

2005 HOUSE NATURAL RESOURCES

НВ 1423

#### 2005 HOUSE STANDING COMMITTEE MINUTES

## BILL/RESOLUTION NO. HB 1423 House Natural Resources Committee

#### ☐ Conference Committee

Hearing Date: January 27, 2005

Tape Number	Side A	Side B	Meter #
1		X	1150-End
2	X		0-969
ommittee Clerk Signatur	Vl L		

Chr. Nelson: Opened hearing; bill title read.

Rep. Al Carlson, Fargo: This bill seems to return every few years. It concerns access to school lands and who can or can't hunt on it. Rep. Galvin had a constituent that had some concerns. He saw all the signs placed on the PLOTS lands and it's easy for me to find those but I'm having a hard time identifying and finding the school lands. They are open to public hunting but why don't they have signs on them so that we can find them. This bill says that school lands must be identified by signage, that the lands are open to hunting. I realize that someone will follow me that will probably bring a big fiscal note for this bill. My response to that would be that there may be more than one way to get these lands signed. We have a number of wildlife organizations in this state that might have an interest in helping put signage on some of the school lands and identifying where they might be. I understand that the fiscal note may have an adverse effect on your viewing of this bill. The underlying language in this bill are that the land cannot be posted. It puts a restriction on school lands as to when that land can be posted. They have made a concerted effort to not do as much posting, where they would give the person

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leasing the land the option to keep his cattle out longer. In some cases, there was quite a chunk of land that was not available. I will acknowledge that there is a lot less of that today than there use to be. So the bill basically asks for three things. Number one, that it be marked; number two, that it cannot be posted during the hunting season; third, last section on page 2, regarding guiding not geing allowed to guide. The importance of this is to make sure that the general public has access to the land and that they can find it, and those guiding commercially are not taking clients to those lands.

Chr. Nelson: Questions of Rep. Carlson? First of all, the provision on posting requirements, have you had a change of heart? Should we consider this throughout the state if this is good for school lands?

**Rep. Carlson:** I think the terminology is just a little off. Identification signage posting would be better. There is a difference between being posted open or posted closed. Identification is what we're looking for.

Chr. Nelson: In section five, I understand the issue and requirement that was put in state law in previous sessions in Game & Fish not allowing guides and outfitters on land that they manage. In this case, the G & F has no part in it, it is land leased by the State Land Dept. to private individuals. I wonder if this is a property rights issue that the landowner should have the right to choose what they do with that land. Why would we take that away?

Carlson: I would differ with that. The true property owner of that land is not the lessee, it's the state of ND people. By them posting that land, they're keeping the rightful owner off that land. That's the people of ND. The revenue from it is going into the Common School Trust Fund. It's land that is constitutionally owned and protected by the state. I think that is the difference. It's

not managed by the G & F, but it's owned by the people of ND. Again, it is pasture that you aren't going to hunt anything on anyway. But there are some areas farther west that are very good hunting areas and if I was a guide and had all the adjacent lands leased, I guess my first reaction would be to hunt the school land to make sure all the animals were off there, then I'd go hunt hunt the land that I had leased around it. What we're trying to do is not to be mean to the lessee, it's just to say we want to make sure that the general public has access to the land.

Chr. Nelson: My point is that when you go into that contract, all landowners know that land is open to hunting unless they have livestock in the pasture at that time. The, there is a provision that they can post that land. Everybody knows that it's open. Now, we're changing that open hunting aspect for a segment of the population without any regard for the lessee's opinion in that condition. I think there is some grey area there as far as a property rights issue.

Carlson: I do believe the right to lease is different when you lease state land. I don't believe their contracts would include that. Most of the land that people get excited about has been in the western part of the state.

**Chr. Nelson:** I would remind you that although this problem may be in the western part of the state, this policy would be a statewide policy, affecting state land throughout the state.

Carlson: It would affect all of it and I think it's a good policy.

Chr. Nelson: Further questions? Thank you. Further testimony in favor of HB 1423?

**Dennis Daniel:** This bill is 50 years too late. One of the best hunting areas is about 2 ½ miles SE of me. It's state school land diagonally cut across by the Heart River. The road access does not follow a section line. It's a county road that cuts through private land. You need to walk to

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reach it. The gentlemen who farms it has a road that was originally a township road. You cannot reach the land with it because if you do you get run off. There is PLOTS land near us, with no gate, and a moved section line with a four-wire fence. We keep hearing how the farmer is being abuse and we're taking away from him. I could show you at least 10 section lines, gated, padlocked or totally cut off.

Chr. Nelson: Mr. Daniel, would you keep your comments to the bill.

Daniel: I think I am, this access to the land. He told me to get out of there, what was I to do with my son walking there, leave him there? I was on a road built by taxpaper money and maintained by the county or townshi. Just because it cut through land that he owned. That's where the road is built, it's impossible to build them on section lines. They're still built, maintained and graveled by the county or township. I think state law says you are allowed to park along the side of a road if there is no other place to put it.

Chr. Nelson: We can get clarification of the easement, so I think you are correct. That is not part of this bill, Mr. Daniel.

Daniel: Why is it not? It goes to the access of the land. If land is clearly signed, I could have pointed it out to him. He was trying to browbeat me. When my son got back, we left, even though we knew we were on three quarters of the state land. I went to the State Land Board the next week to see if the map was correct or not. The gentlemen there checked and said he believed I was legally on the right land. That didn't help the situation. If that land had been clearly signed, everybody would know that and this gentlemen would not have been in a position to browbeat me out of there.

Chr. Nelson: You've made your point.

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David Munsch: I believe the guy leasing state land if he wants to post that to hunting that he goes to the county commissioners who gives out the signs. He(lessee) posts them. When he posts it NO ONE hunts on it, not even him. Maybe something could be worked out. Perhaps there could be a fee if the guy wanted absolute control of it, then it would be like a game refuge. Chr. Nelson: Mr. Munsch, there is nothing in this bill that changes the posting of school land. It's considered open now; it will be considered open if this bill passes. It just requires signs. Munsch: I believe state law says if I'm leasing that land, and I want to post it, I can go to the county commissioners and get a sign that they sign. I've seen them (signs).

Chr. Nelson: I see Mike Brand is here from the Land Dept. There is a provision that if livestock is present in those areas, that they can do that. But they have to go to the Land Dept. for those signs.

Munsch: If you do pass the bill, there should be enough money in the Game & Fish, (for the signs).

Chr. Nelson: Thank you for your testimony. Further testimony in favor of HB 1423?

Steve Gowin, retired farmer and power plant worker, Mercer Co.: Supports. (Written testimony attached.)

Chr. Nelson: Questions of Mr. Gowin? Thank you. Further support?

Mike McEnroe, ND Chpt. of The Wildlife Society: Supports. (Written testimony attached)

Chr. Nelson: do you think that by requiring the lessee to sign the land that it would build a better relationshi with that lessee and sportsmen or department?

McEnroe: Yes, between landowner and sportsmen. The lessee would be aware of the boundaries and know what crops were planted, but also know that they are public lands.

