MICROFILM DIVIDER

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

ROLL NUMBER

DESCRIPTION

1075

2001 HOUSE NATURAL RESOURCES

HB 1075

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1075

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 18, 2001

Tape Number	Side A	Side B	Meter #
1		x	2708 to 3617
Committee Clerk Signature			

Minutes: Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, 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 open the hearing on HB 1075. Is someone here to introduce this bill?

Mike Brand - Director, Surface Management, ND State Land Dept.: (See written testimony).

Rep. Porter: In section one, unsold public land could be any public lands held by a government agency?

Brand: That is correct.

Vice Chair Nelson: On un-rented school lands, does this bill have any implication for those tracts?

Brand: It has no implications at all.

Rep. Drovdal: Reading section 1, I get the impression unsold lands could be forest service lands, previously unsold state school lands, would game and fish would be able to establish game refugees. What other multipurpose uses are those tracts of land used for?

Brand: The other uses of school trust lands are used for grazing and recreational purposes.

Rep. Drovdal: I am asking on the currently established land for game refugees, are those lands used for multipurpose?

Brand: Some are and some aren't. We have some federal wildlife refuges on school lands, currently used for grazing and refuge.

Chairman Rennerfeldt: Any further questions? Anyone else here to testify in favor of this bill? Opposed? If not I will close the hearing on HB 1075.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1075

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 19, 2001

Tape Number	Side A	Side B	Meter #
1		x	2038 to 2425

Committee Clerk Signature

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

Rep. Drovdal: Mr. Chairman, I would move a Do Pass on HB 1075, that we heard testimony on yesterday.

Rep. Porter: Second.

Chairman Rennerfeldt: I have a Do Pass on HB 1075. Rep. Drovdal made the motion, Rep. Porter seconded.

Rep. Drovdal: Mr. Chairman I reviewed this bill with several different civic groups, county commissioners and Assn. Of Counties and they saw no problem with the language in this bill. They recommended passage of this bill.

Chairman Rennerfeldt: Any further committee discussion? Would you repeat.

Rep. Drovdal: After the hearing yesterday, I had asked that we have time to review this. I am ready to move on.

Chairman Rennerfeldt: Okay, we have HB 1075 with a Do Pass before us. Call the roll.

MOTION FOR A DO PASS
YES, 13 NO, 0
2 ABSENT AND NOT VOTING

REP. SOLBERG CARRIES

Date: 1-19-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1075

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Drovdahl Seconded By Porter

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 0

Absent 2 absent

Floor Assignment Rep. Solberg

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

REPORT OF STANDING COMMITTEE

HB 1075: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1075 was placed on the Eleventh order on the calendar.

2001 SENATE NATURAL RESOURCES

HB 1075

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1075

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 3-9-01

Tape Number	Side A	Side B	Meter #
1		X	Start - 4.9
Committee Clerk Signature			

Minutes:

SENATOR FISCHER opened the hearing HB 1075.

RICK LARSON, the acting Land Commissioner of the North Dakota Land Department testified on HB 1075 A BILL RELATING TO THE AUTHORITY OF THE DIRECTOR OF THE GAME AND FISH DEPARTMENT TO ESTABLISH GAME REFUGES AND GAME AND FISH MANAGEMENT AREAS ON PUBLIC LANDS. This is basically a housekeeping bill. Board of School Lands asked that this bill be acted upon because a statute was discovered that gave the director of Game and Fish Department more authority than they agrees belongs there. The director could establish a refuge anywhere on public land without contacting the government agency. HB 1075 would require the director of the Game and Fish Department to contact the government agency before a refuge could be established. (See attached testimony).

The senators asked several questions to the prompting or circumstances of HB 1075.

He added there has been no problems in the past and that the Game and Fish Department has no concerns with the proposed change, only that the statue had been noticed and needed to be taken care of.

There was no neutral or opposing testimony of HB 1075.

SENATOR FISCHER closed the hearing on HB 1075.

