

1999 HOUSE NATURAL RESOURCES

HB 1246

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1246

House Natural Resources Committee

Conference Committee

Hearing Date 1/21/99

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|-----------|
| 1 | x | | 47.0-60.0 |
| 1 | | x | 0 |
| Committee Clerk Signature <i>Kevin Zard</i> | | | |

Minutes:

SUMMARY OF THE BILL: A BILL for an Act to amend and reenact section 20.1-01-17 of the North Dakota Century Code, relating to posting of lands, to prohibit hunters.

Chairman Grosz opened the hearing on HB 1246 in the Pioneer Room. All committee members were present: Chairman Grosz, Vice-Chairman Henegar, Rep. Drovdal, Rep. Galvin, Rep. DeKrey, Rep. Nottestad, Rep. Nelson, Rep. Clark, Rep. Porter, Rep. Martinson, Rep. Hanson, Rep. Kelsh, Rep. Lundgren, Rep. Sandvig, Rep. Solberg.

Rep. Kempenich appeared in favor of HB 1246 and briefly summarized the bill.

Chairman Grosz asked about non-fenced areas.

Rep. Kempenich answered that signs would be posted in the corners of the non-fenced land, with the landowner's name, address, etc...

Rep. Lundgren asked how a person seeing a sign would be able to find an owner.

Rep. Kempenich answered that a hunter would have to find the entrance to the land and that the problem of finding the owner has been a problem and would continue to be a problem.

Rep. Clark asked about under HB 1246, whether when posting the land, if one post would have to be put in one corner.

Rep. Kempenich answered that land would have to be bordered with red paint and with the posts in the corner.

Rep. Clark raised the issue that there could be some confusion caused by the regulations HB 1246 would put into effect.

Rep. Porter raised the concern about the cumbersomeness of posting for landowners with fenced land, and the greater ease for landowners of fenceless land, when posting land.

Rep. Kempenich disagreed with Rep. Porter's comments.

Rep. Sandvig asked if one would have to post in each corner, or the boundaries of the section land.

Rep. Kempenich answered that one would only have to place signs in the entrances, and red-topped corners. He also commented that it would be the hunter's responsibility to find out who owned the land.

Rep Drovdal of District 39 testified in favor of HB 1246.

Paul Krerry of the Cass County Wildlife Club appeared, opposing HB 1246, commenting that the bill was ambiguous and caused more problems than it solved.

Rep. Porter asked if the Cass County Wildlife Club would be opposed if an amendment was put in that would put back in the 180 yards and a change in wording from at “an entrance,” to “at all entrances.”

Mr. Krerry answered that at this time he could not answer Rep. Porter's question, as he would have to speak with his association.

Rep. Solberg asked for clarification as to why the Cass County Wildlife Club would be opposed to section 16.

Mr. Krerry felt that the section was too ambiguous, as the landowner is not always a person.

Chairman Grosz corrected Mr. Krerry on a comment he made.

Mike Donahue of the North Dakota Wildlife Federation appeared in opposition to HB 1246, and commented that he felt that the current law was satisfactory.

Larry Knobic of the United Sportsman, North Dakota, Jamestown appeared in opposition of HB 1246, agreeing with other witnesses who appeared in opposition.

Roger Rasoff, Director of the North Dakota Game and Fish appeared in opposition, but not with the concept with what the bill was addressing, but with the specifics of the bill, as he felt that the bill did not address the concept.

Mike Brand, Director of Service Management for the State Land Department appeared in neutrality on HB 1246, but he raised some concerns with posting of land, to unposted land, in adjacent territory, such as a shared fence situation.

Rep Hanson questioned Rep. Kempenich on the issue of colorblindness and the color of the paint that would be used in posting, and if Rep. Kempenich would be opposed to an amendment that would require the no-hunting sign to carry the name, address, and the date that the sign is put up, and that the sign would only be in affect for one year.

Rep. Kempenich answered that he would be in opposition to an amendment similar to what Rep. Hanson raised.

Rep. Hanson raised the fact that some signs are up in areas where ownership has changed, or other situations, where the land might be able to be hunted, but because there was a sign posted, no one could hunt it.

Chairman Grosz closed the hearing on HB 1246, with no action being take on this day.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1246

House Natural Resources Committee

Conference Committee

Hearing Date January 28, 1999

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 2 | | X | 26.3 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Robin L. Armael</i> | | | |

Minutes: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 20.1-01-07 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO POSTING OF LANDS TO PROHIBIT HUNTING.

REPRESENTATIVE DROVDAL: Submits amendments. Adds wording on distance and also requires signs on all vehicle entrances to posted land. The Game and Fish has asked that we add an "and/or" wording.

ROGER ROSTADT: There is confusion when laws and regulations change from session to session. The "and/or" would help to clarify some of those issues

REPRESENTATIVE PORTER: We thought it was ambiguous to have one sign up, and we wanted to cover all entrances. The other thing is that even though this does increase the work for the landowner the first year, by giving the option of the orange posts, they can still put a sign up.

REPRESENTATIVE GROSZ: It seems more confusing to use the orange post and/or the sign.

