

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2449

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 Jensen</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 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 Tulletson Seconded By Freberg

[illegible]

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

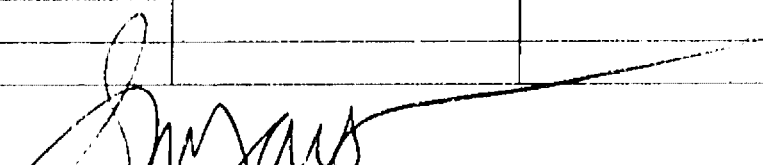
2001 HOUSE STANDING COMMITTEE MINUTES

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

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?

Page 5

House Natural Resources Committee

Bill/Resolution Number SB 2449

Hearing Date March 9, 2001

Donahue: In the case of grasslands, the way I understand it is that they would have to apply for a permit from the managers of the grasslands, to do so.

Rep. Droydal: That is true, but the permit ends up going by the recommendation of Game and Fish, so they end up controlling that and this would automatically be a reason for them to deny it. Aren't we speaking out of both sides of our mouth at the same time?

Donahue: It doesn't seem to me to be doing that.

Rep. Galvin: On line 3 of page 2 (inaudible).

Donahue: Yes, on line 23, page 1.

Rep. Galvin: Does that change the meaning?

Donahue: I think so. Line 3, the ";" after the word use and then striking out "for the purpose of upland game hunting."

Chairman Rennerfeldt: You will submit that in writing?

Donahue: Yes, I will.

Chairman Rennerfeldt: Any further questions? Anyone else?

Roger Rostvedt - ND Game and Fish: Game and Fish Department supports SB 2449. (See written testimony).

Vice Chair Nelson: The clients of Guides and Outfitters, they do not have to obtain a hunting license and the habitat stamp that we talk about as including in the public lands area?

Rostvedt: Yes.

Vice Chair Nelson: With the license that the guide and outfitter has to purchase for the certified or non certified license, \$100 I believe. Where does that money go?

Rostvedt: That money goes into the general fund.

Vice Chair Nelson: The state's general fund?

Rostvedt: Game and Fish general fund.

Vice Chair Nelson: So that money could be used for public access, PLOTS and some of these in lieu of taxes lands?

Rostvedt: If there were excesses from those funds over what it costs to monitor those activities, however I would very much doubt that the \$100 fees would cover the enforcement, and other administrative programs. They are probably running at a loss at \$100 fee.

Rep. Klein: I agree with most of the bill, however lines 9 and 10. How much power does the Game and Fish Director have as far as which records they require? How far can this go?

Rostvedt: That section of the law allows us to administrative rule to establish those particulars. We have in the past implemented some administrative rule and they have reviewed them, and questioned them and certain parts of them have been rejected, but there is oversight, we cannot just go out and make those particular rules without legislative oversight.

Rep. Drovdal: We heard in previous testimony that 3 to 5 % of the guides that are causing 99% of the problems. One of the concerns we have is, if this law is passed is it enforceable? Can we prove a guide is still guiding on a particular lot?

Rostvedt: There is nothing in this law that prohibits licensed sportsmen from hunting on that property, they are afforded the same laws as anyone else who pays the fee. The restriction in this law comes to the commercial operation, not the individual hunter.

Rep. Drovdal: That is true, but do we really know if the commercial operator is following this law, or is he letting his clientele running around on their own or is he staying over there. We have no way to prove this.

Rostvedt: I am not to sure that people will pay money to go by themselves to hunt something they have a legal right to hunt. It is a market type situation. That scenario where I charge

someone \$100 to tell them they can go out east of town and hunt on PLOTS. I don't think I would get many takers under that scenario without any service being provided.

Rep. Keiser: Where is the penalty being taken out of this section come into play?

Rostvedt: The general provision under the 20 code, does cover these as a misdemeanor.

Rep. Porter: How much money does ND Game and Fish pay for the taxes in the Lone Tree Reservoir area?

Rostvedt: I believe \$80,000. There is a small portion of that, 75 cents per acre on that area paid offset by the Bureau of Reclamation. We expend at least \$50,000 a year.

