

1999 HOUSE NATURAL RESOURCES

HCR 3018

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3018

House Natural Resources Committee

Conference Committee

Hearing Date 2/05/99

Tape Number	Side A	Side B	Meter #
1	x		11.8 - 25.9
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. BELTER introduces the resolution and also hands out an amendment. SEE AMENDMENT.

REP. DROVDAL asks if this interferes with the land owners rights to post his own land? REP. BELTER replies that no it does not.

PAUL CRARY is with the CASS COUNTY WILDLIFE CLUB. He is also in support of this bill. CRARY introduces the amendment that REP. BELTER has brought to the committee.

CRARY urges a do pass on this legislation.

RUSSELL JOHNSON is with the CASS COUNTY WILDLIFE CLUB. He also is in favor of this resolution.

BONNIE WOODWORTH from the ND FUR TAKERS ASSOC., comments that she hopes this legislation protects them a little bit. She urges a yes vote.

Page 2

House Natural Resources Committee

Bill/Resolution Number 3018.lwp

Hearing Date 2/05/99

REP. GALVIN states that he appreciated WOODWORTH'S help and input in a recent bill that he carried on the floor.

MIKE DONAHUE with the ND WILDLIFE FEDERATION just states that he is in favor of this resolution.

DEAN HILDEBRAND with the ND GAME & FISH DEPT. is also in favor of his legislation.

He urges a do pass.

REP. HANSON moves to ACCEPT THE AMENDMENTS. Seconded by REP. DEKREY. A voice vote was taken with the vote resulting in 13 YES, 0 NO, 2 ABSENT.

REP. HANSON makes a motion for a DO PASS AS AMENDED, seconded by REP. DEKREY.

The roll call was taken with 13 YES, 0 NO, 2 ABSENT. REP. NOTTESTAD is the CARRIER.

93050.0101
Title.0200

Prepared by the Legislative Council staff for
Representative Belter
February 4, 1999

VR
2/5/99

HOUSE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3018 **2/5/99NAT.RES**

Page 1, line 2, after "hunt" insert ", trap,"

Page 1, line 4, after "hunt" insert ", trap,"

Page 1, line 13, after "Hunting" insert ", trapping,"

Renumber accordingly

Date: 2.5.99

Roll Call Vote #: 1

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

House House Natural Resources Committee

- Subcommittee on _____
- or
- Conference Committee

Legislative Council Amendment Number _____

Action Taken accept the amends

Motion Made By Hanson Seconded By DeKrey

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

Total (Yes) 13 No 0

Absent 2

Floor Assignment _____

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

Date: 2.5.99
Roll Call Vote #: 2

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

House House Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Hanson Seconded By DeKrey

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

Total (Yes) 13 No 0

Absent 2

Floor Assignment Nottestad

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

REPORT OF STANDING COMMITTEE

HCR 3018: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3018 was placed on the Sixth order on the calendar.

Page 1, line 2, after "hunt" insert ", trap,"

Page 1, line 4, after "hunt" insert ", trap,"

Page 1, line 13, after "Hunting" insert ", trapping,"

Renumber accordingly

1999 SENATE NATURAL RESOURCES

HCR 3018

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3018

Senate Natural Resources Committee

Conference Committee

Hearing Date March 11, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-2660
1	x		915-1225
03/18/99	1	x	455-900
03/25/99	1	x	1140-4000
03/25/99	1	x	0-740
03/29/99	1	x	0-885
03/31/99	x		0-740
Committee Clerk Signature <i>Sybil A. Zagen</i>			

Minutes:

SENATOR FISCHER opened the hearing on HCR3018: A CONCURRENT RESOLUTION TO CREATE AND ENACT A NEW SECTION TO ARTICLE I OF THE CONSTITUTION OF NORTH DAKOTA, RELATING TO THE RIGHT TO HUNT AND FISH.

REP. BELTER introduced the bill at the request of a wildlife group interested in preserving the right to hunt, fish and trap in ND. There are cases throughout the nation where various groups are making movements to take away these rights, so ND needs to be on the forefront.

SENATOR REDLIN asked who is threatening this.

REP. BELTER replied ND has not been challenged but because other states have been challenged, this is a preemptive measure which the people want to take in the event this could happen.

SENATOR REDLIN asked are you referring to people who sell privileges to hunt and would that take it away

REP. BELTER replied no it would be animal rights groups, humane society and anti-hunting groups who could start an initiative measure.

SENATOR HEITKAMP asked would an initiated measure stop animal rights groups.

REP. BELTER replied we have an opportunity for the people in ND to through their vote express their feelings on what they want preserved in the constitution, and it doesn't mean this could not be challenged.

SENATOR REDLIN asked are you concerned about bills that constantly show up that say the land is automatically closed unless you get permission. Would this bill help with the argument to quell that approach.

REP. BELTER replied this bill is not meant to be in conflict with property rights. Landowners should have their property rights and the passage of this resolution should not infringe upon the property rights of the landowners.

