

February 15, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2315

Page 1, line 1, replace "section 20.1-02-33" with "chapter 20.1-18"

Page 1, line 2, after the first "to" insert "a database"

Page 1, line 2, after "identifying" insert "whether"

Page 1, line 2, after "land" insert "is"

Page 1, line 4, remove "repeal section 20.1-01-17 of the North"

Page 1, line 5, replace "Dakota Century Code, relating to posting land" with "provide a statement of legislative intent; to provide for a legislative management study"

Page 1, line 19, after "be" insert ", except as provided in sections 20.1-01-18, 20.1-01-19, 20.1-03-42, and 20.1-18-03"

Page 3, line 21, overstrike "- **Penalty**"

Page 3, line 22, remove "not"

Page 3, line 24, remove "or verifying the land is open to hunters by"

Page 3, line 25, remove "complying with subsection 3 of section 20.1-02-03"

Page 3, line 25, overstrike the period

Page 3, line 25, remove "An individual"

Page 3, line 25, overstrike "may"

Page 3, line 25, remove "not"

Page 3, line 25, overstrike "enter upon"

Page 3, overstrike line 26

Page 3, line 27, overstrike "gaining the written permission of the owner or operator of that land."

Page 3, line 27, remove "An individual"

Page 3, line 27, overstrike "who"

Page 3, overstrike line 28

Page 3, line 29, overstrike "misdemeanor for a subsequent offense within a two-year period" and insert immediately thereafter "unless the land is designated as closed to hunters or open to hunters with permission under section 20.1-18-02 or the land is legally posted in accordance with section 20.1-01-17"

Page 4, line 6, after "**with**" insert "**a hunting license and a**"

Page 4, line 8, remove "an individual"

Page 4, line 8, overstrike "having" and insert immediately thereafter "an individual had"

Page 4, line 9, overstrike "in the person's"

Page 4, line 9, remove "individual's"

Page 4, line 9, overstrike "possession" and insert immediately thereafter "and a valid license to hunt game in the relevant area when the individual"

Page 4, remove lines 12 through 29

Page 5, after line 1, insert:

"1."

Page 5, line 5, after the comma insert "or"

Page 5, line 6, overstrike ", or" and insert immediately thereafter ".

2. A person may not act as a hunting guide or outfitter"

Page 5, line 6, after "lands" insert "that are"

Page 5, line 6, remove the overstrike over "~~posted against hunting or~~"

Page 5, line 7, remove the overstrike over "~~trespassing~~" and insert immediately thereafter "under section 20.1-01-17 or private lands that are designated as closed to hunters or open to hunters with permission under section 20.1-18-02."

Page 5, replace line 10 with:

"SECTION 6. Chapter 20.1-18 of the North Dakota Century Code is created and enacted as follows:

20.1-18-01. Hunters access advisory group.

1. The hunters access advisory group consists of:
 - a. The agriculture commissioner or the commissioner's designee;
 - b. The director or the director's designee;
 - c. The chief information officer or the officer's designee;
 - d. A representative of the North Dakota association of counties;
 - e. Two members of agriculture organizations; and
 - f. Two members of sportsmen organizations.
2. The hunters access advisory group shall oversee the development of the hunters access database identifying private land in the state as open to hunters, closed to hunters, or open to hunters with permission from the owner or lawful occupant.
3. The hunters access advisory group shall establish guidelines for the development of the database and acceptance criteria for county data used to develop the database.

20.1-18-02. Hunters access database.

1. The hunters access database must use color coding or other clear indicators to designate private land in the state as open to hunters, closed to hunters, or open to hunters with permission from the owner or lawful occupant.
2. A landowner or lawful occupant may designate which of the three categories in subsection 1 applies to the landowner's or occupant's land. Land for which a landowner or lawful occupant does not designate a category must be indicated in the database as open to hunters if the county in which the land is located is included in the database.
3. If a landowner or lawful occupant designates land as open to hunters with permission, the landowner or lawful occupant shall provide contact information to be included in the database for hunters to request permission to hunt on the land.
4. The database must be accessible electronically to the public and may be made available to the public through other means, including smartphone applications.
5. To be included in the database, a county shall provide geographic information system data or other data to the information technology department which meets the criteria established by the hunters access advisory group.

20.1-18-03. Noncompliance with database and posting - Penalty.

1. Until the county in which private land is located is included in the hunters access database, the land is deemed open unless posted in accordance with section 20.1-01-17.
2. After a county is included in the database:
 - a. A hunter may not enter land in the county which is designated in the database as closed to hunters or open to hunters with permission unless the hunter has permission to enter the land or otherwise is entitled to enter the land. A hunter is guilty of an infraction for a first knowing violation and a class B misdemeanor for a second and subsequent knowing violation of this subdivision; and
 - b. A hunter without permission may enter land in the county which is not designated in the database as closed to hunters or open to hunters with permission, unless the land is posted in accordance with section 20.1-01-17.
3. A hunter may not enter land that is posted in accordance with section 20.1-01-17 unless the hunter has permission to enter the land or otherwise is entitled to enter the land, regardless of the designation of the land in the database. A hunter is guilty of an infraction for a first knowing violation and a class B misdemeanor for a second and subsequent knowing violation of this subsection.

SECTION 7. LEGISLATIVE INTENT - TIMELINE FOR DATABASE DEVELOPMENT. It is the intent of the legislative assembly that several counties will be included in an operational hunters access database by the fall hunting season of 2020, and the operational database will include all counties whose data meet the specifications of the hunters access database advisory group by September 1, 2022.

SECTION 8. LEGISLATIVE MANAGEMENT STUDY - ACCESS TO LANDS FOR HUNTING AND TRAPPING. During the 2019-20 interim, the legislative management shall consider studying access to public and private lands for hunting, trapping, and related issues. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly