

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1278

2001 HOUSE NATURAL RESOURCES

HB 1278

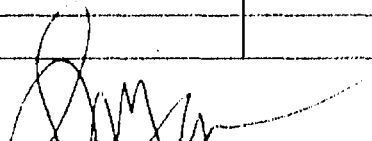
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1278

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
1	x		2892 to end
1		x	1 to end
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. Winrich,

Chairman Rennerfeldt: I will open the hearing on HB 1278. Read the title.

Rep. Rod Froelich - District 35: (See written testimony).

Chairman Rennerfeldt: Any questions of the committee?

Rep. Jim Boehm - District 31: I agree with our previous speaker. It is just a matter of being treated the same as any other property owner. (shares story for example). I think this bill is a good bill, it is a matter of fairness.

Chairman Rennerfeldt: Anyone else to testify in favor of this bill?

James Kerzman - District 35: It is a property rights issue. We get contacted all the time. Upland game hunting has been an economic boost to our County. I have never charged for hunting. I have a good relationship with 98% of the hunters that come to my place. They come and ask, I give permission. I have had a few problems over the years. My father owns some land, part in CRP and right behind it is a section of PLOTS land. I put signs in there, but numerous times that hunters start at the PLOTS land and just continue on through the whole two miles. I have a problem with that. It is a property rights issue. It should be considered posted. Another problem we are having, I have been working with the Ranchers out in the western part of the state. They have a lot of co-mingled land, federal and private. You have acres and acres of land with riparian and so forth, how do you go about posting? How do you keep checking on it. A lot of it isn't fenced. You need to get a hold of the owner and get permission, consider it all posted. That is what this does. I don't think it is asking for that much? SD has this and had for a lot of years. Montana is a little bit different, they color some posts. I had a guy call me the other day and he said last year it took me a whole day to put up hunting signs and then police my land all hunting season long. Our constituents are asking for this. Hunting is good for the economy, but let's do it in a respectful way. What we have now is just driving a wedge in-between.

Chairman Rennerfeldt: What is the northern boundary, is it everything south of the Missouri or south and west of the Missouri, McKenzie County? Where the Missouri runs south of Williston all the way?

Boehm: Yes

Rep. Nottestad: Last year when this bill came up, one of the main ones from your district that came in and spoke in favor of the bill were the companies that held the leases in the Mott/Regent Area. Would this bill benefit them as much as they said it would benefit them last year?

Boehm: I think it would help them too. What they do now is furnish the signs, the landowner has to put them up and furnish a description of where they are at, they guide service.

Rep. Nottestad: If this bill then passes, do they have to put any signs up?

Boehm: No, not unless they want to leave it open access hunting. Then they put up a sign that says you can hunt there.

Rep. Nottestad: They couldn't put up a sign like that without permission of the landowner. In essence your bill prohibits that.

Boehm: I don't think so. The signage is just the opposite of the way it is now. Today you put up a sign that you want to post land, with the bill you put up a sign if you want open hunting. A lot like the PLOT land.

Chairman Rennerfeldt: Any further questions of the committee?

Eric Aasmundstad - ND Farm Bureau: (See written testimony)

Chairman Rennerfeldt: Any questions of the committee?

Rep. Porter: Do you look at this like a foot in the door type of bill, where you could get this passed for southwestern ND and then come back two years from now and get it for the rest of the state? Or do you think it would be fine just to have that area and not the rest of the state?

Aasmundstad: We feel that privately owned land should be respected. If you want access to private ground, what is the harm in asking? I don't know if we could call it a foot in the door, but our organization would be supportive of something along those lines. We are a property rights organization.

Rep. Porter: One follow up question, as far as correlation's made back and forth between ownership of land in town and ownership of land out in the country. Do you think as a landowner in town I should be allowed to post my sidewalks so people have to walk out in the public streets

or should I carry the liability for them to walk on my sidewalks and if I don't shovel and they slip and fall then my homeowners has to pay for their injuries.

Aasmundstad: I was very careful not to make any reference to that in my testimony because I don't draw that correlation myself. To me those are two separate issues.

Rep. Kelsh: In the last twenty years we have stiffened the penalty for DUI's and it seems to cut down on the number of arrests. What would you think of the idea of doing the same thing with people who violate the posting laws. Do you think that would have any effect if they knew there were severe consequences?

Aasmundstad: There possibly could be, I would just as soon see that not happen. If they respect what other people have, that should never be an issue.

Rep. Kelsh: You said that 90% are respectful and courteous, but it is that 10%. If they knew there was a severe consequence for violating the law, do you think that you would be in favor of that?

Aasmundstad: I would think our membership would be supportive of something along those lines. I would hope we wouldn't have to go there. This bill to me should not hinder the ability that people have to access private land. There is going to have to be more communication. Will severe penalties curtail violation, we would hope so. But we don't know.

Chairman Rennerfeldt: Any further questions of the committee?

Walter Meier: It has been 26 years since I introduced this very same legislation. We debated this bill on the house floor and the conclusion we came to at that time was that what was good for one part of the state was not necessarily good for the entire state. Being the Southwest consists mostly of large acre cattle ranches and very sparse population, it is important that we know who is out there. Our family owns ranches in South Dakota, this law has been in effect there for a long time, we have had no problems and we believe that since conditions are similar I can see no

reason why it should not work here. My understanding of the bill is that the land is considered posted unless otherwise stated. I don't think asking someone for permission to hunt is expecting too much. I hope you give this HB 1278 a Do Pass.

Rep. Porter: Would you then agree if this law would go into effect that we should allow road and ditch hunting between the fence lines like they do in South Dakota? Because their law would not be similar to this, they allow road hunting with their automatic trespass bill. Would you oppose an amendment onto this that would allow road hunting?

Meier: I would not. I don't have any problem with that, my problem is open gates.

Rep. Porter: You would rather have it match South Dakota to have road hunting.

Meier: I would have no problem with that.

Chairman Rennerfeldt: Any other questions committee?

Dennis Miller - LAND President: (See written testimony).

Chairman Rennerfeldt: Are there any questions of the committee?

Gene Harris - ND Stockmen's Association: Many of us have made a commitment to own land in this state. When they make that commitment they make a commitment to nurture the deer or wildlife. They do that as a privilege they extend to the sportsmen. Many of the people we are targeting that bill toward I wouldn't give the privilege of calling sportsmen, they are license holders that feel they have a right to hunt. They have to have a landowner that will allow them to hunt. The people that are against this bill those are the hunters. We need to reward the landowners and the sportsmen that have formed a relationship over the years. We post all our land and make an effort to ensure there is no one else on that land. We are allowing them to hunt on our land, we think they should extend the same privilege to us, they are protected by their rights as city residents as we should be in the country. I think we need to repair the

relationship between sportsmen and landowners. This bill will start to reward landowners for their commitment.

Chairman Rennerfeldt: Any questions for the committee?

Allan Lund: I wrote Rep. Rod Froelich a letter pertaining to this bill and he asked me to read it to your committee. (reads letter).

Chairman Rennerfeldt: Any questions from the committee?

Bob Gangle: I would like to say a few words in favor of HB 1278. I have been following this legislative business for better than 30 years. This bill keeps coming up and gets treated as a joke by some of the sporting groups, it has been getting killed by recession. I've looked at HB 1278 and there is nothing in there that pertains to having written permission. Trappers in ND have had to do that for many years. Sportsmen groups have been able to kill a trespass bill in the past and may be able to do that again. But I would urge them to get their heads together and see if there is something that can be done with this problem. If this bill is not favorable, we need to get together and work on something that is. Landowners have trouble keeping control of things when the season is open and will resort to whatever measures they need to, to keep control. And if we go to a fee hunting situation it will have ramifications we don't even know about now.

Vice Chair Nelson: Do you post your land?

Gangle: Yes.

Vice Chair Nelson: Do you allow hunting?

Gangle: The last two years I have allowed people to hunt turkeys on my property, before that we had kept it posted because we hunted ourselves. The turkeys are around the homestead, so the hunting is around the farmstead. In the past 20 years of hunting I have only had trouble with 4. 1/4 of what is out there.

Vice Chair Nelson: Do you know of violators that have gone into your property without permission?

Gangle: In the past yes.

Vice Chair Nelson: What would prevent them from going into their land if it was considered posted.

Gangle: Nothing. If they are in that frame of mind there is nothing you can do except report them and get them arrested.

Vice Chair Nelson: The point I would like to make, is that landowner and sportsmen relationship must be built. I think one of the reasons that this bill hasn't passed in previous years is that those people who encourage people to hunt that a number of the population, if they are working families, to create those relationships take a long time. How do you begin that process? That is the balance we need to weigh. The violators will be there if we pass this bill or not. What does it do to the rest of the public.

Gangle: In anything it should strengthen the landowner relationship if the sportsmen have to go out there and talk to them. But the people that come from town or out of state that expect to go in there and you don't know them, that is a poor way of doing that.

Chairman Rennerfeldt: Any more testimony.

Andy Mork: I am in support of this bill. We have a lot of game on our land. There is a presumption in ND that un-posted land can be hunted. So you have to post your land. We do post it. Instead of introducing bills like this why hasn't someone gotten the Attorney Generals opinion or ND Supreme Court opinion verifying we are striking down the right to be on private property. We have the same problem with snowmobilers. Private property is just that. In town it is a matter or property in the country it is wide open.

Chairman Rennerfeldt: Any questions of the committee?

Emery Beck: This bill for the most part is pretty good, except under section 3, I would like to see it amended that you could put a distance of 100 yards or something off the property that you are hunting on that you can go on the other property to retrieve the game. They just walk across the land, chase the game out and say they are looking for wounded game. It is a legal loophole. Game and Fish told hunters they could do this, the Attorney Generals office gave them the opinion it could be done. We need to close the loopholes before passage.

Rep. Porter: Wouldn't they have to be your neighbors in order to do that? Follow the land around you that is posted?

Beck: Oh no! You can legally drive on a road. Game and Fish tells people if I own land on both sides of the road it is posted no hunting. If I own land on one side of the road and someone else owns land on the other side of the road, you can hunt the road. You have to have the land posted on both sides, the same person.

Rep. Porter: That is not entirely true. It just needs to be posted on both sides, not owned by the same owner on both sides.

Beck: The person on one side gives permission to hunt and he still hunts the road.

Rep. Porter: Only till the middle of the road.

Chairman Rennerfeldt: Any further questions?

Beck: The person on the other side in the middle can still shoot an animal over there and still walk through mine, even though it is still not there. Only to flush it.

Wade Williams: This law is in effect statewide for trappers and it works. Take that into consideration.

Chairman Rennerfeldt: Any testimony opposed to this bill?

Scott Lang - ND Bow Hunters: We oppose this bill. (gives background). If I thought HB 1278 would solve the problems I would be supportive of it. A lot of land is being sold in ND to out of towners. It is very difficult to find out who those people are. What I am finding more and more, that ownership is so far removed. I wish that 1278 was a fix all. There is a concern about sloth hunters. The posted signs don't help to get to the landowners. A great percentage of land is owned by non residents and it is difficult to find these people. I don't think 1278 is going to fix this problem. What should we do. I think we should make a stiffer fine for trespassing. I don't think it is a great percentage of people that don't talk to land owners. HB 1278 in this state would make more of a problem for hunters. SD has a lot of large ownership properties and not as much federal land, you can make one stop and get landowners permission. The state of Montana has the same law, but one-third of the state is state owned and the rest of the ownership is in large blocks. Here in ND I can have as many as 12 landowners in one section of land. The ND Bow Hunters oppose this bill.

Chairman Rennerfeldt: Any questions of the committee?

Roger Rostvet - ND Game and Fish: (see written testimony).

Rep. Porter: In a recent publication from Game and Fish they talked about the violations of the previous year. One of them I looked at was the trespassing without permission. It was less than 20 of the number of convictions for hunting on posted land. This was the entire year. Is there a problem convicting people trespassing? Does the warden need to witness the crime, are the land owners not willing to take it all the way? Less than 20 a years does not seem to be a huge trespassing problem to me?

Rostvet: As in any type of violation law, it requires the person who witnessed the violation testify. On an individual basis, we have some landowners that are very willing to testify if it goes

to court. If you look at SD, their rate of violation is significantly higher than ND and their complaints are higher.

Vice Chair Nelson: Obviously there is differences in each part of the state. Last fall, primarily in the southwestern part of the state, we had extremely dry conditions, and I as a land owner would be concerned when my livelihood is in jeopardy with the hunters and fires. I know you have some policy as far as fire danger index, I wish you would explain that, sportsmen need to know your policy so they can put it into practice.

Rostvet: Currently ND has a rural fire mitigation plan. It is a broad based plan. SD has approached us on how our rural fire mitigation works. In the past, checking with the State Fire Marshall and Emergency Management Services, the fires that have been caused, they are having difficulty finding that hunters started them. Also they have recorded hunters being out in the field as being a positive thing helping to find and put them out.

Vice Chair Nelson: I think communication to the sportsmen needs to be put out there, especially in case like that. When a fire occurs during hunting season, I am guessing the perception is negative. I think people should know they need to take fire fighting tools with them.

Rostvet: I think that last fall was a good example, we took out ads to advise people in this area where the fire danger was.

Rep. Klein: You say 55.3% of the respondents weren't likely to come back here. I would dispute that number with pheasant hunting as good as it is. Also do you think out of state hunters is going to start driving to ND if he doesn't have a place to hunt? These people check it out.

Rostvet: There is a point to that. Our study asked them the question do they come to ND specifically because of the open access. That is what the respondents replied to us. I think you

will see there are a lot of non residents using PLOTS. Half the residents in the southwest use the PLOTS program.

Rep. Weiler: Is this House Bill constitutional? Under Article 1, section 22 of the ND Constitution, it says that laws must have a uniform effect.

Rostvet: I am not legally capable of answering that question.

Dean Hildebrand - Director of the ND Game and Fish Department: We have made every attempt in the department to encourage hunter and landowner relationships. (See brochure). We have an advisory board, by law we have to meet in each district twice a year. We have an open door policy at Game and Fish and visit with as many people as we have the opportunity to. (see brochure). We are in opposition to this particular piece of legislation.

Rep. Klein: If 1278 passes, are we going to be under pressure for some kind of regulation regarding section lines open to hunting?

