

FISCAL NOTE
Requested by Legislative Council
03/23/2017

Amendment to: HB 1204

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$14,000		\$14,000
Expenditures				\$10,000		
Appropriations				\$10,000		

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

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

The bill amends 3 sections of the NDCC relating to: 1) Apprentice hunter age; 2) Youth deer hunting age; and 3) Repeals NDCC 20.1-04-05 relating to Gold eagle, bald eagle permits.

- 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.*

The only section above that has a fiscal impact is the amendment to youth deer hunting age. As amended, it has been changed to allow 11 year olds to hunt, along with 12&13 year olds. This would increase revenue.

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.*

As amended, this bill would allow for 11 year olds to hunt. Since current law allows 11 year olds that are turning 12 within the year to hunt, the increase in revenue would come from the 10 year olds that are turning 11 within the year, and the 11 year olds that were not turning 12 by the end of the year. A youth license is \$10. In 2015-16, there were 2,593 12&13 year old youth licenses issued under the current law. Of those, 564 were 11 and turning 12 within the year. The number of 11 years that would take advantage of this proposed amendment is unknown. If we assume/estimate that there are approx. 400, 10 years olds that will turn 11 within the year and an additional 300 11 year olds that would now be eligible. That would give us a \$7,000 (700 x \$10) increase in revenue per year.

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

The proposed bill requires programming changes to the Game and Fish online licensing system. We would need to change programming logic regarding hunter safety and youth deer checks. Our best estimate for programming costs is approx. \$10,000.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

This bill creates a one-time cost for IT programming changes to the department's licensing system of approx. \$10,000 as an increase in expenditures to the Operating line.

Name: Kim Kary

Agency: ND Game & Fish Dept

Telephone: 328-6605

Date Prepared: 03/24/2017

FISCAL NOTE
Requested by Legislative Council
03/17/2017

Amendment to: HB 1204

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$14,000		\$14,000
Expenditures				\$10,000		
Appropriations				\$10,000		

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

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

The bill amends 3 sections of the NDCC relating to: 1) Apprentice hunter age; 2) Youth deer hunting age; and 3) Gold eagle, bald eagle permit.

- 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.*

The only section above that has a fiscal impact is the amendment to youth deer hunting age. As amended, it has been changed to allow 11 year olds to hunt, along with 12&13 year olds. This would increase revenue.

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.*

As amended, this bill would allow for 11 year olds to hunt. Since current law allows 11 year olds that are turning 12 within the year to hunt, the increase in revenue would come from the 10 year olds that are turning 11 within the year, and the 11 year olds that were not turning 12 by the end of the year. A youth license is \$10. In 2015-16, there were 2,593 12&13 year old youth licenses issued under the current law. Of those, 564 were 11 and turning 12 within the year. The number of 11 years that would take advantage of this proposed amendment is unknown. If we assume/estimate that there are approx. 400, 10 years olds that will turn 11 within the year and an additional 300 11 year olds that would now be eligible. That would give us a \$7,000 (700 x \$10) increase in revenue per year.

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

The proposed bill requires programming changes to the Game and Fish online licensing system. We would need to change programming logic regarding hunter safety and youth deer checks. Our best estimate for programming costs is approx. \$10,000.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

This bill creates a one-time cost for IT programming changes to the department's licensing system of approx. \$10,000 as an increase in expenditures to the Operating line.

Name: Kim Kary

Agency: ND Game & Fish Dept

Telephone: 328-6605

Date Prepared: 03/19/2017

FISCAL NOTE
Requested by Legislative Council
01/23/2017

Amendment to: HB 1204

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$14,000		\$14,000
Expenditures				\$10,000		\$10,000
Appropriations				\$10,000		\$10,000

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

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

The bill amends 3 sections of the NDCC relating to: 1) Apprentice hunter age; 2) Youth deer hunting age; and 3) Gold eagle, bald eagle permit.

- 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.*

The only section above that has a fiscal impact is the amendment to youth deer hunting age. As amended, it has been changed to allow 11 year olds to hunt, along with 12&13 year olds. This would increase revenue.

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.*

As amended, this bill would allow for 11 year olds to hunt. Since current law allows 11 year olds that are turning 12 within the year to hunt, the increase in revenue would come from the 10 year olds that are turning 11 within the year, and the 11 year olds that were not turning 12 by the end of the year. A youth license is \$10. In 2015-16, there were 2,593 12&13 year old youth licenses issued under the current law. Of those, 564 were 11 and turning 12 within the year. The number of 11 years that would take advantage of this proposed amendment is unknown. If we assume/estimate that there are approx. 400, 10 years olds that will turn 11 within the year and an additional 300 11 year olds that would now be eligible. That would give us a \$7,000 (700 x \$10) increase in revenue for one year. These numbers are assuming they will take hunter education.

