

1999 SENATE NATURAL RESOURCES
SB 2350

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2350

Senate Natural Resources Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-1835
2		x	1570-2880
1	x		1725-2095
1	x		3320-3700
1	x		4785-6209
1		x	0-1300
Committee Clerk Signature <i>Sylvia A. Zagen</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on SB2350: A BILL FOR AN ACT TO AMEND AND REENACT SUBSECTION 14 OF SECTION 20.1-01-02 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO GUIDES AND OUTFITTERS.

SENATOR GRINDBERG testified in support of SB2350.

JAMES NAGEL, Lobbyist for ND Guides and Outfitters Ass'n., testified in favor of SB2350 and asked for a DO PASS. The association believes this bill is a clarification of the existing code listed on the bill. Our point is that some of the definitions in the codes of Guide and Outfitters, people are doing some of these same things already so we need clarification for association.

SENATOR CHRISTMANN asked if the idea behind this is to require the Guides and Outfitters to make sure that their clients have access to land or to make sure that people who are not Guides and Outfitters cannot charge to provide someone access to their land.

JAMES NAGEL replied the intent is to have an even playing field. If you are going to be in business for hire, the existing code explains some of the things the fee operators are doing are the same as Guides and Outfitters. If this is the case, the fee operators need to be licensed the same as Guides and Outfitters.

SENATOR TRAYNOR asked what is the procedure to become a licensed guide.

JAMES NAGEL stated the procedure is to purchase a license from Game and Fish Dept. for hunting. In the fishing end there are federal rules that come into play and that would be a Coast Guard license.

SENATOR CHRISTMANN asked the cost of the license.

JAMES NAGEL stated a hunting license is \$100, a fishing license is \$100, and a license to do both is \$150.

PAT CANDRIAN, Manager of Cannonball Co., testified in favor of SB2250. In doing a survey, it was discovered that 2/3 of the people that are charging for access to their land are not buying a license. This bill will give an even playing field.

SENATOR HEITKAMP asked if the fee to be an outfitter would just be paid by the Cannonball Co. or yourself.

PAT CANDRIAN replied the Cannonball Co. operates by buying 8 outfitters licenses per year, which includes 7 guides and the manager. Candrian charges the clientele to come in and hunt, and provides lodging.

SENATOR HEITKAMP asked by providing access to land, are you opening yourself up to that.

PAT CANDRIAN stated landowners do not get paid by people we put on land. The landowner does not charge the clientele, the outfitter charges the clientele.

SENATOR REDLIN asked if someone would be precluded from charging money to hunters as a landowner, unless that person buys a guide license.

PAT CANDRIAN replied yes. If you charge people to hunt on your land, you are in essence an outfitter and need to purchase a license.

SENATOR HEITKAMP asked if someone puts their land in the Cannonball Co., are they providing access to land. How could the landowner not be considered to have to purchase an outfitters license.

PAT CANDRIAN stated if land is put into Cannonball Co., the landowner is not physically having contact with the clientele, Cannonball Co. is doing that as an outfitter.

SENATOR TRAYNOR asked who posts the land.

PAT CANDRIAN stated the landowner in the Cannonball Co. has control of his property. We encourage landowners to keep their land open to 20% hunting. If they close their land off to hunters, and birds are not harvested off of their land, they do not get paid. The landowner is paid according to the number of birds harvested. The acreage and amount of land that they enroll in Cannonball Co. does not matter, it is the kind of habitat they have and the kind of game and amount of wildlife that is taken off that land that determines how much compensation the landowner receives.

SENATOR TRAYNOR asked if the bill passes, and the landowner is compensated, wouldn't that landowner have to be a guide.

PAT CANDRIAN replied that because the landowner is not charging taxes for people being on his land. Cannonball Co. is paying the landowner for game harvested on his land.

SENATOR TRAYNOR asked how where information was found that 2/3 of the people are charging.

PAT CANDRIAN replied that the people in his area that are doing this accounted for the 2/3.

NANCY DIETZ, Cass Co. Wildlife Club, testified in opposition to SB2350.

MIKE DONAHUE, a resident of Bismarck, testified in opposition to SB2350.

PAUL SCHADEWALD, ND Game and Fish Dept., stated the fiscal note for SB2350 is difficult to predict because there will be additional licenses sold if this bill is passed. The Attorney General clarified for us that landowners who just charge for access to their own property do not need a guide license.