Rep. Porter: That is \$80,000 a year?

Rostvedt: Those are the numbers I am familiar with.

Chairman Rennerfeldt: Any further questions of the Committee?

Ken Karls: In my mind, this bill is simply dealing with fairness. This does nothing more than allow a portion of ND which is being managed by the Game and Fish through license fees that 10s of thousands hunters have paid and allows that land to be hunted without having someone who is paid \$200 a day to have hunted it the day before. It allows us to hunt that land without the birds being spooked out of there the day before. On the one hand you have some 270 guides, on the other hand you have some 70 - 90,000 hunters. I would bet very few of which can spend the \$200-\$250 a day to hunt. All we are saying is to allow this land to be hunted by them as opposed to someone who is running a business.

Rep. Porter: The perspective of a hunter, what would be the first thing that came to your mind if you paid \$225 to go hunt and the person you hired pulled up to a piece of public land and say, "Fellas, this is where we are hunting today".



Karls: I would say, I have been overcharged. What you are actually paying for, is to hunt from land where there is no guarantee for game, but you are pretty sure you are going to hunt some game.

Rep. Droydal: If I was a hunter from Minneapolis and I came out here and paid you \$250 a day to hunt and my guide pulled me up to some land, how would I know if it was public land or private?

Karls: I am just assuming that that land would be signed, unfenced or something like that. If that wasn't there, I am sure they wouldn't know.

**Written testimony for support of this bill also submitted by Larry Knoblich - ND Sportsmen's Alliance.**

Chairman Rennerfeldt: I will not take testimony in opposition.

Orlan Mertz: This bill is pure discrimination against people trying to make a living. This Lone Tree Reservoir came right through the middle of our county. It ruined our roads in the county, it cut our school district in half. So a few of us tried to use this land to compensate us for our losses. Some of things that came about, cattlemen cut hay on that land and make thousands of bales of hay, there's bird watching, and I am being discriminated against because I take hunters on that land. One of the questions about how we can police that - one day I might take up a group of guys that are paying me to hunt that land and the next day I am going to take my friends up there. Who is to say what I am doing there? So it is going to be tough to police. I just heard about all the land that Game and Fish owns, it seems like a considerable amount. We go up there and hunt, except for the first weekend, and we have never run into another hunter. All we can hunt up there is grouse. I have an article here I will hand out (See article). You may be stepping on some

areas here that you don't have the right to discriminate on who is using the land. The biggest expenditure was made by the Department of Interior and Reclamation.

Vice Chair Nelson: I see a real distinction here between PLOTS acres and the Lone Tree area. The PLOTS acres were developed to enhance the private land concept and help the producers with another payment to allow hunting and provide habitat. But Lone Tree was a taking that took place. If you would agree with that, if we were to amend this bill to only include PLOTS land would you be opposed to that.

Mertz: No, I would not.

Rep. Porter: How much land do you own?

Mertz: We have one 1500 acre filling, we just recently purchased another 2300 acres.

Rep. Porter: Approximately 3800 acres?

Mertz: Yes, and we lease some land.

Rep. Porter: How many acres of leased land?

Mertz: Maybe 5-6000 acres. We have some very good neighbors that give me a good deal on running that land. This is not a low cost operation.

Rep. Porter: How much land that you are controlling through your operation, how much of that actually surrounds the Lone Tree Reservoir so that a person coming up to hunt their only option is the Lone Tree Reservoir because you own all the land around it.

Mertz: If you take 10,000 acres around the land, it is just such a little drop in the bucket. We don't own or lease any land right next to the Lone Tree, we are about 2 miles away from it.

Rep. Porter: What is the response from the out of state hunters that come into ND and hop into your vehicles and you drive them out to public land and open the doors and say, "Today your \$225 will get you a walk on public land."?

Page 10

House Natural Resources Committee

Bill/Resolution Number SB 2449

Hearing Date March 9, 2001

Mertz: They don't give a damn, I take them to where there are some birds, they don't care where they are hunting. They are paying for that land too.

Chairman Rennerfeldt: Anyone else here to testify in opposition to this bill? I will close the hearing on SB 2449.

