

1999 SENATE NATURAL RESOURCES

SB 2357

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2357

Senate Natural Resources Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
1	x		5710-6190
1		x	0-550
1		x	950-1565
Committee Clerk Signature <i>Lyla A. Hagen</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on SB2357: A BILL FOR AN ACT TO AMEND AND REENACT SUBDIVISION g OF SUBSECTION 5 OF SECTION 39-24-09 AND SECTION 39-24-11 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO PROHIBITED OPERATION OF SNOWMOBILES AND PENALTIES GOVERNING THE OPERATION OF SNOWMOBILES.

SENATOR CHRISTMANN stated this bill was introduced to increase the penalty for snowmobilers on private land who are destructive. Subsection g was added because in the process of completing the amendment relating to penalties, and looking at the posting laws, it was found that when the hunting laws were adopted for posting, those laws were different than what was in this section of the code. Eliminating that requirement for a date and address would put this section on the century code into the same language as that which applies to hunting.

SENATOR TRAYNOR asked if subsection g is the general law that applies to all hunting activities.

SENATOR CHRISTMANN replied this posting we give thought to has to do with Game and Fish laws which is next to 20.1-01-17 and in that section that deals with hunting, it requires only the name be legible on the no trespassing posters.

SENATOR HEITKAMP asked if the penalty is a pretty big hop from B to A misdemeanor.

SENATOR CHRISTMANN replied this leaves some latitudes to the judges, and cause the judges to know we take this seriously.

SENATOR FISCHER asked if snowmobilers are supposed to stay on right of way, and it is against the law to ride on private land without permission.

SENATOR CHRISTMANN replied this may apply to unposted private land. This would reinforce it on private land.

SENATOR TRAYNOR stated the section of the code is in the snowmobile regulations chapter so it only applies to snowmobiles. The thrust of the bill is to change the penalty for snowmobilers that trespass on posted land from a Class B misdemeanor to a Class A misdemeanor. The difference is a Class B misdemeanor is a maximum penalty of 30 days and a fine of \$1,000 or both. A Class A misdemeanor is a maximum penalty of 1 year and a fine of \$2,000.

NANCY DIETZ, Cass Co. Wildlife Club, testified in opposition to the SB2357, because of the concern of having the address on the sign and the penalty is too stiff.

SENATOR CHRISTMANN asked to post your land to keep hunters, is just the name is okay, but for snowmobilers you should have to add your address and date it each year.

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Senate Natural Resources Committee

Bill/Resolution Number Sb 2357

Hearing Date January 28, 1999

NANCY DIETZ, replied hunting signs should also have the name and city on the sign if that particular person needed to be contacted to obtain permission.

SENATOR TRAYNOR closed the hearing on SB2357.

SENATOR TRAYNOR reopened the hearing on SB2357.

SENATOR HEITKAMP stated the first part of the bill got added in after coming up with the idea and is important and no additional requirements should be put on a rancher to post things beyond even what we expect landowners to do for hunters. By increasing the penalty, it would seem doubtful that there would be an increase of catching violators. Thirty days should teach them a good lesson.

SENATOR CHRISTMANN moved for a DO PASS, seconded by SENATOR FREBORG. Roll call vote indicated 4 YEAS, 2 NAYS, and 0 ABSENT OR NOT VOTING. SENATOR CHRISTMANN volunteered to carry the bill.

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

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

Senate Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number SB 2357

Action Taken DO PASS

Motion Made By Sen. Christmann Seconded By Sen. 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) 4 No 2

Absent 0

Floor Assignment Sen. Christmann

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

REPORT OF STANDING COMMITTEE (410)
January 28, 1999 1:26 p.m.

Module No: SR-18-1385
Carrier: Christmann
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2357: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Eleventh order on the calendar.