SENATOR TRAYNOR asked how many people this would affect.

PAUL SCHADEWALD replied no, but assumes there are several hundred.

SENATOR TRAYNOR closed the hearing on SB2350.

SENATOR TRAYNOR opened the hearing on SB2350-January 28, 1999-(Tape 2, Side B-Meter #1570-2880)

REP. MEYER testified there are people charging to guide and they are not being required to buy a guide's license. The recommendation for guides and outfitters in the State of Montana looks like a more reasonable compromise between guide and outfitters and the actual landowner. Rep. Meyer also stated being neutral on SB2350. There has to be clarification on this bill by an amendment relative to the requirements in Montana, and offered to present the amendment to the

committee. There needs to be something addressed on behalf of the concerns of the landowners.

SENATOR TRAYNOR asked what is the thrust of this amendment.

REP. MEYER stated it is more clear. The guide and outfitters in ND is a new and upcoming business that many people are going into it to save their farms and ranches because of the poor agricultural economy. This is an opportunity to obtain some cash flow. Some guides do not own land or any other kind of property, but they offer, for a fee, to take hunters onto land to aid them in the hunt. When ranchers and farmers landowners begin charging for guide and outfitting services, they lump 2 kinds of people in there, and they do not have to pay the guide fee, but guide and outfitters do. Being guides and landowners we feel the language in the code does not relate to us in that category.

SENATOR HEITKAMP asked if we should kill both bills.

REP. MEYER replied as being in agreement. After receiving calls on the access to land, they are saying you cannot as a guide and outfitter tell us what we can do on our own personal property.

SENATOR TRAYNOR asked Rep. Meyer to provide a copy of the amendment regarding Montana law for review by the committee, and closed the hearing on SB2350.

COMMITTEE DISCUSSION, January 29, 1999-Tape 1, Meter# 1725-2095

SENATOR TRAYNOR stated Rep. Meyer submitted the Montana law amendment.

SENATOR HEITKAMP stated the guide and outfitters are trying to create an industry all of their own when people are trying to make ends meet, and maybe if this can help them, that is fine and they are not providing guide service by giving someone access to land even though they may charge something for it. Once they open this up to themselves, they get more problems than what they think. The Cannonball Co. is doing everything based upon an old Attorney General's

opinion that now you give access to land. There is a need for a new opinion in relation to how that affects people who give access to their land with Cannonball Co. This is a bad bill and I can't support it.

SENATOR CHRISTMANN states this almost takes your land away from you for anything but agricultural purposes.

SENATOR REDLIN shared the same views as Senator Christmann.

SENATOR HEITKAMP moved for a DO NOT PASS, seconded by SENATOR FREBORG.

SENATOR HEITKAMP volunteered to carry the bill.

COMMITTEE DISCUSSION, January 29, 1999-Tape 1, Meter# 3320-3700

SENATOR FREBORG moved to reconsider the committee's actions on SB2350 and consider the Montana language.

A voice vote included 6 YEAS, 0 NAYS, 0 ABSENT OR NOT VOTING. Motion was carried.

SENATOR TRAYNOR suggested appointing a subcommittee of himself and SENATOR FREBORG to discuss this with Legislative Council. It is unclear if a guide and outfitter is one in the same.

SENATOR TRAYNOR suggested a hearing be set for this so the public is advised.

SENATOR HEITKAMP suggested holding SB2351 until SB2350 is dealt with.

SENATOR FREBORG referred to the Montana law regarding "professional" guides. If the people in this business want all the requirements they have included in the bill, we can give that to them, and then define a guide. A farmer could be a guide, but not a professional one.

COMMITTEE ACTION-February 5, 1999-(Tape 1, Side A-Meter #4785-6209 and (Tape 1,

Side B-Meter #0-1300. A discussion was held on Jim Nagel's submitted proposal. The

Page 7

Senate Natural Resources Committee

Bill/Resolution Number Sb 2350

Hearing Date January 28, 1999

committee agreed on specific amendments to SB2350, and also agreed to incorporate the language from SB2351 into SB2350 and leave SB2351 as a DO NOT PASS Following the discussion, SENATOR HEITKAMP moved for a MOTION TO AMEND, seconded by SENATOR FISCHER. Vote indicated 6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING. A motion for DO PASS AS AMENDED was made by SENATOR HEITKAMP, seconded by SENATOR FREBORG. Roll call vote indicated 6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING. SENATOR TRAYNOR volunteered to carry the bill.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: _____ Amendment to: SB 2350

