

2009 HOUSE APPROPRIATIONS

HB 1017

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date: January 14, 2009

Recorder Job Number: 6955

Committee Clerk Signature

Shirley Branning

Minutes:

Chairman Skarphol: Called the meeting to order on HB 1017, State Game and Fish Department, by taking roll call and introducing **Mr. Paul Schadowald, Chief Administrative Services Director for the North Dakota Game and Fish Department.**

Schadowald: He presented testimony on the game and Fish Dept budget (see attachment #1). We're in very good shape and aren't asking for any further appropriations.

Rep. Wald: Would that \$1M for Sweet Briar be a carryover from the budget?

Schadowald: No, we cannot carry that over.

Chairman Skarphol: Is that Federal funding or....?

Schadowald: No, That was 75% federal funding and 25% Game and Fish. Continuing on with P. 1 of the attachment. Revenue projections are found on P.5.

Rep. Kroeber; Are you able to hang on to your number of acres in your plots?

Schadowald: It is not the large sections of CRP. We are gradually getting out of that, we think we'll have the acres but not the quality of acres.

Rep. Kroeber: Do you have regular plots?

Schadowald: Yes, they are. Continuing on P. 6, General game license sales tells you the numbers of hunters in North Dakota through 2007. We have leveled off a little bit in 2008.

Rep. Klein: With regard to out of state hunters, what is the rough ratio?

Schadowald: About 50,000 non residents and about 110,000 residents.

Rep. Klein: And the license fee ratio is double?

Schadowald: Probably 5 times, Fees are fairly high.

Chairman Skarphol: What has been the net effect of those changes? Decrease in out of state hunters because of license?

Schadowald: No. We've seen a steady increase in spite of that. Dry wetlands are a greater issue.

Rep. Williams: Nonresident has gone up steadily, are the majority of the non residents' license for pheasants?

Schadowald: Yes. They are. Continuing with PP. 7-8. Devils Lake area is increasing. The boat ramp situation, there are no special appropriations this time around. P.9-12 outlines the items of special interest.

Rep. Wald: Do you pay the taxes on all of the Game and Fish land that's under your jurisdiction?

Schadowald: Yes, we do.

Rep. Wald: No exceptions

Schadowald: No exceptions.

Chairman Skarphol: And also the lands that you manage that you do not own.

Schadowald: The land that we do not own are these annual contracts with farmers for hunting access, we don't pay the taxes on those but anywhere we have an agreement where we put Game and Fish signs up.

Rep. Klein: You have a Department Donation account for \$400,000. What's that?

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Schadowald: About 15 years ago or more, some people wanted to donate money; we are able to take that money and put it in that account and spend it where the donor wants it to be spent.

Chairman Skarphol: You have \$400,000 in that account?

Schadowald: No, we have authorization to spend up to \$400,000 of what we get.. Now we probably have less \$100,000 that we can spend.

Chairman Skarphol: Is it a tax deductible donation?

Schadowald: State agencies are considered by IRS to be tax deductible.

Rep. Klein: You have a capital improvement there for \$416,000. Does that take care of all your deferred maintenance? Do you still carry such a thing?

Schadowald: If we have a roof that we have to replace, we would pay for a major item like that out of that fund. We have facilities in seven major cities.

Rep. Klein: You don't have a backlog of deferred maintenance that you've been carrying forward.

Schadowald: No.

Rep. Onstad: Along Lake Skakawea, for example above the 1850 mark. Does Game and Fish have management control of that, those areas?

Schadowald: We have a management agreement with them for the land above the high water on some parts of Sakakawea. The other parks are tribal or county park board.

Rep. Onstad: Your point starts above the 1850 mark?

Schadowald: I believe that's what it is.

Rep. Onstad: If I may continue, it seems like there is always confusion who has authority with game warden, enforcement and the Corps of Engineers.

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Schadowald: When the water level goes down, it turns into a Corps of Engineers area and signs go up when the water level goes below. They are protecting archeological areas. The public is not allowed to go in there either. But who is going to take care of weeds, is a common problem, then it has to go to the Corps when the water level goes below that mark.

Chairman Skarphol: Do you pay in lieu on that land.

Schadowald: Yes, we do, it's about \$1.50. Continuing with budget report.

Rep. Wald: Couple of questions, what do you think the fish kill will be on some of these shallow lakes?

Schadowald: This year will be tough. On the positive side we will get a good load of water in the spring.

Rep. Wald: Deer depredation, are they getting into hay?

Schadowald: They are especially in the north central but not as much as anticipated.

Rep. Wald: You have money to take care of some of that?

Schadowald: That's part of the private lands program, the \$11M budget that we have, part is dedicated by law.

Rep. Wald: You must have some preliminary ideas of pheasant kill this year.

Schadowald: It's gonna be bad because of the snow and ice storms.

Rep. Wald: Is there a restocking program?

Schadowald: Not needed in the past, it's very expensive and sometimes not very effective.

Rep. Klein: That fencing program you have for the farmers, is that still in operation?

Schadowald: It is in effect and is being done all the time, but in more recent years we've had mild winters and there have been fewer depredation calls.

Chairman Skarphol: How was the deer harvest this fall?

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Schadowald: We normally have about 70%. We had 140,000 licenses. More information will come out in February. Continuing with conservation and communications division, hunter education there is \$300,000 in those programs.

Rep. Wald: Fleet, vehicles are out of the motor pool?

Schadowald: Licensed vehicles are out of there, we have a few things like snowmobiles, tractors.

Rep. Wald: Have you ever done an analysis on owning your vehicles or going through your motor pool?

Schadowald: The fleet has been pretty good for us. Our game wardens put on 80,000 miles a year; they auction them off and still get a pretty good return on it.

Rep. Wald: What was your increase from the motor pool?

Schadowald: I'd have to look that up.

Chairman Skarphol: I assume you had some fairly significant increases in fuel costs. Can you give us some idea of percentages?

Schadowald: About 30%.

Schadowald: Continuing on P. 11, Wildlife Services.

Rep. Kroeber: Last year an audit was done in the county.

Schadowald: It was mainly with their lack of accountability. Wildlife service's budget is pretty erratic. We agree that Wild Life Services need to get their act together to get their accounting things together.

Rep. Kroeber: Even with a \$2M budget, you're still paying about a third of it with that money, I think one of the problems was, it seems like your concerns were pretty low on their list. Has it improved any?

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Schadowald: I don't think it has. It hasn't been real good.

Rep. Klein: With predator control and the non accountability. We talked about the possibility of doing what South Dakota did and take over the project. Has anyone looked into that?

Schadowald: Yes, we've checked with South Dakota and they are not getting the federal money.

Rep. Klein: What happened to their program?

Schadowald: They have a program where they have some state funding, and they also have a head tax through the livestock owners.

Rep. Klein: I understood that program was great and they had used it and then they had accountability. Seems like money is put in, yet no one provides answers to where it is going.

Schadowald: We'll be back to the audit committee with complaints that we're not getting the cooperation.

Chairman Skarphol: Is not some of the problem the inability to oversee as well as how we would normally oversee state funds.

Schadowald: We are not having any input.

Chairman Skarphol: Is there a way to redesign the program to where the federal government would do what they think is appropriate and we would try to complement that with our dollars?

Schadowald: That is what we're moving toward right now.

Rep. Wald: Towards the end of the session, the federal money came in, I think it was Indian Hills, and there was some money in your budget for that? How is that project coming?

Schadowald: That was actually the marina at Garrison, being funded entirely with federal funding.

Rep. Wald: You have no authority over boat docks, marinas?

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Schadowald: They have concessions and boat slips and things like that and they should pay for themselves. That's more of a Parks and Recreation type of authority so we go in and help at state parks on boating related stuff.

Rep. Wald: They fired the contractor.

Schadowald: Continuing. \$1.6M is going to Lone Tree area. We get 100% federal funding to manage that area. Continuing with attachment #1, P.11-12, and FTEs, including the need for a game warden/pilot.

Rep. Klein: Talk to me about this Lone Tree funding. We're spending \$1.65M, and that's all federal money? What are we getting?

Schadowald: We are getting a large area, about 30,000 acres of wild life habitat.

Rep. Klein: And that is costing \$165,000 to manage?

Schadowald: It is about \$800,000 a year to manage.

Rep. Wald: Your fund balance is going from \$25M to \$19.3M, are you concerned about that trend.

Schadowald: Yes, but our income has gone up. Every time gun control comes up, people are buying more guns in mass amounts. There will be an increase in excise taxes. We have not had significant fee increases for our residents in many years.

Rep. Wald: Long range planning for young kids. What were we doing to promote fishing and hunting?

Schadowald: The main thing is providing youth education programs.

Rep. Wald: Do you cooperate with groups like 4H or extension service?

Schadowald: We are cooperating with 4H.

Rep. Klein: Lone Tree? How many people are involved and what are we doing? Are we replanting trees, what's involved?

Schadowald: Tree planting, fishing access ramps.

Rep. Klein: Do you have an office up there? How many FTEs do you have?

Schadowald: Bureau of Reclamation has an office, a shop and two residences where staff lives right on site and we hire 4 FTEs and we hire some temporaries.

Rep. Wald: I don't want to belabor Lone Tree but isn't there money in the Water Commission?

Schadowald: If there are, it is just a coincidence by name. They have the logo on some of their products.

Rep. Wald: Futuristic if water is ever piped from Harvey or thereabouts, if that should come about within the next decade, do you still have a responsibility in Lone Tree, then?

Schadowald: I suspect, not in that case.

Rep. Klein: So part of this is for payment in lieu of taxes?

Schadowald: Indirectly, yes?

Chairman Skarphol: Funds declining you have a budget increase of \$1.2M, but your fund's declining by an excess of 5, where is the other money going?