1999 HOUSE NATURAL RESOURCES

SB 2357

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2357

House Natural Resources Committee

Conference Committee

Hearing Date 3/4/99

Tape Number	Side A	Side B	Meter #
1	x		28.0-49.7
2	x		50.6-53.6
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes: SEN. CHRISTMANN introduces the bill. CHRISTMANN thinks that a very severe penalty should be had if the person is caught on posted private property. He urges the committee for a do pass consideration.

REP. HANSON states to CHRISTMANN that the law was changed to \$1000.00 penalty.

CHRISTMANN replies that he stands to be corrected.

REP. SOLBERG comments that a class B misdemeanor is pretty severe. CHRISTMANN replies that they won't be put in jail.

REP. LUNDGREN asks if putting an 18 year old in jail worth it? CHRISTMANN replies that they probably will never go to jail. LUNDGREN asks if there is an enforcement problem.

CHRISTMANN replies that it's hard to catch them.

REP. GROSZ comments that if nobody's going to jail what is the need for the bill.

OPPOSE

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House Natural Resources Committee

Bill/Resolution Number 2357

Hearing Date 3/4/99

PAUL CRARY, CASS COUNTY WILDLIFE CLUB, is in opposition to the bill. SEE HANDOUT. CRARY states to the committee that they like the law the way it is now.

Being there was no further testimony the hearing was then closed. Later in the day the committee did action on this bill. REP. DEKREY moved to amend the bill by deleting everything after line 16. Seconded by REP. HANSON. A voice vote was taken with passage. REP. DROVDAL moves for a DO PASS AS AMENDED, seconded by REP. DEKREY. The roll call vote was taken with 14 YES, 0 NO, 1 ABSENT. The motion carries. The CARRIER of the bill is REP. HANSON.

March 4, 1999

VR
3/5/99

HOUSE AMENDMENTS TO SENATE BILL NO. 2357 3/8/99 NAT. RES.

Page 1, line 1, remove the second "and"

Page 1, line 2, remove "section 39-24-11"

Page 1, line 3, remove "and penalties governing the operation of snowmobiles"

Page 1, remove lines 16 through 24

HOUSE AMENDMENTS TO SENATE BILL NO. 2357 3/8/99 NAT. RES.

Page 2, remove lines 1 through 5

Renumber accordingly

Date: _____
 Roll Call Vote #: |

**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 2357 @ live 16 delete the bill accept the amendments

Motion Made By DeKrey Seconded By Hanson

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					

voice passes

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: _____
 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 2357 Do Pass as Amended

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	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Hanson

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

REPORT OF STANDING COMMITTEE

SB 2357: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2357 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 2, remove "section 39-24-11"

Page 1, line 3, remove "and penalties governing the operation of snowmobiles"

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 5

Re-number accordingly

1999 TESTIMONY

SB 2357

March 4, 1999

Written testimony of Paul Crary, representing Cass County Wildlife Club, regarding senate bill 2357, pertaining to snowmobiles: Subsection g of section 39-24-09, NDCC, (the present law), reads as follows:

It is unlawful for snowmobiles to drive "upon any private land where the private land is posted by the owner or tenant prohibiting trespassing.

The name and address of the person posting the land and the date of posting must appear on each sign in legible characters".

Anyone who violates this section is guilty of a class B misdemeanor, which carries a maximum penalty of 30 days in jail or a \$1,000.00 fine or both.

Senate bill 2357 changes the language, (lines 8 & 9), by omitting the address of the person posting the land, and the date of posting. We are opposed to changing this language - We feel that it is important for the address and date of posting to remain on the signs so that it is easier to get ahold of the owner if one wants to do it. Secondly, we can see no constructive purpose in leaving out the address and date of posting. We ARE ALSO OPPOSED TO UPGRADING THE PENALTY TO A CLASS A misdemeanor - this seems to us to be excessive penalty for the crime involved.

Maximum Penalty - One Year Jail + \$2000 Fine

we oppose senate bill 2357 and strongly urge that you recommend a DO NOT P