Hildebrand: Under this piece of legislation as I see it now, they are going to close everything. Everything will be posted. We have a little different philosophy in South Dakota, down there they have capitalized on pheasant hunting, you don't hunt them unless you pay to hunt them or you hunt them on the little bit of public land they have, or the road ditches. You need to talk to a South Dakotan who lives down there. We have a lot of them that come up to ND to hunt. They are at a much better area to raise pheasants, we are at the north end of the belt. I think we would have to do something if this bill were passed to open up section lines to hunt on.

Chairman Rennerfeldt: Any other testimony opposed?

Mike Donahue - USND & NDWE: We opposed HB 1278 and ask you Do Not Pass. We find it curious in this bill the current law would change that the current landowners who do not post, it would require them to post their land saying, you are welcome. It just flips the hat to the other

side. The other thing I would like to point out, with all that land out there, identifying who has what out there, current posting for those who want to stop and ask, it really helps out.

Larry Knoblich - ND Sportsmen's Alliance: Our group opposes this particular bill. (see written testimony).

Hildebrand: We changed a few sessions ago on posting to make it as easy to put up posters as possible. All you need now, is No Hunting and sign your name. You can put it on your tire, as long as it is legible it will last forever. If there is a fence it only needs to be on the gate. If not fenced it is 880 yards. Thank you.

Chairman Rennerfeldt: I will close the hearing on HB 1278.

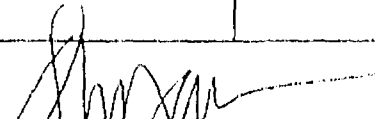
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1278

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
3		x	557 to 1180
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. Winrich.

Chairman Rennerfeldt: Let's do HB 1278.

Rep. Porter: As a landowner in the region that is affected by this bill I respectfully move a Do Not Pass on HB 1278.

Rep. Nottestad: I second.

Chairman Rennerfeldt: Any further discussion on HB 1278?

Rep. Solberg: This is just the area south and west of the Missouri River?

Chairman Rennerfeldt: That is correct. If this bill were to pass everything in that area would be posted unless it was posted allowing hunting. If there is no further discussion, let's call the roll.

MOTION FOR A DO NOT PASS

YES, 7 NO, 7

1 ABSENT AND NOT VOTING

MOTION FAILS

Chairman Rennerfeldt: We will have to do this tomorrow with a full committee.

Rep. Porter: I would like to move an amendment to HB 1278. I would like to amend it that in this area of North Dakota that it is now legal to road hunt, in this region.

Chairman Rennerfeldt: You will have to talk to the bill sponsor. (more discussion).

Rep. Porter: I think that if... The group that was in testifying in favor of this, they were comparing the current situation in South Dakota to North Dakota and they were stating how all land was posted in South Dakota. What they kept failing to remind everyone was that in South Dakota, all section lines plus 52 feet and all roads are considered open to public hunting. I think if we are going to close down one of the biggest areas of North Dakota to Upland Game Hunting to hunting, we are going to take millions of acres that are currently no posted and post them. We had better have a place for these people to hunt, because it is going to be the roads of North Dakota. I know that in looking at this bill, it is certainly not going to stop me from having a posted sign up on the land that I have so the people know what my intent is and no matter what you do with this bill, it is not going to stop the problem of people going into land they are not supposed to. This is not the answer to what they perceive as the problem. Those people are going

to break the law regardless of what the law says, they are not hunters, they are poachers. When poaching and trespassing and defacing signs and everything that was brought up is already against the law. Tomorrow I might have another amendment to limit the number of nonresidents hunters that can come into this area, because if hunting is such a big problem, then maybe we should keep nonresident hunters out of this area. If we are going to think that it is okay to have a region of this state that is posted to mirror South Dakota, then we better go all the way with South Dakota law and open up the section lines to public hunting.

Rep. DeKrey: Does South Dakota limit non resident hunting?

Rep. Porter: They limit non residents in water fowl, they limit their numbers of water fowl. For non residents Up Land Game hunting for pheasant, grouse and partridge, they are limited to buying one ten day license that can be used in 5 day intervals.

Chairman Rennerfeldt: Why don't we table this until tomorrow. If we have time tomorrow.

Rep. Hanson: You will need a repealer up there. Because if it is posted on one side, it is posted to the middle of the road and it is already protected, you will have to get a repealer.

Rep. Porter: I will take care of it.

Chairman Rennerfeldt: Okay, we will take this up at a later date.

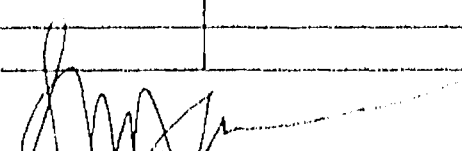
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1278

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
2	x		2786 to 3360
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. Nettekstad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich,

Chairman Rennerfeldt: Let's take HB 1278. Here is some testimony that I need to pass around.
(see testimony).

Rep. Porter: This amendment adds a sentence on page three after line 13 that would read
"notwithstanding the provisions of this section, section lines located south and west of the
Missouri River are open to hunting." During the testimony, Mr. Meyer indicated that they wish
to have the same laws that South Dakota currently has. In order to have that law, you have to
have this amendment adopted to this bill. That would make it current to what South Dakota has.
With that I would move the amendment.

Page 2
House Natural Resources Committee
Bill/Resolution Number HB 1278
Hearing Date February 8, 2001

Rep. Nottestad: I will second it.

Chairman Rennerfeldt: I have a motion on the amendments, is there any discussion on the amendments, all in favor signify by saying Aye. Opposed? The ayes have it.

Rep. Porter: I move a Do Not Pass on HB 1278 as amended.

Rep. Weiler: I second.

Chairman Rennerfeldt: Further discussion.

Rep. Solberg: I voted for a pass on the original bill and with this amendment on this bill, it really makes it bad and I am going to change my vote and vote with the motion and vote for the Do Not Pass.

Chairman Rennerfeldt: Any other discussion?

Rep. Porter: I think wrecked is a pretty harsh word. Rep. Hanson brought a new light to it.

Chairman Rennerfeldt: Call the roll.

MOTION FOR A DO NOT PASS AS AMENDED

YES, 13 NO, 2

CARRIED BY REP. PORTER

10268.0101
Title.0200

Prepared by the Legislative Council staff for
Representative Porter
February 1, 2001

VR
2/8/01

HOUSE AMENDMENTS TO HB 1278

HOUSE NATURAL RESOURCES 02/09/01

Page 3, line 13, after the underscored period insert "Notwithstanding the provisions of this section, section lines located south and west of the Missouri River are open to hunting."

Renumber accordingly

*Hold
til next
Thursday*

Date: 02/01/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1278

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep. Porter Seconded By Rep. Nottestad

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke		✓	Lonnie B. Winrich		✓
Duane DeKrey		✓	Dorvan Solberg		✓
David Drovdal		✓			
Pat Galvin		✓			
George Keiser					
Frank Klein		✓			
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 7 No 7

Absent 1

Floor Assignment _____

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

Date: 2/8/01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1278

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS as amended

Motion Made By Rep. Portu Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Drovdal		✓			
Pat Galvin	✓				
George Keiser	✓				
Frank Klein		✓			
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 13 No 2

Absent _____

Floor Assignment Rep. Porter

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2001 12:12 p.m.