Schadowald: Our money is invested in the Bank of North Dakota and we're getting close to 1% interest.

Rep. Kroeber: You have to keep \$20M in balance.

Schadowald: It's \$15m.

Rep. Kroeber: It was 12 and now its 15. On the wildlife services at the 760,000 that's exactly the same as last biennium or that's increased?

Schadowald: It was 680,000 last biennium.

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Rep. Kroeber: And on the debt funding of \$200,000, that's up also?

Schadowald: That is down about \$10,000.

Rep. Kroeber: That's on kind of an on use basis?

Schadowald: We requested that it be only \$150,000. And it ended up being increased by \$50,000.

Rep. Kroeber: On the parks, with the boating access grant that \$100,000 of the 22 was onetime funding?

Schadowald: Correct.

Rep. Williams: Chart # 9. The blizzard of 1966 and '97, I would think that with the winter we've got that we could see a substantial drop in the game licenses.

Schadowald: The concerns we have are for pheasant.

Chairman Skarphol: Green sheet # 4, in lieu of taxes, increasing by 1/3, that seems pretty substantial. Where is the bump coming from? Is it that much of an increase on the property you manage?

Schadowald: We are managing more property but taxes are also going up.

Chairman Skarphol: Under before and trying to catch up. #5 provides funding for land purchases of \$800,000, that's a \$700,000 increase. Are you anticipating some major land purchase?

Schadowald: We are anticipating some small land purchases in the \$800,000 range.

Chairman Skarphol: It goes from \$100,00 to \$800,000, that is kinda dramatic. #7 increases funding for wild life management area improvements. Something going on there?

Schadowald: Larger projects on the lands we own, such as roads.

Chairman Skarphol: You got a bump on #10, the noxious weed program, is that the salt cedar program?

Schadowald: Salt cedar and leafy spurge.

Chairman Skarphol: I got a couple calls from constituents on coyote depredation and they are concerned that the hunters out there aren't able to get their job done because of the amount of snow we have. Suggesting we put some more money into Ag budget for control by air.

Schadowald: Wildlife services has funding exactly for that.

Chairman Skarphol: I hear that they are not flying, budget has been cut, so they can't do the flying they'd like to do. Talk to them and get back to us.

Schadowald: I discussed this earlier and we normally hear this.

Chairman Skarphol: We would like to hear your perspective on that.

Rep. Wald: How are you recruiting a combination pilot/game warden, won't that be hard?

Schadowald: There are a couple programs out there with training in natural resources background and we can train them into law enforcement if they get their aviation background.

Rep. Wald: What would you have to pay to attract somebody to that position?

Schadowald: As a district game warden, starting at about \$3,000/month.

Rep. Todd Porter, District 34: Testified in favor of HB 1019. A couple of things on the budget, policy side. The \$200,000 for state vet, some or a portion of that money is used to go out and work with captive elk and deer operations. If those animals get out, because of the risk of disease and not wanting them with our cattle herds, the cost goes to wildlife services.

Don't know if we want to continue doing that. As far as the coyote situation, same as elk

being able to hunt within the boundaries of the park. Federal won't allow hunting when sharpshooters could do it cheaper.

Local issue, Mandan enforcement side, the Missouri River, in the summer is a huge recreation area. People are not obeying boating regulations, they are littering and leaving huge piles of garbage on the sandbar. The enforcement side of Game and Fish has to hire a game warden to be responsible for the Missouri River. There is no coordination between agency patrols. Responsibility for enforcement lies with water commission. Some of the patrolling of this area lies with the Water Resources Trust Fund. There are coast Guard dollars.

Chairman Skarphol: When we spend a dollar we get \$.50 back, who is we?

Porter: State of North Dakota.

Chairman Skarphol: Which agency would be the most appropriate to ask for that refund?

Porter: Game and Fish. Other item is the decreased CRP acres. Those acres are crucial to nesting. Also, the cost of rent is going up; public access needs to stay where it needs to stay. Access is the biggest constraint to what we are replacing those CRP contracts with. The Public Access PLI program. Youth grant \$100,000, was created last session and used as a cost share. Pheasants Forever had a youth hunt. Increase this line item again. Increase the Habitat Stamp program.

Rep. Hawken: Do you know if it would be possible to do something with the NRA to do the riflery program?

Porter: Those programs are still in existence. The rifle club in Bismarck has been funded in part by State Game and Fish.

Rep. Hawken: Twelve year old hunters are required to have hunter safety before they can go out and hunt.

Porter: Up to age 11 no hunter safety is required, 12-16 they have to hunt with either a parent or an adult. To get a license in North Dakota you have to have Hunter Ed. In ND an online course is being developed. It needs to be a different course for child or adult. Easier to transition.

Clarence Bina, Lobbyist for USND: Representing United Sportsman. Lobbying for United Sportsmen and supports the budget up to line #22. Asking you to reconsider this amount because of three issues: The performance audit shows eleven items. There is no evidence that Wildlife Service has made any effort to correct its ways. The second issue is the budget narrative. He reads from the Executive Budget and critiques ambiguous language. The third item is that it cannot discern where our license fees are going. There is no accountability for federal funds. What are we getting for our money?

Rep. Wald: In defense of the department, if you look under major programs you've got the payroll, administrative services, fisheries, etc. The handout outlined where the money is going.

Bina: I am talking about the federal funds, the inability to monitor the federal funds.

Chairman Skarphol: If you get into budget detail the various areas of funding categories, but if you want to look at where the money is spent you'd have to look at expenditures, that would be a separate request and is available under the open records law..

Bina: I think the audit speaks for itself. The Wildlife Service is not accountable.

Morrisette: Are you referring to the federal funds for the Wildlife Services program? Those do not go through the state licensing portion of the grant. It goes to the Department of Ag and then it is reflected here and the federal funds go directly to the Wildlife Services agencies so they are not reflected in any state budget.

Bina: In the interest of transparency...

Chairman Skarphol: The federal government is not as transparent as state government.

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Rep. Wald: Could you suggest another agency where we could park Wildlife Services other than the Ag Department?

Bina: I have had discussions with various entities, and it is clear that they don't want this.

There are good cooperative agreements and then we have this that needs improvement. Just adding more money to a management system that is indifferent isn't going to do the job.

Rep. Kroeber: Increasing funding in the Wildlife Services area has not been requested.

Chairman Skarphol: The hearing tomorrow, by the Ag Department is open. They administer the program as well as it can be administered by any state agency.

Bina: One of the big things is black bird protection and Wildlife Services didn't even want to be involved in black bird abatement.

Mike McEnroe, North Dakota Chapter of the Wildlife Society: Testified in support of HB 1017. The amount for animal health may be a bit more than the Game and Fish needs to fund their cooperation propagation permit program. We share the concern that it has gone from \$100,000 15 years ago to \$770,000. Questioning whether the sportsmen are doing anything for the state.

Chairman Skarphol: If there are no further questions the hearing on HB 1017 is closed.

(10:31)

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

House Appropriations Committee
Education and Environment Division

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Hearing Date: January 26, 2009

Recorder Job Number: 7767

Committee Clerk Signature

Shirley Branning

Minutes:

Chairman Skarphol: Called the meeting order to discuss HB 1017 by calling **Mr. Terry Steinwand, Game and Fish Commissioner**, to discuss the coyote problem. Did you hear anything about coyote hunting and the permit process for people who might want to hunt for recreational purposes?

Steinwand: We can't do it for recreational purposes under Federal law. It is authority given to the State Natural Resources agency through the US Fish and Wildlife Service.

Chm. Skarphol: Are the five you had spread over the state?

Mr. Steinwand: They are. I can get you that information.

Chm. Skarphol: Who has to document it?

Mr. Steinwand: Wildlife services. We have to have an approved management plan from the federal government.

Rep. Wald: Your game warden cannot shoot the coyotes?

Mr. Steinwand: They can, but they can't profit from it.

Rep. Wald: If we encourage them to shoot without any other compensation?

Mr. Steinwand: They have other duties.

Rep. Klein: How many people does Wildlife Services have in the state?

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Mr. Steinwand: About 10 field agents and 4-5 administrative staff.

Rep. Klein: South Dakota's (SD) organization has about 20 people doing it themselves.

Mr. Steinwand: I'll have to believe your numbers, but I don't know SD's budget off the top of my head. It's about \$3M total budget.

Rep. Kroeber: Do you have their total budget?

Mr. Steinwand: We have what they provided to us.

Rep. Kroeber: If it's \$3M does that include our \$1M or in addition to our \$1M?

Mr. Steinwand: That includes ours, our \$786,000+.

Rep. Kroeber: Plus the \$100,000 that we get from general fund.

Chm. Skarphol: Do you know if SD has a Federal Wildlife services entity as well as the state entity?

Mr. Steinwand: No they do not. Ten to fifteen years ago they had the opportunity to take over that Federal responsibility. They don't receive the same amount of federal funding.

Rep. Klein: You think they still receive some federal money?

Mr. Steinwand: I can't say that but I could find out.

Chm. Skarphol: We are talking about equity with every entity. You have about \$280,000 in equity dollars in this budget.

Mr. Steinwand turned the podium over to **Paul Shadewall, Chief of Administrative Services Director for the Game and Fish Department.**

Mr. Shadowald: We don't have an equity package in our budget for pay raises.

Chm. Skarphol: The list shows \$288,348.

Joe Morrisette, Office of Management and Budget: That did not come as a request from Game and Fish. That came to provide some consistency between agencies.

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Chm. Skarphol: That is the \$302 on the green sheet?

Joe Morrisette: That's correct.

Chm. Skarphol: You're whole budget is special funds generated by hunters.

Mr. Shadowald: That's correct.

