

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1469

2007 HOUSE NATURAL RESOURCES

HB 1469

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1469

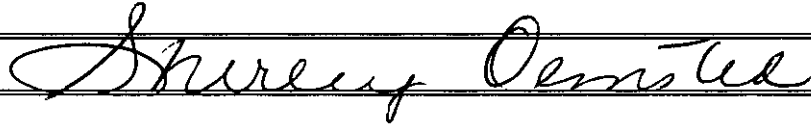
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3147

Committee Clerk Signature



Minutes:

**Chairman Porter** opened the hearing on HB 1469 and asked the clerk to read the title.

**Representative DeKrey** came forward as a sponsor of this bill. It just clarifies something that is already in law. There has been a tremendous amount of problems in areas in the state that are major hay producers. The hunting seasons all take place when they are moving their hay. There is a thought among the hunting public that when it says you cannot move off the established trail, it means you can't move off the established trail. Farmers are going down these section lines which are not much more than a trail and there will be a pickup that is locked up and in the middle of the road. All this does is clarify that they cannot park their vehicles so as to impede traffic using the established road or trail.

**Representative Kelsh** asked what the penalty is for this.

**Representative DeKrey** said the biggest penalty is to get the farmer made and he pushes your vehicle out of the way.

**Mr. Mike Donahue** came forward representing the North Dakota Sportsman Association. He had a handout. See attachment marked Item #1. They do support this bill and can understand the frustration of the farmers. They would recommend a minor amendment on line 19 changing the line that "a individual may not part "A" person's vehicle".

**Chairman Porter** asked for further testimony. Hearing none, he asked for opposition to this bill.

**Mr. David Munch** came forward in opposition. He has farmland and when he called the game warden about this, they have a very good working relationship. It takes one or two hours of his day to get this fixed. He doesn't think it should be the game warden's job to police the roads. There is a law here about obstructing highways. He thinks this should be the job of the county sheriff or the highway patrol. It just makes more work for the game and fish. Why should we waste our money on this when we already have a law?

**Mr. Dennis Daniel** came forward in opposition of this law. He has fought with Morton County to open the section lines. We already have laws for this. If the farmer has a problem he should get the sheriff to tow these vehicles. They should use the law and use it to the extent.

**Representative Damschen** asked how he would feel about a farmer who is 10 miles from home with his tractor without his cell phone and the road is blocked. Should he have to drive 10 miles home to call the sheriff to get help? How should he handle that situation?

**Mr. Daniel** said it cuts both way. I guess he would have to file charges.

**Chairman Porter** asked for further testimony. Hearing none, the hearing was closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1469

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3155

Committee Clerk Signature 

Minutes:

**Chairman Porter** asked the committee to consider HB 1469.

**Representative DeKrey** asked to amend the bill starting on page 1, line 16 remove everything starting with "a person and continuing on line 17 and ending with deer gun season. That is already state law from last session. This would match what we did last session. He made a motion to amend this bill.

**Chairman Porter** clarified the amendment.

**Representative Keiser** seconded the motion.

**Chairman Porter** asked for discussion.

**Representative Keiser** asked if they were striking language that is current law.

**Representative DeKrey** said last session when we passed the off road bill for the upland, this would be in conflict with what we passed last session. We are just taking it out to match it. It is not the intention to do anything here. It is just that we noticed this when we were looking at the bill.

**Chairman Porter** called for a voice vote and the motion carried.

**Representative Meyer** made a motion for a do pass as amended on HB 1469.

**Representative Keiser** seconded the motion.

**Chairman Porter** asked for discussion.

**Representative DeKrey** said it has nothing to do with the section line.

**Representative Nottestad** said that this puts this in the hands of the game and fish. Is that true?

**Chairman Porter** said he thinks it puts it in the hand of any licensed law official.

**Representative DeKrey** said he didn't think a law official would be involved in most cases. He said you are not going to waste your whole day looking for a law official.

**Chairman Porter** asked for further discussion. Hearing none, the clerk was asked to call the roll on a **do pass as amended on HB 1469**. Let the record show 12 yes, 1 no with 1 absent.