Module No: HR-24-2853
Carrier: Porter
Insert LC: 10268.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1278: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (13 YEAS, 2 NAYS, ABSENT AND NOT VOTING). HB 1278 was placed on the Sixth order on the calendar.

Page 3, line 13, after the underscored period insert "Notwithstanding the provisions of this section, section lines located south and west of the Missouri River are open to hunting."

Renumber accordingly

2001 TESTIMONY

HB 1278

TESTIMONIAL ON HOUSE BILL 1278
PREPARED BY REPRESENTATIVE FROELICH
JANUARY 26, 2001

My name is Rod Froelich and I represent District 35. District 35 encompasses Sioux, Adams, and Hettinger counties, and part of Grant county in Southwestern North Dakota. I believe it is the second largest district in North Dakota areawise.

Committee members, my district has by far the most pheasants, turkeys, grouse and possibly the friendliest people in North Dakota.

But regrettably to say, that is changing. If you would venture into my district around the opening weekend of grouse or pheasant season you would find people who are very reserved, and possibly, even hostile. The opening weekend of grouse and pheasant season is comparable to attending the 4th of July parade hold in Mandan, North Dakota. Hunters from North Dakota and across the nation migrate to my district like flies to a dead animal.

The burden has fallen on landowners to protect their property. Compare this to any other business that puts a fence around their property. They do not have to put up "No Trespassing" signs. Anyone found inside their property can be lawfully prosecuted for trespassing. Is this not a double standard?

The landowner has the cost of signs, wear and tear on vehicles, fuel, and most importantly, his time and labor involved.

This is not a one-time cost during a season of hunting. The landowner must continually monitor his property to see that it is legally "posted." Many times signs are destroyed by nature, wildlife, domestic animals, or irresponsible people who care nothing about property owners' rights.

Property owners have the problem of making sure their signs are legible and must conform to state law concerning descriptions of property, phone numbers, addresses, etc.. If the landowner fails to do all this, he might as well not have posted his land, because it will not be enforced by a Game and Fish Department official or the state courts.

It is grossly unfair that landowners must bear all the costs and burdens to protect if for their personal property. Most hunters are well aware of the fact that farmers and ranchers are the reason there is game to pursue. Without the famers and ranchers who supply the habitat, there would be little, if any, wildlife.

Responsible hunters realize the time and energy it takes to post our land and protect it for their hunting. They make arrangements weeks ahead of time. These hunters are the 90% that landowners love to see drive into their yards every year.

The majority of hunters in North Dakota despise hunting for a fee. I am not a huge proponent of it. But if I have to bear the expense I must recoup my cost in some way. Look for more fee hunting if you do not pass this bill.

There are those who will argue that they won't be able to find the landowners. I say hogwash to that. If I have my land posted you will still have to ask someone where I live. Some will say it is impossible to find out of state landowners. I say that is poor planning. If a person from Fargo wanted to attend the Medora Musical you can't tell me he wouldn't call ahead for tickets and rooms. If he doesn't plan ahead he deserves to sleep in the car.

Mr. Chairman, I am an elk hunter. I travel to Colorado almost every year. I always have a place to hunt, a place to hang my hat and great fun. Colorado landowners do not post their land.

This bill is about respect! Do we have to put up signs to get respect? If we do, it's time to change our laws!

Jan. 24, 2001

Rep. Rodney Froelich,

I feel the idea of the land owners spending their time and expense of posting their private owned land is very inconsiderate of the State, the Game and Fish, and the hunter.

If hunters were true sportsmen, they should make arrangements with the land owner, and obtain a written permission from the land owner to hunt. With the written permission, they could then buy a license from the State Game and Fish Dept.

Groups opposing this bill say it is too hard and time consuming for the hunter to obtain written permission. Well what about the time, the inconvenience, and the expense we have to go through to keep our own land posted all fall. We do Not have weekends off, or time to drive around for 3 months in the fall for recreation, as the hunters do! I feel it is time for land owners to stop posting their own land

against hunting trespassers.

If this State and the State Game and Fish Dept. were truly concerned about the land-owner - hunter relationship, they would endorse private owned land being posted, without signs. They could adopt a program like the one I have enclosed. Other states have passed laws that land is posted without signs, and hunters get written permission from the land owner. Until a program like this is adopted, I feel the only concern is to generate income for the State and the State Game and Fish Dept.

Michael Weinhandl
Box 867. Logan Rd.
Shields, N. D. 58569

1-24-01

Dear Rod,

I am in your corner with your introduction and support of House bill 1278 to label all private land as posted no hunting.

Fall is usually busy enough that it is an inconvenience and nuisance to post your land.

Hunters should have the common courtesy to ask permission regardless if the land is posted or not. So this bill should not be a deterrent to hunters as they should ask permission to hunt anyway.

Sincerely,

Gary F Friedt

January 24, 2001

Representative Rod Froelich
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Representative Froelich:

I support House Bill #HB1278.

Thank you.

Sincerely yours,

Gary D. Witte

Gary D. Witte
HCR 01, Box 24
Regent, ND 58650-9719

Representative Rodney Froelich
N.D. State Capital
600 East Boulevard
Bismarck, N.D. 58505

Representative Froelich:

I am writing you regarding House Bill # 1278 which as I understand deals with the issue of hunting on posted land.

As a landowner who has posted my land to limit and control hunting activities for the last 40 years, I wholeheartedly support any legislation that would relieve me of this burdensome task. I can't understand why the landowner should have to bear the costs, and take the time to limit access to their own private property. I feel that all private land should be considered No Hunting or trespassing unless otherwise posted.

I might also suggest that if hunters would show some respect and courtesy while hunting on private property they would be more welcome.

Thank you for your concern and support in this matter.

Louie Witte

Louie Witte
Rt. 1 Box 30
Regent, N.D. 58650

Shields/Selfridge Sportsman Club
P.O. Box 53
Selfridge, ND 58568

January 21, 2001

Honorable Rodney Froelich
State Representative
600 E. Boulevard Ave.
Bismarck, ND 58505

Dear Representative Froelich,

At a recent meeting the Shields/Selfridge Sportsman Club members voted to support H.B. 1278. We feel it is important for landowners to have total control of hunting on their land.

Thank you for introducing this bill. Good Luck with it. We hope it passes.

Sincerely,

Deborah H. Vollmuth

Deborah Vollmuth
Secretary Shields/Selfridge Sportsman Club

January 24, 2001

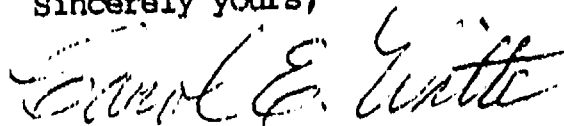
Representative Rod Froelich
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Representative Froelich:

I support House Bill #HB1278.

Thank you.

Sincerely yours,



Carol E. Witte
HCR 01, Box 24
Regent, ND 58650-9719

Dear Committee

I Support Bill 1278

Ray Buck

Scott & Cherie Muggli
8955 100 Ave SE
Fullerton, ND 58441
783-4412
csnuggli@drtel.net

January 23, 2001

Representative Rod Froelich
Natural Resources Committee
600 East Boulevard
Bismarck, ND 58501

Dear Representative Froelich:

We are writing concerning House Bill 1278 relating to posting of private land. We would like the bill to include the whole state. We are in support of changing the law so landowners would not have to post their land to prevent hunting on it. We farm in southeast North Dakota and have personal experience with the problem of open hunting.

