

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2427

2001 SENATE NATURAL RESOURCES

SB 2427

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2427

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-15-01

Tape Number	Side A	Side B	Meter #
1		X	15.5 - 32.6
2	X		21.6 - 28.0
2-15-01	X		43.3 - 46.0
2-16-01	X		46.5 - end
		X	Start - 4.5
Committee Clerk Signature <i>Jamie James</i>			

Minutes:

SENATOR FISCHER opened the hearing on SB 2427.

SENATOR BOB STENEHJEM of District 30, cosponsor, introduced SB 2427 A BILL

RELATING TO THE HUNTING OF DEER BY HANDICAPPED PERSONS. He testified that under current law it is possible for a handicapped person with a hunting license to shoot any deer in a specific hunting unit. SB 2427 would state that the handicapped hunter must stay within the species of deer, male or female.

MIKE DONAHUE, representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified on SB 2427 and urged a strong do pass.

PAUL CRARY, representing the Cass County Wildlife Club testified in support of SB 2427.

ROGER ROSTUET, of the North Dakota State Game & Fish testified in a neutral position of SB 2427 (See attached testimony).

RAY HAGER testified in opposition to SB 2427. Being handicapped himself he appreciated the fact that he was able to take a mule deer after 5 days of hunting. He felt with the small group of handicapped hunters would not make alot of difference in the number of deer taken.

SENATOR FREBORGI as cosponsor of the bill his understanding is that there are some misuse of the present law and needs to be changed.

DAVID MUNSCH testified in opposition to SB 2427 and suggested perhaps there should be a separate season for the handicapped to hunt.

SENATOR FISCHER closed the hearing on SB 2427.

TAPE # 2 (21.6 - 28.0)

SENATOR FISCHER reopened the discussion on SB 2427.

SENATOR CHRISTMANN wanted to clarify that the if the bill is passed it would restrict a handicapped hunter from taking any species to either sex of the same species.

SENATOR KELSH made a motion for a "DO NOT PASS" of SB 2311.

SENATOR EVERY second the motion.

Discussion was held and the committee felt they needed clarification on one issue by the Game & Fish Department. The question was if you have a white tail license, can you take a mule deer in a unit that does have any mule deer license available? The Game & Fish Department was contacted and confirmed that only white tail deer can be taken and not mule deer.

Tapc 2 (43.3 - 46.0)

After the confirmation from the Game & Fish Department,

SENATOR KELSIL made a motion for a "DO NOT PASS" of SB 2427.

SENATOR EVERY second the motion.

SENATOR FISCHER called for roll call vote (#1). The vote indicated 3 YAYS, 3 NAYS AND 1 ABSENT.

SENATOR KELSIL made a motion for "WITHOUT COMMITTEE RECOMMENDATION" of SB 2427.

SENATOR EVERY second the motion.

SENATOR FISCHER called for a roll vote (# 2) of SB 2427. The vote indicated 6 YAYS, 0 NAYS AND 1 ABSENT.

SENATOR EVERY will carry SB 2427.

FEBRUARY 16, 2001

SB 2427 was returned to the Committee.

SENATOR FREBORG made a motion to reconsider the Committee actions to which SB 2427 was Passed out of Committee.

SENATOR TOLLEFSON second the motion.

SENATOR FISCHER called for a roll vote (# 1) of SB 2427. The vote indicated 5 YAYS, 0 NAYS AND 1 ABSENT.

SENATOR TOLLEFSON commented that he was not present when testimony was presented on SB 2427 and that after visiting with the sponsor has a better understanding of the bill and had asked the chairman to reconsider the action taken the day before.

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Senate Natural Resources Committee
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Discussion was again held as to the size of the impact of handicapped hunting rules at the present time. The concern of misuse was also discussed along with the inability of species being able to become established in certain hunting units if this bill was passed.

SENATOR TOLLEFSON made a motion for a "DO PASS" of SB 2427.

SENATOR FREBORG second the motion.

SENATOR FISCHER called for a roll vote (# 2) of SB 2427. The vote indicated 3 YAYS,
2 NAYS, AND 1 ABSENT.

SENATOR FREBORG will carry SB 2427.

Date: 2/5
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Kelsh Seconded By Every

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman		✓	Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann		✓			
Sen. Layton Freborg		✓			
Sen. John T. Traynor	A				

Total (Yes) 3 No 3

Absent 1

Floor Assignment _____

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

Date: 2-15
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Recommendation

Motion Made By Kelsh Seconded By Every

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Every

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

Date: 2-14-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken To reconsider action

Motion Made By Freborg Seconded By Tollefson

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 0

Absent 2

Floor Assignment _____

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

Date: 2-16-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2427

Senate NATURAL RESOURCES Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken De P. S.