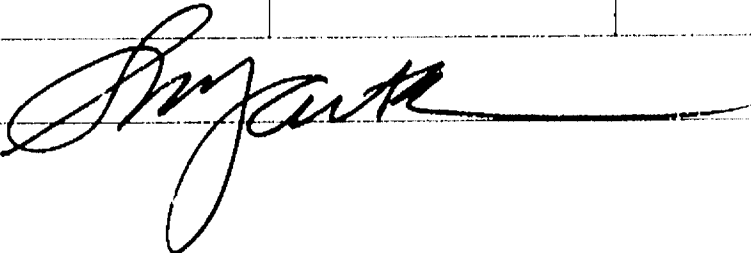
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2449

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 22, 2001

Tape Number	Side A	Side B	Meter #
1		x	5411 to End
2	x		1 to 667
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: Okay, let's look at SB 2449. Restrictions on Guides and Outfitters.

Vice Chair Nelson: I move the following amendments. (explains purpose of amendments.)

Rep. Porter: I second.

(Discussion on amendments.)

**MOTION FOR ADOPTION OF AMENDMENTS.**

**CARRIED BY VOICE VOTE.**

Rep. Porter: I move a Do Pass as Amended.

Rep. Hanson: I second.

Page 2  
House Natural Resources Committee  
Bill/Resolution Number SB 2449  
Hearing Date March 22, 2001

Chairman Rennerfeldt: Any further discussion on the bill? (some discussion). We have SB 2449  
before us with a Do Pass as Amended. Call the roll.

**MOTION FOR A DO PASS AS AMENDED**

**YES, 14      NO, 0**

**1 ABSENT AND NOT VOTING**

**CARRIED BY REP. PORTER**

VK  
3/22/01

**HOUSE AMENDMENTS TO SB 2449** **HOUSE NATURAL RESOURCES** **03/23/01**  
Page 1, line 23, replace "leased" with "enrolled" and after "department" insert "in the private  
land open to sportsmen program"

Page 1, line 24, remove "upland game"

Page 2, line 1, remove "Act as a hunting guide or outfitter on land on which the department has  
obtained"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "5."

Page 2, line 6, replace "6" with "5"

Renumber accordingly

Date: 3/22/01  
Roll Call Vote #: 1

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

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee Nelson Amend.

Legislative Council Amendment Number 10790.0201

Action Taken \_\_\_\_\_

Motion Made By Nelson Seconded By Pate

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) 15 No 0

Absent Voice Vote -

Floor Assignment Carin

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

Keep guides off Fed / Game & Fish owned  
lands  
lands and  
PLOTS Program

Date: 3/22/01  
Roll Call Vote #: 1

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

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number: \_\_\_\_\_

Action Taken DO Pass As Amended

Motion Made By Rep. Porter Seconded By Rep. Hanson

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) 14 No \_\_\_\_\_

Absent 1 Absent

Floor Assignment Rep. Porter

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



REPORT OF STANDING COMMITTEE (410)  
March 26, 2001 8:09 a.m.

Module No: HR-52-6672  
Carrier: Porter  
Insert LC: 10790.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**SB 2449, as engrossed: Natural Resources Committee (Rep. Rennerfeldt, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2449  
was placed on the Sixth order on the calendar.

Page 1, line 23, replace "leased" with "enrolled" and after "department" insert "in the private  
land open to sportsmen program"

Page 1, line 24, remove "upland game"

Page 2, line 1, remove "Act as a hunting guide or outfitter on land on which the department  
has obtained"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "5."

Page 2, line 6, replace "6" with "5"

Renumber accordingly

2001 SENATE NATURAL RESOURCES

CONFERENCE COMMITTEE

SB 2449

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2449

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 4-11-01

Tape Number	Side A	Side B	Meter #
1	X		Start - 29.9
Committee Clerk Signature			

Minutes:

SENATOR TOLLEFSON opened the Natural Resources Conference Committee on SB 2449.

Roll was taken with all members present including SENATORS TOLLEFSON, FISCHER, EVERY and REPRESENTATIVES NELSON, PORTER AND SOLBERG.

