

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1138

2005 HOUSE NATURAL RESOURCES

HB 1138

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1138

House Natural Resources Committee

Conference Committee

Hearing Date January 13, 2005

Tape Number	Side A	Side B	Meter #
1		x	1,712 - 2,900

Committee Clerk Signature

Faren Bonnet

Minutes: Chr. Nelson opened the hearing on HB 1138. Kelsh and Porter absent. Bill was read aloud.

Paul Schadewald, ND Game & Fish: (WRITTEN TESTIMONY ATTACHED)

Chr. Nelson: You said the area now is managed by the Bureau of Reclamation?

Schadewald: Yes, it was owned, constructed and managed by the Bureau of Reclamation and we were managing a portion of it that we no longer are. There are cabin sites out there in addition and the federal government is managing those. The second portion of that bill deals with where the interest of the game and fish fund is deposited. There were two sections of the law, one on page seven, another on page eight. One on page seven said that interest should be deposited in the Private Lands Program. I think what most of you are familiar with is the Plots Program or Hunting Access Program. Then there's another section that refers to motorboat fees and says that some fees on that account should go into the Motorboat Account. The State Auditor's saw a conflict with that. We're asking that the records to the Motorboat Account be

eliminated and keep it simple. Most of the Motorboat Account is very small and we spend more money on voting through the Private Lands Program than the interest would amount to so we're asking that all the interest go to the Private Lands Program, no exceptions. No special accounting for another small town, all interest goes into the Private Lands Habitat and Access Program. Those are the two addressed in this bill. Again, the State Auditor's asked (us) to clean up our law so that's what we're trying to do.

Chr. Nelson: Are there any questions? Seeing none, thank you. Is there further testimony in favor of HB 1138? Seeing none, any opposition to HB 1138? Seeing none, I'll close the hearing on HB 1138.

Rep. DeKrey: I'll move Do Pass on HB 1138.

Rep. Drovdal: I'll second that motion.

Chr. Nelson: **Do Pass Motion by Rep. DeKrey; second by Rep. Drovdal.** Any committee discussion on this bill? Seeing none, I'll ask the clerk to call the roll on a Do Pass motion.

VOTE: 12 Yes - 0 No - 2 Absent; CARRIER: DeKrey

FISCAL NOTE
 Requested by Legislative Council
 01/03/2005

Bill/Resolution No.: HB 1138

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						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School 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.*

There is no fiscal impact for this bill. It is a housekeeping bill that eliminates an unused section of the law dealing with Heart Butte and clarifies the deposit of interest from the game and fish fund.

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.*

None

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.*

None.

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.*

Name: Paul Schadewald
Phone Number: 328-6328

Agency: ND Game and Fish Department
Date Prepared: 01/03/2005

Date: 1/13/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1138

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do Pass

Motion Made By : DeKrey Seconded By : Drovdal

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	Absent		Rep. Bob Hunsakor	✓	
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh		Absent
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg	✓	
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Dennis Johnson	✓				
Rep. George J. Keiser	✓				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad	✓				

Total (Yes) 12 No 0

Absent 2 Absent - Kelsh & Porter

Floor Assignment DeKrey

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

REPORT OF STANDING COMMITTEE (410)
January 13, 2005 4:30 p.m.

Module No: HR-08-0457
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1138: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1138 was placed on the
Eleventh order on the calendar.

2005 SENATE NATURAL RESOURCES

HB 1138

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1138

Senate Natural Resources Committee

Conference Committee

Hearing Date February 25, 2005

Tape Number

1

Side A

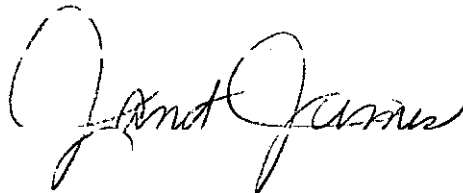
X

Side B

Meter #

1.3 - 5.9

Committee Clerk Signature



Minutes:

Senator Ben Tollefson, Vice Chairman of the Senate Natural Resources Committee brought the committee meeting to order.

