

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2353

2001 SENATE NATURAL RESOURCES

SB 2353

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2353

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-8-01

Tape Number	Side A	Side B	Meter #
		X	Start -19.3
2-9-01	X		1.7 - 10.9
Committee Clerk Signature <i>Jenni J. ...</i>			

Minutes:

SENATOR FISCHER opened the hearing on SB 2353.

SENATOR CHRISTMANN of District 33 cosponsor of SB 2353 introduced the bill on behalf of a constituent how hunts on a family property that is mixed with school land and he is restricted to the area where he can hunt. This bill would allow a disabled person to hunt on school land only if they have permission from the lessee of the land.

MIKE BRAND, Director of Surface Management of the North Dakota State Land Department testified in a neutral position of SB 2353 (See attached testimony). He also presented a set of amendments prepared by his department. History was given as to the permission given to the disabled for hunting on school land and how some of those procedures had been against the way the law was written.

MIKE DONAHUE, representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in opposition to SB 2353. He submitted a list a amendments that is were accepted could then accept the bill.

RON WANNER, owner of the Knife River Ranch testified in more of a neutral position than opposed. He likes the idea of asking the lessee for permission giving awareness of the surface rights of the lessee.

SENATOR FISCHER closed the hearing of SB 2353.

FEBRUARY 9, 2001

SENATOR FISCHER reopened discussion on SB 2353.

SENATOR CHRISTMANN proposed amendments that were prepared by the legislative council and were reviewed by the Committee.

SENATOR CHRISTMANN made a motion to adopt the amendment.

SENATOR TOLLEFSON second the motion.

SENATOR FISCHER called for roll vote # 1. The vote indicated 7 YAYS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

SENATOR TOLLEFSON made a motion for a "DO PASS as AMENDED" of SB 2353.

SENATOR EVERY second the motion.

Discussion was held and clarification was asked of Mike Brand of the State Land Department and Roger Rostuet of the Game & Fish Department.

SENATOR FISCHER called for roll vote # 2. The vote indicated 7 YAYS, 0 NAYS, 0 ABSENT OR NOT VOTING.

SENATOR CHRISTMANN will carry SB 2353.

PROPOSED AMENDMENT TO SENATE BILL 2353

Page 1, line 1, remove "create and enact a new section to chapter 15-08 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to access to school lands; and to"

Page 1, remove lines 6 through 11

Page 1, line 18, remove "lands belonging"

Page 1, line 19, replace "to the state known as school lands" with "lands controlled by the Board of University and School Lands"

Page 1, line 20, replace "lessee" with "Commissioner of University and School Lands"

Page 1, line 21, replace "school lands" with "lands controlled by the Board of University and School Lands"

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2353

Page 1, line 1, remove "create and enact a new section to chapter 15-08 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to access to school lands; and to"

Page 1, line 4, remove "school" and after "lands" insert "controlled by the board of university
and school lands"

Page 1, remove lines 6 through 11

Page 1, line 18, remove "belonging"

Page 1, line 19, replace "to the state known as" with "controlled by the board of university and"

Page 1, line 20, after "lessee" insert "and the commissioner of university and school lands"

Page 1, line 21, remove "school" and after "lands" insert "controlled by the board of university
and school lands"

Re-number accordingly

Date: 2-9-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2353

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken To adopt Amendment #52 = 10257.0 301

Motion Made By Christmann Seconded By Tollefson

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 2-9
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2353

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Tollefson Seconded By Every

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Christmann

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

REPORT OF STANDING COMMITTEE

SB 2353: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 15-08 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to access to school lands; and to"

Page 1, line 4, remove "school" and after "lands" insert "controlled by the board of university and school lands"

Page 1, remove lines 6 through 11

Page 1, line 18, remove "belonging"

Page 1, line 19, replace "to the state known as" with "controlled by the board of university and"

Page 1, line 20, after "lessee" insert "and the commissioner of university and school lands"

Page 1, line 21, remove "school" and after "lands" insert "controlled by the board of university and school lands"

Renumber accordingly

2001 HOUSE NATURAL RESOURCES

SB 2353

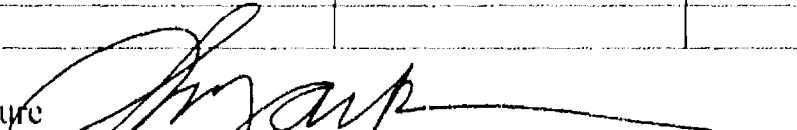
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2353

House Natural Resources Committee

Conference Committee

Hearing Date March 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		3255 to 4755
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrieh.

Chairman Rennerfeldt: I will open the hearing on SB 2353. Read the title.