REPRESENTATIVE PORTER: The idea is if you have a quarter or section of land, the rancher doesn't have to around every year every 800 yards and put up a sign. We hope it will help relations a little bit. It is a lot easier for a hunter to spot an orange post a half mile away, verses a sign. The amendment makes the bill what we originally wanted to present.

REPRESENTATIVE DROVDAL: Moves the amendment

REPRESENTATIVE NELSON: Seconds the motion

Roll Call: Motion carries by majority Yeas

REPRESENTATIVE MARTINSON: Moves for Do Not Pass for HB 1246 as amended.

REPRESENTATIVE HANSON: Seconds the motion.

REPRESENTATIVE MARTINSON: I move for a do not pass because if this was clear and would help the frustration of hunters and landowners, I would be in favor of it. But listening to discussion here and the testimony, I think there is enough confusion here where we can discuss it - compared to hunters who are not exposed to this discussion.

REPRESENTATIVE SANDVIG: Do they have to put the steel posts up or can they just sign them.

REPRESENTATIVE DROVDAL: Under current law, they have to put the sign up. If this passes as amended now they could put a post up. Roger wanted to amend with an either/or statement. If you didn't put up the red sign next fall, even if you had it legally posted under current law, it wouldn't be legal if it didn't have the corners painted orange, so it would be in violation.

REPRESENTATIVE SANDVIG: I just have a little concern about the farmers and ranchers who have to buy a whole bunch of posts to put on their land.

REPRESENTATIVE DROVDAL: If the landowner wants to put up a sign, he has to have something there to put it on anyway, which would be a post. They probably already have the post there.

REPRESENTATIVE GALVIN: If I had a can of that orange paint, I could lay out my own area, couldn't I?

REPRESENTATIVE GROSZ: You could, but it wouldn't be legal. You still have to put a sign up by the entrance.

Roll Call:

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1246

Page 1, line 8, remove the overstrike over "~~signs~~" and remove "a sign"

Page 1, line 10, remove the overstrike over "~~each~~", remove "the", remove the overstrike over "~~signs~~", remove "sign", and overstrike "the"

Page 1, line 11, overstrike "of", overstrike "and" and insert immediately thereafter ". Signs or markings", after "~~than~~" insert "at least", and remove the overstrike over "~~eight hundred eighty yards~~"

Page 1, line 12, remove the overstrike over "~~[804.68 meters] apart~~" and insert immediately thereafter ", or at the corners of the land, whichever is closer. Signs must be placed", and after "land" insert "and at all vehicular entrances to the land"

Page 1, line 13, remove the overstrike over "~~signs~~", remove "a sign", remove the overstrike over "~~or on all~~" and insert immediately thereafter "vehicular entrances" and remove "the"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "post," and after "~~No~~" insert "For purposes of this section, "markings" means fenceposts marked with not less than fifty square inches [322.58 square centimeters] of fluorescent orange paint or, if metal fenceposts are used, covering the entire post."

Renumber accordingly

Date: 1
 Roll Call Vote #: 1/28/99

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on 1246
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS AS AMENDED

Motion Made By Martinson Seconded By Hanson

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-----------------|-----|----|
| Chairman Mick Grosz | | X | | | |
| Vice-Chairman Dale Henegar | X | | | | |
| Representative David Drovdal | | X | | | |
| Representative Pat Galvin | X | | | | |
| Representative Duane DeKrey | | X | | | |
| Rep. Darrell D. Nottestad | X | | | | |
| Representative Jon O. Nelson | X | | | | |
| Representative Byron Clark | | | | | |
| Representative Todd Porter | X | | | | |
| Representative Jon Martinson | X | | | | |
| Representative Lyle Hanson | X | | | | |
| Representative Scot Kelsh | X | | | | |
| Representative Deb Lundgren | X | | | | |
| Representative Sally M. Sandvig | X | | | | |
| Representative Dorvan Solberg | | | | | |

Total (Yes) 10 No 3

Absent 2

Floor Assignment Hanson

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

"4."

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1223: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1223 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "immediate family members" with "a person, that person's spouse, and their children"

Page 1, line 15, replace "on" with "within a twenty-five-mile [40.23-kilometer] radius of the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1246: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1246 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~signs~~" and remove "a sign"

Page 1, line 10, remove the overstrike over "~~each~~", remove "the", remove the overstrike over "~~signs~~", remove "sign", and overstrike "the"

Page 1, line 11, overstrike "of", overstrike "and" and insert immediately thereafter ". Signs or markings", after "~~than~~" insert "at least", and remove the overstrike over "~~eight hundred eighty yards~~"

Page 1, line 12, remove the overstrike over "~~[804.68 meters] apart~~" and insert immediately thereafter ", or at the corners of the land, whichever is closer. Signs must be placed" and after "land" insert "and at all vehicular entrances to the land"

Page 1, line 13, remove the overstrike over "~~signs~~", remove "a sign", remove the overstrike over "~~or on all~~", and replace "the" with "vehicular entrances"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "post," and after "~~No~~" insert "For purposes of this section, "markings" means fenceposts marked with not less than fifty square inches [322.58 square centimeters] of fluorescent orange paint or, if metal fenceposts are used, covering the entire post."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1250: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1312: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (13 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1312 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1323: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1323 was placed on the Eleventh order on the calendar.