resist the motion as well. Section 3 is really the main reason I signed onto the bill. I think it gives that opportunity to get out there and experience it with an experienced hunter and see whether or not they want to be involved.

Representative Hanson There are two states close to us that require the hunter safety course regardless of what age you are. I just don't think we need to have that as they can take the class over the internet. These kids are not adults, they are 16.

Representative Hanson's measure failed for lack of a second.

The Clerk called the role on the motion to pass the amendment. **Yes: 5, No: 1, Absent: 0.**

Senator Erbele will carry the bill.

Date: 4/16/09

Roll Call Vote #: _____

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2165 as (re) engrossed

Senate Natural Resources Committee

Check here for Conference Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House Amendments
 - HOUSE recede from House amendments and amend as follows
- Senate/House Amendments on SJ/HJ pages(s) _____
- 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.

Motion Made By _____ Seconded By _____

Senators				Representatives			
	4/16	Y	N		4/16	Y	N
		e	o			e	o
		s				s	
Senator Freborg-Chais	✓			Representative Porter	✓		
Senator Erbele	✓			Representative Damschen	✓		
Senator Pomeroy	✓			Representative Hanson	✓		

Vote Count _____ Yes _____ No _____ Absent

Senate Carrier _____ House Carrier _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

April 20, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2165

That the House recede from its amendments as printed on pages 951 and 952 of the Senate Journal and pages 1027 and 1028 of the House Journal and that Engrossed Senate Bill No. 2165, be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
 - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in the youth deer hunting season.
 - b. An individual hunting under subdivision a must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section, "accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Apprentice hunter validation. An individual born after December 31, 1961, who is sixteen years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication.

Renumber accordingly

Date: 4/21/09

Roll Call Vote #: _____

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. **SB 2165** as (re) engrossed

Senate Political Subdivisions Committee

Check here for **Conference Committee**

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House Amendments
 - HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) _____ -- _____

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.

Motion Made By Porter Seconded By Damschen

Senators				Representatives			
		Y e s	N o			Y e s	N o
Senator Freborg		/		Rep. Porter		/	
Senator Erbele		/		Rep. Damschen		/	
Senator Pomeroy		/		Rep. Hanson		/	

Vote Count _____ Yes _____ No _____ Absent

Senate Carrier _____ House Carrier _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

Date: 4/21/04

Roll Call Vote #: 2

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2165 as (re) engrossed

Senate Political Subdivisions Committee

Check here for Conference Committee

- Action Taken SENATE accede to House Amendments
- SENATE accede to House Amendments and further amend
- HOUSE recede from House Amendments
- HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) _____--_____

Unable to agree, recommends that the committee be discharged and a new committee be appointed.

Further amended

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

Motion Made By _____ Seconded By _____

Senators				Y	N	Representatives				Y	N
				e	o					s	o
				s							
Senator Freborg				/		Rep. Porter				/	
Senator Erbele				/	/	Rep. Damschen				/	
Senator Pomeroy				/		Rep. Hanson					/

Vote Count _____ Yes _____ No _____ Absent

Senate Carrier _____ House Carrier _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

REPORT OF CONFERENCE COMMITTEE

SB 2165, as engrossed: Your conference committee (Sens. Freborg, Erbele, Pomeroy and Reps. Porter, Damschen, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 951-952, adopt amendments as follows, and place SB 2165 on the Seventh order:

That the House recede from its amendments as printed on pages 951 and 952 of the Senate Journal and pages 1027 and 1028 of the House Journal and that Engrossed Senate Bill No. 2165, be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
 - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in the youth deer hunting season.
 - b. An individual hunting under subdivision a must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section,

"accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

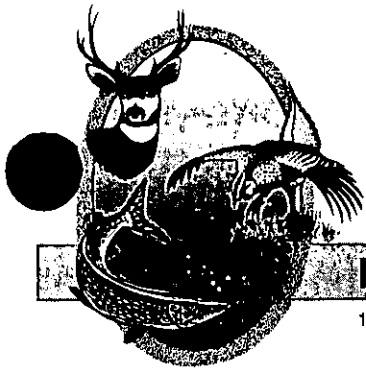
Apprentice hunter validation. An individual born after December 31, 1961, who is sixteen years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication.