First, we feel the current law puts an undue hardship on landowners who must take time, effort, and money in posting their property. The burden continues throughout hunting season to maintain the signs that are stolen, torn off, or shot up.

Second, one of the cornerstones of our country is owning private property. We feel it is the government's responsibility to protect property owners who pay taxes and use the land to produce invaluable goods for this country. Hunting is a right now protected under North Dakota's constitution. Private property rights should be as high of a priority in this state.

Third, and on a very personal note, my wife and I spend extraordinary amounts of time and money farming our land. We spend more time in our fields than we do in our house or yard. The land we farm is more precious to us than our house, yard, or garden. Just as most people don't want strangers walking through their house, yard, or garden, we would appreciate the same respect for our farmland regardless if it is posted or not.

We do enjoy hunting and fishing very much. We love to share our great natural resource with friends and relatives who ask permission first. We would appreciate the burden of posting taken off the landowner. Thank you for this consideration.

Sincerely,

Scott & Cherie Muggli

Scott & Cherie Muggli

January 23, 2001

Representative Rod Froelich
Natural Resources Committee
600 East Boulevard
Bismarck, ND 58501

Dear Representative Froelich:

This letter is in support for House Bill 1278. We would like the burden put on the hunters to ask permission rather than posting signs every year that are disobeyed anyway.

Our surrounding states do not put the burden of posting on the landowners. North Dakota is one of the few states in the nation that protect hunting rights over property rights. Our land is private property and should be protected as such.

Thank you for your time.

Sincerely,

Leo Muggli
Vincent Muggli Jr.

To: Rod Froehlich

We would like to offer our thoughts on HB 1273.

We live on a beautiful river ranch in Grant County south of Carson.

We have often opened our ranch to hunters. But we want to know who the people are who come into our yard, walk close to our cattle, open our gates, ~~the~~ and drive across our fields.

We would never think of parking on a city street and walking into someone's back yard, ~~because it's not posted~~. Or going into a business and going wherever we wanted.

Yet somehow, people think that they can come unto our ~~ranch~~ land, drive wherever they want, shoot where they want, — that somehow our land, our property, our yard should be open to the public unless we post a sign saying

NO TRESPASSING! We believe that we as ranchers and farmers should have our property respected, as any business owner wants and needs to have his or her property respected.

Last Sunday when we got to Hwy 21 leading into Carson, a van turned south. Two guys in the van were dressed like hunters. I had an uneasy feeling — because they were headed south — because

2)

HB 1278

We shouldn't have to worry. We should know that people must respect our business, our home, our land — just as they should respect all people's property. It's foolish that we must put up a No Trespassing sign to stop people from driving around on our private road and property.

This is an excerpt from ^{Judy Hoff's} ~~my~~ book, *Palms from the Heartland Hunters*

His letter said he wished they could have walked our river bottoms one more time before his dad's death. This man, like many of the guys who have hunted here works in an office during the week. They come as much to walk and look and feel as to take game.

We know that the land + all that is on it belong to our God.

We share the land on which we live with these men.

They are thankful for the chance to hunt and be in the outdoors

We are thankful for the bountiful gift of the land.

the giving of thanks glorifies God.
I, the creator God will surely save
all who honor me (Psalm 50:14/15)

January 22, 2001

House of Representatives
Rod Froelich
State Capital
600 E. Blvd.
Bismarck, No. Dak. 58505

Rep. Froelich,

We encourage you to present to the State Legislator
House Bill 1278, to relieve farmers and ranchers the
stress and expense of posting land to prevent hunting
and trespassing on private lands.

Thank-you.

Respectively,

Isbell Livestock
Wade, Sue, Blake & Gerald Isbell
Salem, N.D.
58570

Representative Rod Froelich
Mr. Keith Witte, New England NO

I am writing to you, concerning House Bill 1278.

You have my support in your efforts to
make land always posted. Besides the
expense of the signs and the aggravation of
having to go out and post it properly
every year, it is the concept that
some one has the right to trample on
my property at any time bothers me!

Thank you for your efforts, they
are very much appreciated.

If I can help your efforts, please
contact me!

Keith Witte

FROM THE DESK OF
DAVID HOGUE

P.O. Box 1000
Minot, ND 58702
(701) 852-0381
Fax (701) 857-1361

January 24, 2001

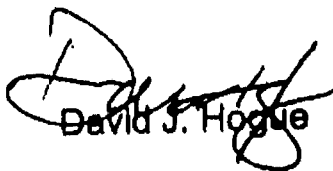
Honorable Representative Rob Froehlich
State Capitol
600 E Boulevard
Bismarck, ND 58501

RE: HOUSE BILL / 278

Dear Representative Froehlich:

I am writing to voice my support for the legislation which would make it clear that all land is posted and that hunters and others must have permission in advance from the landowner before hunting on their land. This legislation recognizes the rights of property owners and should be approved.

Very truly yours,


David J. Hogue


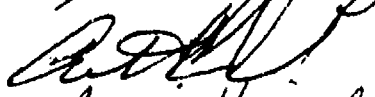
DJH/kkr

Jan 23, 2001
Salem, ND 58570

House of Representatives
State Capitol
Bismarck, ND

Dear Mr. Frolick,
I am writing in an effort to not
have to post our land for hunting.
We are in Morton County. We own 4000
acres and lease 5000 acres. It takes
too much time and labor to keep
trespassers off during hunting season.
There are hunters we do enjoy and
allow to hunt during season but
we feel we should have that right.

We would appreciate your vote
on bill # 1278.

 EDWARD HEIBERT
 ARNETTE HEIBERT
Craig Heibert CRAIG HEIBERT

Jan. 24, 2001

Rep. Froelich

I WAYNE DISRUED AM IN
FAVOR OF LAND BEING POSTED WITHOUT
HAVING TO PUT SIGNS UP.

FOR ONE REASON NO ONE SHOULD
TRESPASS ON YOUR PROPERTY WITH OUT
PERMISSION! THAT IS QUITE SIMPLE.

MOST OF THE HUNTERS COULD DO
SOME P.R. WORK. THEY ALL DO
SOME THING RUN SOME KIND OF BISSNESS
HAVE SOME KIND OF OCCUPATION, WHERE
THEY COULD HELP A FARMER. THIS IS
A TWO WAY STREET THESE FARMS &
RANCHERS COULD USE HELP. THE PEOPLE
WHO HUNT AT MY PLACE ALL DO ME
SOME KIND OF FAVOR, AND I PROVIDE
THEM HUNTING

WAYNE DISRUED

8130 36th SW

SHIELDS ND 58369

To. Reps. Rod Freulich

1-26-2001

As a landowner in N.S. I don't believe we should have to post our land every year for No Hunting and/or No Trespassing. It is expensive and certainly a nuisance we shouldn't have to bother with. It should be automatic that anyone that is on your land is trespassing, even if it is not posted, unless they have permission to be there.