REP. CARLSON stated this bill preserves the heritage of hunting, fishing and trapping for years to come, and it is about sound wildlife management and enforcement of ethical hunting behavior.

A DO PASS was urged.

SENATOR HEITKAMP asked if this bill was drafted similar to other states and have other states' measures stood up to the tests in the courts.

REP. CARLSON yes and most of them have stood to the challenges and most are fairly new.

SENATOR CHRISTMANN asked the words "by law and regulation", do you find these words important.

REP. CARLSON replied they are crucial words because they relate to what is on the books.

PAUL CRARY, Cass County Wildlife Club testified in support of HCR3018.

SENATOR HEITKAMP asked are you opening up a fight over something that you are not being denied rights to now.

PAUL CRARY replied no, but if we don't speak to this issue while in ND we can still have these privileges and rights, we may be too late later on if we don't do this now.

DEAN HILDEBRAND, ND Game and Fish Dept. testified in support of HCR3018 and urged a DO PASS. (See attached testimony).

MIKE DONAHUE, ND Wildlife Federation testified in support of HCR3018 and recommended a DO PASS.

SENATOR FISCHER closed the hearing on HCR3018.

COMMITTEE DISCUSSION: March 12, 1999, Tape 1, Side A, Meter# 915-1225: Senator Traynor will provide the committee with a memo prepared by the Attorney General which will be discussed at a later date.

COMMITTEE DISCUSSION: March 18, 1999, Tape 1, Side B, Meter# 455-900: Senator Traynor distributed material to the committee to consider. Action was deferred until a later date.

COMMITTEE DISCUSSION: March 25, 1999, Tape 1, Side A, Meter# 1140-4000 and Tape 1, Side B, Meter 0-740: Senator Traynor opened the discussion. SENATOR

CHRISTMANN stated if we want to assure ourselves of a fight, pass it without the word

trapping in the amendments and then there will be a fight as there is a struggle to let the courts decide whether trapping is included in the taking of game. If we want to avoid a fight and protect the tradition of trapping, let's include it in there a make it known. Why the house specifically added trapping was with all the different types of taking of game, you will find animal rights groups who are opposed to any types of taking of game and fish, and I think trapping is the first in the pecking order and the easiest to criticize.

SENATOR TRAYNOR stated we need to consider amendments: On line 2, whether there should be another word besides "right", along with Senator Redlin's suggestion whether there should be something about the "protection of the resource": Under the Statement of Intent, perhaps as suggested by the Attorney General, that assures us that the authority is maintained in the Legislative area and in the department to manage the resource: and if the committee feels that "trapping" should be removed, we can discuss that, but I don't think we need an amendment for trapping. With this resolution, we want to have the best product we can when it comes out of here and the one that will serve the purpose of giving us protection against those that want to attack the hunters and fisherman for taking game and fish. Senator Traynor closed the hearing and discussion will be held at a later date.

COMMITTEE DISCUSSION: March 29, 1999, Tape 1, Side A, Meter# 0-885: SENATOR

TRAYNOR opened the committee discussion to HCR3018. Three proposed amendments were prepared by the Legislative Council staff which were discussed. (See attached amendments) Senator Heitkamp stated we get this into the article of the constitution that we want it, if they want it to be there, and we make sure that the legislative branch is the one looking at making the rules in regards to it. It does what we were talking about. Senator Heitkamp moved to adopt

amendments 93050.0202 and 93050.0203, seconded by Senator Fischer. Senator Traynor stated Article I is the Declaration of Rights and Article XI is entitled General Provisions so we would move it into the General Provisions. If it is in with the rights, that might give the judiciary more authority than we would really want to give them to regulate the money sufficiently. This was recommended by the Ass't. Attorney General to the Game and Fish Dept. and the director of Game and Fish likes the idea of moving it to the General Provisions.

93050.0202: Roll was called on the motion to adopt amendment 93050.0202 with 4 YEAS, 1 NAY, 1 Absent and not voting.

Senator Heitkamp asked do we need amendment 93050.0203, because the meaning is the same as 93050.0202. Senator Heitkamp withdrew his motion to adopt amendment 93050.0203, along with Senator Fischer for his second to the motion. Senator Traynor closed the meeting and deferred action until a later date and time.

COMMITTEE ACTION: March 31, 1999, Tape 1, Side A, Meter# 0-740: Senator Traynor opened the committee hearing on HCR3018. Roll call indicated all committee members present. The March 29 committee discussion included a MOTION TO ADOPT AMENDMENT 93050.0202. Senator Traynor provided the committee with Minnesota amendments which were adopted by the Minnesota Legislature and approved by the people which does not include trapping. (See attached) SENATOR CHRISTMANN moved for a DO PASS AS AMENDED, seconded by SENATOR FISCHER. Roll call vote indicated 6 YEAS, 0 NAYS, 0 Absent and not voting. SENATOR TRAYNOR volunteered to carry the bill.