Chm. Skarphol: The biggest issue I'm concerned with is the Wildlife Services issues.

What would you like to share?

Mr. Shadowald: We met with the Ag department and Game and Fish met with Wildlife Services the other day. They do not have a good system to track their time. We have the same auditors. That doesn't resolve where you get the money in. That may be a difficult concept to implement in North Dakota.

Chm. Skarphol: The Ag Department shares the same frustrations you do with the program?

Shadowald: We are trying to squeeze Wildlife Services to get that done right. He explained that a lot of people aren't happy because there is no transparency.

Rep. Klein: Are there folks in the field in different communities and they're headquartered here?

Mr. Shadowald: That's correct. They are scattered around the state.

Rep. Wald: Last session we had an incident with Parks and Rec with a fire --- when was the last time your insurance coverage was reevaluated?

Mr. Shadowald: We know our buildings. It wouldn't hurt to meet with our insurance agent to reevaluate.

Rep. Wald: We should encourage all the agencies to reevaluate their outbuildings.

Mr. Shadowald: agreed.

Rep. Klein: Back to Wildlife Services. Who gets the call from the farmers?

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Mr. Shadowald: it's supposed to go to Wildlife Services.

Rep. Klein: Then they keep a record?

Mr. Shadowald: They keep a record, but getting a copy is not easy.

Chm. Skarphol: Getting a copy is the problem?

Rep. Williams: They don't have to supply that?

Mr. Shadowald: We have agreed that if we don't get good information, we don't pay them?

Rep. Klein: Who gets back to the farmer?

Mr. Shadowald: Wildlife Services.

Chm. Skarphol: When you say they must get permission, from whom?

Mr. Shadowald: From the landowners, that they're shooting on.

Chm. Skarphol: If a private individual, do they have to tell you who they've contacted? So it has to be more specific than just getting the permit?

Mr. Shadowald: Yes.

Chm. Skarphol: You can't just go in and say, I'd like to have a permit to hunt coyotes.

Mr. Shadowald: That's right. You can't.

Chm. Skarphol: Could the county commission give that authority?

Mr. Shadowald: Unless you pass a law otherwise but I don't know if that would be very popular either.

Chm. Skarphol: Is there a federal issue with regard to us passing a law?

Mr. Steinwand: It possibly would be. I'll look up that law and see what it entails.

Rep. Wald: The Governor has discretionary powers.

Mr. Steinwand: He does have wide authority, but I do not know if that falls in the federal framework of allowable activities.

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Chm. Skarphol: it's not easy to tell in this environment to tell what property you are flying over.

Rep. Onstad: Trappers, that's Federal Wildlife Services, correct?

Mr. Steinwand: The gopher chokers are what trappers were affectionately called.

Rep. Onstad: The Federal trapper, one was let go because he spent his time as a carpenter.

Mr. Steinwand: I know who you're talking about.

Rep. Onstad: Back to the coyote thing, years ago, a whole township gave authority to do that.

Mr. Steinwand: If the coyote problem is that bad, I have a hard time believing that the landowner would have a problem with that.

Chm. Skarphol: For the guy making the permit, Does he actually have to tell you which landowners he has permission from?

Mr. Steinwand: Yes he does. He has to have the plat book to say this is where I'm gonna fly. If he flies out of that, technically he would be illegal.

Chm. Skarphol: Not as easy as it seems.

Rep. Wald: In the southwest corner of the state, there will be quite a killing of pheasants. Is there a place to buy chicks and farmers can stock them?

Mr. Steinwand: Good habitat is the best way. Pumpkin Patch does the majority of the activity regarding restocking. Restocking might make the people feel good, but it's not the best way. Wild birds fare better than hatched birds.

Rep. Klein: What would be your response if we said that Wildlife Services could come under Game and Fish.

Mr. Steinwand: We would be hesitant. We would prefer to not do that. We don't have anyone trained.

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Rep. Kroeber: You're backing off \$1.7 million on the plots program. Your goal is about 1 million acres. Where do you think we'll be at next fall?

Mr. Steinwand: We've been over 1 million acres for over a year now. We greatly reduced our acquisition budget to \$100,000 as a tradeoff. We think we'll have to go more toward a working plots program. There are some great habitats in those areas right now.

Rep. Kroeber: What are the basic differences between the working lands and the Plots program?

Mr. Steinwand: Working lands can be grazed land, hay land, crop land.

Rep. Kroeber: It's all posted open.

Mr. Steinwand: People don't know the difference. It's just "open to public access" and we encourage people to walk over the next hill.

Rep. Kroeber: That \$220,000 for the parks. You are in full agreement with the use of Game and Fish dollars for the \$220,000?

Mr. Steinwand: The \$122 K and change for a number of years in to the Parks and Rec budget for O and M on fishing, boating facilities within the park. The additional \$100,000 is for work on Lewis and Clark.

Rep. Wald: In the budget you have \$150 K to replace that old Cessna, that sounds low.

Mr. Steinwand: I had the same skepticism and our pilot has shown me the printout and we can get a 2002 with trade in for \$150 K. We were going to get about \$120 K on the trade in.

Rep. Wald: I'd hate to see you come back and ask for more money.

Mr. Steinwand: I guarantee that will not happen.

Rep. Onstad: A couple of sessions ago the Tribal hunting agreements....I still hear the Tribal Game Wardens will say there's jurisdictions full reservation.

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Mr. Steinwand: Are you talking about Fort Berthold? They have been taken care of very rapidly. You're aware of the checkerboard status of that land.

Rep. Onstad: It's not with the locals. It's the when people come from out of state that there is a problem.

Mr. Steinwand: We will talk to Fred about that.

Rep. Kroeber: There is concern on the access area around the lake as it went below the normal level.. Will it be above that?

Mr. Steinwand: 1850 is the standard level. We do not have enforcement authority. We warn people.

Rep. Kroeber: We have not had any access problem as far as getting on the water.

Mr. Steinwand: Our biggest issue is shore fishing access.

Rep. Wald: \$700 K for new land acquisition. Are there any plots that you'd like to have now?

Mr. Steinwand: I think it's actually \$800 K. We are always looking for other partners.

Rep. Wald: How many acres would that entail?

Mr. Steinwand: 7,000 acres, but I'm guessing. We would need partners for all of that.

Rep. Wald: The constituents get heartburn when they see agencies buying private land.

Mr. Steinwand: We do not search these out. They come to us.

Chm. Skarphol: You do pay in lieu of. So it's not actually getting taken off the tax role.

Rep. Wald: Prairies, or sloughs? None of it would be cultivated land?

Mr. Steinwand: None of it is cultivated land.

Chm. Skarphol: You have \$100K on your noxious weed program. Is there something in particular you're having to work on?

Mr. Steinwand: The cost of chemicals has gone up.

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Chm. Skarphol told the subsections to decide who will carry the budgets. Why is there not a policy regarding insurance?

Joe Morrisette: Agencies provide OMB with a list of their building and infrastructure values and that is the value it's insured at. In some cases those reported values are understated.

Rep. Wald: I don't know whose responsibility it is, but we may want to encourage an appraisal. It's another accident waiting to happen. If we went through the state's properties we would find many underinsured.

Chm. Skarphol: We are done for today.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date: February 3, 2009

Recorder Job Number: 8484

Committee Clerk Signature

Shirley Branning

Minutes

Chairman Skarphol: Called the Committee to order to work through HB 1017 State Game and Fish.

Rep. Martinson: I have that amendment that Rep. Porter brought to us.

Rep. Kroeber: Rep. Klein and I talked about the study that will probably go into the Ag budget on Wildlife Services.

Rep. Klein: That is general fund, whereas Game and Fish is not.

Chairman Skarphol: State Treasurer's Office raised a point and I asked her to draft an amendment with regard to the refunding of dollars to the Department.

Kelly Schmidt, State Treasurer: This amendment may not be necessary. She discussed other issues, see attachment #1. It is not cost effective. Unclaimed property owes nothing. We are working with Land Department. The way we process dollars and work with agency to agency... The dollars are reimbursed electronically.

Paul Schadowald, Director State Game and Fish Department: The lotteries will be done electronically back to the credit card holder. We won't get all the lotteries in 2009 but we should get all in 2010.

Chairman Skarphol: What portion come as checks or credit cards.

Schadowald: We're getting about 40% by check, well over half via the electronic systems.

Chairman Skarphol: If it came by way of check, you have to go through the check cashing process and reimburse in the event they are not given a license.

Schadowald: Yes, it's getting smaller each year.

Rep. Wald: The State Treasurer said you will not send a check unless they are successful in state lottery.

Schadowald: If they are unsuccessful in the lottery, we give them another chance to apply and if they don't get a license in that first drawing and second drawing, we will refund via the credit card.

Chairman Skarphol: If paid by credit card, but if paid by check, you will still have to write a check.

Schmidt: Cost of writing a paper checks will be elevated and the savings will be about \$300,000. As people continue to use credit cards and debit cards more, that dollar amount will go up.

Joe Morrisette, OMB Analyst: He provided an explanation of attachment # 2 the 2009-2011, the Enhancement Forecasting from Wild LifeServices.

Rep. Klein: This guard Dog, what is that about?

Paul Steinwand, Director of the State Game and Fish Department: It was put in place a number of years ago, basically for coyote protection. It's coyote depredation control.

Rep. Klein: the dog goes out with the cattle or sheep?

Steinwand: It is to distract or provide a disincentive for the coyotes to come in.

Chairman Skarphol: Llamas?

Steinwand: Yes, I believe it is, donkeys and llamas have been used for the same purpose.

Chairman Skarphol: \$70,000 in the '07-'09, and \$79,000. Are they purchasing more and more of these.

Steinwand: I believe that is totally federal.