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Rep. Drovdal: As a co-sponsor of the bill, but I have a problem with Sections 2 & 3.

According to the current agreement, the lessee can't post without a good reason, and has to go to the board with that reason, for example if crops are still on it. It works great. Does your organization see a problem with the current way it's being administrated?

McEnroe: Our organization thinks the current system it working well. It's my understanding that only about 2-3% of the State School Lands actually do get posted. It is my understanding that the State Land Dept. could still post if they wanted to.

Chr. Nelson: There is a fiscal note of \$182 thousand with this bill. What is your organization's recommendation to this committee who pays for the that? If we take it out of the school trust money, it hurts every public school. There is likelihood of the General Fund funding this is hard at best.

McEnroe: Perhaps do this on a staggered basis, all 770,000 acres would not all have to be at the same time. The State Land Department and the Game & Fish might work together to cut cost by picking the highest priority tracks, the most difficult to identify or best wildlife value. It could be done on a staggered approach. Personnel costs and mileage are a big part of the cost, not the signs. Possibly the lessee, sportsmen's clubs, wildlife clubs and organizations could share the time in posting the signs. Surveying obviously create a cost.

Chr. Nelson: Thank you for addressing that. Further questions for Mr. McEnroe? Seeing none, thank you. Further testimony in favor of HB 1423?

Harold Neameyer, Cass County Wildlife Club: (Written testimony attached.)

Chr. Nelson: Questions of Mr. Neamyer?

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**Rep. Drovdal:** I don't agree with this. I read "may not," period. There is no leeway for the school boards or others that there are special circumstances, which is under current language.

Does your ogranization have a problem with the way it's currently being administrated?

**Neameyer:** I was under the impression that if they had cattle they had an absolute good reason to post that as it is now, and that could be retained.

Drovdal: I have to clarify that, but I am reading it the other way. I just wanted to make sure.

Chr. Nelson: Any further questions of Harold? Seeing none, thank you. At this time, I'd like to ask Mike Brand to appear and clarify that question if he could.

Daniel Dennis: We have a fine scientific development called the GPS for identifying these lands. I own one and have identified a corner of ground. Identifying these state lands should not be too hard. Anybody can use it.

**Chr. Nelson:** That may be a practical solution, but I don't think that is recognized by the state. Is there further support, neutral or opposed to 1423?

Mike Donahue, ND Wildlife Federation and United Sportsmen of ND: Support. (Written testimony attached)

Chr. Nelson: Questions of Mike. Seeing none, thank you. Is there opposing testimony for HB 1423.

Mike Brand, Director of Surface Management, State Land Dept.: (Written testimony attached.)

Chr. Nelson: Mike, would you respond to the issue about the posting of land where cattle are in the pasture during hunting season? Would that policy remain in effect if this bill is passed?

Brand: That is my understanding.

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Chr. Nelson: Further questions of Mr. Brand?

Rep. Drovdal: Again, I am going to ask the same question. When I read this bill, it reads "may not." That doesn't give any conditions. You say that's not true.

**Brand:** The way I read it, the lessee may not post the leased land. The way we interpret our leases, the lessee may not post it. The board may post it if the lessee has legitimate reasons to post. The board reserves the right to post.

Rep. Keiser: That doesn't make sense, if the lessee wants signs to protect his or her cattle, the board is not going to pay to post it.

**Brand:** Before 1983, the lessee was able to post whenever they wanted to. After 1983, the board said they were reserving the right to post and in fact we do provide the signs to the lessee free of charge if they put them up. The board would authorize the commissioner to make those decisions. We provide the signs so they're consistent.

**Keiser:** How much time does the board need after the lessee comes forward with a request? How quickly does the board respond?

**Brand:** We ask the lessee to request signs at least two weeks ahead of the time when they might need them. We need a week. When it is posted, we go out to check. We have fieldmen located throughout the state and have them check every tract of posted land to make sure that the lessee has been straight with us.

Chr. Nelson: Any further questions for Mr. Brand?

**Rep. Nottestad:** You're saying that the School Land Trust Fund will spend money to keep hunters off, but they won't spend money to let hunters come on.

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Brand: The School Trust Lands were granted to the state solely for the support of education and that's done through the constitution by leasing for grazing. So grazing is the money generator for the schools. The board's obligation is to protect the income for the school. We're not spending money to keep hunters off, we're spending money to protect the income to the schools. It's very little money because we've only closed for hunting purposes during deer season. Altogether, including bird season, we've only closed about 6,000 acres. We don't provide the posts for that, and the signs are just cheap paper signs that fall apart.

**Nottestad:** How many of these lessors have told you that if you don't give them permission to post that they will turn their lease over to someone else?

**Brand:** I don't have any exact numbers but there have been a few who have told us that. Generally, it happens with someone who wants to run a guide service. If a lessee is running a guide service or they lease their land out for hunting, under no circumstances will we allow that land to be posted. We watch that. We look up who's guiding and match them with a lessee. We try to be very conscientious about balancing the needs of the Trust with the desire of the public to hunt on these trust lands.

Chr. Nelson: Any further questions for Mr. Brand? Seeing none, thank you, Mike. I will take Rep. Galvin's testimony at this time since he's the prime sponsor of this bill.

Rep. Pat Galvin: I brought this bill forth on behalf of an avid hunter from my area. I don't know hunting, but he (the constituent) drove me to visit former Rep. Wickenheiser and I got quite an education on hunting on the way. The main part of this bill is to identify the signage and publication of all grant and non-grant lands that are open to hunting. The reason I got interested in this, they do print a flat map with all these areas indicated. But I know from campaigning in a

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rural area that these maps don't do you much good, even a county plat map. If you're in an area where there are no benchmarks, nor names on mailboxes, this map doesn't do you any good. I think if the state of ND meant for these to be open to hunting, then the hunter should know where they are. There are about 700,000 acres of school lands in ND. My understanding of school lands is that the land have been set aside to give schools income. I would appreciate support of HB 1423.

Chr. Nelson: Are there any questions of Rep. Galvin? Seeing none, thank you. Is there further testimony opposing HB 1423? Seeing none, I will close the hearing on HB 1423.

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# BILL/RESOLUTION NO. HB 1423 House Natural Resources Committee

### ☐ Conference Committee

Hearing Date: January 27, 2005

Tape Number	Side A	Side B	Meter #
2		x	4970-End
3	X		0-592
nmittee Clerk Signatu	Y	<i>.</i> +	

Chr. Nelson: Take up 1423. This bill has a substantial fiscal note, and we need to act on them.

This is the state land posting bill.

**Rep. Hanson:** I thought we were going to ask the Game & Fish what it would cost to post the land.

Chr. Nelson: I've got that information. I asked the Game & fish for the posting costs of PLOTS lands, which acreages are about the same. Their estimate is \$686, 820. (Copy of breakdown Attached)

Keiser: I move a Do Not Pass.

Rep. DeKrey: Second.

Chr. Nelson: We have a Do Not Pass on HB 1423 and a second. Discussion.