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

The proposed bill requires programming changes to the Game and Fish online licensing system. We would need to change programming logic regarding hunter safety and youth deer checks. Our best estimate for programming costs is approx. \$10,000.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

This bill creates a one-time cost for IT programming changes to the department's licensing system of approx. \$10,000 as an increase in expenditures to the Operating line.

Name: Kim Kary

Agency: ND Game & Fish Dept

Telephone: 328-6605

Date Prepared: 01/24/2017

FISCAL NOTE
Requested by Legislative Council
01/10/2017

Bill/Resolution No.: HB 1204

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(25,930)		\$(25,930)
Expenditures				\$10,000		\$10,000
Appropriations				\$10,000		\$10,000

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
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- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill amends 3 sections of the NDCC relating to: 1) Apprentice hunter age; 2) Youth deer hunting age; and 3) Gold eagle, bald eagle permit.

- 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.*

The only section above that has a fiscal impact is the amendment to youth deer hunting age. As written, it appears that the age has been changed to be allowed for only 11 year olds and not 12 or 13 year olds. This would reduce revenue. Language clarification is needed.

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.*

Clarification is needed regarding the bill amendment. As written, the proposed bill would decrease revenue currently received for 12 & 13 year olds. There were 2,593 12&13 year old youth licenses issued for 2016 under the current law. It is unknown how many 11 year olds or 10 year olds who turn age 11 in the same year as the deer youth season there would be. As written, we estimate a loss in revenue of \$25,930 (2,593 x \$10).

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

The proposed bill requires programming changes to the Game and Fish online licensing system. We would need to change programming logic regarding hunter safety and youth deer checks. Our best estimate for programming costs is approx. \$10,000.

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This bill creates a one-time cost for IT programming changes to the department's licensing system of approx. \$10,000 as an increase in expenditures to the Operating line.

Name: Kim Kary

Agency: ND Game & Fish Dept

Telephone: 328-6605

Date Prepared: 01/16/2017

2017 HOUSE ENERGY AND NATURAL RESOURCES

HB 1204

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1204
1/19/2017
27102

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to youth hunting and the protection of bald eagles

Minutes:

Attachments #1

1:46

Chairman Porter: Called the committee to order HB 1204. The clerk called roll call and read the purpose of the bill.

Rep. Heinert: This bill deals with a couple of things. The first is the age of the youth that are allowed to hunt in the state of ND. Under the apprentice hunter validation program, we're looking at changing the age from 16 to 12 otherwise the bill stays exactly as it is in the state law for the delegation under this program. The reason to move it to 12 is we have many more youth today getting interested in hunting at an earlier age, and provide the opportunity to go out earlier and learn to hunt and get involved in that sport. The second part of the amendment changes from the 12 or 13 birthday to the 11th birthday for the youth deer hunting season and that is only good for the white tail antlerless deer during the youth, same reasons. More parents want to get their sons and daughter involved. The third section is the golden eagle section. I've been asked why are we allowing the hunting of golden eagles and we are NOT allowing the hunting of golden eagles. We are making sure those zoos across ND that take in a damaged or injured golden eagle and try to rehab that eagle, have the authority to release that eagle back into the wild. There's a section of federal code that questions whether they have that authority so we are trying to give that authority to the director and make sure we have a paper trail to release them once they are rehabbed.

Rep. Lefor: The changes in the ages for youth hunting, how does that compare with other states?

Rep. Heinert: I do not know.

Chairman Porter: ND has no minimum age for hunting. So if you're hunting pheasants, you have to have a license. There's no minimum age for upland game. Deer hunting is still 14 for lottery system. SD is at 10 for their regular hunting season. Our youth season is the

compromise between what other states have done for their regular season where we do an early entry at age 12, they can have a special white tail doe tag in September youth season. Brings that age down to 11 if they've completed hunter ed.

Rep. Devlin: When I read Section 2 it looks to me like you're limited to people who have 11th birthday in that same year. Ok.

Chairman Porter: Game and Fish noticed and will have an amendment.

Rep. Devlin: Say someone turns 11 on December 31, in a worst case scenario they would be able to hunt.

Rep. Bosch: Line 10 an apprentice validation is only valid for one license year in a lifetime. They can only apply this one time starting at 12 or is it good for their whole life when they apply? So what happens when, they couldn't when they're 13 or 14, 15?

Rep. Heinert: 1 time event, correct under this section. It's a one-time event.