**Representative Hunskor** will carry the bill to the floor.

Date: 2-8-07  
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1469

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken amend HB

Motion Made By DeKrey Seconded By Hunskor

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter			Rep. Hanson		
Vice-Chairman - Rep Damschen			Rep. Hunskor		
Rep. Charging			Rep. Kelsh		
Rep. Clark			Rep. Meyer		
Rep. DeKrey			Rep. Solberg		
Rep. Drovdal					
Rep. Hofstad					
Rep. Keiser					
Rep. Nottestad					

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Page 1 June 16 - a person  
 June 17 deer gun season*

Date: 2-8-07  
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1469

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Meyer Seconded By Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson	✓	
Vice-Chairman - Rep Damschen	✓		Rep. Hunskor	✓	
Rep. Charging		✓	Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Meyer	✓	
Rep. DeKrey	✓		Rep. Solberg		
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad	✓				

Total Yes 12 No 1

Absent 1

Floor Assignment Hunskor

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



**REPORT OF STANDING COMMITTEE**

HB 1469: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1469 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike "A person may not use a motor-driven vehicle on any land other than an"

Page 1, line 17, overstrike "established road or trail to hunt upland game during the deer gun season."

Page 1, line 19, replace "that person's" with "a"

Renumber accordingly

2007 SENATE NATURAL RESOURCES

HB 1469

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1469

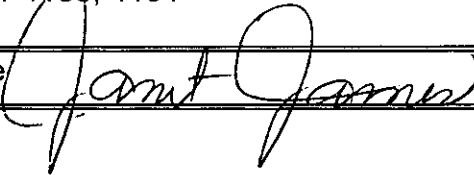
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 1, 2007

Recorder Job Number: # 4188, 4191

Committee Clerk Signature



Minutes:

**Senator Ben Tollefson**, Vice Chairman of the Senate Natural Resources Committee opened the hearing on HB 1469 relating to blocking established roads and trails for hunting purposes. All members of the committee were in and out of committee as they were testifying on bills in other committees.

**Representative Duane DeKrey** from District 14 cosponsor of HB 1469 introduced the bill stating the impatience of the bill is the amount of complaints from his district during the fall hunting season a lot of hunters read they are not supposed to leave established trails and took that literally. So when farmers/ranchers are trying to move hay, the roads and section lines are blocked. All the bill does is clarify what is already in existing law that a vehicle is not to be parked so as block or impede traffic. That is all the intent of the bill was although an amendment was adopted by house that stroke out the language on Line 16 and 17 and whatever the department feels about that is their business but that was not why he entered the bill. The language on Line 19 and 20 is important because it clarifies an existing law which is what he wants to see survive.

**Senator Tollefson** asked for opposing testimony of HB 1469.

**Mike Donahue** representing the United Sportsmen of North Dakota and the North Dakota Wildlife Federation testified in opposition to HB 1469 stating that in the beginning of the session they supported HB 1469 but during house committee work, an amendment on Line 16 and 17 was made and that is what they now oppose. He further recalled that last session when driving off road or trail for upland hunting was passed the agreement was for not during deer gun season. This amendment now adds the deer gun season and that is their opposition to the bill. He also added that if the committee would take out the amendment regarding Line 16 and 17 they would support the bill.

**Foster Hager** representing the Cass County Wildlife Club testified in opposition to HB 1469 stating they supported the HB 1469 until the house committee changed Line 16 and 17. He further stated he believed last session the bill was HB 1239 and they cannot support the bill unless Line 16 and 17 are put back into the bill. It will be a big problem for enforcement because during the deer season that unless a hunter is retrieving a shot deer, a hunter is to stay on an established road or trail.

**Senator Joel Heitkamp** asked why the house committee amended the bill.

**Foster Hager** said the amendment happened behind closed doors and when asked why it was done the response was to take it up with the senate committee.

**Senator Heitkamp** responded well you just did.

**Foster Hager** stated that it was Representative Porter's response.

**Terry Steinwand**, Director of the North Dakota Game and Fish Department testified in opposition of HB 1469 (see attachment #1). He also added that Mr. Donahue and Mr. Hager's testimony mirrors the department's concerns in opposition to HB 1469. Originally the department was neutral on HB 1469 because they felt it was a good bill even though they have strongly suggested that hunters do not block trails, but pull off the to the side. We believe that

the ability to drive off trail for upland game for all of the sixteen and half days is reasonable. By allowing it during the deer gun season it puts an extreme burden on the enforcement staff as they are called quite frequently and will not be able to see those violations happen. It will create a lot of challenges for the warden staff. If the language on Line 16 and 17 are reinserted the department would have no problem.