Chairman Skarphol: I'd like to touch on the North Dakota Ag Department line. That's the dollars you allocate, and that goes to salaries for the federal.

Shadowald: It goes to field staff, the aviation section, qualifying stuff. We were working with the state auditors to make sure they have a good system to charge. We have \$1M of state money in there. We see that there are about \$2.5M of federal money in a biennium.

Rep. Porter: Explains amendment 98017.0101. The land under water is sovereign land. It is an enforcement issue. The grant item sets up one game warden that is in charge of coordination among departments and licensed law enforcement officials. The money comes out of the Water Development Trust Fund. A Memorandum Of Understanding (MOU) from the Game and Fish is necessary to know who provides this patrol. It is paid by the Water commission because it is their responsibility according to state laws.

Chairman Skarphol: The Game and Fish has authority in the event the boat dropped their anchor and they're in the City of Mandan property. They have the authority to enforce the laws of the city of Mandan?

Rep. Porter: Morton County being part of the coordinated effort there would have to be MOUs for those things to happen. Currently a Bismarck Police Officer also carries a cross deputization as a Burleigh County Sheriffs Officer so that there is no question. These things have to be coordinated to make sure all the MOUs are in place.

Chairman Skarphol: There'd have to be an MOU with the Highway Patrol, the BCI, in the event you wanted to use an off duty officer in this regard.

Chairman Skarphol: You don't care where the dollars come from.

Rep. Porter: The Water Development Trust Fund

Chairman Skarphol: The \$200,000 is to reimburse the Mandan Police Department for their work, the off duty officers to perform some service.

Rep. Porter: In the \$320,000 appropriation, that's one full time Game Warden, the rest is grand dollars to go back to local law enforcement individuals whether as an agency or an individual. The coordination of the effort happens with the one FTE Warden's position.

Rep. Onstad: How will this work? We're gonna bring on 1 warden. His job is patrolling the Missouri River.

Rep. Porter: I see it as hiring a Game Warden, specific position within Game and Fish, to make sure that law is followed. Main job is the coordination of this task force. This will be the primary role.

Rep. Wald: Any discussion of using Game and Fish funds to police this?

Rep. Porter: It falls on the Water Department. I didn't look on this as a Game and Fish responsibility.

Rep. Wald: Just add 3 bucks to boating licenses, I don't want to take money out of the Water Development Trust fund even though it comes under the jurisdiction of the State Engineer.

Rep. Porter: Other areas of the state are affected by this issue.

Rep. Wald: Doesn't the Morton County Sheriff or the Burleigh County Sherriff have jurisdiction?

Rep. Porter: They have boats that were purchased by game and Fish funds. The big issue is the coordination. Coast Guard grant dollars come back to the state. Half of the Fiscal note,

The \$320,000 has to be spent first, then apply for the grant. So \$160,000 will be paid back by the Coast Guard dollars. It is a repayment after the money has been spent.

Steinwand: Our chief enforcement officer has been meeting with Rep. Porter and others regarding the Pilot Warden position with the idea that part of their responsibility could be to coordinate those activities. There are certain times of the year when it is unmanageable. It has been voluntary effort at this point.

Chairman Skarphol: You do get some Coast Guard grant dollars?

Steinwand: We do get Coast Guard grant dollars.

Chairman Skarphol: We could use the pilot position to be this enforcement officer then we could reduce the Continuing appropriation required for this amendment? You see the \$200,000 as being adequate for the contract portion?

Chairman Skarphol: Question for Brady Larson, Legislative Council Staff, if we were to move forward with this would it not be appropriate that be a continuing appropriation, is that the term I'm looking for to go back to this budget to fund that position in the next biennium?

Shadowald: Game and Fish has adequate funds to carry these expenditures. Game and Fish would spend its money and then we get reimbursed 50% from the federal government. This type of work on the river would qualify.

Chairman Skarphol: Is there any other money that you would receive that we don't see any appropriation process? (Laughter)

Shadowald: The grants that Rep Porter referred to are in special funds in the budget.

Rep. Wald: Is there a limit, a ceiling on the Coast Guard reimbursement?

Shadowald: Normally there's around \$300,000-400,000 that we're getting now a year. We are not utilizing all of that and we have some additional funding. The source of the funding is a portion of gas tax from boaters, so it's appropriated.

Chairman Skarphol: You feel that \$200,000 would be adequate to start this.

Shadowald: Yes, to start the program.

Chairman Skarphol: Do you see utilizing this on the reservoir?

Shadowald: We do, we commonly bring in from the Bismarck area, if there is a big event up on Sakakawea.

Rep. Wald: Any problems with fishing derbies?

Shadowald: They have their own boats to police their own ranks. Derbies have not been a significant problem.

Rep. Onstad: Trust Fund, I assume it is designated for Trust Fund projects.

Shadowald: Not aware

Morrisette, OMB Analyst: It probably is an allowable, Need to check statutes

Rep. Klein: I have a problem taking it out of the Water Trust Fund, I would rather take it out of the General Fund.

Rep. Wald: Can you discuss the Cattail Management operation?

Shadowald: Cattail control is blackbird management. They are taking some of the cattails out of there so there won't be so many blackbirds. They are sprayed, weed control.

Rep. Williams: Pilot project, if you were to utilize this how much additional money would we be looking at?

Shadowald: The pilot could do boating work and flying.

Chairman Skarphol: Leadership is having trouble with equity dollars that are spread out. So when we prepare the amendment for your budget, we'll take those equity dollars out.

Rep. Kroeber: I hope we don't take this \$300,000 and add it to game and Fish budget.

The grant line should not come out of Game and Fish.

Chairman Skarphol: If the pilot position that the Commissioner is asking for could take care of the duties. We need to resolve the issue of the \$200,000. I don't see anything that needs to be changed in the budget.

Close the discussion on this part of the budget.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date: February 10, 2009

Recorder Job Number: 9132

Committee Clerk Signature

Shirley Branning

Minutes:

Chairman Skarphol: called the meeting to order to review amendments to **HB 1017**

98017.0105 State Game and Fish Department. This is Rep. Porter's amendment. The Game and Fish did not want to pass that the way it is, they told us they had the officer they needed and really needed the \$200,000 for the contract aspect of this. Were we discussing the possibility of using general fund money, sending it to the State Water Commission and having them grant it to Game and Fish? If that is the desire of the committee, would someone make a motion to that regard?

Rep. Klein: So Move.

Rep. Wald: Second

Chairman Skarphol: Do we need any kind of authorizing language? I think everything exists. We'll vote on the motion.

Do Pass: Yes 8 No 0 Absent 0 Motion Carries.

Chairman Skarphol: Any other issues? The only one I would ask is the pilot's position.

Rep. Klein: they know they're gonna get the \$200,000 from the water group into that budget.

Chairman Skarphol: With regard to the 2 FTEs both of them are other funds. That's Game and Fish funds. Their pilot was retiring, FTEs, do we think they need anyone? Obviously the pilot.

Rep. Martinson: One thing we've pretty much done in the past with Game and Fish is give them what they want. It's their money. It's the sportsmen's money.

Chairman Skarphol: Do we have a motion for a Do Pass As Amended?

Rep. Wald: So Move

Rep. Kroeber: Second

Do Pass as Amended: Yes 8, No 0 Absent 0 Motion Carries. Carrier: Rep. Wald.

2009 HOUSE STANDING COMMITTEE MINUTES

HB 1017

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 17, 2009

Recorder Job Number: 9615

Committee Clerk Signature

Hall, N. Sand

Minutes:

Chm. Svedjan turned the Committee's work to HB 1017 – Game and Fish Department.

Amendment .0105 (Attachment A) was distributed.

Rep. Wald: Page 1 of amendment .0105 adds \$200,000 to the State Water Commission for providing grants to local law enforcement agencies to assist in Missouri River law enforcement activities. Because of the leasing activities and the garbage that's disposed there isn't really any one agency that can pinpoint responsibility in terms of policing those activities and it was decided to take \$200,000 of General Fund money and put it into State Water Commission and authorize Game and Fish to take one of their FTEs who is also a combination Game Warden and pilot to supervise this activity.

Rep. Wald moved amendment .0105. Rep. Klein seconded the motion.

Rep. Skarphol: The issue is who has the law enforcement authority on the water. The fact of the matter is it's the State Water Commission that has the law enforcement authority. They don't have any enforcement officers therefore they have memorandum of understanding with Game and Fish to take that responsibility. The \$200,000 is not to pay for the officers at Game and Fish but to contract with local law enforcement to help with the enforcement efforts or to

hire contract people – off-duty police officers, sheriff's department officers – that are willing to work. It is a problem. It's a fairly significant problem in Bismarck/Mandan area and going on up to the Lake. Rep. Porter brought it to us because of the issue with Bismarck/Mandan. I would submit to you we have the same issues in the Williston area. (2:19)

Rep. Berg: What happens to the fees they collect? (3:27)

Rep. Wald: They fees collected go into the Game and Fish funds. There is no General Fund money in this budget either. This is the only General Fund money that's going to be going to Game and Fish via the State Water Commission to hire those weekend people and off-duty officers. The fees go into the Game and Fish budget. There is no other mechanism that I know of that came forward unless somebody heard something different.

Rep. Ekstrom: I've been looking at the vacant FTE situation and the underfunding of salaries.

The Public Service Commission has three vacant FTEs, 41 total positions. The 2 percent underfunding is \$332,590. Here we are at Game and Fish, they have two vacant FTEs.

Because of the size of the agency, we're taking 3 percent as underfunding. We're taking \$1,787,000. It doesn't seem right. I know I'm opening an old can of worms, but if we are going to do this it needs to be equitable and this is not equitable. If the proposal is to try to not – we want people to get rid of the vacant FTEs. You either fill them or remove them. The formula should have been done on the number of vacant FTEs, not by the size of the agency. (4:12)

Chm. Svedjan: Back to the issue of fees . . .