Motion Made By Tollefson Seconded By Freborg

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every		✓
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh		✓
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 3 No 2

Absent 2

Floor Assignment Freborg

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

REPORT OF STANDING COMMITTEE (410)
February 16, 2001 1:26 p.m.

Module No: SR-29-3684
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2427: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO PASS
(3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2427 was placed on the
Eleventh order on the calendar.

2001 HOUSE NATURAL RESOURCES

SB 2427

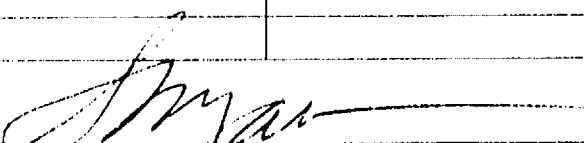
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2427

House Natural Resources Committee

Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1		x	43 to 3730
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on SB 2427.

Sen. Bob Stenehjem - District 30: I am here today to introduce SB 2427 on behalf of several constituents who called me in relation to a problem they saw happening. What 2427 does in its current form passed by the Senate simply states a person applying for a deer license in any specific unit, if they are going under the handicapped features in the law today would be required to shot a deer of the same species as the license they drew. Here's where the problem comes in. Currently under state law someone that can get the privilege of hunting under the handicapped statute can apply for a deer in any unit and can shoot any deer that is legal in that unit. Here's

what has been happening.. In some of those Badland units that have white tail doe and buck permits and mule deer buck and doe permits, they have figured out that if they put in for a white tail doe license, they are guaranteed to get that license, knowing full well in the fall when they go hunting, they will have the ability to shoot a mule deer buck. I have nothing against the amenities they get for their disabilities, but we found out that there are a lot of people that have figured out the system and they are getting a deer license every season in the Badlands. There are those of us that get a mule deer license every five years. This would put that restriction on them to shoot the deer they applied for and help the situation we are in. I hope you would favor this bill.

Rep. DeKrey: I have heard that the only requirement to be a handicapped hunter is if you qualify for the parking sticker? Is that the only qualification?

Sen. Stenehjem: After I testify here, there are some individuals from the Game and Fish Department that can answer that, but it is my understanding too. If you can get a MV handicapped sticker then you would qualify as a handicapped hunter.

Chairman Rennerfeldt: Any further questions of the committee? Anyone else here to testify in favor of SB 2427.

Mike Donahue - ND Wildlife Federation and United Sportsmen: (See written testimony). We support this bill for reasons stated by the Senator. We have had this discussion with Game and Fish and we have also looked to a bill the next session addressing things that need better definition in the code. We think this would help clean up the people taking advantage of the system.

Chairman Rennerfeldt: Any questions? Any one else in favor of this bill?

Francis Herauf: I am here in opposition to this bill. (See written testimony).

Chairman Rennerfeldt: You would like it amended to just include wheelchairs then?

Herauf: Like someone said, anyone can get a handicapped sticker, go to Game and Fish and get a permit to shoot out a window. This is not fair.

Chairman Rennerfeldt: Committee have any questions?

Rep. Klein: Would you propose the other person would not get to hunt at all then?

Herauf: No, no. I am not opposing that. I am opposing that someone with a back injury and other problems should be able to shoot a white tail or a muley cause they will be able to identify what that species is. I shot a deer this year at 280 yards. I could not identify whether it was a white tail or a muley. Because I was laying down. I can't make it through 2 inches of snow to find out what kind of deer it is. It is impossible.

Chairman Rennerfeldt: Any further questions of the committee? If not, thank you very much.

Anyone else in favor of this bill?

Roger Rostvedt - ND Game and Fish: The bill itself, we are neutral on. I want to explain how the system is implemented right now so they can have a better idea what the bill is about. Under current law, a person who is permanently unable to walk for the purpose of hunting or taking wild life. Originally the Department didn't have a definition of unable to hunt. About four years ago we adopted the handicapped accessible parking criteria, which is discerned by ADA as a reasonable explanation of walking. So current law allows individuals who are permanently unable to walk for the purpose of hunting to take a deer of any species or sex if that person is successful in drawing one or more permits for the unit they were issued. The eligibility requirements are the DOT handicapped accessible permit, either temporary or permanent prior to the issuance of the license. Current numbers for the fall of 2000 are approximately 1900 people who were eligible. There were 1746 permanent permits and 165 temporary. That total number of 1900 doesn't mean that there were 1900 people that took advantage of this, because some of