Sen. Christmann - District 33: I don't have a lot of detailed information on the bill, it is very simple. A constituent of mine who is disabled has family that ranches and they rent some school land that falls in the middle of their ranch and he would like to hunt with them. But, we have a provision to accommodate people with handicaps like that so that they can hunt and shoot from their motor vehicle. In the process of getting a license for that, they have to show that they have permission from the person who owns the property and send that in and they can get that handicap permit. Well, what he found out is, he can get this as long as it is on private land, but on

the school land he was not able to, the state was unable to grant that permission. So I had the bill introduced so the permission would be automatic from the state as long as they had permission from the farmer who leases the land from the state. That actually went to far. There are some unique situations where we wouldn't want that. But with the amendment which was brought in from the Board of University and School lands that clarifies just which it is, which is land controlled by the Board of University and School land, but does not cover areas set aside for school lands and nesting and things like that. Then down on the bottom, it clarifies the amendments that they would have to have permission both from the Board of University and School Lands and from the lessee. We are not giving them permission to go out and tear around on land where someone has leased it, they have to get permission and also the State has to give permission. It just allows the State to give them permission. That is the point of the bill.

Rep. Nottestad: Can they get these permits to travel on Federal Land that no motor vehicle can travel on?

Christmann: I don't know, I didn't research Federal Lands. I suspect there has to be more handicapped people with access to school lands situations than this, I think it is limited.

Rep. Winrich: Would this allow motor vehicle travel where otherwise it is not permitted? Are we allowing vehicles on road less areas where they normally wouldn't be?

Christmann: It would allow them onto areas that if we don't pass this, they can't go. That is what we normally consider school lands, lands controlled by the Board of University and School Lands. If we pass this, on those lands, they will only be able to do what they currently can do on private land, which is they can't go tearing up and down the coulees and go shooting out of the pickup. My understanding is they drive in somewhere and perch up on a spot and are able to

shoot out of the vehicle if wildlife comes along. This allows them to do on school land, just what they can do on private land right now.

Rep. Winrich: How many handicapped hunters there are in the state that this might affect?

Christmann: Wasn't it roughly right around 2000?

Rep. Winrich: 2000, wow!

Christmann: But again, I used to rent some school land, I don't any more. I wouldn't have just let everybody go in there with their vehicles. I don't think it will open things wide up, the people that are renting that and paying cash rent on that, are not going to want everything torn up. I might let one or two individuals in.

Rep. Galvin: How do you determine the degree of handicap?

Christmann: I believe it is determined on the same basis with your handicapped parking permit. If they qualify for that, they qualify for the hunting permit.

Vice Chair Nelson: Currently on state land, unless they have a special need, that land is open for hunting, so the permission you are requiring here is for the vehicle access. Is that correct?

Christmann: That is right.

Chairman Rennerfeldt: Any other questions of the committee. Anyone else care to testify in favor of this bill?

Dean Hildebrand: We certainly don't have any objections to it.

Mike Donahue: We are in favor of this bill. (see written testimony).

Mike Brand - State Land Department: I am not here to testify today, however, I would be happy to answer any questions you might have.

Chairman Rennerfeldt: Any questions of the committee?

Rep. Nottestad: Are there any school lands now that are road less where vehicles are not allowed to enter as a renter or anyone else?

Brand: The school lands are open for non vehicular access, but there aren't any that are declared road less. The land board has said they don't want people driving all over the school lands simply because these lands are leased for agricultural purposes. They are leased for grazing and we don't want the grass driven down all over the place, so most of the land does have section line access. This particular bill we, up until two years ago, we were issuing letters of permission to handicapped hunters. We weren't aware that we weren't supposed to. We found out we weren't supposed to this and that is the reason we talked to Sen. Christmann.

Rep. Nottestad: On school lands that aren't leased, all they would need to do is get permission from you, or how would that work out? I know there are school lands that aren't leased.

Brand: All they would have to do is give me a call and I would review the situation, if it was leased then I would talk to the leasee also to see what their perspective was. If it is not leased then we would make the decision solely.

Rep. Porter: If someone shoots a deer on school land, and they don't have this permission whether they are handicapped or not, can they retrieve their game by driving out and picking that deer up like they can on private land?

Brand: No, they cannot and that is stated on the proclamation also.

Chairman Rennerfeldt: Any other questions from the committee? Is there any opposition to SB 2353. If not I will close the hearing on SB 2353.

Rep. Galvin: I move a Do Pass on the bill as amended.

Rep. Klein: I second.

Chairman Rennerfeldt: Is there any discussion on the bill? Call the roll.

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House Natural Resources Committee
Bill/Resolution Number SB 2353
Hearing Date March 2, 2001

MOTION FOR A DO PASS

YES, 13 NO, 0

2 ABSENT AND NOT VOTING

CARRIED BY REP. GALVIN