Requested by Legislative Council _____ Date of Request: 2-9-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	(\$2,000)	0	(\$2,000)
Expenditures:	0	0	0	0	0	0

- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1997-99 biennium: 0
- For the 1999-2001 biennium: 0
- For the 2001-03 biennium: 0

- County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed *Paul T. Schadewald*

Typed Name Paul T. Schadewald

Department Game and Fish

Phone Number 328-6328

Date Prepared: February 9, 1999

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2350 Amendment to: _____

Requested by Legislative Council Date of Request: 1-20-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

About \$5,000 per year in additional revenue would be received from the sale of hunting guide licenses.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	\$10,000	0	\$10,000
Expenditures:	0	0	0	0	0	0

What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: None
- b. For the 1999-2001 biennium: None
- c. For the 2001-03 biennium: None

4. **County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed *Paul T. Schadewald*

Typed Name Paul T. Schadewald

Department Game and Fish Department

Phone Number 328-6305

Date Prepared: 1/21/99

4 **Section 1. Amendment.** Subsection 14 of section 20.1-01-02 of the 1997

5 Supplement to the NDCC is amended and reenacted as follows:

6 14. “Guide or “outfitter” means any resident who ~~holds that person out to the~~
7 ~~public as a guide or outfitter, and who provides, for compensation, transportation,~~
8 ~~equipment, arrangement of lodging, or that person’s own or~~
9 ~~another’s personal services for the primary purpose of assisting a person or~~
10 ~~persons to locate or catch fish or to locate, pursue, or hunt small game, big game,~~
11 ~~or fur-bearers. for consideration provides a saddle or pack animal; facilities; camping~~
12 ~~equipment; vehicle, vessel, or other conveyance; or personal service for a person to hunt,~~
13 ~~trap, catch, take, kill, or pursue any game, including fish, and who accompanies that~~
14 ~~person, either part or all of the way on an expedition for any of these purposes. A person~~
15 ~~providing services on real property that the person owns or leases for the primary pursuit~~
16 ~~of bona fide agricultural interests, is not a guide or outfitter.~~ Nonresidents are not entitled
17 to act as guides or outfitters in this state.

Section 2.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for guides or outfitters; and to"

Page 1, line 6, overstrike "holds that person out to the public as"

Page 1, overstrike line 7

Page 1, line 8, overstrike "equipment, arrangement of lodging,", remove "access to land.", and overstrike "or that person's own or"

Page 1, overstrike lines 9 and 10

Page 1, line 11, overstrike "or fur-bearers" and insert immediately thereafter "for consideration provides a saddle or pack animal; facilities; camping equipment; vehicle, vessel, or other conveyance; or personal service for a person to hunt, trap, catch, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way on an expedition for any of these purposes. A person who only provides access to real property is not a guide or outfitter"

Page 1, after line 12, insert:

"SECTION 2. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Guides and outfitters - Requirements. An individual may not be issued a license to guide without first providing the director:

1. Proof that the individual is covered by general liability insurance against loss or expense due to accident or injury from guiding or outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per incident;
2. Proof that the individual is currently certified in adult cardiopulmonary resuscitation or its equivalent; and
3. Proof that the individual is currently certified in standard first aid or its equivalent."

Re-number accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for guides or outfitters; and to"

Page 1, line 6, overstrike "holds that person out to the public as"

Page 1, overstrike line 7

Page 1, line 8, overstrike "equipment, arrangement of lodging," , remove "access to land.", and overstrike "or that person's own or"

Page 1, overstrike lines 9 and 10

Page 1, line 11, overstrike "or fur-bearers" and insert immediately thereafter "for consideration provides a saddle or pack animal; facilities; camping equipment; vehicle, vessel, or other conveyance; or personal service for a person to hunt, trap, catch, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way on an expedition for any of these purposes. A person providing services on real property that the person owns or leases for the primary pursuit of bona fide agricultural interests, is not a guide or outfitter"

Page 1, after line 12, insert:

"**SECTION 2.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Guides and outfitters - Requirements. An individual may not be issued a license to guide without first providing the director:

1. Proof that the individual is covered by general liability insurance against loss or expense due to accident or injury from guiding or outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per incident;
2. Proof that the individual is currently certified in adult cardiopulmonary resuscitation or its equivalent; and
3. Proof that the individual is currently certified in standard first aid or its equivalent."