Renumber accordingly

Engrossed SB 2165 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2165



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

NORTH DAKOTA GAME AND FISH DEPARTMENT TESTIMONY

SB 2165

SENATE NATURAL RESOURCES COMMITTEE

JANUARY 15, 2009

The North Dakota Game and Fish Department supports SB 2165. Apprentice license programs help new hunters learn under the watchful eye and guiding hand of licensed adult mentors. Apprenticeship allows new hunters to hunt with an adult "mentor" for one season prior to completing Hunter Education. Completion of a hunter education course is still required for a new hunter to become fully licensed.

Twenty-two states permit adult-mentored youth hunting prior to completing a Hunter Education course. "Try before you hunt" concept allows new hunters to safely experience hunting before deciding to complete hunter education.

We feel this is a proper and safe tool to use for hunter recruitment, especially for individuals who have recently moved to our state and would like a chance to experience our long tradition of hunting. This is also a great tool for recruiting individuals who like to explore hunting later in life or life style changes such as marriage. In Washington state where this concept was implemented for all ages of hunters, sixty percent were over 18 years old. Data on hunting accidents indicates that this type of mentoring does not cause an increase in hunting accident rates; however, the overall number of hunter education graduates increases.

The North Dakota Game and Fish Department urges a **DO PASS** recommendation on SB 2165.

Proton
Proton
Room
Rep Port
Se. Kuntz
SB 2165

UNITED DATE INFORMATION
FOR NAHC MEMBERS

update

■ ST. PAUL, MN

Minnesota Apprentice Hunter Program Sparks Fire

Twelve-year-old hunters show greatest interest in hunting's offerings.

DATA COMPILED BY THE MINNESOTA Department of Natural Resources (DNR) shows that more than 2,700 Minnesotans took advantage of a new program designed to encourage increased participation and interest in hunting and the outdoors.

The DNR's new apprentice hunter validation permit has been issued to 721 hunters since the program's initial inception in early 2007. The \$3.50 permit allows Minnesota residents 12 and older, who normally would be required to possess a firearms safety certificate, to hunt without that certificate for 1 year. "The response has been outstanding," said C.B. Bylander, DNR outreach section chief. "Think about it: 2,700 people who would not be hunted were able to enjoy time outdoors with family and friends."

Under the rules of the program, apprentice hunters must be accompanied and stay within visual and voice contact with a licensed adult hunter who has a

firearms safety certificate. When these rules are followed, apprentice hunter programs have proven to be safe. "Ultimately, these new hunters will need to earn their firearms safety certificate," said Bylander. "We encourage them to do this as soon as possible."

Jay Johnson, DNR hunting recruitment and retention coordinator, said the new permit was developed to create a hands-on opportunity for more people to learn about hunting, hunting ethics and the conservation philosophy that is integral to the sport from those who know it best. "This program," Johnson said, "allows individuals to learn and begin their development into the next generation of hunters and conservationists, even if, initially, they don't have a firearms safety certificate."

State law stipulates that an apprentice hunter validation is good for only 1 year, and allows an individual to be validated only once in his or her lifetime. After the validation expires, participants

must complete a hunter education firearms safety training course and be issued a safety certificate before they can buy another hunting license. Standard hunting regulations require that any individual born after Dec. 31, 1979, participate in and pass a hunter education firearms safety training class before he or she can buy a hunting license.

Participation in the initial year of the apprentice hunter validation program shows that 64 percent were young adults ages 17-27. Youths, ages 12-16, accounted for 34 percent of the total. Johnson said the greatest program utilization came from 12-year-olds, which suggests that interest in hunting among individuals in this age group was particularly strong, but a number of them were not able to participate in hunter education firearms safety courses in time for the 2007 hunting season.