Rep. Kroeber: The Water Commissioner did testify on this and they do have the sovereign responsibility for the waterway. That's why they have to be involved with this. They have the responsibility for it, yet they do not have the enforcement people to take care of it. That's why the \$200,000 was taken from the General Fund and put in the Water Commission and then the

Water Commission to Game and Fish. They will then coordinate the enforcement with local law enforcement. It is the Water Commission's sovereign responsibility. (5:26)

Chm. Svedjan: In the event of violations and any fines, those have always gone into the Game and Fish fund? (6:09)

Rep. Wald: Right.

Rep. Wald: Terry Steinwand was satisfied with the budget as we passed it out of the Committee subject to the amendment that we just offered. (6:22)

Rep. Nelson: I'd be surprised if that was true about the fines. I think they'd be collected in the county that the charges are filed in and they go into the court system. I've never heard that the Game and Fish collected fines and has a fund for that. (6:44)

Rep. Wald: Their revenue comes from fines. If you're over the bag limit of a certain species most of their money comes from federal excise tax on guns, ammunition, sporting goods. It comes from license fees. They have various sources of revenue and we didn't get into whether it goes to the sheriff's department in Morton County or the Bismarck Police Department. It's my understanding that the fines, since it's their jurisdiction, would go to the Game and Fish Department.

Rep. Skarphol: I think both Rep. Wald and Rep. Nelson are correct. Any violation of a Game and Fish law would go to Game and Fish. Any violation of a criminal nature would go to the Common Schools Trust Fund. It depends on the violation and who is enforcing it. (7:41)

Rep. Kroeber: The federal revenue lists six different categories that they take and get revenue. There is no line item for fees collected. So I would think those would not go into Game and Fish. (8:18)

Rep. Berg: Clearly the Water Commission is responsibility on the Missouri River. Game and Fish is very appropriate for fishing violations and things related to hunting and fishing. The

problem is not a fishing problem. It's speeding, drinking, disorderly conduct. I think the right enforcement layer would be the local law enforcement in both Bismarck and Mandan, rather than if someone gets off their boat then they're off the Game and Fish jurisdiction.

Rep. Kroeber: That's exactly correct and that is why Game and Fish is coordinating with local officials to help take care of this problem. It's not Game and Fish overall problem. These dollars coordinate the program and pay local law enforcement to take care of this problem.
(9:33)

Rep. Berg: Then we should give the money directly to local law enforcement and keep Game and Fish out of the loop if we want to be efficient with those dollars. (10:15)

Rep. Kroeber: Game and Fish would love to be out of the loop on this one. They saw a need that there was a problem and they were asked by us to coordinate the enforcement and that's what they are doing. (10:22)

Rep. Klein: During that time, a lot of the game wardens are free during that time of year. They were having manpower capabilities at that time to help out. (10:49)

Rep. Kempenich: What was the land acquisition for on the green sheet? (11:12)

Rep. Wald: They are looking at purchasing an additional piece of land. The owner of that land approached them. They thought it was a pretty good deal. They did not solicit this. The owner of the property came to them.

Rep. Meyer: What is the graphic artist position? (11:58)

Rep. Wald: They do their own magazine. It's the layout and advertising and their own forms and that sort of thing.

The motion to adopt amendment .0105 to HB 1017 carried by voice vote and the amendments were adopted.

Rep. Wald moved a Do Pass as Amended to HB 1017. Rep. Klein seconded the motion.

The motion carried by a Roll Call Vote of 21 yeas, 3 nays and 1 absent and not voting.

Rep. Wald will carry the bill.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1017

Page 1, line 12, replace "2,869,589" with "2,989,881" and replace "21,883,052" with "22,003,344"

Page 1, line 15, replace "(308,184)" with "(108,184)" and replace "6,344,000" with "6,544,000"

Page 2, line 2, replace "1,725,664" with "2,045,956" and replace "59,566,703" with "59,886,995"

Page 2, line 3, replace "2.00" with "3.00" and replace "157.00" with "158.00"

Page 2, after line 3, insert:

"SECTION 2. ESTIMATED INCOME - WATER DEVELOPMENT TRUST FUND. The estimated income line item in section 1 of this Act includes the sum of \$320,292, or so much of the sum as may be necessary, from the water development trust fund for the purpose of defraying the expenses of Missouri River law enforcement activities, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1017 - Game and Fish Department - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,883,052	\$120,292	\$22,003,344
Operating expenses	12,800,000		12,800,000
Capital assets	3,965,000		3,965,000
Grants	6,344,000	200,000	6,544,000
Land habitat and deer depredation	11,080,162		11,080,162
Noxious weed control	550,000		550,000
Grants, gifts, and donations	400,000		400,000
Nongame wildlife conservation	120,000		120,000
Lonetree Reservoir	1,655,689		1,655,689
Wildlife Services	<u>768,800</u>		<u>768,800</u>
Total all funds	\$59,566,703	\$320,292	\$59,886,995
Less estimated income	<u>59,566,703</u>	<u>320,292</u>	<u>59,886,995</u>
General fund	\$0	\$0	\$0
FTE	157.00	1.00	158.00

Dept. 720 - Game and Fish Department - Detail of House Changes

	ADDS FUNDING FOR GAME WARDEN POSITION ¹	ADDS GRANT FUNDING ²	TOTAL HOUSE CHANGES
Salaries and wages	\$120,292		\$120,292
Operating expenses			
Capital assets			
Grants		\$200,000	200,000
Land habitat and deer depredation			
Noxious weed control			
Grants, gifts, and donations			
Nongame wildlife conservation			
Lonetree Reservoir			

Wildlife Services

Total all funds	\$120,292	\$200,000	\$320,292
Less estimated income	<u>120,292</u>	<u>200,000</u>	<u>320,292</u>
General fund	\$0	\$0	\$0
FTE	1.00	0.00	1.00

¹ Funding from the water development trust fund is added to provide 1 additional FTE game warden position for Missouri River law enforcement coordination.

² This amendment adds funding from the water development trust fund of \$200,000 for the purpose of providing grants to local law enforcement agencies to assist in Missouri River law enforcement activities.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1017

Page 1, line 2, after "department" insert "; and to provide a statement of legislative intent"

Page 2, after line 3, insert:

**"SECTION 2. LEGISLATIVE INTENT - REFUNDS OF CREDIT CARD
TRANSACTIONS.** It is the intent of the sixty-first legislative assembly that refunds
relating to credit card transactions processed by the game and fish department be
credited to the customer's credit card."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides legislative intent regarding the issuance of refunds for credit card transactions.

Date: Feb. 10, 2009
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1017

House House Appropriations Education and Environment Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By ~~Klein~~ Wald Seconded By ~~Wald~~ Klein

Representatives	Yes	No	Representatives	Yes	No
Bob Skarphol – Chairman	✓		Joe Kroeber	✓	
Francis Wald – Vice Chairman	✓		Kenton Onstad	✓	
Kathy Hawken	✓		Clark Williams	✓	
Matthew M. Klein	✓				
Bob Martinson	✓				

Total Yes 8 No 0

Absent 0

Bill Carrier _____

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

Date: Feb. 10, 2009
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1017

House House Appropriations Education and Environment Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Amendments being drafted

Action Taken



Do Pass



Do Not Pass



Amended

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Bob Skarphol – Chairman	✓		Joe Kroeber	✓	
Francis Wald – Vice Chairman	✓		Kenton Onstad	✓	
Kathy Hawken	✓		Clark Williams	✓	
Matthew M. Klein	✓				
Bob Martinson	✓				

Total Yes 8 No 0

Absent 0

Bill Carrier

Rep. Wald

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

as amended

98017.0105
Title.
Fiscal No. 2

Attachment A
2/17/09
Prepared by the Legislative Council staff for
House Appropriations - Education and
Environment

February 10, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1017

Page 1, line 15, replace "(308,184)" with "(108,184)" and replace "6,344,000" with "6,544,000"

Page 2, line 2, replace "1,725,664" with "1,925,664" and replace "59,566,703" with
"59,766,703"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0105 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1017 - Game and Fish Department - House Action**

	Executive Budget	House Changes	House Version
Salaries and wages	\$21,883,052		\$21,883,052
Operating expenses	12,800,000		12,800,000
Capital assets	3,965,000		3,965,000
Grants	6,344,000	200,000	6,544,000
Land habitat and deer depredation	11,080,162		11,080,162
Noxious weed control	550,000		550,000
Grants, gifts, and donations	400,000		400,000
Nongame wildlife conservation	120,000		120,000
Lonetree Reservoir	1,655,689		1,655,689
Wildlife Services	768,800		768,800
Total all funds	\$59,566,703	\$200,000	\$59,766,703
Less estimated income	59,566,703	200,000	59,766,703
General fund	\$0	\$0	\$0
FTE	157.00	0.00	157.00

Department No. 720 - Game and Fish Department - Detail of House Changes

	Adds Grant Funding¹	Total House Changes
Salaries and wages		
Operating expenses		
Capital assets		
Grants	200,000	200,000
Land habitat and deer depredation		
Noxious weed control		
Grants, gifts, and donations		
Nongame wildlife conservation		
Lonetree Reservoir		
Wildlife Services		
Total all funds	\$200,000	\$200,000
Less estimated income	200,000	200,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment provides \$200,000 of funding from the State Water Commission for providing grants to local law enforcement agencies to assist in Missouri River law enforcement activities.