**Bill Pheifer** representing the North Dakota Chapter of the Wildlife Society testified in opposition to HB 1469 (see attachment #2).

**David Munsch** testified in opposition to HB 1469 stating he opposed the bill from the start because it is covered under century code 24-07 about blocking roads and it says that section line roads are considered to be public roads open for public travel to the width of 33 feet – 10.06 meters on each side of the section line. He stated he should be able to park anywhere in that section line all the way up to the fence worth 66 feet and others should be able to pass through with a load of hay. When he calls a game warden it takes a hour or more for them to get there or maybe the next day. If there is a problem with someone parked on the section line, the sheriff can be called and there is a much stronger offense with 24-12 because the individual can be taken care of. He does not believe the state can afford a peace officer for every farmer or rancher to escort every farmer/rancher home with a load of hay. The landowners have to be good citizens and handle their own character, sign complaints and carry through on it. There are enough laws and this bill just adds another layer of bureaucracy. The game and fish is funded by hunters and sportsmen that purchase hunting equipment and is funded by the taxes paid on that equipment. The roads are owned by the state, the county has authority over them, so why does a hunter or sportsmen have to have a game warden as a meter maid. He continued with his personal history of trying to get the county to put a gait in so that state land could be accessed. There needs to be a balance.

**Dennis Daniel** testified in opposition of HB 1469 stating he does not care for the language used on Line 9 through 12, as he would make the change to read "no person" instead of "a person". Unless he is reading it incorrectly is that somewhere along the line the landowner is allowed to do whatever he wants. He agrees it is his land but if he is actively hunting the landowner should be treated just a anyone else. He told of a story of a farmer claiming to be fixing fence while hunting. If the century code is just used as the law, this bill is not needed. This problem works both ways as farmers often have old unused equipment blocking roads. He also told of his personal problems of getting the counties to open up section lines for passage.

**Senator Ben Tollefson** asked for testimony in a neutral position of HB 1469 and hearing none closed the hearing on HB 1469.

#### **# 4191**

**Senator Stanley Lyson** opened committee work on HB 1469.

All members of the committee were present.

**Senator Joel Heitkamp** stated he sees the problem all the time of hunters parked on roads and farmers cannot pass. The bill might not do very much because it might already be specified in certain parts of the code, but will this bill it allows the game wardens to do something about the problem. He made a motion to remove the overstrike on Line 16 and 17.

**Senator Constance Triplett** second the motion.

**Senator Layton Freborg** commented this is so unnecessary.

Roll call vote #1 to remove the overstrike on Line 16 and 17 of HB 1469 was taken by voice vote indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Herbert Urlacher** asked if the overstrike related to land owner rights to drive off trail.

**Senator Heitkamp** answered that they already have that and what the motion did was completely undo what was done two years ago when it came to deer hunting.

**Senator Triplett** stated the discussion on the new language which all the bill is right now is the bit of new language on Line 19 and 20 is whether this is necessary or not. There is some acknowledgment that it is already in another section of code, which people cannot do this and as one witness suggested that we are making extra work for the game wardens of work that should be done by sheriffs. She asked the chairman of the committee as a former sheriff, his comments.

**Senator Lyson** stated he has read the bill several times and questioned why do we want to have things in two pieces of law which does not make sense.

**Senator Triplett** asked if he would prefer calling the sheriff instead of a game warden in these cases.

**Senator Lyson** stated sheriffs are more busy than game wardens.

**Senator Urlacher** asked for confirmation that a hunter can drive off trail to retrieve upland game.

**Senator Heitkamp** agreed stating that everyone can do that and further stated the house committee does not like what was done two years ago resulting in the overstrike amendment.

**Senator Ben Tollefson** made a motion for a Do Not Pass as amended of HB 1469.

**Senator Freborg** second the motion.

Roll call vote #2 for a Do Not Pass as amended of HB 1469 was taken indicating 5 Yeas, 2 Nays and 0 absent or not voting.