Rep. Roers Jones: Clarify when would you use an apprentice hunter license. Would it be for upland game or birds or things like that because it seems like it shouldn't be necessary for furbearers and shouldn't be necessary for the youth deer hunting. Is that accurate?

Chairman Porter: We'll let Game and Fish dive into that.

Greg Link, Chief of Conservation Communications for ND Game and Fish. He read Attachment #1 in support, Terry Steinwand's testimony, who was ill.

Rep. Keiser: With this amendment adopted, doesn't it change the fiscal note significantly?

I believe it goes away.

Rep. Keiser: It's important to get the correct fiscal note.

Greg Link: The apprentice portion doesn't really change the fiscal note. Basically all you're saying is you don't have to be certified for one year. You still have to buy the license, still required to do everything else, you just don't have to be hunter education certified.

Rep. Keiser: I understand that but based on the original bill you are going to lose \$25,000. That's not going to happen with the amendment. That goes to zero right?

Greg Link: That's correct if the second portion of the bill that deals with 11-12-13 year olds, as long as we put the 12-13 olds back in, that's where we would have lost the revenue. Correct.

Chairman Porter: Further questions? Further testimony in support? Opposition?

Foster R. Hager, Washburn, ND, representing Cass County Wildlife Club, Casselton, ND: We have 200 members, existence since 1931. We provide a rifle range open to the public,

trap range, educate about 70 young people in hunter education each year and provide a youth duck hunt. We're concerned about the Section amendment. A few years ago there was a movement to let 12 year olds hunt in regular season. We were against that and it looked like we'd lose. So I made a suggestion to the club, let's come up with 12 and 13 year olds who can hunt by themselves, don't have to compete against the big boys, and they'll be able to shoot a doe and automatically get a license. That became law. It appears each session this gets watered down. This bill a 10-year-old will hunt, if he's born on Dec. 31, turns 11, then he's 10 because the season opens September 15. If it would stop there maybe we could live with it. What will happen next session when someone has a child that doesn't fall into the right category, we don't know. A good example is, I got out of the service the day before I was 21. During that year I still couldn't drink beer until I turned 21. So are we going to lock this in and say 9 year olds can't hunt, that's a 5th grader that you're letting hunt in his own season. When does it stop? I got news for you the next session, if your 10th birthday falls in the year, you can hunt. Questions?

Rep. Heinert: Are you opposed to by the eleventh year, in the eleventh year, so a 10-year-old could hunt essentially? Are you opposed to that or you just opposed this could go down further in the future?

Foster R. Hager: Our club would go along with this if it's going to stop. Who says that Herman Jones becomes a legislature next session, and his son, doesn't quite hit the right mark, so we get another bill. I guess if you want 10 year olds to hunt, let them hunt but quit showing up every year and add on. We are not against young people. Young people are the core that's going to continue and we educate a lot of young people. So we're not against. We're concerned a 5th grader that's 4'6" tall and 60 lbs. Well fine, but no 9 year olds.

Chairman Porter: Questions? Further opposition? Seeing none then we will close the hearing on HB 1204.

The Clerk called a roll call vote. 14 Yes 0 No.

Motion carries. Rep. Roers Jones will be the bill carrier. This session closed until 10 AM to open on HB 1180.

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1204
1/19/2017
27107

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to youth hunting and the protection of bald eagles

Minutes:

Amendment

Chairman Porter: Committee we have HB 1204 in front of us.

Rep. Keiser: I move for adoption of the amendment.

Chairman Porter: Rep. Keiser moves the Amendment on Page 1, Line 19 to remove the overstrike over the word twelfth or thirteenth. So it would read, eleventh, twelfth, or thirteenth birthday.

Rep. Roers Jones: Second from Rep. Roers Jones. Is there discussion on the amendment?

Chairman Porter: Seeing none all those in favor say Aye.

Voice Vote: Aye

Chairman Porter: Opposed? Motion carried. We have an amended bill in front of us.

Rep. Bosch: On section 2 where we're making the amendment, do the youth hunters have the requirement to have past hunter safety in that section?

Chairman Porter: yes they do. That's further into the section but that is a requirement that they have had hunter education safety and are always with an unarmed guardian during the season. They cannot be unattended. Further questions? Seeing none do we have a motion?

Rep. Roers Jones: made a motion to Do Pass as Amended for HB 1204.

Rep. Anderson: Seconded.

Chairman Porter: Discussion? Clerk will take the roll on a Do Pass as Amended to HB 1204. No, you have a point of clarification we'd like to hear it.

Rep. Devlin (?): when you are talking an 11 year old, we are adding an 11 year old to hunt deer during the youth season, that 11 year old may not have passed hunter safety, a 10 year old may not have passed hunter certification and that may not be spelled in there.