Renumber accordingly

Roll Call Vote #: / Date: 2-5-99

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

Senate Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number SB 2350

Action Taken Motion to Amend

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) 6 No 0

Absent 0

Floor Assignment _____

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

Roll Call Vote #: 2 Date: 2-5-99

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

Senate Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number SB2350

Action Taken DO PASS AS AMENDED

Motion Made By Heitkamp Seconded By Freborg

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 Sen. Traynor

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

REPORT OF STANDING COMMITTEE

SB 2350: 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). SB 2350 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for guides or outfitters; and to"

Page 1, line 6, overstrike "holds that person out to the public as"

Page 1, overstrike line 7

Page 1, line 8, overstrike "equipment, arrangement of lodging," remove "access to land," and overstrike "or that person's own or"

Page 1, overstrike lines 9 and 10

Page 1, line 11, overstrike "or fur-bearers" and insert immediately thereafter "for consideration provides a saddle or pack animal; facilities; camping equipment; vehicle, vessel, or other conveyance; or personal service for a person to hunt, trap, catch, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way on an expedition for any of these purposes. A person providing services on real property that the person owns or leases for the primary pursuit of bona fide agricultural interests is not a guide or outfitter"

Page 1, after line 12, insert:

"SECTION 2. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Guides and outfitters - Requirements. An individual may not be issued a license to guide without first providing the director:

1. Proof that the individual is covered by general liability insurance against loss or expense due to accident or injury from guiding or outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per incident;
2. Proof that the individual is currently certified in adult cardiopulmonary resuscitation or its equivalent; and
3. Proof that the individual is currently certified in standard first aid or its equivalent."

Renumber accordingly

1999 HOUSE NATURAL RESOURCES

SB 2350

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2350

House Natural Resources Committee

Conference Committee

Hearing Date 3/4/99

Tape Number	Side A	Side B	Meter #
1		x	33.7-end
2	x		0.0-22.9
		x	0.0-16.4
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes: REP. MEYER introduces the bill. MEYER talks about being charged, because of not having a guide license. This is why she would like some type of legislation passed to protect the rights of landowners.

REP. GROSZ asks about a person providing access to land and the primary pursuit of bona fide agriculture interests. Why does it have to be for bona fide agriculture? And what are bona fide agriculture interests? MEYER replies because the Montana people that she has visited with, because it is such prime hunting country, people were buying prime real estate for the soul purpose of hunting and that's why it had to be bona fide agriculture or agricultural interests. They were trying to get around that provision of relating to the code, regulating guides and outfitters. They were purchasing properties and they were saying I'm farming and ranching on this property and they weren't. They were buying and purchasing the property for hunting and trying to get around the provisions of the guide and outfitters requirements in the statute. GROSZ

replies that's Montana, but what's a bona fide agricultural interest? What do they let a couple cattle run on it, do they rent it. It's property rights, why do we have to say if you're a farmer you can do this. Then we have to come up with a definition of what a bona fide agriculture interest is. That's a problem that I would see. MEYER replies that it is a difficult thing with the competition of these two bills trying to keep the hunters, guides and outfitters all happy. I don't know, I believe in that, they were running into problems with people purchasing properties trying to get around the guide and outfitters exemption. So if you wanted an amendment that wouldn't matter to me.

REP. HANSON asks about line 17 & 18, you are exempt from lines 5,6,& 7 on the next page, you don't have to worry about the CPR and the health of a person or first aid because you were guiding on your own land. MEYER replies that is correct.

REP. DROVDAL asks about line 16-19, if a person guides on his own land or leases from his neighbors, or from national grazing land, they would also be exempt. MEYER replies that is correct. DROVDAL asks about the agreements the cattle industry and association have with the national park service would mean that land would actually leased by the individual farmers, and they would be exempt from that. MEYER replies yes, they have agreed to that.

REP. PORTER asks would the provision in line 16, 17 & 18, do you see this as an unfair competition between the guide that has no land but just has the leasing rights to land for hunting purposes only in compare to the person who farms the land but also runs a separate corporation that does hunting and fishing outfitting. MEYER replies that were trying to get around the provision and in the old law, it was causing a great deal of problems for our farmers and ranchers that were saying were broke. We no longer want a fifth of whiskey, give us a hundred dollars

instead, and we'll pay our light bill. It could be an unfair advantage. I don't know. I tend to fall on the side of the land owner, simply because I feel like they should have rights to do as they wish on their property. I do believe the guides and outfitters are supporting this at the time.