I'm not anti hunting as I think there are a lot of good hunters that always contact the landowners to get permission before they enter private land. It is the slab hunters that landowners do not want on their land. Another issue is the snowmobilers who choose to go wherever they want and don't ask.

Thank You.

Mike J. Voth
Selfridge, N.S.

Rep. Froelich-

Posting land can be a real problem. whether it be wind or someone taking them down. the signs are almost impossible to keep up. I've had signs shot down and ripped down. I feel if sportmen want to hunt they should find a area before opening day. Montana and South Dak. seem to get along fine with their posting laws.

thanks for your time

Dave Ten Broek
9170 Highway 31.
Moxie, Id. 83842
57641

January 22, 2001

House of Representatives
Rod Froelich
State Capital
600 E. Blvd.
Bismarck, No. Dak. 58505

Rep. Froelich,

We encourage you to present to the State Legislator
House Bill 1278, to relieve farmers and ranchers the
stress and expense of posting land to prevent hunting
and trespassing on private lands.

Thank-you.

Respectively,

John A. Haider

HAIDER ANGUS RANCH
John and Judy Haider
6725 County Rd. 81
Solen, ND 58570-9700



Franols J. & Terryl Jacobs • HC 1 Box 78 • Regent, North Dakota 58650
Phone: 701-563-4569 • Fax: 701-563-4669

1/22/00

to Representative Rod Frelich

We are in support of House Bill # 1278 stating
all land in ND will be considered posted "no hunting
without permission." We are not opposed to hunting,
but would like not to have the burden of cost +
time to post our own land to be ours.

Terryl Jacobs
Franols J. Jacobs

Nick and Debbie Vollmuth
P.O. Box 53
Selfridge, ND 58568

January 21, 2001

Honorable Rodney Froelich
State Representative
600 E. Boulevard Ave.
Bismarck, ND 58505

Dear Representative Froelich,

As a farmer/rancher/landowner in western North Dakota, we support H.B. 1278. We feel it is important for landowners to maintain total control over hunting on their land.

Thank you for introducing this bill. Good Luck with it. We hope it passes. If we can be of any help with this matter, please don't hesitate to call.

Sincerely,

Nick & Debbie

Nick and Debbie Vollmuth



Schaeffer Ranch

McLaughlin, South Dakota 57642 • Phone: 422-6261

DONALD AND VIOLET
SCHAEFFER

Owners

Dear Rodney Frelick
I am happy to support the house bill
that would help me not to have to
post my land in order to control hunting
and trespass on it

It is time we had some say over
our land besides just paying the
taxes on it.

Sincerely
Donald Schaeffer

Scrup Co.
Land owner + Tax
Payer

August and Lucille Kirschmann
HC 2, Box 73
Mott, ND 58646

January 22, 2001

Representative Rod Froehlich
State Capitol
600 E. Boulevard
Bismarck, ND 58505

Dear Rep. Rod Froehlich:

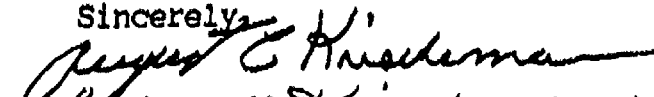
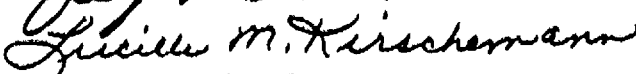
We're writing to inform you that we support HB #1278 which would consider all lands posted and would require hunters to ask landowners for hunting privileges.

We do support hunting by allowing many people to hunt on our land each year. We do not charge a fee for hunting. This bill would save us money and more importantly, time.

Again, we strongly support this bill and urge you to encourage your constituents to do the same.

Thank you.

Sincerely,



August Kirschmann
Lucille Kirschmann

Dale and Penny Wegh
HC 2, Box 83
Mott, ND 58646

January 22, 2001

Representative Rod Froehlich
State Capitol
600 E. Boulevard
Bismarck, ND 58505

Dear Rep. Rod Froehlich:

We're writing to inform you that we support HB #1278 which would consider all lands posted and would require hunters to ask landowners for hunting privileges.

We do support hunting by allowing many people to hunt on our land each year. We do not charge a fee for hunting. This bill would save us money and more importantly, time.

Again, we strongly support this bill and urge you to encourage your constituents to do the same.

Thank you.

Penny N. Wegh
Penny N. Wegh
Sincerely,

Dale Wegh
Penny Wegh

Perry and Starla Kirschmann
HC 2, Box 74
Mott, ND 58646

January 22, 2001

Representative Rod Froehlich
State Capitol
600 E. Boulevard
Bismarck, ND 58505

Dear Rep. Rod Froehlich:

We're writing to inform you that we support HB #1278 which would consider all lands posted and would require hunters to ask landowners for hunting privileges.

We do support hunting by allowing many people to hunt on our land each year. We do not charge a fee for hunting. This bill would save us money and more importantly, time.

Again, we strongly support this bill and urge you to encourage your constituents to do the same.

Thank you.

Sincerely,

Perry A. Kirschmann
Starla Kirschmann
Perry Kirschmann
Starla Kirschmann

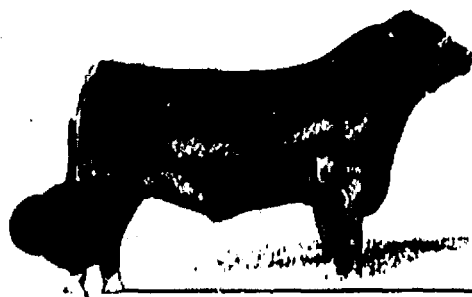
Cedar Valley Ranch

HC R 81 Box 39 . Morristown SD 57645 . 701-522-3480

I Live and ranch in
North Dakota with
a SD address. (closest
post office)

Just a note to support the bill to
~~see~~ have to ask the landowner to have permission
to hunt. I am not normally a letter
writer or politician, but this bill makes
a lot of sense to me.

We have over 100 miles of fence and I don't
know how many gates we post all the
gates and do allow hunting with permission.
However it takes one person a complete day to
post the gates - some in pretty rough country.
This in itself would be ok, but not matter which
signs we use cows will chew some off, wind
blows some away, and dogs - hunters take some
down. So I hear things like: oh I couldn't find
the gate, there was no sign on the gate etc. It
is frustrating and does not make for good
landowner-hunter relationships. If a sign is
stolen, gone, or at it gives the hunter permission to
hunt without talking to the landowner. I don't
believe that is how any (or most) of us want
this situation.



Schaff's Angus Ranch

Joe & Ruby Schaff

6110 County Road 81, St. Anthony, ND 58566-9510 ~ Telephone 701-445-7322

Ranch located 5 miles south, 3 miles east, 1 mile south and 1 mile east of St. Anthony, ND

Mr Rod Froelich.
House of Representatives

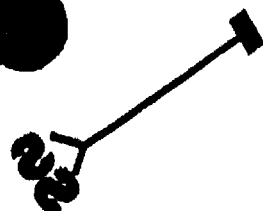
Dear Mr Froelich,

A letter of acknowledgement, that I
support House Bill # 1278

Sincerely
Joseph A. Schaff.