**Senator Freborg** will carry HB 1469.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1469

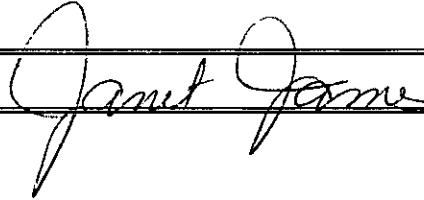
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 9, 2007

Recorder Job Number: # 4764

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened committee work on HB 1469.

All members of the committee were present.

**Senator Herbert Urlacher**: people will park on country roads and other traffic cannot get by especially for framing activity. These roads can be narrow and they could park on the side of the road but do not.

**Senator Layton Freborg** asked the committee if anyone did not know what the effect of removing the overstrike was. Everyone know?

All agreed.

**Senator Freborg**: if we are concerned about the Do Not Pass about the other language, there is language right now in code that prohibits blocking or impeding traffic on any public road including: parking lots, any place that is public. This language is not necessary.

**Senator Constance Triplett**: this is the discussion as she recalled it and sheriffs do more patrolling with this kind of thing than North Dakota Game and Fish Department. So therefore giving North Dakota Game and Fish Department a little more authority will give them help in situations.



**Senator Lyson:** the bill was brought back because the overstrike language cuts out the law that was made two years ago to allow farmers to their property.

**Senator Joel Heitkamp:** asked if this interferes with land owners driving on his own property.

**Senator Lyson:** that is what he has been told, that by over striking that.

**Senator Freborg:** I think they are exempted.

**Senator Heitkamp:** it says other than the land owner.

Discussion was held regarding the landowner rights and previous bills.

**Senator Constance Triplett:** by removing the overstrike, put the bill back into the original form so that if by chance the Do Not Pass failed on the house floor and the bill passed, then what would be passed would give additional authority to the North Dakota Game and Fish

Department but would not have changed the law regarding the rest.

**Senator Freborg:** right, it would be current law now.

**Senator Triplett;** she is comfortable with it and feels she understands it.

**Senator Lyson:** if everyone is comfortable that this is fine.

**Senator Joel Heitkamp:** does a game warden have just as much authority as a sheriff and more.

**Senator Lyson:** more as far as being able to search a vehicle.

**Senator Urlacher:** wants to make sure the landowner's rights are protected.

**Senator Heitkamp;** there will be peace of mind will come when the bill dies.

**Senator Lyson:** if the bill dies we will have what we had before.

**Senator Triplett:** if the bill lives, it does the same thing and all that has been done is the added line, that is nor necessary but not offensive either.

The committee agreed that either way there is no lose.

**Senator Lyson** closed the committee work on HB 1469.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1469

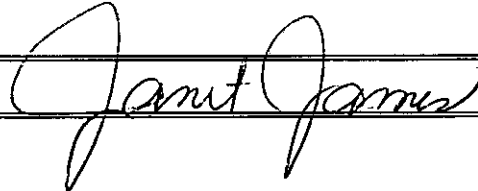
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: # 5106

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened committee work on HB 1469.

All members of the committee were present except Senator Herbert Urlacher.

**Senator Lyson** requested Roger Rostvet, Deputy Director of the North Dakota Game and Fish Department to take the podium.

**Senator Lyson** stated the reason the bill is before the committee again is because the committee does not understand the bill, so would you please explain it.

**Roger Rostvet** stated he was not sure exactly where the bill stands right now. I believe the question is the amendment on the bill. The amendment stroke lines 16 and 17. Those two lines where added on the house side on to the original bill. It was added in and taken out. It was added in last session to make the original bill pass.

**Senator Layton Freborg**: only these lines were not added to present law.

**Senator Constance Triplett**: the strikeover was added in the house side.

All agreed.