Chairman Porter: I do believe that's an important component of this. Rep. Roers Jones would have to rescind her motion and the Second would have to agree and we can further amend.

Rep. Roers Jones: Rescinded her motion.

Rep. Anderson: Rescinded his Seconded.

Chairman Porter: Then committee we need to further amend this so an individual who has completed the hunter safety course, who's 11-12-13th birthday occurs in the same year as the deer hunting season

Rep. Roers Jones: Is there a minimum age for taking the deer hunter safety course?

Chairman Porter: 10 years old

Greg Link: Allowed at 11

Chairman Porter: 11 then. Is there a motion to further amend?

Vice Chairman Damschen: So moved.

Chairman Porter: I have a motion from Vice Chairman Damschen to further amend HB 1204, so it would read, "An individual who has completed the hunter education course, whose 11-12 or 13 birthday occurs in the same year." Is there a second?

Rep. Roers Jones: So moved.

Chairman Porter: We have a second from Rep. Roers Jones. Discussion on the amendment now?

Rep. Heinert: Are we going to affect the hunter safety program by doing this amendment?

Chairman Porter: I don't believe so. Anyone who would take advantage of it would have to take a course inside of the start of that season in September.

Rep. Roers Jones: Just as a clarification, this would prevent hunters from hunting at the age of 10. They would have to have a birthday before the hunting season had started, and have turned 11, have taken the course, so that would alleviate some of Mr. Hager's concerns?

Rep. Heinert: That's right.

Chairman Porter: It would take that argument away unless Game and Fish administratively would start offering the course to 10 year olds. That's administratively for them to decide. Further discussion on the amendment? Seeing none, all in favor say Aye.

Voice Vote: Aye.

Chairman Porter: Opposed? Motion carries. Committee, we have a further amended HB 1204 in front of us.

Rep. Roers Jones: I will make a motion for a Do Pass recommendation

Chairman Porter: As amended. We have a motion,

Rep. Ruby: Second.

Chairman Porter: Second from Rep. Ruby for a Do Pass HB 1204. Discussion. For the committee's clarification, if you read the fiscal note Rep. Keiser brought up, that should take away the decrease in revenues because we fixed that portion of it and it would actually increase revenues by their estimate of the number of 11 year olds that would take a permit. Seeing no further discussion, the Clerk will call roll on a Do Pass As Amended HB 1204.

Yes 14 No 0 Absent 0 Carrier Rep. Roers Jones

January 19, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1204

Page 1, line 19, after "individual" insert "who has completed the hunter education course and"

Page 1, line 19, after "whose" insert "eleventh."

Page 1, line 19, remove the overstrike over "~~twelfth~~" and insert immediately thereafter an
underscored comma

Page 1, line 19, remove the overstrike over "~~-or thirteenth~~"

Page 1, line 19, remove "eleventh"

Re-number accordingly

Date: 1-19-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1204

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Keiser Seconded By Roers Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) ✓ voice vote No —

Absent _____

Floor Assignment _____

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

on page 1, line 19 to remove the overstrike over the word twelfth or thirteenth. So it would read, eleventh, twelfth or thirteenth birthday.

Date: 1-19-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. _____

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Refer to Appropriations
 Place on Consent Calendar

Other Actions

Reconsider

further Amend

Motion Made By Damschen Seconded By Roers-Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Voice Vote

Total (Yes) ✓ No _____

Absent _____

Floor Assignment _____

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

an individual who has completed the hunter education course, whose 11-12 or 13th birthday occurs in the same year.

Date: 1-19

Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1204

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description:

17,0663,01001 Title 02000

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions

- Reconsider
- _____

Motion Made By Rep. Roers-Jones Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Seibel	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Mock	✓	

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Roers-Jones

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

REPORT OF STANDING COMMITTEE

HB 1204: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1204 was placed on the Sixth order on the calendar.

Page 1, line 19, after "individual" insert "who has completed the hunter education course and"

Page 1, line 19, after "whose" insert "eleventh."

Page 1, line 19, remove the overstrike over "~~twelfth~~" and insert immediately thereafter an underscored comma

Page 1, line 19, remove the overstrike over "~~or thirteenth~~"

Page 1, line 19, remove "eleventh"

Re-number accordingly

2017 SENATE ENERGY AND NATURAL RESOURCES

HB 1204

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB1204
3/2/2017
Job #28606

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to youth hunting and the protection of bald eagles.

Minutes:

Attch#1and#2=GregLink; Attch#3=Michael McEnroe;

Chairwoman Unruh: Let's open the hearing on HB 1204.