**Rep. Hanson:** If we amended the signing out, would we have a better chance of passing it without the \$686,820?

Rep. Drovdal: I think it would just mess up something that is working.

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Rep. Porter: Section 5 does bring it into line with our other bills as regard guides and outfitters.

If we want Rep. Galvin's bill to be the carrier of that, that's fine. If not, we can certainly put it on the guide & outfitting bill that was heard earlier today. Either way, that section brings up a good point that we make to make sure that is more consistent with everything. We said that land's leased and owned by ND Game & Fish, and this just brings school lands into that same place.

**Rep. DeKrey:** I don't disagree with what you say, but just keeping Section 5 is pretty much changing the intent of Pat (Galvin)'s bill. I think we would be better off to kill his bill and put that into guide and outfitters.

Rep. Nottestad: I realize death by fiscal note is a reality here. This is the very thing that we've been hearing about for years, about school lands open to public hunting, inability to know where they are in many cases, not knowing where the boundaries are. (Change to tape 3, side A)

These lands can be found. He inferred that half of that was survey work.

Chr. Nelson: If I remember right, I think it was 25%.

**Nottestad:** O.K. I will not support it. This is what we've talked about for years. This wouldn't solve that problem.

Rep. Drovdal: I won't support it, either. I find it very ironic that it's going to die because of the fiscal note at the same time this committee insists that every landowner who doesn't want hunting is required to post his land. We never worry about their costs, and they are by far a bigger percentage.

Rep. Keiser: The reason I moved Do Not Pass, is not because it's not a good idea, nor because of the fiscal note. It's because it's a dumb idea at this point in time. GPS mapping for the state of ND and for the entire U.S. will be done within the next five years. The state is currently issuing

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a contract for GPS mapping to engineering firms. In the next five years, hunters will be using GPS. If you are going to spend all this money on signage, your are throwing it away, given the technology that is around the corner. I don't think that is a good investment.

**DeKrey:** I will support the Do Not Pass. It sends rules to the legislators. When does a person's responsibility kick in? You should be responsible to know where you're hunting and where you're not.

Chr. Nelson: Further discussion on a Do Not Pass motion?

**Rep. Charging:** I will support. I do know when they say 25% needs to be surveyed, I've worked with the State Land Department, and they have a pretty good handle since the 1800's, exactly where those lands are. The lessors know where those lands are. If we were being helpful, we'd find a way to help pay for the signs.

Chr. Nelson: I will support the Do Not Pass on philosophical grounds. The lessee that leases that ground is leasing from the state of ND, but the school lands have always been open for hunting. This legislation would take a right away from the lessee that they currently has. That would be to allow guides and outfitters on their land. Whether you agree with that or not, that is the loss of a private property right. I don't know why we would step in in this case. The reason we've done that in other cases, for example the PLOTS lands, is because sportsmen dollars were put up for it. There are no sportsmen dollars in school lands. This is farmers and ranchers that are leasing for agricultural use just like they would from another neighbor. I think we would go a long way in negatively affecting landowner/sportsmen associations with passage of Section 2.

That's really the part of this bill that I hate the most.

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Rep. Hanson: This would put it in line with the leasing of federal lands. You can't guide on it,

you can't post it. Most of those ranchers probably have more federal land leased than from the

state.

Rep. Charging: I did not understand your thought process. We intended to kill Section 5 and

remove Section 5.

Chr. Nelson: No, we didn't. Section 2 is still in it The bill that we are considering now is the

bill as it reads. Any further discussion on a Do Not Pass motion? Call the roll.

Do Not Pass Vote: 9-Yeas; 4-Nays; 1-Absent; CARRIER: Johnson

# **FISCAL NOTE**

# Requested by Legislative Council 02/17/2005

Amendment to:

HB 1423

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to

funding levels and appropriations anticipated under current law.

anding levels and c	2003-2005 Biennium		2005-200	7 Biennium	2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				<u> </u>	<u> </u>	<u> </u>
Expenditures				\$100,000		
Appropriations				\$100,000		

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2003-2005 Biennium 2005-2007 Biennium 20  School School School Counties Cities Districts Counties Cities Districts Counties	Biennium 2007-2009 Biennium			
Counties Cities Districts Counties Cities Districts Counties	Cities	School Districts		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Section 4 of this bill requires the Game and Fish Director to identify by signage and publication all grant and nongrant lands under the control of the board of university and school lands which are open to hunting. The signing effort will be implemented as leases are issued or renewed.

- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
  - A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

No Revenues are associated with the bill.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Up to \$100,000 would be spent by the game and fish department to purchase signs to meet the signing requirement in this bill.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

\$100,000 is appropriated from the game and fish fund for the signing.

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	02/17/2005

### **FISCAL NOTE**

# Requested by Legislative Council 01/18/2005

Bill/Resolution No.:

HB 1423

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to

funding levels and appropriations anticipated under current law.

	2003-2005	Biennium	2005-2007	Biennium	2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$1,184,600	\$0	\$13,000	\$0
Appropriations	\$0	\$0	\$1,184,600	\$0	\$13,000	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2003	3-2005 Bienn	ium	2005	5-2007 Bienn	ium	2007	'-2009 Bienn	ium
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

HB 1423 requires that all grant and nongrant lands be identified by signs and publication. Assumptions have been made as to the size and number of signs necessary to properly identify all sizes and shapes of tracts. School trust lands are located throughout the state with individual tracts generally limited in size to a section of land, although a number of smaller size tracts exist.

- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
  - A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

No Revenues are associated with the bill.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Estimates are based on 1,973 tracts with signs posted at each corner. For the 2007-2009, and subsequent bienniums, a 2% annual maintenance cost is expected. Estimated expenses include posts at \$4.80 each, signs at \$8.66 each, bolts, outsourced labor including travel time of 7,400 hours at \$7.50 per hour, per diem, mileage reimbursement, and survey and supervision costs to properly identify unknown or disputed tract corners or lessee owned fences.

No publication costs are included as currently two other state agencies print maps identifying school trust lands.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

The Constitution may preclude the payment of trust fund monies for the purposes contained in HB1423.

Name:	Gary D. Preszler, Commissioner	Agency:	Land Department
Phone Number:	328-2800	Date Prepared:	01/21/2005

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Date:	1/2;	7	
Roll Call V	ote #: _	/	· · ·

# 2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. #8 /423

House NA	NATURAL RESOURCES				
Check here for Conference	Committee				
Legislative Council Amendment	Number _	:	·		
Action Taken : Do Y	lot Pass	<u></u>	<u></u>		
Action Taken : De You Motion Made By : Keus	er	Se	econded By : De Krey		
Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson			Rep. Lyle Hanson		
Vice Chairman - Todd Porter	V		Rep. Bob Hunskor	V	
Rep. Dawn Marie Charging		-	Rep. Scot Kelsh	V	
Rep. Donald L. Clark	~		Rep. Dorvan Solberg	AL	
Rep. Duane DeKrey	~				
Rep. David Drovdal		V			_
Rep. Dennis Johnson	V				
Rep. George J. Keiser	V				
Rep. Mike Norland					
Rep. Darrell D. Nottestad		/			
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Total (Yes)	9	N	o		
Absent /	· .				
Floor Assignment	phnson				
If the vote is on an amendment, l	briefly indica	ate inte	nt:	•	

REPORT OF STANDING COMMITTEE (410) January 28, 2005 4:50 p.m.