All members of the committee were present **Senator Stanley Lyson** who returned later after testifying at another hearing.

Senator Tollefson opened the hearing on HB 1138 relating to agreements with the bureau of reclamation for management of the Heart Butte area and deposit of interest income in the game and fish department private land habitat and access improvement fund.

Paul Schadewald, Chief of Administrative Services of the North Dakota State Game and Fish Department introduced HB 1138. The bill was at the request of the department which was requested by the state auditor. (See attached testimony).

Senator John Traynor commented that US Senator Conrad is attempting passage of a bill that will create a fund that will match state funds for the private plots program.

Page 2

Senate Natural Resources Committee

Bill/Resolution Number HB 1138

Hearing Date 2-25-05

Paul Schadewald stated he read the same article and that he is referring to using state money that goes into the private lands fund could match federal money and make the program larger.

Senator Traynor asked if this could be done without any state legislation.

Paul Schadewald stated that if federal money would come to the department, they would have to go the budget section for approval to spend it.

Senator Tollefson asked for further testimony in favor of HB 1138 and any opposing testimony.

Hearing none he closed the hearing on HB 1138.

Senator Joel Heitkamp made a motion for a Do Pass of HB 1138.

Senator Rich Wardner second the motion.

Roll call vote for Do Pass of HB 1138 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT

OR NOT VOTING.

Senator Wardner will carry HB 1138.

Date: 2-25-04
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1138

Senate Senate Natural Resources

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Heitkamp Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Stanley Lyson, Chairman	✓		Senator Joel Heitkamp	✓	
Senator Ben Tollefson, Vice Chair	✓		Senator Michael Every	✓	
Senator Layton Freborg	✓				
Senator Rich Wardner	✓				
Senator John Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Wardner

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

REPORT OF STANDING COMMITTEE (410)
February 25, 2005 9:53 a.m.

Module No: SR-35-3662
Carrier: Wardner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1138: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1138 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

HB 1138

**North Dakota Game and Fish Department
Testimony for HB 1138
January 13, 2005**

The first part of House Bill 1138 deletes an outdated and unused law that set up a special account for the Heart Butte area. This subsection of NDCC 20.1-02-05 has not been used for about fifteen years and the State Auditors office has recommended that we get this repealed.

The second section of the bill is also the result of a State Auditor's Office recommendation. This amendment removes conflicting wording in the law. NDCC 20.1-02-16.1 (Page 7) states that all money derived from the investment of the game and fish fund must be credited to the game and fish department Private Land Habitat and Access Improvement Fund. This conflicts with NDCC 20.1-02-16.5 (Page 8) where interest on the motorboat programs and safety account is to be used for boating related programs. The solution in this bill is to require that all interest on game and fish money go into the Private Land Habitat and Access Improvement Fund. There is no need to have interest income go anywhere else. The Save Our Lakes Program receives about \$400,000 per biennium from the Private Land Habitat Program, so boaters get a fair share of the interest revenue received on Department funds.

North Dakota Game and Fish Department
Testimony for HB 1138
February 24, 2005

The first part of House Bill 1138 deletes an outdated and unused law that set up a special account for the Heart Butte area. This subsection of NDCC 20.1-02-05 has not been used for about fifteen years and the State Auditors office has recommended that we get this repealed.

The second section of the bill is also the result of a State Auditor's Office recommendation. This amendment removes conflicting wording in the law. NDCC 20.1-02-16.1(Page 7) states that all money derived from the investment of the game and fish fund must be credited to the game and fish department Private Land Habitat and Access Improvement Fund. This conflicts with NDCC 20.1-02-16.5(Page 8) where interest on the motorboat programs and safety account is to be used for boating related programs. The solution in this bill is to require that all interest on game and fish money go into the Private Land Habitat and Access Improvement Fund. There is no need to have interest income go anywhere else. The Save Our Lakes Program receives about \$400,000 per biennium from the Private Land Habitat Program, so boaters get a fair share of the interest revenue received on Department funds.