Representative Pat Heinert, Dist. 32, Bismarck, ND: Here to introduce HB 1204. We talk about ages in this bill. In section 1, we moved the age from 16 to 12 year olds that do not have hunter's safety. Section 2 is an amendment to add 11 year olds into the 12-13-year-old bracket for youth deer hunting. We added who has completed the hunter education course. Game and Fish had some concerns so they will be here to chat with you about that line. The bald eagle part is put in there so local zoos, who take in eagles, can recoup and release into the wild. They can do it legally. Under federal law, they need more authority. (2.05)

Chairwoman Unruh: You go from 16 years down to 12 years. Isn't that a big jump? Why was this?

Representative Heinert: The 12-year-old is based on the hunter education program and getting into that program. The whole intent is to get them out earlier in life and provide a hobby for them and to develop a good hobby.

Chairwoman Unruh: Are the eagles still protected like in first bill?

Representative Heinert: Yes, we are not touching that.

Greg Link, Game and Fish, Chief Conservation/Communications Division: (see Attch#1). Here in support. I also bring forth an amendment. (see Attch#2). (3.56)

Sen. Armstrong: If this amendment goes through and this language is struck, they still have to take hunters safety by age 12, right?

Greg: Yes. That would not remove the requirement to have hunter education by 12. That is across the board. We just don't think that 10-11 year olds are old enough to comprehend and study the hunter education material, yet. They have to be with a guardian or parent to hunt.

Sen. Oban: If they are not at the point development wise to learn hunter safety, should they be out hunting then?

Greg: Good question. The apprentice portion does not remove that requirement of 12 years old. Some young kids just want to try it. They don't know if they like it. The apprentice license

just gives a one-year grace period to be out there. We have a very safe record for youth hunters.

Chairwoman Unruh: Do you know how long we have had the eagle protection statute?

Greg: Probably since 1967 when they were put into endangered species act. There was an Eagle Protection Act in the 1940's. We are asking for ability of zoos to use authority to recoup and release bald eagles.

Chairwoman Unruh: You still cannot have a taking of an eagle. Does this section need to be repealed? Should we just go through another permit?

Greg: In most cases when we have two agencies, federal and state. The feds are saying one thing and we feel we want some oversight to say all states are the same. Just because you do something for Oregon, we in ND may do it differently.

Sen. Armstrong: I am aware of several prosecutions under this statute, but they are all federal. Are you aware of any state prosecutions?

Greg: No, not sure.

Sen. Armstrong: Maybe it would make more sense to just say comply with the federal act?

Greg: Then we are turning to Fish and Wildlife side if someone gets a permit in ND. There are different states that operate in different ways. ND may not be ok with something. We are probably talking about 10 permits of this kind. Some states are more liberal about rehab than ND. If we are outing an animal through undo misery to be rehab; then at end of day they are put down. We would not want that rehab entity to have that permit to do that.

Chairwoman Unruh: Do you have similar authority for all migratory birds?

Greg: All species that cross two states that are on national level. There is a dual system.

Chairwoman Unruh: Any more in support? Any opposed?

Michael McEnroe, ND Wildlife Federation: We are against section 1 of this bill. (see Attch#3) (20.29). We support the present apprentice program.

Sen. Armstrong: On section 2, even with the amendment, you would not support the 11-year-old?

Mike: Currently 11 year olds can take hunter safety. But we don't want to require it for 11 year olds.

Sen. Armstrong: But the amendment offered would still allow a 10-year-old to hunt, just not have to take hunter safety?

Mike: Right. We support the amendment. But we have concerns with section 2.

Chairwoman Unruh: Any more testimony against HB 1204? Any agencies? Seeing none we will close the hearing on HB1204.


2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB1204
3/16/2017
Job #29319

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to youth hunting and the protection of bald eagles.

Minutes:

Committee work; Attch#1=Game/Fish amendment ;

Chairwoman Unruh: Look at HB 1204. I got information on the Eagle Act. Looks like there are separate permitting processes for migratory birds and the takings process for bald and golden eagles. My concern with this section, is that I did not know if we needed our Game and Fish involved in the permit process for taking for eagles. They have the whole Eagle Act themselves at the federal level. I have dealt with this is my other job. Did not know how frequently it was used. Maybe we could remove the whole section. Then we would not have to worry about a permit through Game and Fish. One less process for zoos, etc. I am comfortable with the language as is. Any other feelings?

Chairwoman Unruh: Section 1 and 2 deal with the apprentice hunter validation. Hunter education course and ages. Committee discussion.