Module No: HR-19-1379 Carrier: D. Johnson Insert LC: Title:

### REPORT OF STANDING COMMITTEE

HB 1423: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1423 was placed on the Eleventh order on the calendar.

2005 HOUSE APPROPRIATIONS

HB 1423

### 2005 HOUSE STANDING COMMITTEE MINUTES

#### **BILL/RESOLUTION NO. HB 1423**

House Appropriations Committee Government Operations Division

☐ Conference Committee

Hearing Date Thursday, February 10, 2005

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	X 27.8-3	2.7
	2	

#### Minutes:

Chairman Carlisle opened discussion on HB 1423 concerning posting grant and nongrant lands.

Mr. Paul Schadewald, ND Game & Fish Department, was on hand to assist the Committee.

Chairman Carlisle brought up Rep. Skarphol's suggestion that rather than adopting the fiscal note as is, it might be more prudent for Game and Fish to have signs made and mail them out to landowners to post using the common sense rule. He asked Mr. Schadewald to estimate roughly what that would cost. Mr. Schadewald estimated \$100,000 and asked that this task be accomplished over several years. He wasn't sure how the Land Dept. would feel about this.

Rep. Williams asked how often leases come up and suggested that signs could be mailed out as leases are renewed. He asked why this would cost \$100,000 and Mr. Schadewald said the cost per sign is about \$10 and there are usually 2 or 3 per lease, as well as shipping costs.

Rep. Timm asked why Game & Fish is not in favor of the bill. Assuming that most hunters don't always carry a PLOTS guide, he thought posting would help hunters make sure they're not trespassing. Mr. Schadewald stated it would make it easier for the hunter, but the Game & Fish Department objected to the \$2 million expense. A more reasonable level and system would be different. Rep. Kroeber noted that there are 700,000 acres of school lands and that will double the land available to hunters.

**Rep. Kroeber** moved to amend HB 1423 to appropriate \$100,000 to the Game and Fish Department will supply signs and posts as new leases are renewed; the landowner posts signs using the common sense rule.

Rep. Timm seconded. Chairman Carlisle called for discussion.

The Committee discussed how to replace the existing fiscal note with the new language.

(Meter #5.6)

**Jeff Nelson, Legislative Council,** suggested that the amendment could be drafted as follows:

- Change Section One so that the responsibility for producing signs to the Game & Fish
   Department, but the Board would still control the leasing process
- Provide for a transition; that signs be distributed as leases are drawn up for renewal
- Put in an appropriation on for \$100,000 from the Game & Fish Fund
- Sets up a partnership between the Board and the Department of Game & Fish

Ms. Roxanne Woeste, Legislative Council, suggested that if the appropriation were added to HB 1423, then the Committee won't need to make any changes to HB 1018. Rep. Kroeber also suggested that the language refer to renewed and new leases.

(Meter #9.4)

Mr. Nelson restated the changes:

- Remove Section 1 of the bill
- Section 2, 3, and 4 are O.K.
- A new section would be added regarding the duties of the Director of the Game and Fish

  Department to identify by signs, publication, and that all grant and non-grant lands are open
  to hunting. This provision applies to all leases entered into after the effective date of this act
- Include the appropriation of the act--\$100,000 from the Game and Fish Fund.

Hearing no further discussion, **Chairman Carlisle** called for a roll call vote (#1). Motion passed 5-0-1.

Chairman Carlisle asked Ms. Woeste when the Amendment would be ready. She suggested that it's most efficient to combine all the changes into one amendment and that there was still an issue pending with the leadership. Rep. Timm said the salary issue will be dealt with in one piece of legislation. Ms. Woeste questioned if that could be done with one bill as each agency bill would have to be amended separately. In any event, if this issue is settled, the Amendment would be available by Friday morning.

Chairman Carlisle closed discussion on HB 1423.

(Meter #14.0)

(Meter #27.8)

Chairman Carlisle reopened the discussion on HB 1423. The Committee reviewed the Amendment .0101 and approved the language as written.

Rep. Timm moved DO PASS on HB 1423 as amended; seconded by Rep. Kroeber.

Page 4
Government Operations Division
Bill/Resolution Number HB 1423
Hearing Date Thursday, February 10, 2005

Hearing no further discussion, Chairman Carlisle called for a roll call vote. Motion passed

Chairman Carlisle ended discussion on HB 1423.

(Meter #32.7)

6-0-0.

# 2005 HOUSE STANDING COMMITTEE MINUTES

# BILL/RESOLUTION NO. HB1423 Public Access on Original Grant Lands

House Appropriations Full Committee

☐ Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #		
2	X		#26.8 - #end		
Committee Clerk Signature Chus Alexander					

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1423.

Rep. Joe Kroeber explained that the appropriation \$1,184,600 to come from the school lands trust fund. Amendment #0101 lowers the fiscal note to \$100,000 and it will now come from Game and Fish funds instead of the school lands trust fund. This dollar amount will require Game and Fish to furnish signs and posts through the lands department. As leases are issued or renewed that lease will including the placing of these school land identification signs as specified by the department. Leases are usually for five years so the process will take place over a number of years. The committee made a do pass recommendation.

Rep. Joe Kroeber moved to adopt amendment #0101 to HB1423.

Rep. Ron Carlisle seconded.

**Rep. Keith Kempenich** commented that the idea of the \$100,000 is that the state land department has to physically go out to the counties when they lease these lands and the Game and

Page 2 House Appropriations Committee Bill/Resolution Number HB1423 Hearing Date February 14, 2005

Fish will provide the signs and the post. The state lands representatives will take signs out with them and give them the signs when they go out to confirm the leases. It isn't really complex and it will happen over a number of years.

Rep. Ken Svedjan, Chairman asked if there was any discussion concerning the advent of GPS.

Rep. Joe Kroeber answered no. These lands are leased continually by the same people and they know where the property is at and the majority of the land is fenced. The owners will add the post and sign.

**Rep. Jeff Delzer** asked if they department only spoke to the leasees one time, what happens if they don't post the sign.

**Rep. Joe Kroeber** answered that this responsibility will be in the lease agreement so if they don't post the signs they won't lease the land.

Rep. Jeff Delzer asked who will check all the property to make sure the signs are posted.

**Rep. Keith Kempenich** commented that people do go out and spot check these lands as they are checking on other things.

**Rep. Jeff Delzer** commented that the thing that shouldn't happen is that a leasee puts up their post and sign and then a snowmobiler knocks the post over and the leasee gets in trouble. The landowner should not be made responsible to make sure this sign is always posted for the term of this lease.

