

2001 LEGISLATIVE RECAP

BY GREG FREEMAN

Each year the North Dakota Legislature considers a number of bills that could affect hunters, anglers and all citizens who enjoy the state's outdoor resources.

Following is a roster of introduced bills that saw action in either the House of Representatives or Senate during the session. They are listed in numeric order. "HB" means the bill was originally introduced in the House, "SB" means the bill was originally introduced in the Senate.

BILLS THAT PASSED

HB 1019 – (Introduced by appropriations committee at the request of the Governor). Appropriates \$35,319,641 for the Game and Fish Department for the biennium beginning July 1, 2001, and ending June 30, 2003. Passed House 93-4. Passed Senate 48-0. Signed by governor.

HB 1070 – (Introduced by Natural Resources Committee at the request of the Game and Fish Department). Issues a complimentary lifetime resident "combination" hunting-fishing-trapping license to volunteer instructors for 30 years of service to the Department's hunter education program. Passed House 91-0. Passed Senate 46-0. Signed by governor.

HB 1075 – (Introduced by Natural Resources Committee at the request of the Board of University and School Lands). Allows the Game and Fish director to establish state game refuges and game and fish management areas on public land with the written consent of the entity responsible for management of those lands. Passed House 84-5. Passed Senate 43-4. Signed by governor.

HB 1238 – (Introduced by Rep's Nottestad, Brekke, Carlson; Senator Espgaard). Prohibits county auditors from providing fishing licenses to license agents located out-of-state, but allows the Game and Fish director to provide licenses to out-of-state agents if there are no in-state agents within a reasonable distance selling nonresident licenses. Passed House 93-1. Passed Senate 48-0. Signed by governor.

HB 1269 – (Introduced by Rep's Hanson, S. Kelsh, Kroeber; Sen's Nething, Stenehjem, Wanzek). Provides for a Legislative Council study of issues relating to resident and nonresident hunting in North Dakota. During the 2001-2002 interim, the Legislative Council shall study the number of licenses issued to residents and nonresidents and the fees for those licenses, the time period for which a license is valid, whether zones should be established, effects on landowners, effects

on guides and outfitters, the economic impact of nonresident hunters on the state of North Dakota, and how states bordering North Dakota are addressing issues relating to nonresident and resident hunting. The Legislative Council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the next legislative assembly. Signed by governor.

HB 1274 – (Introduced by Rep's Kretschmar, Porter). Makes the 100 antlered whitetail licenses that were available for hunting guides to be available to only certified guides. Passed House 87-11. Passed Senate 43-6. Signed by governor.

HB 1356 – (Introduced by Rep's Wrangham, DeKrey, Hanson; Sen's Christmann, Freborg). Requires the governor to provide by proclamation for spearfishing through the ice from dark houses, allowing nonresidents to spearfish from dark houses in North Dakota only if their state of residency allows North Dakotans to spearfish from dark houses. Passed House 74-22. Passed Senate 42-6. Signed by governor.

HCR 3022 – (Introduced by Rep's Drovdal, Hanson, Porter; Sen's Lyson, Wardner) - A concurrent resolution directing the Legislative Council to study the use of incentive programs in North Dakota as a way of keeping elk in the state and providing increased opportunities for landowners, hunters, and the general public. Adopted by House and Senate.

SB 2025 – (Introduced by Agriculture Committee). Prohibits the Game and Fish Department from discriminating against or penalizing any landowner applying for or participating in the deer-proof hay yard program on the basis of that landowner allowing hunting in exchange for compensation. Passed Senate 41-8. Passed House 61-36. Signed by governor.

SB 2051 – (Sen's Wardner, Lyson; Rep's Clark, Drovdal). Requires motorboat licensing applicants, in whose name the motorboat has not previously been licensed, to provide proof of payment of sales or use tax that was due upon acquisition, or provide evidence of exemption from sales or use taxes. To establish that the motorboat was acquired through a casual sale and qualifies for exempt status, the applicant must present a receipt for the sale signed by the seller and showing the seller's name and address. Passed Senate 44-1. Passed House 94-0. Signed by governor.

SB 2178 – (Introduced by Sen's Lyson, O'Connell, Stenehjem; Rep's Carlisle, Drovdal, Rennerfeldt). Allows North Dakota to enter the interstate wildlife violator compact. Violators who have their hunting or fishing privileges suspended in a compact state will have their privileges suspended in all compact states. Passed Senate 47-2. Passed House 79-9. Signed by governor.

SB 2224 – (Introduced by Sen’s Nichols, O’Connell, Solberg; Rep’s Delzer, Onstad, Solberg). Effective January 1, 2004, a person owning land within the right-of-way of a highway adjacent to a no-mow area may hay the no-mow area after July 15 without any penalty. Passed Senate 47-0. Passed House 95-2. Signed by governor.

SB 2345 – (Introduced by Senator Trenbeath; Representative Tieman). Allows the governor by proclamation to provide for a muzzle-loader deer season. Prior to this legislation the muzzle-loader deer season was established by state law for 9 1/2 consecutive days following the regular deer gun season. Passed Senate 49-0. Passed House 95-2. Signed by governor.

SB 2353 – (Introduced by Senator Christmann; Rep’s Carlson, Kasper). Allows access to state school lands for persons holding a special permit to shoot from a motorized vehicle by designating the school land on which the individual intends to hunt and receiving permission from the lessee and the commissioner of university and school lands. Passed Senate 48-0. Passed House 95-0. Signed by governor.