Sen. Armstrong: Wasn't there some concern what age you can hunt at 11 or whether you had to take hunter safety course.

Chairwoman Unruh: We had amendment to adjust.

Sen. Oban: Game and Fish had some. (see Attch#1).

Chairwoman Unruh: Take care of section 1. Moves the age from 16 down to 12 years. Any other issues with section 1?

Chairwoman Unruh: Sect. 2, we can talk about the amendment from Game/Fish. At 11, they didn't think you retain information as you would at 12 years old, which is current age.

Sen. Armstrong: I like amendment and bill. I move the Game and Fish amendment.

Sen. Oban: I second.

Chairwoman Unruh: They still have to take hunter safety when they are 12. More discussion? Call the roll on this amendment: YES 7 NO 0 -0-

Chairwoman Unruh: Amendment Passed. Before us we amended engrossed HB 1204. This lower the apprentice age and allow for an 11-year-old to hunt in deer gun season and allow the Game and Fish to issue permits for takings of golden and bald eagles when necessary.

Sen. Armstrong: I move a Do Pass on HB 1204 as amended. **Sen. Roers:** I second.

Chairwoman Unruh: Call roll on HB1204 as amended. YES 7 NO 0 -0-absent

Bill passed. Sen. Armstrong will carry the bill.

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Fort Lincoln Room, State Capitol

HB 1204
3/16/2017
Job# 29321

- Subcommittee
 Conference Committee

Committee Clerk Signature	
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Explanation or reason for introduction of bill/resolution:

Minutes:

Committee work

Chairwoman Unruh: We have to go back if we need another fiscal note.

Sen. Armstrong: I move we also refer HB 1204 to Appropriations if needed.

Chairwoman Unruh: It may be adjusted in amendment but just to make sure we have it on record.

Done.

17.0663.02001
Title.03000

Adopted by the Senate Energy and Natural
Resources Committee
March 16, 2017

CJ
3116
1 of 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1204

Page 1, line 19, remove "who has completed the hunter education course and"

Re-number accordingly

Date: 3/16/17
 Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1204**

Senate Energy and Natural Resources Committee

Subcommittee

Games Fish Amend #1

Amendment LC# or Description: remove line 19 - page 1

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Armstrong Seconded By Sen. Oban

Senators	Yes	No	Senators	Yes	No
Chairman Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Amend passed

Date: 3/16/17
 Roll Call Vote #: 2

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB1204**

Senate Energy and Natural Resources Committee

Subcommittee

need #

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Armstrong Seconded By Sen Roers

Senators	Yes	No	Senators	Yes	No
Chairman Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No -0-

Absent -2

Floor Assignment Sen. Armstrong

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

REPORT OF STANDING COMMITTEE

HB 1204, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1204 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "who has completed the hunter education course and"

Renumber accordingly

*This was re-referred to Approps.
on the floor 3/21/17
Pam Dever*

2017 CONFERENCE COMMITTEE

HB 1204

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1204
4/4/2017
29912

Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to youth hunting and the protection of bald eagles

Minutes:

Chairman Roers-Jones called the conference committee to order on HB 1204. The clerk called the roll call and read the short title.

Chairman Roers-Jones: It looks like the changes have been mostly agreed to. Rather than concurring right away there was some discussion. Based on the conversations we've had with the Dept. of Game and Fish and the committee chair, the House is ready to concur with changes the Senate made.

Rep. Lefor: so moved that the House accede to the Senate version 04000. .

Sen. Oban: second

Chairman Roers-Jones: We have a motion and a second.
Roll call vote 6 yes 0 no 0 absent Motion carried.

Chairman Roers-Jones closed the hearing.

**2017 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1204 as (re) engrossed

House Energy and Natural Resources Committee

- Action Taken** **HOUSE accede to Senate Amendments**
 HOUSE accede to Senate Amendments and further amend
 SENATE recede from Senate amendments
 SENATE recede from Senate amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep Lefor Seconded by: Sen Oban

Representatives	ATTENDANCE			VOTE		Senators	ATTENDANCE			VOTE	
	4/4			Yes	No		4/4			Yes	No
Chairman Roers-Jones	✓			✓		Sen. Unruh	✓			✓	
Rep. Heinert	✓			✓		Sen. Kreun	✓			✓	
Rep. Lefor	✓			✓		Sen. Oban	✓			✓	
Total Rep. Vote						Total Senate Vote					

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted
 Statement of purpose of amendment

4000

REPORT OF CONFERENCE COMMITTEE

HB 1204, as engrossed: Your conference committee (Sens. Unruh, Kreun, Oban and Reps. Roers Jones, Heinert, Lefor) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1102 and place HB 1204 on the Seventh order.