**Rep. Joe Kroeber** commented that this is now 180 degree turn from when the bill first came out so hopefully this will be worked out in the Senate. (meter Tape #2, side A, #34.9)

Page 3 House Appropriations Committee Bill/Resolution Number HB1423 Hearing Date February 14, 2005

**Rep. Ken Svedjan, Chairman** commented that this bill basically prescribes where and how the posting will be done and where the funding will come from. This bill does not cover the questions we are asking here.

**Rep. Jeff Delzer** commented that the leasee could be found as out of compliance with this and then the lease could go up for bid again.

**Rep. Bob Skarphol** asked if this problem could be solved by saying that anyone found in violation of this has 12 months to insure the signs are properly placed or the next anniversary date.

**Rep. Joe Kroeber** answered that directions for how these signs should be posted is not in this bill and that this can be worked out with the Department of Game and Fish and the land department. We can leave this out until we see if this passes as is.

**Rep. Ken Svedjan, Chairman** called for a voice vote on motion to adopt amendment #0101 to HB1423. Motion carried.

**Rep. Joe Kroeber** moved a Do Pass As Amended motion for HB1423.

Rep. Ron Carlisle seconded.

Rep. Jeff Delzer commented that he will oppose this bill because it was a Do Not Pass out of the standing committee and it got flipped on the floor and it came down to us. And for reasons mentioned on the floor he planned to oppose this motion. (meter Tape #2, side A, #38.8)

Rep. Joe Kroeber commented that on the floor the debate was concerning the money and where it was coming from.

Page 4 House Appropriations Committee Bill/Resolution Number HB1423 Hearing Date February 14, 2005

**Rep. Ken Svedjan, Chairman** called for a roll call vote on the Do Pass As Amended motion for HB1423. Motion carried with a vote of 16 yeas, 3 neas, and 4 absences. Rep Kroeber will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed discussion on HB1423.

Prepared by the Legislative Council staff for House Appropriations - Government Operations

February 10, 2005

# PROPOSED AMENDMENTS TO HOUSE BILL NO. 1423

Page 1, line 1, remove "subsection to section 15-02-05, a new"

Page 1, line 2, after the second comma insert "a new subsection to section 20.1-02-04,"

Page 1, line 3, remove "duties of the commissioner of university and school"

Page 1, line 4, remove "lands,", after the second comma insert "duties of the director of the game and fish department,", and remove the third "and"

Page 1, line 6, after "leases" insert "; and to provide an appropriation"

Page 1, remove lines 8 through 11

Page 2, after line 17, insert:

"SECTION 4. A new subsection to section 20.1-02-04 of the North Dakota Century Code is created and enacted as follows:

Identify by signage and publication all grant and nongrant lands under the control of the board of university and school lands which are open to hunting. The director shall implement the signage provisions of this subsection as leases are issued or renewed by the board of university and school lands."

Page 2, after line 21, insert:

\*SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of defraying the expenses of identifying by signage and publication all grant and nongrant lands that are open to hunting, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Renumber accordingly

Date: 2/10/05
Roll Call Vote #: 1

# 2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. $\cite{100}$

House Appropriations Government Operations					Committee	
Check here for Conference Cor	nmittee					
Legislative Council Amendment Nu	mber					
Action Taken to amor to G. & F. Motion Made By Tup. Kro	of ly to d ebar	23 Se	to Approp. \$1 ibute signs & p conded By rup. Tir	00,00 usts n	O s lea re	
Representatives	Yes	No	Representatives	Yes	No	
Chairman Carlisle	1/		Rep. Kroeber	V		
Rep. Timm	V		Rep. Williams	1/	<u> </u>	
Rep. Kempenich						
Rep. Thoreson	V					
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Total (Yes)5		N	. 0			
Absent \		_			_	
Floor Assignment			·			
If the vote is on an amendment, brid	efly indica	ate inter	nt:			

Date: 7/10/05
Roll Call Vote #:

# 2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 143

House House Appropriations Government Operations					Committee	
Check here for Conference Com	mittee					
Legislative Council Amendment Num	nber _	50	1010.196		<del></del>	
Action Taken DO PASS	> <u>P</u>	<u>s (</u>	lmendel			
Motion Made By Rep. Tim	<b>V</b> V\\	Se	conded By Rep. Kro	ebe	<u>~</u>	
Representatives	Yes	No	Representatives	Yes	No	
Chairman Carlisle	V		Rep. Kroeber	V		
Rep. Timm	V		Rep. Williams	<b>V</b>		
Rep. Kempenich	V					
Rep. Thoreson	V					
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		-1				
Total (Yes)	·	No	. 0			
Absent						
Floor Assignment Co.	ن (	e :	Kroeber			
If the vote is on an amendment, briefly	y indica	te inten	t:			

			D	ate: February 14, 2005			
			Roll (	Call Vote #:1			
				TTEE ROLL CALL VOT	ES		
BII	LL/RESOLUTIO	ON NO.		HB1423			
Ноисе Ап	propriations Ful	l Comm	nittaa				
House Ap	propriations - Ful	Comm	nttee		_		
Check here for	Conference Com	mittee					
Legislative Council Amendment Number			50691.0101				
Action Taken	DO PASS AS AN	MENDE	ED_				
Motion Made By	Rep Kroeber		Se	conded By Rep Carlisle			
Represer	ntatives	Yes	No	Representatives	Yes	No	
Rep. Ken Svedjan,	Chairman	X		Rep. Bob Skarphol	X		
Rep. Mike Timm,		X		Rep. David Monson	X		
Rep. Bob Martinso	on	AB		Rep. Eliot Glassheim	X		
Rep. Tom Brusega	ard	AB		Rep. Jeff Delzer		X	
Rep. Earl Rennerfe	eldt	AB		Rep. Chet Pollert	X		
Rep. Francis J. Wa	ıld	AB		Rep. Larry Bellew		X	
Rep. Ole Aarsvold		X		Rep. Alon C. Wieland		X	
Rep. Pam Gulleson	n	X		Rep. James Kerzman	X		
Rep. Ron Carlisle		X		Rep. Ralph Metcalf	X		
Rep. Keith Kempe	nich	X					
Rep. Blair Thoreso	on .	X					
Rep. Joe Kroeber		X					
Rep. Clark Willian	ns	X					
Rep. Al Carlson		X					
Total Yes	<u>16</u>		No	3			
	<u> 10</u>	•		3		<del></del>	
Absent				4			
71 A gai	D 171	_					
Floor Assignment	Kep Kroebei	<u>.</u>					

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

Module No: HR-30-2950

Carrier: Kroeber

Insert LC: 50691.0101 Title: .0200

#### REPORT OF STANDING COMMITTEE

HB 1423: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection to section 15-02-05, a new"

Page 1, line 2, after the second comma insert "a new subsection to section 20.1-02-04,"

Page 1, line 3, remove "duties of the commissioner of university and school"

Page 1, line 4, remove the first "lands,", after the second comma insert "duties of the director of the game and fish department,", and remove the third "and"

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Page 2, after line 17, insert:

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Page 2, after line 21; insert:

"SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of defraying the expenses of identifying by signage and publication all grant and nongrant lands that are open to hunting, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Renumber accordingly