Date: 2/17/09
Roll Call Vote #: 7

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1017

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98017.0105

Action Taken Adopt Amendment .0105

Motion Made By Wald Seconded By Klein

Day 31

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voices Vote - Carries

98017.0106
Title.0200
Fiscal No. 3

Prepared by the Legislative Council staff for
House Appropriations
February 17, 2009

1R
2/18/09
182

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1017

Page 1, line 12, replace "2,869,589" with "1,946,918" and replace "21,883,052" with
"20,960,381"

Page 1, line 15, replace "(308,184)" with "(108,184)" and replace "6,344,000" with "6,544,000"

Page 2, line 2, replace "1,725,664" with "1,002,993" and replace "59,566,703" with
"58,844,032"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0106 FN 3

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1017 - Game and Fish Department - House Action**

	Executive Budget	House Changes	House Version
Salaries and wages	\$21,883,052	(\$922,671)	\$20,960,381
Operating expenses	12,800,000		12,800,000
Capital assets	3,965,000		3,965,000
Grants	6,344,000	200,000	6,544,000
Land habitat and deer depredation	11,080,162		11,080,162
Noxious weed control	550,000		550,000
Grants, gifts, and donations	400,000		400,000
Nongame wildlife conservation	120,000		120,000
Lonetree Reservoir	1,655,689		1,655,689
Wildlife Services	768,800		768,800
Total all funds	\$59,566,703	(\$722,671)	\$58,844,032
Less estimated income	59,566,703	(722,671)	58,844,032
General fund	\$0	\$0	\$0
FTE	157.00	0.00	157.00

Department No. 720 - Game and Fish Department - Detail of House Changes

	Adds Grant Funding¹	Reduces Funding for Anticipated Salary Savings²	Removes Salary Equity Funding³	Total House Changes
Salaries and wages		(\$619,906)	(\$302,765)	(\$922,671)
Operating expenses				
Capital assets				
Grants	200,000			200,000
Land habitat and deer depredation				
Noxious weed control				
Grants, gifts, and donations				
Nongame wildlife conservation				
Lonetree Reservoir				
Wildlife Services				
Total all funds	\$200,000	(\$619,906)	(\$302,765)	(\$722,671)
Less estimated income	200,000	(619,906)	(302,765)	(722,671)
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

¹ This amendment provides \$200,000 of funding from the State Water Commission for providing grants to local law enforcement agencies to assist in Missouri River law enforcement activities.

² This amendment reduces salaries and wages funding to recognize anticipated savings from vacant positions and employee turnover.

³ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

Date: 2/17/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1017

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number .0105

Action Taken No Pass as Amended

Motion Made By Wald Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer		✓	Rep. Glassheim	✓	
Rep. Thoreson		✓	Rep. Kaldor	✓	
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom	✓	
Rep. Bellew		✓	Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 21 No 3

Absent 1

Floor Assignment Wald

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

REPORT OF STANDING COMMITTEE

HB 1017: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "2,869,589" with "1,946,918" and replace "21,883,052" with "20,960,381"

Page 1, line 15, replace "(308,184)" with "(108,184)" and replace "6,344,000" with "6,544,000"

Page 2, line 2, replace "1,725,664" with "1,002,993" and replace "59,566,703" with "58,844,032"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0106 FN 3

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 SENATE APPROPRIATIONS

HB 1017

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-10-09

Recorder Job Number: 10596 and 10597

Committee Clerk Signature



Minutes:

V. Chair Grindberg called the committee back to order in reference to HB 1017 in regards to an appropriation for defraying the expenses of the game and fish department.

Terry Steinwand, Director of North Dakota State Game and Fish Department testified in favor of HB 1017. In the last two years little has changed. We have one of the smallest natural resource agencies with only 155 employees in the United States. Hawaii and Vermont are the only two states that are smaller. To put it into prospective our department has one employee for every 4200 North Dakotans and by contrast Montana has about 1 for every 1700, South Dakota has one for every 2600 and Wyoming has one for every 1250 residents. Of all the upper Midwest natural resource agencies we are the most far distributed and we are proud of that fact. We don't ask for many employees. We are a special fund agency and we depend upon license sales and several excise taxes for the majority of our funding. In the last 10 years we have been relatively fortunate in that our resources, fish and wildlife resources, have really increased. In the past few years our federal appropriation has also been higher than anticipated. Some of it is due to a little bit of a scare where gun control is concerned. There is a lot of people going out and buying guns and buying ammunition. Fishing and water foul hunting hasn't necessarily been the best. As to the deer populations have been a grave situation. We are going to lose some deer this winter. We have done some flying surveys on

the deer and we are going to fly some again trying to see exactly how we fare especially on the whitetail deer population. I think in the southwest the present population looks to be pretty good but we really aren't going to know until our counts in May and into early June. We will know more then and in the southwest the pheasant population looks pretty good. This winter has been hard on wildlife. The patience of the farmers has been wearing thin. The last hard winter we had was 10 years ago. We had well over 1000 deer depredation complaints in that time frame. To put it into prospective as of yesterday morning we had about 250 so we are about 35% and a lot of that is due to the depredation program and we constantly strive to do better on that. We have a policy if we get a complaint we make contact within 24 hours and we are actually out there on site within 48 hours trying to find the best method to keep deer, and whatever else it might be, away from that food source. Patience in the farmers is wearing very thin, especially in the west. Ground situations the last few years, very low hay supplies, so we're very conscience of that fact.(4.32)

V. Chair Grindberg commented that all winter driving back and forth from Fargo, about 5 miles east of here, and just north, there must be 300 deer. Is that normal? They have been there all winter.

Terry Steinwand stated it is in a cut corn field and yes that is normal. There is shelterbelt there and food, they will go from that winter cover to the food source, which is the cornfield. Senator Warner had questions regarding deer feeding, made a comment regarding the bill concerning this issue, is there a congregation area and how much danger is there in the deer spreading disease to domestic livestock.

Terry Steinwand said I believe that bill has been defeated. There is one in northwestern Minnesota where deer and other animals congregate. We don't want those deer to come into

the food sources and similar food sources with the cattle. There will always be a risk, but the goal is to reduce the risk.

Senator Robinson had questions if there would be a sale of firearms that have been confiscated through the year for hunting violations.

Terry Steinwand stated that is administered by the Wildlife Federation. RAPS program. I am not aware of one this year.

Paul Schadelwall, Chief of Administration Services for ND Game and Fish Department testified in favor of HB 1017 and provided written testimony # 1 and explained the changes made by the House. He mentioned that the water commission and some counties are assisting with paying for law enforcement. He talked about the major problems in the past on Lake Sakakawea with low water levels. We are not here this time with emergency request regarding the ramps because of the water level. It has come up for our ramps. However, in Devils Lake the high water levels could present problems.

Senator Robinson asked for them to talk about the PLOTS program, what we are paying for acre, how it affects the farmer and how that relates to CRP.

Paul Schadelwall stated he does have a good chart. The major thing we are losing CRP acres every year. Some of those acres as been good habitat, we have paid well for that. There is a program working lands program where the farmer may have crop land, woodland, draws, land owner will go in one year, short term contracts. It is a two way thing. If it looked good when we sign it up, and things happen and we don't want to go back in, it is a gradual change. I can get information on acreage loss and money we are spending. The locations, we can get you a county list and a map that shows where each tract is. He continued on the budget. We are replacing an aircraft used by our law enforcement. We are hoping to replace

and trade in our old one. It will be a used aircraft, we need to update once in awhile, it is 25 years old,

V. Chair Grindberg asked the value of that aircraft.

Paul Schadewall said we want a similar aircraft, like a Cessna 182, a little less powerful, we do slow work from the air, it is a working aircraft, monitoring labeled animals; we have one that does slow work, and we contract to crop sprayers. He shared what it is worth. He continued his testimony on page 9.

Senator Krauter had questions regarding the credit card transaction for fee and the negotiations they can do with transaction fees.

Paul Schadewall said we have to go through the Bank of North Dakota so there is no negotiating that will be done.

Senator Warner asked questions regarding the department donations.

Paul Schadewall stated it is for like the program to take a kid fishing; the donors are able to designate where they want the money spent but it is Game & Fish Department's work. He continued his testimony regarding Fisheries Division Budget. That hatchery will benefit from the federal stimulus but our agency will not see any money coming at all from that money. He went over the major items in the budget page 11.

Senator Warner asked him to elaborate on the Lewis and Clark project.

Paul Schadewall stated it is for a boat access but will check into that and get that information to him. He continued on page 11. (27.13) talked about the shooting grants ranges passed through federal funds.

Senator Krauter asked about the nongame funds.

Paul Schadewall stated our money comes from hunting licenses.. On that program we have a lot of grants to other organizations that are set up to do this. (29.05) Lone tree in part of

Garrison Dam has 100% funding. That is what we are doing and the federal government is paying us to manage the area.

Senator Krauter asked along that line, you say the federal government is paying you. What about the corps land.

Paul Schadewall said we have the right to use the land for the public access. We do not get any funding for that.

Senator Krauter asked if there are other scenarios like that and would like the subcommittee to have that information regarding the grants and public access lands.

Paul Schadewall stated there are small grants with Garrison diversion. Here and Washburn area.

Senator Warner asked for information regarding the noxious weed control.

Paul Schadewall stated with the high water it will spread it over a wider area. We don't manage the lower levels of Lake Sakakawea. But we have been helping; it is a cooperative effort. He continued testimony on page 12. (32.40) He talked about the game warden pilot position.

V. Chair Grindberg are there any current game wardens interested in paying for their flight training. He also asked if they could hire someone on the condition they get a flying license. He also asked later what the pay range would be for a game warden and pilot.

Paul Schadewall said we have the most openings we have had for a long time. We could have 4 to 5 openings within the year. He stated we would like to see someone with more flying experience. It would be nice to have someone with 1000 hours. To hire someone with the combination flying experience and a game warden is a challenge. They would get normal game warden pay.