REP. HANSON asks what's the procedure when you guide on federal land do you have to have the exclusive rights on that land or can any outfitter or guide go on there, and do you have to pay a fee to the federal government? MEYER replies that there are guides and outfitters that are here that are more qualified to answer that. I have not been in that situation.

SUPPORT

SEN. GRINDBERG talks in general about guides and outfitters,

REP. PORTER asks is there any reason why you were creating an unfair competitive advantage to someone who owned land for agriculture purposes but was also operating a separate or second business as a guide and outfitter in comparison to the person that wasn't a guide or outfitter and leased someone's land just for the purpose of hunting? GRINDBERG states that he doesn't think he can address that properly. He believes the work in the senate was to adopt what the state of Montana uses for its issues.

JAMES L. NAGEL, ND GUIDES AND OUTFITTERS ASSOC., is also in support of SB 2350. NAGEL would like to address lines 18 & 19. Nagel talks about the wording needed in the bill to clarify that you must be in bona fide agriculture or interests to bypass the guide rules or you're going to have people that are really in the guide business not the ag. business. Talking about gratis licenses.

REP. NELSON asks about NAGEL'S business and no one is worried about them not being bonded or insured. ND still has no interest in this case, what's wrong with this picture? NAGEL

replies that other than the fact that someone is going to operate without insurance and there is going to a lawsuit.

REP. NOTTESTAD states that he wouldn't really like to pattern anything after Montana laws.

Line 16, 17 & 18, it encourages land owners to do the exact same thing, the question that comes to mind is the federal lands that are leased, and another concern he has is liability as guides and outfitters. We pass this law and guides and outfitters don't have to have insurance, then the landowners insurance cover them? I don't think it does. NAGEL agrees, there's a false hood out there, and no, they are not covered.

REP. PORTER asks about striking the wording after purposes and getting rid of that whole next line 17 & 18, would the person who shows up at their doorstep and asks if they can go out and hunt your land and the owner says sure for twenty five dollars and you go out there and hunt that land, doesn't that take care of it. It says in there and to accompany the person in part or all the way on an expedition for these purposes? NAGEL replies that he believes PORTER is right, PORTER then states that he is not the attorney from the Legislative Council.

LARRY KNOBLICH, UNITED SPORTSMEN OF ND, KNOBLICH states that he is urging for a do pass on this bill. He has no problem with the Bona fide agriculture.

REP. DROVDAL asks if they charge you a fee, and they don't take their gun, and if they charge you a fee and take their gun, is that qualified as being a guide. KNOBLICH states that is correct.

OPPOSE

MIKE DONAHUE, ND WILDLIFE FEDERATION, DONAHUE talks about line 18 and they did not want to put the mom and pop operation on this bill or to be affected by it.

REP. DEKREY asks if one is qualified or recognized as a guide if you take a person down the road and show them where your land is and to let them know where they can hunt. DONAHUE replies if you're not charging a fee then you're not, there is no concern. But as soon as you charge a fee then you are. Gifts are the same as a fee.

REP. PORTER asks about getting rid of the whole sentence, instead of muddying it up.

DONAHUE replies that the concern is the outside interest. There is some difficulty in bona fide agriculture truths.

INFORMATIONAL

PAUL SCHADEWALD, ND GAME AND FISH DEPARTMENT, states that the liability insurance is out there, it's going to cost between \$200.00 to \$1000.00. A lot of the guides get three million dollars worth of insurance.

REP. DROVDAL asks if we took line 17, and took out the words or leases, do you think that would make it a better bill? SCHADEWALD replies it would make it clearer for an important person, DROVDAL states that would mean that they would lease the land and did guide services on it they would have to be a guide or outfitter and have liability. SCHADEWALD replies that is correct.

REP. HANSON asks how many licensed guides do we have in North Dakota? SCHADEWALD replies about 164, last year.

REP. PORTER asks about line 17 & 18, doesn't the game and fish department see that as basically setting up two separate standards for the same operation for the business, an unfair standard in relation to the guide that goes out and leases the rights and has full access to that land for the purpose of the person that leases the grazing rights and has full access to the land, one of

those people have to have liability insurance, CPR, and first aid, and one of those people do not.