SENATOR TOLLEFSON made a motion for a "DO PASS" of HB 1075.

SENATOR FREBORG second the motion.

SENATOR FISCHER called for a roll vote indicating 7 YAYS, 0 NAYS, OR 0 ABSENT OR NOT VOTING.

SENATOR TOLLEFSON will carry HB 1075.

Date: 3-9-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1075

Senate NATURAL RESOURCES Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Tollefson

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

REPORT OF STANDING COMMITTEE

HB 1075: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1075

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North Dakota
STATE LAND DEPARTMENT
1707 N 9th Street
PO Box 5523
Bismarck, ND 58506-5523

Robert J. Olhelser
COMMISSIONER

TESTIMONY OF MIKE BRAND
Director, Surface Management

IN SUPPORT OF
HB 1075
House Natural Resources Committee

January 18, 2001

The changes that have been proposed in HB 1075 are intended to clarify two sections of chapter 20.1-11 of the North Dakota Century Code. There is no imminent crises or history of disagreement which caused the bill to be submitted; rather, we are simply trying to clarify an ambiguous situation.

Chapter 20.1-11 of the North Dakota Century Code provides legislative authority for the director of the State Game and Fish Department to establish and manage game refuges, game management areas and waterfowl rest areas. It is generally clear that the director can establish and manage these areas on both public and private lands. What isn't clear is which public lands can be managed as a refuge or game management area and the authority of the director in determining which lands are eligible. For example, Chapter 20.1-11 could be interpreted to allow game management areas to be established on lands that are acquired for highway purposes or on Federal or city owned property at the sole discretion of the director of the game and fish department?

Following is a review of the ambiguities in sections 20.1-11-04 and 20.1-11-05.

1) In section 20.1-11-04 game refuges may be established on "any unsold public lands of this state." In the context of this section, does unsold public land refer only to state-owned lands or also to "unsold public lands of this state" managed by townships, counties, cities or the federal government. If it is the intent of the legislature not to restrict the types of public lands that the director may work on, then this section could be interpreted to allow the director to work on all public lands of this state. If that is the case, then does this chapter intend to give the director unilateral authority to establish refuges, even though they may be in direct conflict with the primary purpose of the land such as a highway? Does this chapter also intend to confer unilateral authority on the director to manage federal lands as a refuge?
2) Section 20.1-11-05 reads in part that:

   "The director may establish game or fish management areas upon any state-owned lands for the use and benefit of the game and fish department or upon any publicly or privately owned land leased or given by license to the game and fish department for hunting and fishing purposes."

   Unlike the previous section, this section appears to draw a distinction between state owned lands and other publicly owned lands. In this context, the director could establish game management areas on any state-owned lands but that for any other public lands, a lease or license is required to establish a game management area. Does this section intend to give the

Director of the Game and Fish Department unilateral authority to establish management areas on any state owned land even if it conflicts with the primary purpose of the land?

A common sense approach to clear up these ambiguities would be to require written consent from the entity responsible for the management of public lands to establish a refuge or management area, regardless of whether they are state, township, county, city, or federally owned. This would preserve the authority of the director to work on those lands but would remove the ambiguity about when the director can establish refuges and management areas on lands not directly managed by the Game and Fish Department.

On behalf of the Board of University and School Lands, we respectfully request your support of HB 1075.

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TESTIMONY OF RICK LARSON
ACTING LAND COMMISSIONER

IN SUPPORT OF
HB 1075
Senate Natural Resources Committee

March 9, 2001

The changes that have been proposed in HB 1075 are intended to clarify two sections of chapter 20.1-11 of the North Dakota Century Code. There is no imminent crises or history of disagreement which caused the bill to be submitted; rather, we are simply trying to clarify an ambiguous situation.

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HB 1075
Testimony of Rick Larson
Senate Natural Resources Committee
Msrch 9, 2001

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On behalf of the Board of University and School Lands, we respectfully request your support of HB 1075.