93050.0201
Title.

Prepared by the Legislative Council staff for
Senator Traynor
March 29, 1999

PROPOSED AMENDMENTS TO ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3018

Page 1, line 2, remove ", trap,"

Page 1, line 4, remove ", trap,"

Page 1, line 13, remove ", trapping,"

Renumber accordingly

March 29, 1999

PROPOSED AMENDMENTS TO ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3018

Page 1, line 2, replace "the right to hunt, trap, and fish" with "hunting, trapping, and fishing as a valued part of residents' heritage"

Page 1, line 4, replace "protect the right to hunt, trap, and fish" with "provide that hunting, trapping, and fishing are a valued part of residents' heritage and will be preserved and managed by law and regulation for the public good"

Re-number accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3018

Page 1, line 1, replace "I" with "XI"

Page 1, line 2, replace "the right to hunt, trap, and fish" with "hunting, trapping, and fishing"

Page 1, line 4, replace "protect the right to hunt, trap, and fish" with "provide that hunting, trapping, and fishing are a valued part of residents' heritage and will be preserved for the people and managed by law and regulation for the public good"

Page 1, line 7, replace "I" with "XI"

Page 1, line 11, replace "I" with "XI"

Renumber accordingly

Roll Call Vote #: /

Date: 3-29-99

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken MOTION TO ADOPT AMENDMENT 93050.0202

Motion Made By Heitkamp Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann		✓			
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin					

Total (Yes) 4 No 1

Absent 1

Floor Assignment _____

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

Date: 3-31-99

Roll Call Vote #: /

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3018

Senate Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AS AMENDED 93050.0202

Motion Made By Christmann Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann	✓				
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Traynor

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

REPORT OF STANDING COMMITTEE

HCR 3018, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3018 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "I" with "XI"

Page 1, line 2, replace "the right to hunt, trap, and fish" with "hunting, trapping, and fishing"

Page 1, line 4, replace "protect the right to hunt, trap, and fish" with "provide that hunting, trapping, and fishing are a valued part of residents' heritage and will be preserved for the people and managed by law and regulation for the public good"

Page 1, line 7, replace "I" with "XI"

Page 1, line 11, replace "I" with "XI"

Renumber accordingly

1999 TESTIMONY

HCR 3018

04/08/98

[REVISOR] CKN/CM CCRSF0041B

This conference committee report was drafted and approved by the Revisor's Office

Date _____

1 CONFERENCE COMMITTEE REPORT ON S.F. NO. 41

2 A bill for an act

3 proposing an amendment to the Minnesota Constitution,
4 article 1, by adding a section; affirming the right of
5 citizens to hunt or take game and fish.

6 April 8, 1998

7 The Honorable Allan H. Spear
8 President of the Senate
9

10 The Honorable Phil Carruthers
11 Speaker of the House of Representatives
12

13 We, the undersigned conferees for S.F. No. 41, report that
14 we have agreed upon the items in dispute and recommend as
15 follows:

16
17 That the House recede from its amendments and that S.F. No.
18 41 be further amended as follows:

19 Delete everything after the enacting clause and insert:

20 "Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

21 An amendment to the Minnesota Constitution, article XIII,
22 by adding a section, is proposed to the people. If the
23 amendment is adopted, the section will read as follows:

24 Sec. 12. Hunting and fishing and the taking of game and
25 fish are a valued part of our heritage that shall be forever
26 preserved for the people and shall be managed by law and
27 regulation for the public good.

28 Sec. 2. [SUBMISSION TO VOTERS.]

NORTH DAKOTA GAME AND FISH TESTIMONY
HCR NO. 3018
SENATE NATURAL RESOURCE COMMITTEE
FEBRUARY 11, 1999

The North Dakota Game and Fish Department supports HCR 3018. Nearly every family in North Dakota has at least one member who has engaged in hunting, fishing, or trapping or has benefited by these activities. These activities are part of our past, present, and hopefully our future heritage.

The earliest explorers and non native occupants of the area which is now North Dakota were not drawn to this area out of wander lust, the search for valuable minerals, or even agricultural pursuits. They were drawn here by the areas rich fur resources. In fact trapping and the fur trade were this states first industry. Hunting, fishing, and trapping have evolved from an unregulated and in numerous instances, an exploitative use of a natural resource, to it present form of regulated recreation and utilization of a renewable natural resource. Hunting, fishing and trapping related activities continue to be an important part of this states heritage and economy.

The Constitutional amendment proposed in HCR 3018 seeks to preserve and protect that heritage for future generations. The Department believes that as this amendment is written, it also intends to preserve the heritage of sound wildlife management through regulation; the enforcement of ethical sporting behavior; and the regulated and managed consumptive use of a renewable natural resource. There is a small minority of individuals who continue to advocate "Animal Rights", maybe it's time to advocate "Human Rights" for our culture and heritage. With these facts in mind, we urge a **DO PASS** on HCR 3018.