I see it as a complete and unfair advantage for one person over the other, to operate the same kind of business and charge the same fees. Your driving up the cost to one person while you're saying its okay for the other the person just because they leased the land for a different purpose.

SCHADEWALD replies it definitely creates two standards, but the fairness is in the eyes of the beholder . Some would say because the land owner owns the land or leases it, could have those rights, some would say they don't. I guess that's why the legislature has the challenge to decide.

REP. HANSON asks of the two classifications, how many guides own and operate on their own land? SCHADEWALD replies about 20%.

REP. NOTTESTAD asks if this bill were to pass, and an individual rancher leased the right, would they still have to have it, or since they weren't a guide or outfitter would it not be necessary? SCHADEWALD replies that his understanding is that the grazing rights are being leased or sold to the ranchers, not the hunting rights. So they would have to have permit from the federal government, to do the guide operation that would be totally separate, from their grazing permit, rights. The US Forest Service has been very reluctant, there has been very few permits issued for that. I think maybe one out that I'm aware of in last fifteen years, out on the grasslands. It sort of has been a moratorium and some work being done. NOTTESTAD asks if SCHADEWALD is saying that it would be illegal for them to go on that property and let people on it? SCHADEWALD states that it would be a violation. To his understanding the federal law could do that operation on there.

The meeting was then closed until later in the day.

Reopen the hearing on SB 2350. REP. NELSON makes a motion to amend the bill by removing section two of this bill. The motion fails because no second. REP. PORTER makes a motion to remove and or delete section one, seconded by REP. MARTINSON. A voice vote was taken by REP. GROSZ. The vote was unsure, so a roll call was taken with 5 YES, 10 NO, 0 ABSENT. MOTION FAILS. REP. PORTER then makes another motion to amend the bill by deleting lines 17 & 18, and the word "a" in line 16. Seconded by REP. CLARK. A voice vote was taken by REP. GROSZ, the motion passes. The motion on the table was a DO PASS AS AMENDED, made by REP. HANSON, seconded by REP. PORTER. The roll call was taken with 10 YES, 5 NO, 0 ABSENT. The bill CARRIER on the floor is REP. LUNDGREN.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2350 A

House Natural Resources Committee

Conference Committee

Hearing Date 3/18/99

Tape Number	Side A	Side B	Meter #
1	x		0.0-10.2
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes: The committee decided to bring back SB 2350 for further reconsideration.

REP. DROVDAL moved to reconsider action on the bill, seconded by REP. CLARK. The voice vote passes.

REP. DROVDAL then introduces a new amendment to the committee and explains it.

REP. DROVDAL then moves to accept the new amendment, seconded by REP. DEKREY.

The voice vote passes. REP. DROVDAL moves for a DO PASS AS AMENDED, seconded by REP. PORTER. The roll call vote was taken with 15 YES, 0 NO, 0 ABSENT. The motion carries. The CARRIER of the bill is REP. DROVDAL.

March 4, 1999

VR
3/5/99

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2350 **3/8/99 NAT. RES.**

Page 1, line 16, remove ". A"

Page 1, remove line 17

Page 1, line 18, remove "primary pursuit of bona fide agricultural interests is not a guide or outfitter"

Renumber accordingly

3-4-99

Date: ~~3-3-99~~

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 SB 2350 delete Sec. 1 accept the amendment

Motion Made By Porter Seconded By Martinson

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	✓		failed		
Representative Jon Martinson	✓				
Representative Lyle Hanson		✓			
Representative Scot Kelsh		✓			
Representative Deb Lundgren		✓			
Representative Sally M. Sandvig		✓			
Representative Dorvan Solberg		✓			

Total (Yes) 5 No 10

Absent 0

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

Date: 3/4/99
 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 2350 delete 17,18 & the word "a" in 16 *accept the amendment*

Motion Made By Porter Seconded By Clark

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					

Voice carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 3.4.99
 Roll Call Vote #: 3

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 2350 do pass as amended

Motion Made By Hanson Seconded By Porter

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) 10 No 5

Absent 0

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

REPORT OF STANDING COMMITTEE

SB 2350, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2350 was placed on the Sixth order on the calendar.