Engrossed HB 1204 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

HB 1204

Greg Link
HB 1204
#1
1-19-17



House Energy and Natural Resource Committee
Testimony on HB 1204

Terry Steinwand, Director
North Dakota Game and Fish Department
January 19, 2017

Mr. Chairman and members of the House Energy and Natural Resource Committee, I appear here today to offer support for HB 1204.

There are three parts to this bill—changing the age for apprentice hunters, addition of age 11 for antlerless youth season, and changing the language to allow possession of eagles, in particular for zoos.

First is the apprentice hunter portion. We view this as a recruitment tool for those youth that may not be sure whether or not they want to hunt and this gives them the opportunity to try it without going through the Hunter Education course. Additionally, we frequently receive calls that a parent was unable to enroll their child in a Hunter Education course because it was already full. This would allow that child 12 and over a grace period of one year to sign up for the next year's class.

Second is the antlerless youth season. The current language in this bill would limit the antlerless youth age to 11 year olds only. I've consulted with the Chairman and know this was not the intent. The intent was to allow those youth turning 11 in the calendar to hunt as well as 12 and 13 year olds. To rectify this, we recommend deleting the strikethrough on line 19 and simply insert 'eleventh' prior to 'twelfth and thirteenth' on line 19.

There are currently about 2,500 twelve and thirteen year olds that receive an antlerless deer license and approximately 2,000 fourteen and fifteen year olds that receive an any deer or mule deer license each year. Based on past applications that are eleven at the time of application but turn twelve before the end of the calendar year, we estimate that between 500 and 750 deer licenses will be issued for eleven year olds.

As currently written North Dakota Century Code 20.1-04-05, it is illegal for anyone to take, possess, disturb, kill, hunt, shoot at, capture, or destroy any golden or bald eagle or any nest or egg thereof. As you know many zoos in the State have eagles on exhibit and therefore need a permit from the United States Fish and Wildlife Service (USFWS). However, the USFWS permit states that they must follow all state laws that might pertain to the permit. By amending the Century Code 20.1-04-05 to include the words "without a permit issued by the director" golden and bald Eagles could be legally possessed by zoos and used for educational purposes.

The department respectfully requests the amendments as suggested are approved and a DO PASS recommendation.



Senate Energy and Natural Resources Committee
Testimony on HB 1204

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3/2/17
AH ch #1
pg 1

North Dakota Game and Fish Department
Greg Link, Conservation and Communications Division Chief
March 2, 2017

Madam Chair Unruh and members of the Senate Energy and Natural Resource Committee, I'm testifying today on behalf of the Game and Fish Department in support of HB 1204.

There are three components to this bill, all amendments to existing law: modification to the age for apprentice hunters; addition of 11-year-old for the antlerless youth season; and change to the language allowing possession of eagles, in particular, for zoos.

First is the apprentice hunter portion. We view this as a recruitment tool for those youth who may not be sure whether they want to pursue hunting. This apprentice provision gives them the opportunity to experience hunting without going through the Hunter Education course. Additionally, we frequently receive calls that a parent was unable to enroll their child in a Hunter Education course because it was already full. This would allow that child of 12 years and older a grace period of one year to get into a class and obtain certification.

Second is the antlerless youth season. This section would add 11 year olds to the existing statutory provision entitling 12- and 13-year-old hunters to receive an antlerless deer license. There are currently about 2,500 12- and 13-year-olds who receive an antlerless deer license and approximately 2,000 14 and 15-year-olds who receive an any deer or mule deer license each year. Based on the number of past applicants who were age 11 at the time of application but turned 12 before the end of the calendar year, we estimate that between 500 and 750 additional deer licenses will be issued to 11-year-olds by this change.

Although we support this bill, we do have some concern with the amended requirement for the 11-year-old deer hunters to be Hunter Education certified. Since its inception in our state in 1972, Hunter Education certification has only been a requirement for hunters 12 years of age and older. Therefore, the entry age for the course is 11 years or older. It is only at this age of development that students are adequately equipped and capable of fully comprehending and retaining the information presented in the course. Requiring the 11-year-old deer hunter to have successfully completed a course not designed for their age development at age 10, could lead to both frustrated students and instructors. As this is a mentored hunt, with a guardian close-at-hand, we believe the requirement for Hunter Education certification isn't necessary and better left until the youth is more readily able to learn the course material at age 11 and 12. This is exactly the same scenario we currently have with young upland game and waterfowl hunters,

original

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3/2/17
Atch #1
Pg 2

under age 12, being able to hunt without Hunter Education, provided they are accompanied by an adult guardian.