**Senator Constance Triplett**: and we took the strikeover back off.

**Senator Freborg:** I would be more interested in the question as how do Lines 16 and 17 relate to Lines 9 and 10.

**Roger Rostvet:** Lines 9 and 10 allow an individual landowner to give permission in writing to an individual so drive off an established road or trail during the upland game season to hunt pheasants. The part in there where it says Line 16 and 17 a person may not use a motor vehicle on land other than established road or trail to hunt upland game during the deer gun season. What that did was to say that even though you are allowed to get permission to drive off trail during the upland game season, you cannot get permission to drive off trail to hunt upland game during the big game season. That was put in there because you can see the complications with - nobody when the bill was enacted last session wanted people driving around during the big game hunting season. So Lines 16 and 17 were put in there to permit driving off trail during the big game season. This fall it would have been illegal to drive off trail for hunting upland game during deer season. If this was stricken out, it would allow that to happen during the deer gun season. The original bill started out with just those two lines in there to prohibit the blocking of roadways, and then the two lines 16 and 17 were stroke out.

**Senator Lyson:** so then we are back to the same thing that landowners were complaining about last time – it is my land and if I want to be able drive on it.

**Roger Rostvet:** last time when those two sentences were put in, there was an agreement that everybody saw that the complications that would be caused by having upland game hunters driving around during deer gun season – it is difficult to narrow it down to one thing.. Upland game hunting using motor vehicles was portrayed as being used for transportation out to a slue or whatever, people park and get out and hunt. You can't effectively hunt upland game with a motor vehicle, so those people were really not there and yes it was for those getting up there in age and making it easier for them In the same sense when it comes to big game

hunting, using a motor vehicle for off roads or trails can be an effective tool to gain an advantage over either people or with game, because you can use motor vehicle to drive along a shelter belt and flush out game and shoot it where with upland game the hunting opportunity is blown for days. That is a solid way of making off road for pheasants work but yet not disturbing the deer gun season. This session there was concern about people parking on the roads, approaches and stuff, that's why Lines 19 and 20 were added to that bill and consequently in the process, Lines 16 and 17 were stroke out.

**Senator Triplett:** asked Senator Freborg if his concern is the landowner themselves have the right to drive on their own land, is that what you are getting at.

**Senator Freborg:** no, that is a concern, but that is not why I asked the question. Council had a real time determining what this bill really meant. I'm carrying it and as you know there are people that wanted us to take the bill back and look at the language on Line 16 and 17. So I went up to council and they had a real time and their last words were "why don't you check with game and fish and see how they determine this to be and how they are going to enforce it." So at best the bill is a little shaky and I think we need to determine – do we want people hunting pheasants, driving around on the land during deer season or don't we. And make it very clear that can or can't because - and that is the only reason I ask the question because I am concerned when a landowner can't drive on their own land, I'm always concerned about that.

**Senator Triplett:** do you think this bill says that.

**Senator Freborg:** I think it does.

**Senator Triplett** to Roger Rostvet: do you think it does.

**Roger Rostvet:** Senator Freborg description was much better than mine as to what the bill actually says – it's that if you take that line out and you can drive around during pheasant

season, hunting pheasants during deer season. The exception is at the same time and landowner cannot drive while hunting deer under current law or this law.

**Senator Triplett:** on their own land.

**Roger Rostvet:** on their own land, that just hunting, you can drive around fixing fence, chasing cows, but when it comes to the actual hunting part - you can't.

**Senator Lyson:** but wouldn't a warden have the good sense if he stopped somebody if they were hunting or not.

**Roger Rostvet:** right, I mean the question is how disruptive is it - this was one of the things in the compromise last session – everybody kind of felt that the description Senator Freborg put out made sense- that you can drive off trail to hunt pheasant the entire year, but that 16 ½ days during the deer season – may it is not such a good idea to have one group of people walking and the other group of people driving around. One being legal – one being illegal. And it is a question - it wouldn't allow for deer hunting to be changed that law and then expand the exemption of driving off trail hunting pheasants or upland game.

**Senator Freborg:** I was only going to ask now - I understand it is against the law for a landowner to drive on their own land during deer season. Let's say they are looking for cattle and all year long it is not illegal to drive any place with rifles in the back window, but during deer season, you cannot drive across your own land with a deer riffle in the back window, right?

**Roger Rostvet:** no.

**Senator Freborg:** so you can.

**Roger Rostvet:** you can't hunt deer.

**Senator Freborg:** no you can't hunt deer, but what of if you have the gun in the vehicle.

**Roger Rostvet:** then it is up to us to prove that he is hunting deer, not that he simply has a gun in his vehicle.

**Senator Freborg:** again.

**Roger Rostvet:** we have to prove he is hunting deer. He can drive off trail to fix fence, so anything like that, there is nothing illegal about having a fire arm in a motor vehicle. Our obligation is to gather enough evidence to prove that he is hunting deer. If he says he is fixing fence – then he is fixing fence. Unless we see him shoot a deer.