Page 1, line 16, remove ". A"

Page 1, remove line 17

Page 1, line 18, remove "primary pursuit of bona fide agricultural interests is not a guide or outfitter"

Renumber accordingly

Date: 3-18-99
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2350

House House Natural Resources Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider Action on the bill

Motion Made By Dravdal Seconded By Clark

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					

passed

Total (Yes) _____ No _____

Absent _____

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

VR
3/18/99

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2350 3/19/99 NAT.RES.

Page 1, line 2, after "for" insert "certified" and remove "; and to amend and reenact"

Page 1, remove line 3

Page 1, line 4, remove "outfitters"

Page 1, remove lines 6 through 19

Page 1, line 22, replace "Guides" with "**Certified guides**", remove the underscore under "**and outfitters - Requirements**". An individual may not be issued a" and insert immediately thereafter "certified guide", remove the underscore under "license", and remove "to"

Page 1, line 23, remove "guide" and remove the underscore under "without first providing the director:"

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2350 3/19/99 NAT.RES.

Page 2, remove the underscore under lines 1 through 7

Renumber accordingly

Date: 3.18.99
 Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2350

House House Natural Resources Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Accept the Amendments

Motion Made By Drovdal 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					

Vote passes

Total (Yes) _____ No _____

Absent _____

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

Date: 3.18.99
 Roll Call Vote #: 3

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2350

House House Natural Resources Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended

Motion Made By Drøvdal Seconded By Porter

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) 15 No 0

Absent 0

Floor Assignment Drøvdal

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

REPORT OF STANDING COMMITTEE

SB 2350, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2350 was placed on the Sixth order on the calendar.

Page 1, line 2, after "for" insert "certified" and remove "; and to amend and reenact"

Page 1, remove line 3

Page 1, line 4, remove "outfitters"

Page 1, remove lines 6 through 19

Page 1, line 22, replace "**Guides**" with "**Certified guides**", remove the underscore under "**and outfitters - Requirements**". An individual may not be issued a and insert immediately thereafter "certified guide", remove the underscore under "license", and remove "to"

Page 1, line 23, remove "guide" and remove the underscore under "without first providing the director:"

Page 2, remove the underscore under lines 1 through 7

Renumber accordingly

1999 SENATE NATURAL RESOURCES

SB 2350

CONFERENCE COMMITTEE

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2350

Senate Natural Resources Committee

Conference Committee

Hearing Date March 30, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-1645
Committee Clerk Signature <i>Lyla W. Hagen</i>			

Minutes:

CONFERENCE COMMITTEE:

SENATOR FREBORG opened the conference committee hearing on SB2350. All of the committee members were present.

SENATOR HEITKAMP asked if a landowner allows hunters on his land and if a landowner accepts gifts from the hunters for being allowed to hunt on the land, is the landowner in violation of this law.

REP. DROVDAL replied not unless the landowner charges the hunters to be on his land. A farmer that is on his own land is not going to be a guide and outfitter, unless the landowner advertises as a guide and outfitter.

SENATOR HEITKAMP asked if the landowner takes people on his own land and whatever the landowner does on his own land, that is his business the way the amendments are written.

REP. DROVDAL replied that is the way it was explained to me by the Game and Fish Dept.

SENATOR FREBORG stated this is new legislation. In order to be a guide and outfitter, you need to advertise through brochures or advertising.

REP. DEKREY stated from the House side it was a kind of compromise that we would leave landowners alone to do what they want on their own land. If the landowner wants to be a certified guide and outfitter, then the landowner will have to play under the same rules.

SENATOR FISCHER asked if a farmer has permission to hunt on the neighbor's land, along with a friend, is the farmer in violation of being a guide then.

REP. DROVDAL replied as long as the farmer doesn't take fee for going out with that person to guide and outfit on that neighbor's land.

REP. DROVDAL stated if there are farmers that are taking a fee, and something happens, the courts will determine in their language for a guide and outfitter. A farmer then has to have special insurance because the farmer's regular farm liability, in most cases, does not cover that type of activity.

SENATOR FISCHER moved for the SENATE to ACCEDE to the HOUSE AMENDMENTS, seconded by REP. DEKREY. Roll call vote indicated 6 YEAS, 0 NAYS, 0 Absent and not voting. Motion carried. SENATOR FREBORG volunteered to carry the bill.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

(Bill Number) SB2350 (, as (re)engrossed):

Your Conference Committee

For the Senate:

For the House:

Freborg

Drovdal

Fischer

DeKrey

Heitkamp

Hanson

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) 797 - _____

and place SB2350 on the Seventh order.