2005 TESTIMONY

HB 1423



#### ESTIMATED COST OF POSTING STATE SCHOOL LAND TRACTS

#### Tracts/Boundaries

- 1931 total contiguous school land tracts
- 5,875 miles of boundary perimeter

#### **Posting**

- 12 signs/tract (average) or 3 signs/mile of perimeter (1/2 mile spacing w/ 2 signs on corners) = 17,625 signs
- 20,000 signs/posts @ \$10/sign (\$5.50/sign & \$4.50/post) = \$200,000

#### Wages/Per Diem/Indirect Exp.

- 4 2-man crews working 10 hrs/day = 80 manhr/day
- \$8.40/hr wage, \$.10 fringe benefits, and \$.74 indirect cost = \$16/hr.
- post 2 tracts/day/crew (average) = 1931 tract @ 8 tract/day = 240 days
- 240 days (2 summers) x 80 manhr/day x 16/hr = 307,200
- meals/lodging per week = \$240
- $$240/\text{week/man} \times 8 \text{ men} \times 48 \text{ weeks} = $92,160$

#### Mileage

• 100 miles/day/crew (average) @ \$.51/mi. x 4 crews x 240 days = \$48,960

#### Other Equipment

- 4 ATV @ \$8,000 = \$32,000
- 4 ATV Trailers @ \$1,500 = \$6,000
- Post pounders & wrenches (\$500)
- Total equipment costs = \$38,500

Total Estimate = \$686,820

By: Steve Gowin Re: HB1423-Pglof2

Mr. Chairman, members of the natural resources committee and guests

I want to thank you for this opportunity to talk to you about identifying the location of state school trust lands and the need for House Bill 1423 which provides for identifying the location of these state school lands by signage. First of all I want to compliment the sate school lands administrator and especially the surface management director for the wonderful effort to open state school lands to public access, while at the same time protecting lease holders from irresponsible access by providing two signs which are provided to the lessee on request. They are as follows: one sign says, "Notify the lessee before entering - walking access only" and one sign says, "ND school trust land closed to public access". The state land department has always tried to balance the needs of public access with the needs of lease holders.

One of the necessities of hunting or hiking is finding a place on which it is legal to access and that is productive and rewarding. It should not be a contest to see if you can find public land to use without trespassing on privately owned land. Rather, it is the right of all North Dakota citizens as well as visitors to the state to freely access all public lands including school trust land for the purpose of hiking, photography or hunting. Providing of course that the hunter is licensed for the unit in which the school land is located.

At this time, it is my understanding that the state school land department does not have the funds for providing signs such as I have recommended nor does it have adequate personnel to provide for the enforcement of the correct placement of these signs because all money earned through leasing is placed in the state school trust as required.

Signage is not a cheap issue. It is the problem that has been most difficult to deal with on this old issue of how to pay for signage which could identify state school land separately from the surrounding private land. For starters it has been estimated that it will cost between \$750,000. and \$1,000,000.to provide a tin sign on a steel post for all four corners of each of the more than 2000 leases on the more than 700,000 acres of state school land. In addition it is estimated that it would cost about 10% of that cost per year or \$75,000. plus to maintain these signs and replace damaged ones. In some cases, disputes would require land surveys which can be very costly. So this discussion could be about money to finance this project. The Bismarck tribune stated that there will be \$126,000,000. in surplus funds in our state budget when the current 2-year budget period ends June 30<sup>th</sup>.

Perhaps we could access some of these funds for the implementation of House Bill 1423.

There has been discussion on wanting to spend considerable amounts of money to attract tourists to visit the state of North Dakota and at the same time there have been discussions on how to control the numbers of out of state hunters who wish to hunt in prime time on North Dakota's bountiful prairies. There is also talk of "fee hunting", impacting the availability of private land for public access. And what about the future possibility of a law that would make all privately owned land a "no trespassing " zone unless otherwise posted.

It would seem to me that allowing the state to spend a million bucks or more to identify and therefore open up more than 700,000 acres all across the state of North Dakota would be a bargain indeed. Just think of all the tourist dollars that would be brought into North Dakota.

One school section out of every township or 16 sections used to be designated as school land, however, that has been whittled away until only parts of the original lands exist but even so, as you travel across the state you should be able to see a marked parcel of school land at least every 10 miles or so. What a boon that would be to a naturalist.

Laws must be made to provide for the clear an unquestionable marking on the corners of the boundaries of state school lands so the public will know where they are legally welcome and will not be accused of trespassing. Laws already provide for the public access of school lands along section lines as provided in the old century code 24-07-03 which allows for access 60 feet wide down a section line whether there is an established road there or not, this does not allow hunting, travel only. Because of this, public access to "landlocked" school land located within the boundaries of private land should not be a problem. Some section lines have been legally closed by county commissioners, but most remain open.

Land owner or leaseholder and hunter or naturalist relationships will vastly improve throughout North Dakota because all involved will be aware. State school land leaseholders will understand that the public is welcome for walking access on state land and within a clearly defined area whether there is livestock on there or not and the users will be able to access the school land without fear of confrontation, unless they stray on to private land. That "no trespassing" without permission means exactly that.

As an aid to this proposal, large, well marked maps of state school lands could be marketed and sold to interested parties. The Conservation plot guide already identifies state school lands as well as conservation plots.

The conservation plot guide also identifies other public areas as well on it's statewide publication that is available free where ever hunting license are sold. Personally, I just use it to get to the approximate area and then refer to my county atlas and if that is not well defined, I use an ASCS photo map. My County Atlas cost \$88. and the ASCS photos cost \$1.00 each. You can imagine procuring a county atlas and ASCS maps for every area that I would like to access. Then, you are never that sure of exactly where you are. On the other hand, my party and I have accessed conservation plots marked on each corner with yellow signs proclaiming walking access allowed and let me tell you it was real satisfying knowing that you were welcome and in the right place. Signing of state school lands needs to be done. I must compliment the North Dakota State Game and Fish Department for the variety of programs that they have aimed at improving landowner and public relations. Such as recognizing land owners for the success of hunting programs in their area and hunter safety programs. We all need the guidance of the State Game and fish Department and look forward to their thought

public to cooperate in this effort.

I would also compliment those that administer the state school land trust for their forward thinking on providing public access on the state school lands and enforcing these issues.

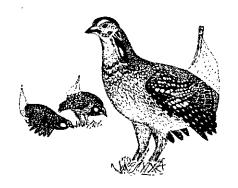
and input on encouraging leaseholders of state school lands and the general

By marking these school lands so that the general public can readily locate these areas with the help of county atlases and other maps, over 700,000 acres of previously camouflaged public lands will be made accessible. HB1423's time is now. A new era of good relations between leaseholders of state school trust lands and those who wish to rightfully and legally access it is upon us. Thank you Mr. chairman and members of the natural resources committee for allowing me to present this view. Are their any questions?





