

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

24419

2001 SENATE NATURAL RESOURCES

SB 2449

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2449

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-9-01

Tape Number	Side A	Side B	Meter #
1		X	Start - 34.1
2-16-01	1	X	7.1 - 16.0
Committee Clerk Signature <i>Jamie James</i>			

Minutes:

SENATOR TOLLEFSON opened the hearing on SB 2449.

REPRESENTATIVE TODD PORTER, of District 34 introduced SB 2449, A BILL RELATING TO RESTRICTIONS ON GUIDES AND OUTFITTERS. It is a rework of a bill that was defeated in the house the day before. Changes could not be made in time for that house bill, so SB 2449 was submitted. The main intent of the bill is one simply thing, ND Game & Fish, the administration and the legislature have all committed to opening up lands for public access to relieve some of the pressures of the posting and fee hunting situations in the state. The intention of the bill is to further amend to restrict it to upland game hunting on Game & Fish controlled lands. He submitted the amendments to help clean up the bill.

SENATOR CHRISTMANN: asked to confirm that the essence of the bill was that an guide or outfitter could not take clients out on land controlled by the Game & Fish for upland game hunting.

ROGER ROSTUET, representing the North Dakota Game & Fish Department testified in support of SB 2449 (See attached testimony).

SENATOR TRAYNOR: asked the difference between guides and certified guides.

ROGER ROSTUET explained that guides pay a fee, a certified guide pays the fee, is insured for liability and has CPR and 1st Aid Training and can advertise as such.

SENATOR TRAYNOR: asked if the department has any liability for issuing a guide license who is not required to have insurance or medical training. He further advised to look into the matter.

ROGER ROSTUET, confirmed that the issue has never been brought to their attention.

MIKE DONAHUE, representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in support of SB 2449. He commented that they were unaware of the amendments submitted but thought his organizations would be in support. He also added that maybe "certified" guides should be added to the bill.

Written testimony of JIM NAGEL representing the North Dakota Guide and Outfitters Association, was given to the Committee Clerk earlier in the week and was distributed to the Committee Members (See attached testimony).

KEN KARLS, a hunter testified in support of SB 2449 because it allows some free access to land for instate hunters which is becoming more difficult to find.

SENATOR FREBORG asked Dean Hildabrand how many acres are presently under the Game & Fish Department's control.

DEAN HILDABRAND explained that there are about 320,000 acres including 120,000 acres in the PLOTS program and 200,000 acres of other lands under their management.

REPRESENTATIVE ALAN CARLSON of District 41, cosponsor of SB 2449 testified that in 1997 he introduced the PLOTS bill so that anyone who is not going to pay a fee for hunting or do

not have access to hunting land, will have a place to hunt. The intent was never to have fee hunting to be part of that program.

There was no neutral or opposing testimony.

SENATOR FISCHER closed the hearing on SB 2449.

FEBRUARY 16, 2001

SENATOR FISCHER reopened the discussion of SB 2449.

It was clarified that the propose of the bill was that guides cannot take hunters on public lands controlled by the North Dakota Game & Fish Department such as the PLOTS lands for upland game and is held out for resident hunters.

SENATOR EVERY made a motion to adopt the amendments that were presented by sponsor. (Page 1, Line 23, after the "department" insert "for the purpose of upland game hunting" and on Page 2 , Line 3, remove "and waterfowl").

SENATOR FREBORG second the motion.

SENATOR FISCHER called for a roll vote (# 1) of SB 2449. THE VOTE INDICATED
5 YAYS, 0 NAYS, AND 2 ABSENT.

SENATOR TOLLEFSON made a motion for a "DO PASS AS AMENDED".

SENATOR FREBORG second the motion.

SENATOR FISCHER called for a roll vote (#2) of SB 2449. THE VOTE INDICATED
5 YAYS, 0 NAYS AND 2 ABSENT.

SENATOR FISCHER will carry SB 2449.

Date: 2-16
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2449.

Senate NATURAL RESOURCES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 10790.1010

Action Taken To Adopt Amend. - upland game hunting

Motion Made By Every Seconded By Freborg

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	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 0

Absent 2

Floor Assignment _____

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

Date: 2-16-01
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2449

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 Freborg

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	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 0

Absent 2

Floor Assignment Fischer

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

REPORT OF STANDING COMMITTEE (410)
February 16, 2001 4:59 p.m.

Module No: SR-29-3791
Carrier: Fischer
Insert LC: 10790.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2449: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2449 was placed on the Sixth order on the calendar.

Page 1, line 23, after "department" insert "for the purpose of upland game hunting"

Page 2, line 3, remove "and waterfowl"

Renumber accordingly

2001 HOUSE NATURAL RESOURCES

SB 2449

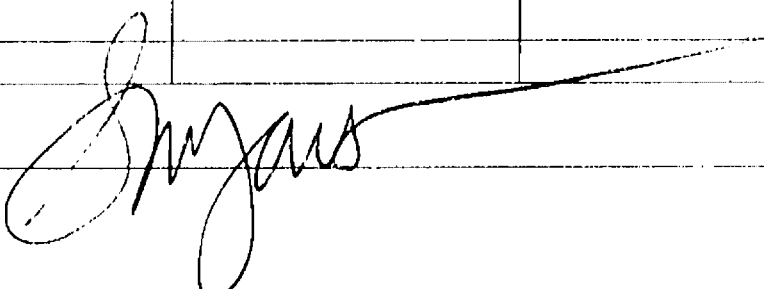
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2449

House Natural Resources Committee

Conference Committee

Hearing Date March 9, 2001

Tape Number	Side A	Side B	Meter #
2	x		1 to 2848
Committee Clerk Signature 			

Minutes:

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

Chairman Rennerfeldt: I will call the committee back to order, and open the hearing on SB 2449.