"One of the DNR's priorities will be to ensure apprentice hunters have the opportunity to take a hunter education

continued on page 16

Headlines

Big Kitty Caught Enjoying Warmth

DEADWOOD, SD—With the intent of enjoying a morning dip in her backyard hot tub, a woman discovered that she was being watched by a large mountain lion, crouched only a few feet away. After a brief stare-down, the woman reported that the large cat leapt completely over the tub and ran away without harm—to the mountain lion or herself. Local law enforcement speculated that the cat was escaping the cool morning air by basking in the warmth from the hot tub.

Five-Year-Old Wears Crockett Genes

DEWITT, AR—A 5-year-old Arkansas boy, who happens to be a 10th-generation descendant of Davy Crockett, recently killed a black bear that weighed more than 400 pounds—nearly 12 times the weight of the young hunter. While hunting with his grandfather, the boy made a one-shot kill with his youth rifle,

Apprentice Hunter Program *continued from page 14*
 firearms safety training class before the hunting season so they can continue their development as the next generation of hunters and conservationists," Johnson said.

The DNR's Enforcement Division offers creative solutions, such as home study and online courses, for adults and conducts more than 1,300 traditional firearms safety courses for youths. In 2008, those courses are expected to certify about 23,000 students.

"The Apprentice Hunter Validation Program is just one arrow in the quiver of the DNR's recruitment and retention efforts," Johnson said. "It, along with special youth hunts, National Archery in the Schools and Becoming an Outdoors Woman programs, all are working to remove barriers to participation and inspire enthusiasm for the sport."—MINNESOTA DEPARTMENT OF NATURAL RESOURCES

For more information on the Minnesota Apprentice Hunter Program, log onto www.dnr.state.mn.us and click "Web Links."

challenging the legends of the bear Davy Crockett reportedly killed at the age of 3. The family is planning to have a life-sized mount done to commemorate the occasion.

Pink Firepower Gaining Popularity

LUBBOCK, TX—According to sales reports from major outdoor retailers from across the United States, pink is in. As women gain interest and increase participation in hunting and shooting activities, the sale of firearms with a pink stock is escalating at an exponential rate. In fact, many stores are having difficulties keeping the pink rifles, shotguns and pistols on the shelves. But the opinion of pink firearms seems to be a love/hate relationship. While some female shooters enjoy the individuality pink firearms offer, others are shunning from the attraction. Perhaps the biggest concern amongst hunters and shooters stems from the pink firearm's uncanny ability to look 'fake,' or like a toy gun. Still, sales of the firearms continue to rise, and Remington's pink guns offer a unique challenge stamped on the stock: "Shoot like a girl—if you can."

Canadian Government Postpones Firearms Stamping

OTTAWA, ONT.—The Canadian government announced its decision to suspend the planned Firearms Marking Regulations until Dec. 1, 2009. The regulations, which were originally scheduled to begin Dec. 1, 2007, were postponed following strong opposition from members of the firearms industry, who illustrated the technical challenges and controversial benefits of the regulation. The new regulation would require all firearms manufactured in Canada or being imported by Canada to have the letters "CA" and the last two digits of the year of import stamped onto the barrel. The government plans to take the next 2 years to review the technical feasibility and the actual benefits of having such a regulation.

Bear Intruder Shot After Second Offense

FLORENCE, OR—A large male black bear was killed in the middle of a residential street in Florence, Oregon, after it broke down a door in attempt to enter a nearby home. The bear had broken into the

same house the day before and cornered the homeowner in his garage. The bear then climbed a tree across the street, where a law enforcement officer found him. The bear came down the tree and advanced toward the officer, slowing about 10 feet away but still advancing. The bear was about 3 feet away when the officer shot and killed it. Wildlife experts are unsure why the bear tried to break into the same home twice.