P.O. BOX 1442 • BISMARCK, ND 58502



# TESTIMONY OF MIKE McENROE NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE ON HB 1423, JANUARY 27, 2005

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mike McEnroe speaking on behalf of the North Dakota Chapter of The Wildlife Society. The North Dakota Chapter supports HB 1423.

The Chapter has long supported the protection and maintenance of the State School Lands for public uses including hunting and wildlife observation. Identification by signage of these 770,000 acres for public use is a tremendous benefit to the State's citizens. It will also give recognition to the State Land Department.

We urge a "Do Pass" vote on the Bill.



## Cass County WILDLIFE CLUH

Box 336 Casselton, ND 58012



## TESTIMONY OF HAROLD NEAMEYER CASS COUNTY WILDLIFE CLUB PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE

ON

#### **HB 1423**

**JANUARY 27, 2005** 

Mr. Chairman and Members of the Committee:

The Club supports this bill which states that these lands may not be posted to restrict hunting or public access. We also support the restriction of Guides and Outfitters not being allowed to guide on these lands.

We understand that the cost of signage may be prohibitive. Perhaps an agreement could be worked out with the lessee on a pro-rated basis to help in signage problem.

If need be, delete the signage, but keep the rest of the bill.



# North Dakota Wildlife Federation



Abundant wildlife and wildlife habitat, and access to wildlife recreational opportunities

1/27/2005

For: House Natural Resources Committee

Ref: HB1423

Amend this bill to remove lines 10 and 11 at page one and the North Dakota Wildlife Federation and United Sportsmen of North Dakota support the bill.

The Fiscal Note for signage is a budget hit that is to costly.

Please amend as we suggest and then pass the bill.

Thank you, Mike Donahue Lobbyist #275



1707 North 9th Street PO Box 5523 Bismarck, ND 58506-5523 Phone: (701) 328-2800 Fax: (701) 328-3650

www.land.state.nd.us www.discovernd.com



Gary D. Preszler, Commissioner

### TESTIMONY OF MIKE BRAND Director of Surface Management North Dakota State Land Department

#### IN OPPOSITION TO HOUSE BILL NO. 1423

Natural Resources Committee January 27, 2005

Chairman Nelson, members of the House Natural Resources Committee, I am Mike Brand, Director of the Surface Management Division for the State Land Department.

School trust lands were given to the State at statehood solely for the support of schools in North Dakota. The constitution limits leasing to "pasture and meadow" with a few minor exceptions for cultivation of selected lands. Hunting has been allowed on these lands since 1983 when the Board of University and School Lands required that all leases contain a provision that prohibited lessees from posting the lands. However, the Board retained the authority to post the lands when necessary. During the 2004 deer hunting season, 99.2% of school trust lands were open to hunting and only 5,677 acres were closed. The location of school trust lands has also been published on county highway maps since 1983 and more recently in the Game and Fish Department Plots Guides. The Plots Guides are free and the county highway maps cost \$12.25 for full statewide coverage.

House Bill 1423 can be understood as 3 separate parts: 1) The State Land Commissioner is directed to post all school trust lands that are open to hunting, 2) A provision must be in all leases that prohibits lessees from posting school trust lands and 3) A guide or outfitter may not guide on any lands owned by the State.

The first part of HB 1423 would be the most costly to implement. We have calculated that the fiscal impact to the general fund of signing all school trust lands that are open to hunting would be approximately \$1.2 million. Because nearly 100% of school trust lands are open to hunting, almost all lands would have to be signed under this bill. Signs would need to be standardized and posted so that they did not obstruct the 33 foot section line right of way. Some surveys would also be needed to identify the inside corners of isolated quarter sections, odd shaped tracts, and lots. It might be possible to use GPS for easily identifiable sections but is not sufficiently accurate to identify the odd tracts or the inside corners of isolated quarter sections of land. Contested sign locations would also need to be surveyed. Perhaps the most difficult aspect of this project would be using signs that would stand up to rubbing by cattle. Even though we priced steel posts and aluminum signs, it may be more practical to use treated wooden posts with some type of a logo branded into it so that the ongoing maintenance would be minimized.

As the fiscal note states, funding for this project would be general fund. Our only other source of funding is trust funds which are constitutionally dedicated to the support of the schools and institutions. This project would not benefit the schools and institutions, but rather is designed to benefit hunters. Therefore non-trust fund sources of funding would need to be identified.

The second part of this bill would require a provision in the lease that prohibited lessees from posting school trust lands. Since 1983, The Board of University and School Lands has required such a provision in all leases of school trust lands. For 23 years the lease has prohibited posting of the lands by the lessees and it is unlikely that this will change even if this bill is not passed. The Board has been a strong supporter of public access and has not wavered in their conviction.

We do not have any comments concerning guiding on school trust lands except to say that the Board has a written policy of allowing public access on school trust lands.

The Land Department does not object to the desire to merely identify school trust lands, but would be opposed to locating, installing and maintaining such signs if this activity is subsidized by the trust fund beneficiaries.



#### Board of University and School Lands North Dakota State Land Dept.

1707 North 9th Street | PO Box 5523 | Bismarck, ND 58506-5523 Phone: 701-328-2800 | Fax: 701-328-3650



#### **Public Access on School Trust Lands**

This site contains information about public access on school lands. You can find out which tracts are posted and what the official signs look like. Please enjoy our state's natural resources and respect school trust lands and our lessees' personal property.

- Established Trails
- · Signs available for posting School Trust Lands
  - Closed to Public Access
  - Notify the Lessee Before Entering
- Posted Tracts
  - By County
  - o Entire State
- Hunting Seasons
- Dog Training
- Other Recreational Uses

#### **Public Use Facts**

School Trust Lands are generally open to <u>non-vehicular</u> public access, unless posted with signs furnished free of charge by the State Land Department. Following are some facts about access on school trust lands.

- School trust lands are dedicated to producing income for the schools and designated trust funds of North Dakota.
- 713,376 acres are managed by the State Land Department.
- The current public access policy has been in effect since 1983. Public access is allowed provided it does not conflict with the constitutional mandate to produce income for the trusts.
- Two signs are available from the State Land Department for posting, 1) Closed to Public Access, and 2) Notify the Lessee Before Entering. Lands may be posted with these signs for management reasons.
- In 2001, more than 99% of all school trust lands were open for public access. Less than half of 1% of school trust lands were closed and 3% required notification of the lessee before entering the land.
  - 99% of school trust lands are leased to farmers and ranchers.
  - School trust lands are identified on **North Dakota county highway maps**, on the **North Dakota Plots Guide**, plat books and on maps available from various commercial sources.
  - The State does not guarantee that school trust lands are legally accessible. In some cases, terrain and other natural obstructions may make access difficult.

For the protection of the land and the natural resources that we all enjoy, access to school trust lands is strictly <u>non-vehicular</u>. You must park your vehicle and walk. Trails are used only for management purposes and may not be used by the public for vehicular travel.

[Land Home Page]

8. CONSERVATION AND WEED CONTROL. LESSEE shall control all noxious weeds on the land and maintain all summerfallow in a reasonably weed free condition. LESSEE shall not allow overgrazing which would result in forage production below the potential in good range condition. LESSEE shall prevent soil loss through erosion in excess of the established soil loss tolerance by the use of crop residue management, ssed waterways, stripcropping, tree planting, or other accepted conservational practices.