, adopt (further) amendments as follows, and place _____ on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 03 /30 /99

CARRIER: Sen. Freborg

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2350, as engrossed: Your conference committee (Sens. Freborg, Fischer, Heitkamp and Reps. Drovdal, DeKrey, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 797 and place SB 2350 on the Seventh order.

Engrossed SB 2350 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY

SB 2350

DAKOTA FINS, FEATHERS AND TAILS

JAMES L. NAGEL - 1312 WESTWOOD ST.

BISMARCK, ND 58504

TEL. (701) 222-1620

CELLULAR 226-6525

2-5-99

Senator Traynor & members of the Senate
Natural Resources Committee:

Regarding S.B.# 2350 & S.B.# 2351
in behalf of the N.D. Professional Guides
& Outfitters Association:

1. S.B.# 2350 received the most opposition
during the Committee hearing & we would
like to have this bill withdrawn.
2. Senator Grindberg will be notified today
of our wishes to have this bill withdrawn,
& I hope this Committee can agree with
our decision on S.B.# 2350.
3. S.B.# 2351 received very little opposition
during the Committee hearing & we would
hope that the Senate Natural Resources
Committee can support our Liability Insurance
request as originally stated.

DAKOTA FINS, FEATHERS AND TAILS

JAMES L. NAGEL - 1312 WESTWOOD ST.

BISMARCK, ND 58504

TEL. (701) 222-1620

CELLULAR 226-6525

4. CPR & FIRST aid certification Requirements per S.B. # 2351 are also important, however, secondary in importance to our Liability insurance concerns.
5. The Guide & outfitters Association would support the proposed "Montana amendments" on S.B. # 2351 regarding those persons who charge for land access & are not to be considered as Guides or Outfitters.
6. IT is our understanding that under the proposed amendment to S.B. # 2351 those who charge ^{for} access to land & are not Guides or outfitters would not require either a Guide License or Liability Insurance.
7. IN preparing the "Montana amendment" for S.B. # 2351 the Bill must be worded that those persons who are to be excluded from the Guides & outfitters licensing requirements must either own the land or at the very least the land must be leased for agricultural purposes. Also the owner or the person leasing this land must be a Resident of N. Dakota.

DAKOTA FINS, FEATHERS AND TAILS

JAMES L. NAGEL - 1312 WESTWOOD ST.

BISMARCK, ND 58504

TEL. (701) 222-1620

CELLULAR 226-6525

8. The wording requested above is necessary to prevent the following possible situations:
- A. a Non-Resident from either buying or leasing land to simply entertain hunting clients & bypass the existing Guide & outfitters licensing requirements, which is by existing Century Code restricted to Residents of N. DAKOTA.
 - B. also to restrict a resident from only leasing hunting rights from their neighbor, to entertain hunting clients, & once again bypass the requirement for a Guide & outfitters license.
9. additional information not produced on the original hearing on S.B. # 2351 is that there are only 100 Non-Resident Whitetail Deer tags available to Guides & outfitters for their clients per existing N.D. Century Code. We are losing a good share of these tags to Non-Guides who are simply paying the \$100. fee to become a licensed guide & then entertaining Uncle Fred from MPLS., MINN. whose got the bucks!! \$ 70 to 80.50.

DAKOTA FINS, FEATHERS AND TAILS

JAMES L. NAGEL - 1312 WESTWOOD ST.

BISMARCK, ND 58504

TEL. (701) 222-1620

CELLULAR 226-6525

10. This deer tag situation is not right those 100 Tags were intended to go to legitimate Guides & Outfitters per N.D. Century Code. My point is it is time to separate who is truly a Guide & who is not, & one way to do this is the Liability Insurance Requirement.
11. a minority opposition to the Liability insurance question will state extremely high insurance quotes when using "horses" in their Guide Business. These figures are not \$1,500. as may have been stated to members of this Committee.
12. Carol Samson in the "State of Montana" will write insurance coverage including liability for those who use horses in their Guide Business for less than half of the previously quoted figure. Carol Samsons Toll Free # is 1-800-923-4488.

Thanks for your consideration,

James L. Nagel

Lobbyist Registration # 468