V. Chair Grindberg stated he has his license and the gentleman that certified him was 81 years old at the time.

Senator Krauter said he had a unique question to the dept. I have a video I shot a month ago, I want to show it to the committee here, and I want the department's comment on this regarding the pheasant population in southwestern North Dakota. (37.17) (The recorder was shut off at this time as it was taking quite awhile for the video to come up. New job # 10597 records the rest of this hearing at this time after the video)

Senator Krauter Stated any creek reservoir that game and fish owns you will find birds on that land. The Indian Creek Reservoir is off to the back of the picture and there is a little farmstead here. You can't imagine until you see the many, many pheasants that are out there. As you get out here there are a million birds in the field. It is field of spring wheat that was not harvested, because of the draught, and they are feeding there. They are still there today. Based upon that, there is a healthy bird population; that is a commonality, on my farm there is probably 1000 birds and I went to the east side of Indian Creek Reservoir you can't believe the amount of birds there because of the food supply. This past spring the birds ate the seed corn out of the ground. There is a thousand acres of seed gone. No crop can come up because the seed is eaten right out of the ground. Why can't we increase the bird limit, because we have such a high bird population? That is public access land and it does not get hunted enough.

Paul Schadewall said they go to the best areas when we have a winter like this. You can't stop pheasants. It is tough in the state if you have a limit of 4 or 5 birds in one area and another area have 3 birds and you get some land owners that feel too many people are coming to the area to hunt. It is hard to do a balance. We will look at it and see what can be done. I am afraid, even in that area, as well as a lot of birds there, there is also going to be a lot of them that won't survive when you have a winter like this This is a critical month right now.

I don't know what the answer is but whatever we do we will have some that disagree with us on it but we can only work on the issue.

Senator Krauter stated that is the comment I have heard for 6 years. It has just compounded. This year, in the month of May, my phone rang off the hook from farmers with corn seed. Expensive corn seed, they put in the ground, and they came out to the field and in 6 days they could not find a seed in the ground on 160 acres. The reality is you need to increase the bird limit and maybe not the first two months, but the last month you have to do something. Maybe the last month double the limit or something. I know there will be controversy out there but I brought this to the committee so you could see that it is the real world out there.

Terry Steinwand said I would agree. Senator Krauter called me last May to come out and check this out. It was raining when I was suppose to go down, and I went down the end of June. I got there after the rain quit and I would have to agree. There was no way I would ever had believed it. We went to a 35 acre spot along the Cannonball River. There was a field and I think there was 3 strips of corn left. And at that point and time we made a commitment to work with the county extension agent and the ag department. It has been a challenge but it looks like we are going to get the av-tech approval. That's only a part of the issue though. One of the questions I did ask the landowners do you think there is enough hunting pressure. Four out of five people said yes. We want to see what the spring count will be. They will suck into the food sources, both pheasants and deer. When the weather finally does moderate they are going to spread out and hopefully they have the av-tech, section 18 exemption this spring. I would like to see it state wide. I am not sure if that will happen for all the wheat and corn because I know it is more than corn, there is canola, winter wheat and a whole bunch of other things affected by this. We are going to have our advisory board meetings in April and that is something we will look at. It is a balancing issue. The Cannonball Corporation has been

tremendous to work with. There is the perception out there by the general hunting public that these commercial sources just hoard the birds. Whether or not that is true, that is a perception so that is something we have to balance along with everything else.

Mike McEnroe, North Dakota Chapter of the Wildlife Society stated we support the proposed budget for the Game and Fish Department. He provided written testimony # 2. The North Dakota Chapter of the Wildlife Society recommends a re-evaluation of using the Game and Fish Department to fund the Wildlife services program.

Duaine Ash, Lobbyist #419 on behalf of the North Dakota Sportfishing Congress.

Written testimony # 3 was submitted on his behalf to the committee. (He was not here to testify.) His document states they support the department's budget as proposed by the Governor. It states they will have serious reservations if the budget is amended without the support of the governor and the ND Game and Fish Director.

Senator Krauter asked Mike what is your comment on the video I just showed.

Mike McEnroe gave his comments 11.33) and concluded by saying it is a balancing act out there.

V. Chair Grindberg closed the hearing on 1017.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 04-01-09

Recorder Job Number: 11625 (also HB 1327 on this job)

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee to order in regards to HB 1017, Game and Fish(G&F). (.51)

Senator Christmann explained the amendments. #0202. Fiscal part on second page. The thing of significance is the # 3.Footnote. Right now G & F owns over 90,000 acres of North Dakota land that is in addition to the PLOTs. There is almost another million acres plus all the federal land they manage. If you figure the average size of farms and ranches, that is about 75 people that could be making a living on the land if this land was still in private ownership. The emails I'm getting it's always the people want this land there because they want to go hunting without having to get into no hunting and trespassing signs. Keep in mind G&F does not open all the land that they own to hunting so that's not necessarily the issue. I think we need to trim this back and maybe there will be some compromise at the end. That is the suggestion that we need to work on this some more and come up with at least the right amount. (2.52)

Senator Krauter I support 100% what Senator Christmann is saying. We just need to find a balance here. There is just no communication and cooperation with G&F and some existing land owners that want to manage land along the Missouri River, and I would ask the committee to support these amendments and let's see if we can work some compromise out.

It is a financial hit to the many producers along the western shores of the Missouri River that are Corp land that G&F basically has given authority to manage. When we did this budget there are little things here and there but this is the one that came out the most and we need to get some cooperation with the G&F.

Senator Christmann I'll add one more thing. Below number 3 is a section added requiring the department to conduct a cost-benefit analysis. That gets back to Senator Fischer's concern and I don't know that we're appropriately addressing his concern here. If he were here perhaps he would address the issue more fully. His concern basically revolves around flood control and the big water projects that the state undertakes. By current law the G&F is allowed to place rules on how they implement those things and prevent plants and fish and other animals from transferring or causing problems and the feeling of Senator Fischer is that they ought to pay for the things they put in there. By putting in that section regarding the cost-benefit analysis that buys a little more time and we can find the right solution.

Senator Christmann moved the admendment #0202. Seconded by V. Chair Bowman.

Chairman Holmberg All in favor of the amendment say Aye. It carried.

SENATOR CHRISTMANN MOVED A DO PASS AS AMENDED. SECONDED BY SENATOR ROBINSON. A ROLL CALL VOTE WAS TAKEN RESULTING IN 13 AYES, 0 NAYS, AND 1 ABSENT. SENATOR CHRISTMANN WILL CARRY THE BILL.

Chairman Holmberg closed the hearing on HB 1017 (7.06)

98017.0202
Title. 0350
Fiscal No. 2

Prepared by the Legislative Council staff for
Senator Christmann
March 31, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017

Page 1, line 2, after "department" insert "; and to amend and reenact subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act"

Page 1, line 12, replace "1,946,918" with "2,869,589" and replace "20,960,381" with "21,883,052"

Page 1, line 14, replace "680,759" with "(119,241)" and replace "3,965,000" with "3,165,000"

Page 2, line 2, replace "1,002,993" with "1,125,664" and replace "58,844,032" with "58,966,703"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Subsection 5 of section 20.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Develop rules to prevent the movement of aquatic nuisance species into or within the state. In addition to requirements under chapter 28-32, the department shall conduct a cost-benefit analysis for any rule proposed for adoption under this chapter.

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0202 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1017 - Game and Fish Department - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$21,883,052	\$20,960,381	\$922,671	\$21,883,052
Operating expenses	12,800,000	12,800,000		12,800,000
Capital assets	3,965,000	3,965,000	(800,000)	3,165,000
Grants	6,344,000	6,544,000		6,544,000
Land habitat and deer depredation	11,080,162	11,080,162		11,080,162
Noxious weed control	550,000	550,000		550,000
Grants, gifts, and donations	400,000	400,000		400,000
Nongame wildlife conservation	120,000	120,000		120,000
Lonetree Reservoir	1,655,689	1,655,689		1,655,689
Wildlife Services	768,800	768,800		768,800
Total all funds	\$59,566,703	\$58,844,032	\$122,671	\$58,966,703
Less estimated income	59,566,703	58,844,032	122,671	58,966,703
General fund	\$0	\$0	\$0	\$0
FTE	157.00	157.00	0.00	157.00

Department No. 720 - Game and Fish Department - Detail of Senate Changes

	Restores Funding Related to Anticipated Salary Savings ¹	Restores Salary Equity Funding ²	Removes Increased Funding for Land Acquisition ³	Total Senate Changes
Salaries and wages	\$619,906	\$302,765		\$922,671
Operating expenses				
Capital assets			(800,000)	(800,000)
Grants				
Land habitat and deer depredation				
Noxious weed control				
Grants, gifts, and donations				
Nongame wildlife conservation				
Lonetree Reservoir				
Wildlife Services				
Total all funds	\$619,906	\$302,765	(\$800,000)	\$122,671
Less estimated income	619,906	302,765	(800,000)	122,671
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

¹ This amendment restores funding for salaries and wages removed by the House to recognize anticipated savings from vacant positions and employee turnover.

² This amendment restores salary equity funding removed by the House.

³ This amendment removes funding of \$800,000 included in the executive budget for department land acquisitions.

A section is added requiring the department to conduct a cost-benefit analysis for certain rules proposed by the department.