Clerk will you read the title.

Rep. Porter - District 34: SB 2449 puts a well thought out piece of legislation that Sen. Mutch after the House defeated a similar version of the same bill. Early on in our committee work we had a similar bill that encompassed guide and outfitters and their use of public lands in running their business. That bill was defeated, this one took out some of the noticeable unfavorable language that was in the last version. This was done to make it a more palatable piece of legislation. As it started out in the Senate, it included both upland game and waterfowl, and

Page 2

House Natural Resources Committee

Bill/Resolution Number SB 2449

Hearing Date March 9, 2001

would put a restriction on certified guides and outfitters to guide on that land. The waterfowl portion of the bill was amended out, so now it reads upland game hunting. Just a couple of points. The operation of a hunting business in ND with guides and outfitters is just that, a business. Those guides who choose to be in that business need to make the proper connections, the proper expenditures in their business to make sure that they are giving their clients what they want when they come in to buy the service. When someone is running a business on the backs of the hunters and fishermen of ND who are using their money that they paid for their conservation stamps to open up more public land to take the pressures off the land owners and the relationships between land owners and sportsmen is wrong. Someone operating a business should have made the connections and had the foresight to lease land, have land available at their disposal that is private land. They should be using the resources of private ownership of land. We just heard the discussion on how landowners in ND are having a hard time making ends meet. So this is exactly what this bill tells them to do. It tells the guides and outfitters who are running a business to go out and work with the local landowners and buy or lease the hunting rights for that piece of land so you can run your business. One area of concern is the PLOTS program. Over the last four or five years, ND Game and Fish has invested a lot of time and effort and the sportsmen money to develop access for residents and nonresidents to come into our state and have a place to hunt, what they didn't intend to do is to invest this money into an area open to public hunting for a guide and outfitter to come in and strip the land of its game and not have a place for not only the resident, but the non resident hunter who choose not to use a guide and outfitter service to hunt. Any questions?

Rep. Keiser: On page one of the engrossed bill, line 12 and 13, you have taken the penalty out of the language, was that intentional, is the penalty somewhere else for a violation of serving as a guide without a license?

Rep. Porter: That portion of the bill is the same as when we heard it on the House side and I would leave that for the Game and Fish to respond to.

Vice Chair Nelson: One of the problems with the House Bill, was not the land that Game and Fish had an easement on, but some of the Federal land that Game and Fish has control of. That Lone Tree Area, would that be included under this particular bill?

Rep. Porter: Yes.

Vice Chair Nelson: If that is true, how many Sportsmen's dollars were expended in that area?

Rep. Porter: I guess I don't know.

Rep. Hanson: They haven't put any money into the purchase, but they pay the taxes on it now. Game and Fish pays the taxes on the Lone Tree property. I have a question for Rep. Porter. At present time the WPA's that are leased by the Federal Government, you can't guide on those. Would you be opposed to having the Upland Game removed here and put "for the purpose of hunting". So a guide couldn't go on any land that is owned or leased by the Game and Fish Department?

Rep. Porter: I would be open to that.

Rep. Hanson: That would put it in the same situation as the Federal lands as far as WPA's are concerned.

Rep. DeKrey: What do we tell the landowner that has spent an investment of over a million dollars setting up a Guide Service because he has this tremendous state asset to use and now the state comes in and decides they don't like that idea. What recourse does he have?

Rep. Porter: As with any business, if you're relying on things out side of your control, they are always subject to change, I guess I would wonder why a person would establish a business that have very limited overhead and is established on the backs of other people and not have a guarantee of operation. What that persons motive was in the first place? An opportunity to make money and not have the overhead, or why didn't they reinvest the profits from that business to secure a lease with owners of the land who are struggling to survive. That is what needs to be stressed here. The vast majority of the guides in this state are working in cooperation with landowners and that money is going from a business to a land owner who is sustaining their ability to stay on the family farm.

Chairman Rennerfeldt: Any questions. Anyone else testifying in favor.

Mike Donahue - United Sportsmen of ND and ND Wildlife Federation: We support the concept of SB 2449. However, we do not support the limitation applying to just Upland Guides and Outfitters. We ask for the following amendments. Page 1, line 23, after department we ask you insert a ";" and page one line 24, strike the entire line. On page 2, line 3 after the word "use" insert a ";" and strike over "for the purpose of upland game hunting." With that amendment, this would include all hunting guides. It would apply to all fairly.

Rep. Drovdal: If we accept your amendment, first of all we recognize Guides and Outfitters as legitimate business people. We recognize the National Grasslands as multipurpose for all people, the grasslands are under Federal management, but they are governed by ND Game and Fish as far as allowing Guides and Outfitters on the land. So they actually control the agreement, so we would therefore be restricting Guides and Outfitters for any use of our multipurpose land, aren't we contradicting ourselves?