Third is the eagle language. Eagles are a species that have both state and federal oversight. Currently, as written in North Dakota Century Code 20.1-04-05, it is illegal for anyone to take, possess, disturb, kill, hunt, shoot at, capture, or destroy any golden or bald eagle or any nest or egg thereof. As you know, many zoos in the state have eagles on exhibit and, therefore, need a permit from the United States Fish and Wildlife Service (USFWS). However, the USFWS permit states that they must follow all state laws that might pertain to the permit. In August 2007, the bald eagle was removed from the Endangered Species list. Now many zoos have possession of bald and golden eagles through what the USFWS considered a valid permit. By changing the North Dakota Century Code 20.1-04-05 to include the words "without a permit issued by the director." golden and bald eagles can be legally possessed by zoos and used for educational purposes.

The Department respectfully requests the suggested amendment and a **DO PASS** recommendation on HB 1204.

From
Greg Link

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3/2/17
Ahd 2
pg 1

North Dakota Game and Fish Department Suggested Amendment

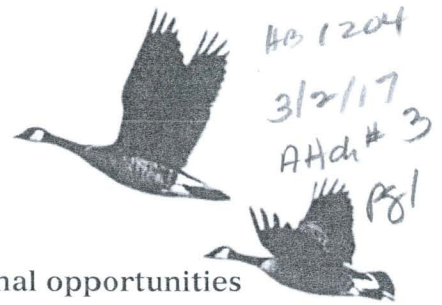
17 **SECTION 2. AMENDMENT.** Subdivision a of subsection 1 of section 20.1-03-11 of the
18 North Dakota Century Code is amended and reenacted as follows:

- 19 a. An individual who has completed the hunter education course and whose
20 eleventh, twelfth, or thirteenth birthday occurs in the same year as a youth deer
21 hunting season is entitled to receive a statewide white-tailed antlerless deer
22 permit but may hunt only in that youth deer hunting season.

original

North Dakota Wildlife Federation

Ensuring abundant wildlife, wildlife habitat, and access to wildlife recreational opportunities



**TESTIMONY OF MICHAEL McENROE
NORTH DAKOTA WILDLIFE FEDERATION
HOUSE BILL 1204
SENATE ENERGY AND
NATURAL RESOURCES COMMITTEE
MARCH 2, 2017**

Madam Chair Unruh and Members of the Senate Energy and Natural Resources Committee:

For the record, Mike McEnroe, representing the North Dakota Wildlife Federation.

The Federation is opposed to Section 1 of HB 1204. We support the current Apprentice Hunter validation program. When created in a past legislative session, the Apprentice validation was proposed to allow an adult who was not an experienced hunter and who had not completed a Hunter Education course to be able to hunt for a trial period of one hunting season without taking the 14-hour Hunter Education class. This was somewhat of a “try before you buy” opportunity, to see if they wanted to hunt in the future. The Apprentice idea was proposed for adults who presumably would be more responsible or more mature than an inexperienced younger hunter. Subsequent discussions lowered the age requirement for the apprentice validation to 16 years old. The Federation believes that youth, 12 to 16 years old and their parents, can still find a Hunter Education class in order to meet the state’s Hunter Education requirement. Keeping the Apprentice validation age limit at



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Attch #3
Pg 2

16 years old, still avoids asking an adult, or anyone 16 years and older, to take a class with 11 and 12 year olds. We have concerns about allowing youth aged 12-16 years old to hunt without first completed a Hunter Education course.

Section 2 of HB 1204 allows 10 and 11-year old youth, who have completed a Hunter Education course to, receive a youth deer hunting license. Although we believe that when a young person begins to hunt is a decision best left up to parents, we do believe that deer hunting with a rifle is a hunting activity best left to older youth who are both physically and mentally more mature. We also question whether or not a 10-year old can handle the 14-hour Hunter Education curriculum, and we do not recommend simplifying the subject matter or the required practical exam in order to make it easier to pass. We support the Department's recommendation to eliminate the Hunter Education requirements for the 10-year old hunter.

The Federation supports the intent of Section 3 of HB 1204 regarding permits for bald and golden eagles, although we understand the intent of the bill was to allow the Director to permit the possession, capture, and transport of bald and golden eagles by zoos and other accredited raptor rehabilitation facilities, not for permits to take, kill, sell or destroy eagles.

The Federation recommends these amendments or corrections to HB 1204.

Thank you. I would stand for any questions the Committee may have.

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pg 1

North Dakota Game and Fish Department Suggested Amendment

- 17 **SECTION 2. AMENDMENT.** Subdivision a of subsection 1 of section 20.1-03-11 of the
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