

April 23, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2315

That the House recede from its amendments as printed on pages 1451-1453 of the Senate Journal and pages 1714-1721 and page 1732 of the House Journal and that Engrossed Senate Bill No. 2315 be amended as follows:

Page 1, line 1, remove "to create and enact chapter 20.1-18 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to a database identifying whether private land is open to hunters;"

Page 1, line 3, after the first comma insert "20.1-01-17,"

Page 1, line 3, remove "20.1-01-19, 20.1-01-20,"

Page 1, line 4, remove "to provide a statement"

Page 1, line 5, replace "of legislative intent;" with "to repeal section 20.1-01-20 of the North Dakota Century Code, relating to prima facie evidence of hunting;"

Page 1, line 13, after "a" insert "class B misdemeanor for a first offense and a"

Page 1, line 13, after "misdemeanor" insert "for a second or subsequent offense"

Page 1, line 15, remove the overstrike of "a. Enters"

Page 1, line 15, remove "enters"

Page 1, line 19, replace "sections" with "section"

Page 1, line 19, remove ", 20.1-01-19, 20.1-03-42, and"

Page 1, line 20, replace "20.1-18-03" with "; or

b. Remains on property that is privately owned and open to the public after being requested to leave the property by a duly authorized individual"

Page 3, line 13, overstrike "An individual is guilty of a class B misdemeanor if that individual remains upon the"

Page 3, overstrike lines 14 through 16

Page 3, line 17, replace "4." with "3."

Page 3, line 17, overstrike "a" and insert immediately thereafter ";

a. A"

Page 3, line 18, after "duties" insert "; or

b. An individual who enters land to access buried and aboveground infrastructure for operations, inspection, repair, or maintenance purposes, if the individual has a right to operate, inspect, repair, or maintain the infrastructure"

Page 3, after line 18, insert:

"SECTION 2. AMENDMENT. Section 20.1-01-17 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-17. Posting of lands by owner to prohibit hunting - How posted - Signs defaced.

1. Only the owner or tenant or an individual authorized by the owner of land may post the land by placing signs alongside the public highway or the land giving notice that hunting is not permitted on the land. The name of the person posting the land must appear on each sign in legible characters. The signs must be readable from the outside of the land and must be placed conspicuously not more than eight hundred eighty yards [804.68 meters] apart. As to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed land.
2. A person may not deface, take down, destroy posting signs, or post property without the permission of the owner or tenant or an individual authorized by the owner.
3. Even if the conduct of the owner, tenant, or individual authorized by the owner varies from the provisions of subsection 1, an individual may be found guilty of violating section 20.1-01-18 if the owner, tenant, or individual authorized by the owner substantially complied with subsection 1 and notice against hunting or trespassing is clear from the circumstances.
4. If the state, either directly or through a third party, develops, operates, or maintains an online database or other electronic application available to the public which identifies whether land is available to hunters, an owner or tenant or individual authorized by the owner of land may submit electronic information for the database or application regarding the availability of the land for hunting. Land designated as posted or closed to hunters in the database or application under this subsection is deemed posted land.

Page 3, line 21, remove the overstrike over "~~on posted land and trapping~~"

Page 3, line 21, remove the overstrike over "~~without permission~~"

Page 3, line 22, remove the overstrike over "~~unlawful - Penalty~~"

Page 3, line 25, after the underscored comma insert "unless the land is legally posted or the individual is requested to leave by a duly authorized person"

Page 3, line 25, remove the overstrike over the overstruck period

Page 3, line 25, after "person" insert "A person"

Page 3, line 25, remove the overstrike over "may" and insert immediately thereafter "not"

Page 3, line 25, remove the overstrike over "~~enter upon privately owned land for the~~"

Page 3, remove the overstrike over lines 26 through 28

Page 3, line 29, remove the overstrike over "~~two-year period~~"

Page 3, line 29, remove "unless the land is designated as closed to hunters or open to hunters with"

Page 3, remove line 30

Page 3, line 31, remove "20.1-01-17"

Page 4, remove lines 1 through 14

Page 4, line 24, remove "that are"

Page 4, line 24, overstrike "posted"

Page 4, line 25, overstrike "against hunting or trespassing"

Page 4, line 25, remove "under section 20.1-01-17 or private lands that are"

Page 4, remove line 26

Page 4, line 27, remove "20.1-18-02,"

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 30

Page 6, replace lines 1 through 23 with:

"SECTION 5. REPEAL. Section 20.1-01-20 of the North Dakota Century Code is repealed."

Page 6, line 24, remove "**FOR**"

Page 6, line 25, remove "**HUNTING AND TRAPPING**"

Page 6, line 25, after the boldfaced period, insert:

"1."

Page 6, line 25, replace "the legislative management" with "a land access study committee"

Page 6, line 26, replace "consider studying" with "study"

Page 6, line 26, after the second comma insert "fishing,"

Page 6, line 26, after "issues" insert ", including trespass violations and penalties, and provide recommendations regarding a land access database with the capability of electronic posting"

Page 6, line 27, replace "legislative management" with "study committee may establish a trial electronic posting and hunter access information system in up to three counties prior to August 1, 2020, and"

Page 6, line 27, remove ", together with any"

Page 6, line 28, remove "legislation required to implement the recommendations,"

Page 6, line 29, after "assembly" insert "at a time appointed by the legislative management"

Page 6, after line 29, insert:

- "2. a. The voting members of the committee, who must be appointed by the legislative management, are:
 - (1) Two members representing agriculture organizations;
 - (2) Two members representing sportsmen organizations; and
 - (3) Five members of the legislative assembly, including:
 - (a) One member of the majority party in the house of representatives;
 - (b) One member of the minority party in the house of representatives;
 - (c) One member of the majority party in the senate;
 - (d) One member of the minority party in the senate; and
 - (e) One member from either party in either chamber to serve as the committee chairman.
- b. The nonvoting members of the committee are:
 - (1) A representative of the North Dakota association of counties;
 - (2) The agriculture commissioner or the commissioner's designee;
 - (3) The director of the game and fish department or the director's designee;
 - (4) The chief information officer or the officer's designee; and
 - (5) A representative of the North Dakota state's attorneys' association.
3. A member of the committee who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council. A state employee who is a member of the committee is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the committee who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the committee. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the committee who is a member of the legislative assembly.

SECTION 7. EDUCATION AND MARKETING. The game and fish department and the tourism division of the department of commerce shall provide public education and marketing regarding the changes to land access in this Act."

Renumber accordingly