Tennessee Fights For Right To Hunt And Fish

NASHVILLE, TN—Next month, Tennessee sportsmen could be a step closer to having the right to hunt and fish amended into their state's constitution. Several months ago, the Right to Hunt and Fish Amendment was passed unanimously in the House of Representatives and is set to stand against the Senate. If the Senate passes the amendment, the resolution would be placed on the ballot during the next gubernatorial election (in 2010). To become a part of the Tennessee constitution the proposed amendment would need 50 percent of the total votes cast in the governor's race, plus one additional vote.

West Virginia Deer Test Positive For CWD

ROMNEY, WV—Preliminary test results have detected Chronic Wasting Disease (CWD) in five hunter-harvested deer collected in Hampshire County during the 2007 deer firearms hunting season. CWD has now been detected in 19 deer in Hampshire County. Operating within guidelines established by its CWD Incident Response Plan, the DNR has taken the steps necessary to implement appropriate management actions designed to control the spread of the disease, prevent further introduction and possibly eliminate the disease from the state.

Rabid Fox Attacks Five

BOYNTON BEACH, FL—A gray fox that attacked five people in south Florida tested positive for rabies after its brain was dissected at the state Health Department lab. Over the course of several days, the fox attacked randomly before being captured, euthanized and sent to the Health Department for lab tests. The fox attacks marked Palm Beach County's third animal rabies case within 1 year, and there were six rabies cases reported last year.



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NORTH DAKOTA GAME AND FISH DEPARTMENT TESTIMONY

SB 2165

HOUSE NATURAL RESOURCES COMMITTEE

MARCH 6, 2009

The North Dakota Game and Fish Department supports SB 2165. Apprentice license programs help new hunters learn under the watchful eye and guiding hand of licensed adult mentors. Apprenticeship allows new hunters to hunt with an adult "mentor" for one season prior to completing Hunter Education. Completion of a hunter education course is still required for a new hunter to become fully licensed.

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SB 2165 carries an emergency clause. This would require the Department to work with ITD to develop, test, and implement a working system prior to the first week in May, that is when we start accepting deer applications. The Department would respectfully request that the emergency clause be dropped.

The North Dakota Game and Fish Department urges a **DO PASS** recommendation on SB 2165.

United Sportsmen of North Dakota

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TESTIMONY OF CLARENCE A. BINA
UNITED SPORTSMEN OF NORTH DAKOTA
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
MARCH 6, 2009

SENATE BILL 2165

Chairman Porter and members of the Committee:

I am Clarence A. Bina, and I am speaking on behalf of the United Sportsmen of North Dakota. The United Sportsmen of North Dakota has a membership of 655 individuals.

The United Sportsmen of North Dakota opposes SB 2165 for the following reasons:

The United Sportsmen of North Dakota has in its membership about 25 Hunter Safety instructors who believe that the current program for certifying new hunters is an excellent program as it is now being conducted. The North Dakota 14-hour Hunter Education program, administered through the North Dakota Game and fish Department, now certifies youngsters eleven years and older (11+) and other older first-time hunters as well in safety, ethics, laws and regulations, and basic wildlife, and it is, again, working well as it is currently taught. Perspective North Dakota hunter licensees, we believe, should adjust their intent to apply for a North Dakota hunting license accordingly by registering and completing the North Dakota Hunter Education course during the year. The opportunities for this course are ample and Statewide. In addition, perspective hunters can always avail themselves to the course online at any time too.

Last, the USND believes that in recent years the nationally recognized low-rate of young-hunter accidents in North Dakota is attributable to our young hunters completing the fourteen-hour (14) Hunter Education course. We think that the "Apprentice Hunter Validation" proposal may compromise North Dakota's excellent record in helping avoid first-time hunters' accidents.

The United Sportsmen of North Dakota urges this Committee a Do Not Pass on SB 2165.