The Brand You Can Trust
For
Satisfaction & Service

We Specialize In Quality Registered and Commercial Cattle



January 22, 2001

House of Representatives
Rod Froelich
State Capital
600 E. Blvd.
Bismarck, No. Dak. 58505

Rep. Froelich,

We encourage you to present to the State Legislator
House Bill 1278, to relieve farmers and ranchers the
stress and expense of posting land to prevent hunting
and trespassing on private lands.

Thank-you.

Respectively,

Philip C. Schoff
106 - 2nd st NE
Mandan No. Dak. 58554

Winding Water Ranch
Ross Schaffer
McIntosh SD 57641

Dear Mr. Freolich,

We are in favor of having the land south and west of the Missouri
River permanently or automatically posted.

Thank you

Ross Schaffer

Representative Froelich:

The Shields/Selfridge Sportsman Club is aware of the bill going before the hearing committee on January 26th, in relation to the no hunting issue, H.B. 1278.

Our club feels this bill would not only make better relations with the hunter's, it would also give landowners piece of mind knowing who is hunting on their land.

In the past year's landowners that have been posting land, find them torn off of the posts and then claiming it wasn't posted at all. This bill would sure help out in that aspect as well.

I myself own land in S.E. Grant County sixty-five miles S.W. of Bismarck, I would like very much to see this changed.

I think a good relationship between the landowners and hunters is a must for the future, or before you know it, all hunting in N.D. will be paid hunting, and I feel H.B. 1278 would be a big help.

Thank You,

A handwritten signature in cursive script, reading "Ervin Ternes". The signature is fluid and stylized, with a prominent loop at the end of the last name.

Ervin Ternes, President

Dear Mr. Froelich,

I would like to see a law passed that property owners would not have to post their land for hunting. I feel it should be the hunter's responsibility to ask permission even if the land is not posted. The cost of gas and the time it takes to drive and post the land gets to be a lot sometimes. There are times when the signs put up are torn down or damaged and you have to replace them. Some hunters are very destructive and have no respect for property. In our area there is also too much pouching. Can there be anything done about this?

Sincerely,

Donald A. Kraft

Donald A. Kraft

Jan 20, 2001

To:

Rep. Rodney Broelich,

It has brought to my attention that you are thinking about introducing a bill similar to South Dakota's as to posting of Private properties in North Dakota. I commend you on this, as you know I live and own properties along Highway 31 in Grant and Sioux Counties, also along the cut across road to Selbyridge off Highway 31. on both the North & South sides of this road. During hunting seasons both of these roads are like a ~~super~~ Super Highway as to hunting traffic and posting these properties whether legally posted or not is not the answer. Is your not there watching to some

degree posting doesn't stop the hunting.

I feel it would be ~~much~~ much more beneficial to post land open for hunting than land closed to hunting because the need for posting would be much smaller.

As for me I feel it is a real nuisance to have to take time to patrol my properties that are posted during hunting seasons when I could be doing jobs around the ranch getting ready for winter (hay hauling, working cattle, combining etc) instead of watching for fires, checking for open gates and such.

I realize this may be less of a problem east river than west because of the acre difference but it is a problem here.

Thank you

Arthur (Skip) Tarr-Buck
Blackfoot S.D. 57441

Rod Froelich:
I am in favor of House Bill:
1278. Posting land takes time
and money:

I thank you.
Ralph Vogel

Mr. Dutcher, S.D.

1-22-01

Mr. Frolich,

I am a rancher in
Sioux County N.D. This
letter is in support of your
effort to require hunters to
get permission to enter
property for hunting. As
a land owner it is costly
and time consuming for me
to check and make sure our
no hunting signs are out and
remain out. We like to post
our land so we know who is
on our property.

Sincerely,

Russel D. Halverson

P.S. Asking permission helps hunter-
landowner relations. We have had
a grouse hunt here for 45 years.

OPERATION R.E.S.P.E.C.T.

RESPONSIBLE ETHICAL SPORTSMEN PROMOTING ETHICAL CONDUCT TOGETHER

TO THE LANDOWNER: The sportsman whose name and address appear on this form is a supporter of OPERATION RESPECT, a sportsmen's program to raise the standards of conduct and ethics of outdoorsmen, and to improve landowner-hunter relations. The hunter whose name appears here, if permitted to hunt on your land, considers himself your guest, and makes a commitment to safeguard your property from damage and abuse; and to accept responsibility for his own safety and that of others. In return, the privilege of hunting your private property under specified conditions is requested.

TO THE HUNTER: Please read and sign the pledge on this form and give it to the landowner. Remember that you are a representative of all hunters, and that not only you but they will be judged by your courtesy and consideration of the landowner's rights. Abide by any rules and limits set, and conduct yourself as a true sportsman or sportswoman.

OPERATION RESPECT PLEDGE

In return for the privilege of using private property, I agree to:

1. RESPECT the landowner's property, going only where he designates; I will not damage trees by using spikes or nails; nor will I erect blinds or stands without permission having been obtained. I assume all liability for my actions and my personal safety while on his property.
2. RESPECT nature, taking every precaution against littering and fire.
3. RESPECT the game, fish, and other wildlife.
4. RESPECT my fellow outdoorsmen, observing all safety precautions and the traditions of good sportsmanship.
5. RESPECT and obey *all* laws governing outdoor activity.

Signature _____

Name _____

OPERATION RESPECT

Page 2 of 2

Address _____

City _____ State _____

Zip _____

Phone () _____

Auto License No. _____

Driver's License No. _____

I hereby release and hold harmless, and absolve the landowner of any and all liability for my person while engaged in recreation on his property.

Signature _____

DETACH HERE AND CARRY THE PORTION BELOW WHILE HUNTING

LANDOWNER'S PERMISSION TO:

(Hunt, fish, trap, camp, etc)

In return for his pledge of ethical conduct, I hereby grant the person named on this form permission to use my property for the above purpose(s) on the following dates:

Signed _____

Landowner

This form is provided by the

Shawnee Hunting Club of Blacksburg, Virginia

and may be reproduced as needed

Please visit our WWW Site at:

<http://www.hav.net/community/shawnee>

**NORTH DAKOTA GAME AND FISH TESTIMONY
HB 1278: TRESPASS ON PRIVATE LAND
HOUSE NATURAL RESOURCES COMMITTEE
JANUARY 26, 2001**

The North Dakota Game and Fish Department opposes HB 1278. This bill would in effect would create the most restrictive trespass law for Southwest North Dakota in this region of the country. This bill would automatically post millions of acres of private land which currently are open to hunting, whether the owner wants it posted or not.

North Dakota trespass laws have evolved over the years to their present form which in most cases works rather well. Past legislative sessions have refined the trespass law eliminating former requirement such as, posting every 440 yards even on fenced areas, replacing, dating or resigning every year, even the requirement of having an address has been dropped. Current law only requires the individual's name on a sign, no dates or addresses are required. Current law requires that signs be posted only on the gates of property enclosed by fence or enclosure. On unfenced property signs are only required every one half mile around the property. Under current law signs can be permanent and need not be replaced yearly.

Hunting differs from other types of outdoor recreational activities such as picnicking and nature walks. At times access to private land is essential because wildlife a publicly owned

resource, occurs on all types of land regardless of land ownership. North Dakota has the least amount of public land open for hunting in the region, approximately only 6%. Currently unposted land provides millions of acres of hunting access. Many of the individuals who use this access option do not have the time or finances to secure more exclusive options.