**Senator Triplett:** while this has been effect, which is just the past two years, that Line 16 and 17 have just been added in the first place, is that right.

**Roger Rostvet:** actually prior to this year, there was no exemption for driving off trail for upland game. The last two years you could drive off trail hunting upland game with the exception that you could not during the deer gun season.

**Senator Triplett:** the two lines 16 and 17 have been in the law for at least the last two years, have there been any problems or complaints that you are aware of in the last two years of people understanding or violating this section as it has been in the last two years.

**Roger Rostvet:** not to my knowledge.

**Senator Joel Heitkamp:** asked Roger what would you do with this bill. Would you leave it alone or take the overstrike off?

**Roger Rostvet:** personally I would take the overstrike off. It worked fairly well last year, gave the opportunity during the upland game season, deer hunting season, and having variation of different laws at the same time out there, and is probably not the best thing for everybody.

**Senator Lyson:** did we vote to take this overstrike off.

All agreed.

**Senator Heitkamp:** so we got it right.

**Senator Triplett:** we should just leave it alone.

**Senator Lyson:** that is what I am hearing from my ranchers.

**Senator Heitkamp:** that is the way I saw the bill when it left here, was that if we are going to go fix fence, we can fix fence. If we're going to be shooting deer while fixing fence, they're going to get us either way anyway. If they get us.

**Senator Lyson:** this all falls back on the game warden by us putting them in a position - they have to make decisions with people they work with everyday.

**Senator Freborg:** it's pretty tempting when we're out there fixing fence and that buck comes trotting past, what do you do.

**Roger Rostvet:** this law does not change any of that. What you are talking about is a whole different set of rules; in fact this only deals with upland game hunting. The scenario you are talking about would not be changes one way or another by whatever is done with this bill. Whatever is done with those two lines, put them in or take them out, would not change deer hunting. It has nothing to do with deer hunting, would not change the rules about deer hunting at all. It only changes the rules on upland game hunting.

**Senator Heitkamp:** you realize he just likes to really be ready when he carries the bill on the floor.

**Roger Rostvet:** that is the point I am getting at. If you look at deer hunting, the only reason deer hunting is in the bill, is when it prohibits the off road for upland game hunting. The scenarios of deer hunting do not really – would not change one way or the other.

**Senator Lyson:** but last year, they could hunt and still drive to hunt pheasants.

**Roger Rostvet:** not during deer season. That is what those two lines omitted. They could drive off trail hunting upland game all year long except for that 16 ½ days during deer gun season.

**Senator Heitkamp:** you remember when we had the debate over whether or not you own the land and you could throw all my decoys in the back of your trunk and we can go out and set up for geese or something like that. We had that two years ago.

**Senator Triplett:** to clarify, Roger you are saying, that the rules about deer hunting season are else where in statute and this line only references the deer season because it needs to talk about the upland game section.

**Roger Rostvet:** right, actually it contains in this law are on the next page – is the big game prohibition, but these lines only refer to the ...

**Senator Lyson:** why did they put this parking thing in here?

**Roger Rostvet:** that is what the original bill was. The original bill only those two lines. That was how it was submitted. The amendment came to take - to strike out that. So the way the original bill came in – it was just two lines in there that said - it referred to people parking.

**Senator Triplett:** this bill is not changing anything that wasn't already there, by us taking the overstrike off - we are just leaving the law the way it was.

**Roger Rostvet:** leaving the law and taking it the bill back to its original form.

**Senator Heitkamp:** right.

**Senator Triplett:** and in addition we are offering a Do Not Pass.

**Senator Lyson:** and that is the way we read it to begin with and then we were told we are wrong. That this is taking away what we had last time.

**Senator Heitkamp:** doesn't that describe a lot of the trouble we are having with the house natural resources committee.

**All agreed.**

**Senator Freborg:** I am really confused when you read on lines 8, 9 and 10, a person other than the landowner without permission, "from the landowner or lessee who actively farms or