SB 2427 – (Introduced by Sen’s Stenehjem, Fischer, Freborg; Rep’s Carlson, Drovdal, Porter). Allows persons with a special handicapped permit to convert one license to either sex or species of deer, and determines eligibility for a special handicapped permit. Persons eligible must be unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device, or unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing. Passed Senate 47-0. Passed House 94-0. Signed by governor.

SB 2449 – (Introduced by Sen’s Mutch, Lyson, Stenehjem; Rep’s Carlisle, Carlson, Porter). Prohibits all guides/outfitters from operating on land owned by or private land enrolled by the Game and Fish Department in the Private Land Open To Sportsmen program. Passed Senate 46-3. Passed House 88-3. Signed by governor.

BILLS THAT FAILED

HB 1069 – (Introduced by Natural Resources Committee at the request of the Game and Fish Department). Would have prohibited a hunting guide or outfitter from operating on land owned by or leased by the Game and Fish Department. It also would have prohibited a guide or

outfitter from having a firearm or other weapon in their immediate possession while afield with a person employing that individual as a guide or outfitter. House Natural Resources Committee amended to allow guides to have a firearm or other weapon in their possession. Failed House 25-73.

HB 1257 – (Introduced by Rep’s Delzer, DeKrey, Rennerfeldt; Senator Freborg). Would have allowed persons eligible for a gratis deer license to transfer their eligibility to an immediate family member. Failed House 38-59.

HB 1263 – (Introduced by Rep’s Herbel, Brusegaard, Clark, Kingsbury, Wikenheiser; Senator Espegard). Would have allowed individuals who are at least 55 years old to use a telescopic sight to hunt deer with a muzzle-loader. Failed House 21-77.

HB 1264 – (Introduced by Rep’s Herbel, Brusegaard, Clark, Kingsbury, Wikenheiser; Senator Lyson). Would have allowed an individual who is at least 55 years old to use lighted sight pins while bowhunting. Failed House 40-57.

HB 1272 – (Introduced by Rep’s DeKrey, Weisz). Would allow gratis deer license holders who hold title to the land to hunt deer within the entire hunting unit where the land is located, as long as they pay the fee requirement of a resident big game license. Passed House 59-39. Failed Senate 6-42.

HB 1276 – (Introduced by Rep’s DeKrey, Kerzman, Weisz). Would have restricted the duration of conservation easements acquired by a nonprofit organization after July 31, 2001, to not exceed 50 years. Passed House 75-21. Failed Senate 10-39.

HB 1278 – (Introduced by Rep’s Froelich, Boehm, Kempenich, Kerzman). Would have automatically posted all private land south and west of the Missouri River closed to hunting. Failed House 22-76.

HB 1299 – (Introduced by Representative DeKrey). Would have proposed a series of restrictions on federal, state or political subdivisions that want to buy new parcels of land. Failed House 6-90.

HB 1333 – (Introduced by Rep’s Nelson, Froseth, D. Johnson; Sen’s Every, Solberg). Would divide the state into two zones for nonresident waterfowl hunters. Failed House 6-90.

HB 1468 – (Introduced by Rep’s Carlson, Herbel, Porter, Rennerfeldt; Sen’s Fischer, Traynor). Both nonresident hunting and fishing license fees would have increased

and the hunting license structure would have changed. Passed House 69-22. Failed Senate 21-26.

SB 2170 – (Senator Every). Would have allowed all nonresident youth less than 16 years old to purchase a resident small game hunting license. Failed Senate 24-25.

SB 2225 – (Introduced by Sen’s Nichols, Every, Urlacher; Representative Onstad). Would have allowed a nonresident who is less than 36 years old and had been a resident of the state to obtain a resident small game license. Failed Senate 3-46.

SB 2236 – (Introduced by Sen’s Freborg, Fischer, Kelsh; Representative Drovdal). Would have required consent of the owner or tenant of the land for waterfowl and crane hunters to drive off-trail. Failed Senate 7-42.

SB 2305 – (Introduced by Senator Heitkamp; Representative Huether). Would have required propane exploders or similar noisemaking devices designed to ward off blackbirds to be used during the period of one-half hour before sunrise and ending one-half hour after sunset. Failed Senate 3-45.

SB 2311 – (Introduced by Senator Kelsh; Representative Gulleason). Would have prohibited persons from hunting within 440 yards of any occupied building without consent of the person occupying the building. Failed Senate 15-32.

SB 2376 – (Introduced by Sen’s Nichols, Lyson; Rep’s Glassheim, Pietsch). Would have restricted deer hunters to either a license during the muzzle-loader deer season or the regular deer gun season. Passed Senate 41-8. Failed House 3-91.

SB 2377 – (Introduced by Sen’s Krauter, G. Nelson; Rep’s Belter, Boucher, Froelich). Would have required the Senate to confirm the governor’s appointment of the Game and Fish director. Passed Senate 43-4. Failed House 6-90.

SB 2394 – (Introduced by Sen’s Cook, Fischer, Stenehjem; Rep’s Hanson, Porter). Would have required an outfitter to provide a record of fees collected on that person’s land to the Game and Fish director within 30 days of the close of the hunting season. Passed Senate 37-12. Failed House 10-83.

GREG FREEMAN is the Game and Fish Department’s news editor. He tracked legislation weekly during the 2001 session.