REPRESENTATIVE NELSON explained the rational behind the amendments made to SB 2449. There was a similar House Bill #1069 that failed in the House that had similar components that restricted the use the guides and outfitters on land owned or leased. It appeared the most concern with these bills was the PLOTS lands that are less than a quarter of land that had been abused by hunters flushing out the game. The House members are at the stand point of getting something passed that will work for most sportsmen Taking it by steps by identifying the PLOTS and the land owned by the Game and Fish Department in the amendment. They did this with hopes that it would help pass in the House and not totally be lost.

Discussion was held to whether to be even more specific and include the cover locks program in the bill. It was questioned if it is that restrictive of a bill will it be passed.

Dean Hildabrand was asked if the present amended bill would include cover locks program or just the PLOTS program. His thought personally it would be covered but suggested to include it specially in the bill. If in the other direction and if specific program names were taken out and it was left generic to say private land enrolled to the Game and Fish it would cover all present and future programs. He would really prefer to have land controlled by the Game and Fish Department. He also suggested to maybe to suspend these lands until the Concurrent Resolution (HCR 1269) study is completed.

After some discussion it was decided it would be a very tough sell in the house.

REPRESENTATIVE PORTER made a motion for the House to recede the House Amendments.

REPRESENTATIVE SOLBERG second the motion.

SENATOR TOLLEFSON called for roll vote # 1 of SB 2449 indicating 5 YAYS, 1 NAY AND 0 ABSENT OR NOT VOTING.

REPRESENTATIVE PORTER made a motion to amend SB 2449 (LC # 10790.0203).

REPRESENTATIVE NELSON second the motion.

SENATOR TOLLEFSON called for the roll vote #2 of SB 2449 indicating 6 YAYS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

SENATOR TOLLEFSON closed the Conference Committee meeting on SB 2449.

Date: 4-10-01  
Roll Call Vote #: 1

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

Senate	<b>NATURAL RESOURCES</b>	Committee
--------	--------------------------	-----------

☐ Subcommittee on \_\_\_\_\_

**or**

 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken House needs farm House Armed multi-

Motion Made By Porter Seconded By Sollberg

[illegible]

Total (Yes) 5 No 1

Absent  $\theta$

### Floor Assignment

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


Date: 4-10-01  
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	To Amend	107090.0203
--------------	----------	-------------

Motion Made By Porter Seconded By Nelson

[illegible]

Total (Yes) 6 No 0

Absent 0

### Floor Assignment

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

**REPORT OF CONFERENCE COMMITTEE**

**SB 2449, as engrossed:** Your conference committee (Sens. Tollefson, Fischer, Every and Reps. Nelson, Porter, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1034-1035, adopt amendments as follows, and place SB 2449 on the Seventh order:

That the House recede from its amendments as printed on pages 1034 and 1035 of the Senate Journal and page 1082 of the House Journal and that Engrossed Senate Bill No. 2449 be amended as follows:

Page 1, line 23, replace "leased" with "private land enrolled"

Page 1, line 24, remove "upland game"

Page 2, line 1, remove "Act as a hunting guide or outfitter on land on which the department has obtained"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "5."

Page 2, line 6, replace "6" with "5"

Renumber accordingly

Engrossed SB 2449 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2449



**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT  
SB 2449: HUNTING GUIDES ON GAME AND FISH LANDS  
SENATE NATURAL RESOURCES COMMITTEE  
FEBRUARY 9, 2001**

Game and Fish Department owned or leased lands attempt to fulfill the need and desire for increased public access for hunting. The demand for hunting access has dramatically increased over the past decade for a variety of reasons, including competition by individuals, and guides and outfitters buying and leasing hunting lands for exclusive use for themselves or clients. In response to this demand, the 1997 legislature enacted legislation, (HB 1069) which directed the Game and Fish Department to develop a private lands access program. These areas are funded in part by the interest received from the Department's reserve funds and an increase of two dollars on each hunters habitat stamp.