- 9. LAND USE PLANS. LESSOR reserves the right to require LESSEE to implement a soil conservation or range management plan at any time during the lease to prevent damage or to improve the condition of the land.
  - 10. ROAD DITCHES. LESSEE shall mow and maintain road ditches as required by law.
- 11. PUBLIC ACCESS. LESSEE may not post or otherwise prohibit non-vehicular public access to the land, but exceptions may be granted at the sole discretion of the COMMISSIONER. If the LESSEE desires to be notified prior to anyone entering upon the land, the LESSEE shall post only signs provided by the COMMISSIONER setting forth the LESSEE'S name, address, and telephone number. LESSEE may not lease, sell or otherwise charge for access on the land.
- 12. EASEMENTS/PERMITS. This lease is subject to all existing and future coal, oil, natural gas, uranium, gravel, scoria, clay, and other mineral leases and exploration permits covering the land. LESSEE agrees that the holders of such leases or permits may enter upon the land and conduct exploration and mining operations. This lease is further subject to all existing and future easements, rights-of-way, and other servitudes covering the land and LESSEE agrees to honor same. LESSEE shall not be entitled to any compensation by reason of such leases, permits, easements, rights-ofway, or servitudes unless otherwise provided for by LESSOR.
- 13. RIGHT OF ENTRY. LESSOR or its agent may enter the land at any time without notification for the purpose of inspecting the land and improvements thereon. LESSEE further agrees to allow LESSOR or its agent access across LESSEE'S property, or property leased by the LESSEE, to the land.
- 14. SALE OR EXCHANGE. This lease is specifically made subject to termination in the event LESSEE is notified during the months of October through January that all or a portion of the land will be sold or exchanged by LESSOR. If the land is sold or exchanged, LESSEE will surrender possession of the land within thirty days of mailing to LESSEE a notice of the sale or exchange.
- 15. COMPLIANCE WITH LAWS AND REGULATIONS. LESSEE shall comply with all applicable rules and regulations of the Board of University and School Lands and all applicable state and federal laws, including payment of any taxes levied against the land or LESSEE'S interest thereon.
- 16. FAILURE TO PAY RENT. If LESSEE fails to pay rent when due, this lease shall automatically expire on the last day of the lease period for ch rent was last paid. In order to enforce such forfeiture of lease, no demand for rent either written or verbal need be given LESSEE nor shall a notice of termination be required.
- 17. CANCELLATION. If LESSEE fails to comply with any of the terms and conditions of this lease, it may be cancelled by LESSOR. Cancellation is effective upon actual notice of cancellation by LESSOR or 3 days after mailing of notice of cancellation, whichever is earlier; except that no notice is required for cancellation as provided in paragraph 16.
  - 18. NO WARRANTY OF TITLE. LESSOR neither warrants nor agrees to defend title to the land.

IN WITNESS WHEREOF, the State of North Dakota, acting by and through the Board of University and School Lands has caused this lease to be executed in its name by its agent, the Commissioner of University and School Lands.

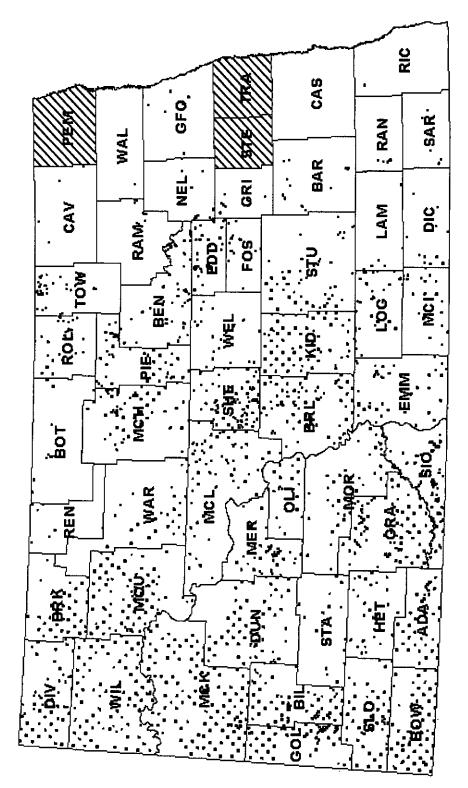
> THE STATE OF NORTH DAKOTA, acting by and through the **Board of University and School Lands**

> > Commissioner of University and School Lands

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NORTH DAKOTA STATE LAND DEPARTMENT 1707 N 9th Street P.O. Box 5523 Bismarck, ND 58506-5523 701-328-2800

SFN14791 (01/00)



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713,942 acres



Distribution of State School Lands

[77] No School Land
School Land



By: Cart Blohm Re: 481423 Pg 10f2 Curt Blohm (701) 258-7056

House Bill No. 1423

Reference: Requires signing of state school lands, prohibits

closing of these lands to hunting, and prohibits hunting guides from operating on these lands.

House Natural Resources Committee

Hearing Date: January 27, 2005

Good Morning, Mr. Chairman and Committee members. My name is Curtis Blohm. I appear before you today representing the North Dakota Outdoor Heritage Coalition. This coalition was founded out of the need for representation before the legislative committee by North Dakota citizens concerned for the preservation of our unique outdoor recreational heritage.

The ND Outdoor Heritage Coalition supports the content of this bill. Access issues related to grant lands such as state school lands have sometimes been unintentionally confusing and misrepresented. The clarification presented in this bill should hopefully be welcomed by all parties affected.

Thank You.

Curt Blohm (701) 258-7056

#### MISSION STATEMENT NORTH DAKOTA OUTDOOR HERITAGE COALITION

The North Dakota Outdoor Heritage Coalition was founded out of the need to have representation of North Dakota citizens concerned with the preservation of their unique recreational heritage. Its members believe and support the following:

- a. The necessity of preserving and fostering the underlying principals of the Public Trust Doctrine and in preserving high quality outdoor recreational opportunities.
- b. The belief that North Dakota's fish and wildlife resources must be kept as publicly held resources, owned and managed by the State of North Dakota for the long-term benefit and enjoyment of its citizens.
- c. To work to create and maintain a fair distribution of our outdoor recreational opportunities, giving preference to our resident sportsmen.
- d. To seek to minimize the affect of commercial operations on our publicly held resources and recreational opportunities by limiting the number of commercial operations and the amount of land under their control.
- e. We support programs that open private land to access for outdoor recreation especially those that are community-based because of the associated economic benefit.
- f. We support the increased acquisition of public use lands for outdoor recreation such as the PLOTS program.
- g. Be an advocate for restrictions on the use of North Dakota's resources which serve to guarantee that all participants have satisfying quality outdoor experiences well into the future.

The North Dakota Outdoor Heritage Coalition believes that the State's fish and wildlife resources must be kept a publicly held resource, owned and managed by the State, for the long-term benefit and enjoyment of its citizens.