According to a study, "Surveys of North Dakota's Landowners, Resident Hunters, and Nonresident Hunters" conducted in 1997 by BlueStem Inc. and Precision Marketing Inc. approximately 60% of private land in North Dakota was **not posted** and only 31.6% of landowners post three fourths or more of their land. The amount of unposted land may have decreased in the past few years, but the amount is still very significant.

Hunting provides millions of dollars to North Dakota's economy in expenditures by both resident and nonresident. More than 30,000 nonresident hunters visit our state each year many to southwestern North Dakota to hunt, bring in millions of new dollars into the states economy. A significant portion of both resident and nonresident expenditures are in rural areas of the state. There is little factual information as to what effect a change in the trespass law would have on resident hunter participation. However in the previously cited study, of the North Dakota residents who hunted on private land, 31.8% indicated doing a majority of their hunting on land that is not posted. Nonresidents were asked the question "How likely would you be to hunt in North Dakota in the future if open access to unposted hunting land

for nonresident hunters was restricted. The response by 55.3% of respondents was not very likely (29.3%) or not at all likely (26.0%) only 26% said they would very likely hunt North Dakota in the future. By contrast even reductions in game populations, license fee increases, further restrictions in hunting days allowed, restrictions on licenses available, reductions in daily; seasonal; or possession limits, or any increase in the cost of services would not have as significant an impact. The only other thing that would make a nonresident more likely not to consider coming to North Dakota to hunt would be if they were made to purchase the services of a guide or outfitter or only allowing them to hunt on weekdays.

Landowners who do not post their land provide a service to all North Dakotans, not only for recreation, but contribute to the states economy. Requiring these individuals to post their land open to the public doesn't appear to be in the states best interest.

South Dakota's current law on trespass is probably the most similar to what is proposed for Southwestern North Dakota. When South Dakota's law was enacted in the mid 70s there was the exception that all roadways and ditches including section lines would be open too public hunting even if the land was privately owned. How is their law working? SD law has created a group of hunters who almost exclusively road hunt which in itself has created problems and overcrowding of public lands is the norm. Due to recent legislative changes a violation of current ND trespass law carries a significant penalty. A first time offense is a Class B

Misdemeanor and requires a mandatory 1 yr. suspension of hunting fishing and trapping privileges. A second offense is a Class A Misdemeanor and requires a mandatory two year suspension. SD because of ambiguities in land ownership and marking of land can suspend privileges only if it can be proven that the violation was knowingly committed. According to recent communication with SD Game Fish and Parks official by the beginning of deer season approximately 30% of South Dakota's private land has some type of sign up regarding "No Trespassing" even though there is no legal requirement.

The number of owner/operators who reside on farms and ranches are at historic lows. Simply locating an owner or operator could be a significant task.

In conclusion current North Dakota trespass laws appear to be working. Past legislative sessions have refined and reduced the legal posting requirements for private landowners who wish to regulate access to their private land. Current law provides adequate penalties to deter violations. Individuals who do not desire to restrict or want hunting to occur as in the case of predator hunting and nuisance animal control, are not infringed upon. Current economic considerations are not effected. Thousands of hunters are able to access private land who because of time constants or finances are able to find hunting access without putting extra pressure on already heavily utilized public land. The North Dakota Game and Fish Department urges a **DO NOT PASS** recommendation on HB 1278.

Testimony on HB 1278

Dennis Miller, President, LAND
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Thank you for hearing testimony on this bill. I support the provisions and changes contained in the first four sections of this bill and do not have experience with the issues with west river hunting so will confine my comments to areas I am familiar with.

I live and farm in an area that arguably can have the best goose and duck hunting in the state. I post my property for crowd control and to allow those whom I allow to hunt to have privacy.

I admit to feeling resentment at having to take time and resources to post private property. I am put in a position of being tour guide to individuals who do not understand proper manners when parking vehicles or the pressures and time constraints farmers face during hunting season. Through the years, I estimate I loose 20% of my no hunting signs to vandalism per year.

It is not uncommon for the windows on our house to rattle due to percussion from hunters legally hunting. We can feel the percussion of shots fired while we stand outside.

I find callous disregard by hunters for hunting laws, especially the 1/4 mile off limit zone around occupied farmsteads. It is not uncommon to find hunters walking through the "safe" zone around our buildings when our family returns from a short absence. I have experienced hunting vehicles parked in the middle of main traveled township roads with the doors locked.

In summary, LAND supports the right to hunt but encourages enforcement of the law and cooperation from hunters.



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North Dakota Farm Bureau

www.ndfb.org

Testimony of North Dakota Farm Bureau

House Bill 1278

Presented by Eric Aasmundstad

Chairman Rennerfeldt and members of the House Natural Resources Committee, my name is Eric Aasmundstad. I am a farmer from the Devils Lake area and President of the North Dakota Farm Bureau. I am here today representing myself, and the 26,000 member families of North Dakota Farm Bureau.

North Dakota Farm Bureau supports House Bill 1278. The posting of private property has been an issue for years, I am sure it will remain an issue for years to come. We believe private property is just that, private, and it must be respected. Why should the owner or operator of private property have to place signs saying no entry without permission, when this should be obvious? Why should I have the right to drive, ride, or walk, anywhere I desire on private property, just because there is no sign saying I cannot? Why should quest for recreational opportunity have priority over our most basic right, the right to own private property? Why should owners and operators of private lands have to put up signs that basically say use common sense and common courtesy? Regardless of where we are, we must ask to use something that does not belong to us.

Economic development also plays a significant role in this issue. Recreational opportunities are becoming vital to the economy of many small towns in western North Dakota. The interests of this new and growing business and the people that make it possible must be protected. Why should the owner of a business, for example a fee hunting business, have to put up signs saying talk to me before using my goods and services?

One future. One voice.

I understand that it can be inconvenient to have to find the operator of land without signs saying who they are. I also understand that a county atlas is not always reliable. However a county atlas and plat book should be as important to sportsmen as a gun. In other words do your homework. Get out and talk to the people on the land, get to know them, respect them, and let them get to know you. Remember the saying, ask and the gates shall open. Once again common sense and common courtesy, both can go so far.

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North Dakota Sportsmen's Alliance

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TESTIMONY OF LARRY KNOBLICH
NORTH DAKOTA SPORTSMEN'S ALLIANCE
PRESENTED TO THE HOUSE COMMITTEE ON NATURAL RESOURCES
ON HB 1278, JANUARY 26, 2001

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Larry Knoblich, representing North Dakota Sportsmen's Alliance, an organization of about 2000 sportsmen scattered throughout the state.

The Alliance very strongly opposes HB 1278, which is a bill that generally rears its "no trespass" head in every legislative session. This version is only different in that it takes a portion of the state and makes it a NO TRESPASS zone.

The Sportsmen's Alliance fears this bill is only another step toward an eventual "NO TRESPASS" for the entire state.

The North Dakota Sportsmen's Alliance cannot support this bill and strongly urges a DO NOT PASS on HB 1278.

*Thank
you!*

Respectfully,

Larry Knoblich

Larry Knoblich

Executive Director

"To Lobby for the Good of North Dakota Sports Persons"