The Department has developed a very successful access program, Private Lands Open to Sportsmen (PLOTS) using this direction and funding, in fact the department has redirected additional funds toward this program. It has been brought to our attention numerous times that the intent of this program as well as other department owned and leased lands are being used or have the potential to be used contrary to the original intent of increased public access. Based on continued need and demand for public access to offset the changing economics of hunting. The department intends to increase expenditure to landowners for quality hunting access. The inclusion of commercial activities will decrease the intended results and benefits of these lands.

In summary it is believed that this bill will ensure the maximum benefit of department lands and access programs to the average sportsman. The North Dakota Game and Fish Department urges a DO PASS recommendation on SB 2449.

**Senate Natural Resources Committee:**

In behalf of the North Dakota Guide and Outfitters Association in regards to SB2449 we would be in support of this legislation with the following proposed amendments. With the public outcry for more public lands for the average citizen to hunt the Guide and Outfitters Association is willing to concede to the proposal that Guides should not conduct their business on lands under the control of the Game and Fish Department.

The 1999 Legislative Assembly created a new class of Guide or Outfitter called a Certified Guide which is a Guide who meets the Requirements of having Liability Insurance, and also holds a First Aid and CPR certificate. The Guide and Outfitters Association would like the Senate Natural Resources Committee to consider an amendment to SB2449 to delete the part of the Century Code that refers to a regular Guide and Outfitter and to carry forward only the requirements for a Certified Guide or Outfitter.

If the Senate Natural Resources Committee is not willing to amend SB2449 to have only Certified Guides then we would at the very least want the committee to consider an amendment to at least require Fishing Guides to be Certified. The Guide and Outfitters has recently completed a survey of Licensed Fishing Guides and the following is the results of that survey which indicates support of the issue for only Certified Fishing Guides:

1. There are 84 licensed Fishing Guides and our survey included 34 of those guides or 40% of the total.
2. 31 of the 34 Guides included in the survey or 91% of the total persons included in the survey met one of the following requirements:
3. 13 of these Fishing Guides were already Certified Guides.
4. 12 of these Fishing Guides were not Certified but agreed with the idea of having only Certified Guides.
5. 6 of these Fishing Guides said they already had the Liability Insurance, CPR, and First Aid but had not registered with the Game and Fish Department as Certified Guides because there was not any benefit to being a Certified Guide.

Your consideration on the proposed amendment will be greatly appreciated and my regrets that I am unable to attend this hearing in person.

James L. Nagel  
Lobbyist Registration #369  
Phone 701-222-1620 and Email: nageljames@qwest.net

**TESTIMONY REFERENCING SB 2449**

**By Mike Donahue**

**March 9, 2001**

**House Natural Resources Committee**

United Sportsmen of North Dakota and the N.D. Wildlife Federation support the "limitations" concept of this bill at Section 2 of the bill.

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" insert a semi-colon.

Page 1, line 24 strike the entire line.

Page 2, line 3 after "use" insert a semi-colon and strike over "for the purpose of upland game hunting;"

Thank you.



Mike Donahue  
Lobbyist #258

# North Dakota Sportsmen's Alliance

1205 6<sup>th</sup> Avenue NE  
Minot, ND 58401  
Phone: 701-252-1586



**TESTIMONY OF LARRY KNOBLICH  
NORTH DAKOTA SPORTSMEN'S ALLIANCE  
PRESENTED TO THE HOUSE COMMITTEE ON NATURAL RESOURCES  
ON SB 2449, MARCH 9, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Good morning. I am Larry Knoblich, representing the North Dakota Sportsmen's Alliance. I am spokesman for ±2400 sportsmen from throughout the state.

We feel that the state should have every right to require licensing for persons who represent themselves as guides and outfitters.

We also believe that it is correct to protect the small part of the state that is in the charge of the Game & Fish Department and therefore, by and large, paid for by sportsmen's dollars. We feel this should be reserved for the public's use.

We do not feel that a guided hunter should be allowed to pursue all the game out of public land then, afterwards, go back to land that would generally be leased or reserved for the guided hunter and enjoy a casual, more fruitful hunt.

We support SB 2449. Please DO PASS this bill.

Respectfully,

A handwritten signature in cursive script that reads "Larry Knoblich".

Larry Knoblich,  
Executive Director

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