Date: 4/1/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~4018~~ 1017

Senate Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98017.0202

Action Taken ☐ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Christmann Seconded By ~~Rob~~ Bowmann

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes Unice No

Absent

Floor Assignment

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

Date: 4-1-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1017

Senate Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Christmann Seconded By Robinson

Representatives	Yes	No	Representatives	Yes	No
Senator Fischer A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Warner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Christmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Krebsbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Krauter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Bowman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Lindaas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Kilzer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Mathern	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Grindberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Seymour	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Wardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Chairman Holmberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

Total Yes 13 No 0

Absent 1

Floor Assignment Christmann

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

REPORT OF STANDING COMMITTEE

HB 1017, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; and to amend and reenact subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act"

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Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Subsection 5 of section 20.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Develop rules to prevent the movement of aquatic nuisance species into or within the state. In addition to requirements under chapter 28-32, the department shall conduct a cost-benefit analysis for any rule proposed for adoption under this chapter."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0202 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1017

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

House Appropriations Committee
Education and Environment Division

☒ Check here for Conference Committee

Hearing Date: April 20, 2009

Recorder Job Number: 12022

Committee Clerk Signature

Shirley Branning

Minutes:

Rep. Wald: Called the Conference Committee to order to discuss HB 1017 Game and Fish budget, by calling the Roll. Members present were Senators Christmann, Grindberg and Krauter, and Representatives Porter and Kroeber.

Rep. Wald: Began by reviewing **Amendment 98017.0202**. Regarding the changes that the Senate made was to restore \$16,906 in Salary, \$302,765 in equity, and remove the \$800,000 for land acquisition. You also added in a cost benefit analysis proposed by the Department. The House position at this time is to reinstate the \$800,000 of land acquisition and open it for discussion.

Senator Christmann: The Cost Benefit Analysis was originally brought up by Game and fish and it has to do with flood control projects or various types of projects. Under State law in this section, the Department is able to have oversight to get rid of aquatic nuisances from transferring to other bodies of water.

Rep. Wald: Was there a dollar figure?

Terry Steinwand, Commissioner State Game and Fish Department: What Senator

Christman is referring to is Administrative Rules. We are aware of Senator Fischer's concern. It is called the Michigan Drain up there. It is about \$1M for the controls to prevent carp from

the Forest River Water Shed into the Stump Lake Water Shed connected to Devils Lake right now. It is a \$30M plus urban fishery. Where we could easily eradicate small ponds, we wouldn't put up that same concern.

Rep. Wald: So the cost would come "outta hide" and no extra dollars associated with it.

Steinwand: No additional dollars would have to be appropriated.

Senator Christmann: Just that it be justifies, not extremely complex.

Rep. Wald: The House would like to have the Senate Recede from the salary and equity issues and reinstate the \$800,000 for land acquisition.

Senator Christmann: We are not ready to do that. There are a few concerns on acquisitions. There is a list of potential acquisitions, see attachment # 1. I don't know if the list has priorities.

Secondly, we need a structure in what we pay. We grant a sum of money and a loose list of acquisitions. Does that equate to a reasonable price for all of those properties or what the goal is to buy, extreme examples are cited. We shouldn't be bidding up prime farm land and buying the land just because we are the government and we can. I am not ready to grant \$800,000.

Senator Krauter: I have a concern on the management of Game and Fish Land i. e. noxious weeds and wild life. My concern is when it comes to the management of the resource, the wild life. This past year South West North Dakota was hammered hard financially from the standpoint that the pheasant depredation cost thousands and thousands of dollars. Many farmers planted their corn and the seed was picked right out of the ground. Quarters of land planted to corn were gone. Canola, some spring wheat and the bird population was huge and as more and more land is acquired we have to manage that wild life better.

Rep. Wald: How can reproduction of wild life controlled?

Senator Krauter: Currently the bag limit is three roosters a day. That could be increased after deer season to maybe five or six, the number of roosters per day. I have a video that shows a million birds. It is unbelievable, all around Indian Creek Reservoir which is about 1000 acres of habitat. Through the winter a lot of birds move to farmsteads around that area. We are quick to allow purchase of more land but don't manage the wild life better. The Commissioner came out and he looked at it and he saw where a quarter of land was gone. He said "So where is the Corn?" The same was true at the Cannon Ball River. The pheasant went along like a funnel punch and pulled it out. The resource is so prolific out there. Who will provide the loss? Preventive planting or replant is available but the farmer is out dollars on that. There are things that could be done to increase the bird limit.

Senator Porter: I don't see anything going on in SW North Dakota on this list and the way it was presented to us is that they are all willing individuals and farmers want to pass their land on to Game and Fish as a legacy, not to a private owner. The problem is the accessibility to hunt, where you have such large numbers of fee hunting type of operations, during the course of the season there would have been plenty of people willing to go down there at no cost and shoot as many of those roosters as they can. It is not always about the limit on the birds as it is about accessibility to the hunters to get there. We've always heard from both sides in the South West side of the state. We have a bill that increases the number of days that a nonresident can hunt in the state.

To kill a million birds in one season because they are picken corn out of the ground is going to take more than a couple of days of pheasant hunting. The long term management of those areas isn't so much the bird population, birds are only living an average of three years whether someone shoots them or not. We need hunters down there.

Rep. Kroeber: Game and Fish pays full property tax and have done what they can on weed control. I don't think the purchases have been prime land but much that is now under water. I hope we can work out this land acquisition issue.

Senator Krauter: Addressing Rep. Wald, your comments were that the House would accept the salary and the equity to if the land acquisition was put in.

Rep. Wald: No.

Senator Krauter: That is what I heard. A comment about the land acquisition, I hope Representative Porter heard, it is the land around Indian Creek Reservoir which is owned by Game and Fish and it is all public access. That is the land where the habitat is for nesting and that is where the birds are. This has no direct implications of fee hunting. It is hunted the first three weeks but after that you see no hunters in November and December but birds are all over like popcorn. Fee hunting is not the issue, over thousands of acres needs to have activity on it from the standpoint that we could increase the bird limit.

Senator Porter: Would it be possible to have Mr. Schadowald go over land acquisition.

Paul Schadowald, Director State Game and Fish Department: Reviewing attachment # 1, land parcels for sale to the Department.

Senator Krauter: What is the land value of the Burleigh Co property?

Shadowald: No appraisals have been done. We haven't tried to make deals on these, we take 'em as they come. We don't have preapproved We would have to bring them to the budget section before we could complete the transaction. Continuing with description of the land acquisition list.

Senator Christmann: Is grazing prohibited there?

Shadowald: I believe it is, a lot of it is surrounded by crop land. These are lands that grow trees real well and oil wells real well.

Aspen forest areas are very hilly, and the department has gradually been getting these acres. Barnes Co. area is wet land area next to a Federal wet land.

Rep. Wald: Are you familiar with the West Shore in Devils Lake? Representative Dennis Johnson and he was high on us making that purchase.

Steinwand: Although these are not in priority order, that one is probably the lowest priority because that acreage is underwater and the owner wants \$250 per acre which is more than we are willing to pay for land under water. We have looked at the land across Highway 19

Rep. Wald: Is there a boat ramp issue there?

Steinwand: We've had an awful lot of complaints. If we could get the acreage and make this work...but we are not willing to pay that kind of money for land under water.

Rep. Wald: Lamoure area near Kulm, is that along the river?

Shadowald: I don't know.

Rep. Wald: Is it your process to get an appraisal and then you make your judgment. I am of the philosophical belief that a person should have the right to sell his land if it is to Game and Fish or anybody else.

Shadowald: We get an appraisal and then get approvals from budget section and the Governor.

Rep. Wald: Is any of this land under cultivation, to your knowledge?

Shadowald: Maybe a small amount, but I don't think it is. There may been attempts to farm some of that.

Rep. Wald: If we appropriate the \$800,000 it doesn't mean you have to spend it all in one biennia.

Shadowald: If it is approved that \$800,000 doesn't buy much these days.

Rep. Wald: Especially in Grand Forks County. Any further discussion? We have not resolved the equity and the salary.

Meeting adjourned.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

House Appropriations Committee
Education and Environment Division

☒ Check here for Conference Committee

Hearing Date: April 23, 2009

Recorder Job Number: 12150

Committee Clerk Signature

Minutes:

Rep. Wald: Called the Conference Committee to order to discuss HB 1017 Game and Fish budget, by calling the Roll. Members present were Senators Christmann, Grindberg and Krauter, and Representatives Porter and Kroeber.

Looking at the Red book, P. 77, the Senate differences. We are in agreement on Equity issues. Calling on Joe Morrisette, OMB Analyst to share information on that issue.

Morrisette: The Land Department bill the conferees agree to remove the equity funding because it is going to be pooled in OMB's bill.

Rep. Kroeber: I hope we can see the amendment , see the dollars and see what it says before we would take any action.

Rep. Wald: We are not prepared to take a motion. The other issue is the restoring the \$800,000 for land acquisition.

Rep. Porter: The documents he distributed did come from the Department, see attachment # 1. Describing the proposed properties considered and an aerial view maps. This is a partial, working list. It still requires ongoing and further negotiations from the Department .

Senator Grindberg: Will the \$800,000 accomplish this potential list?

Senator Porter: No, it will not. This list is 2532 acres, putting the average price per acre at \$316 if these acres could be purchased tomorrow. It would not be enough money to complete this list.

Rep. Wald: Other discussion on the land acquisition issue.

Senator Grindberg: How we restore the \$800,000 and then Game and Fish gives us a list that is beyond the \$800,000 range. How would they go about their business once they've hit that \$800,000 threshold?

Senator Porter: It would be a matter of prioritization and ongoing negotiations, to look at 2500 or more acres of property and go through the process.

Terry Steinwand, Commissioner Game and Fish Department: The only one that could be authorized is Bry Tract in Grand Forks County which is offered at \$85,000 but still requires an appraisal and we believe that is well below the appraisal price. Some on that list will not be bought at all. We still have to get approval from the Governor and the Budget Section for authorization.

Senator Grindberg: What was bought this current biennium on land?

Steinwand: I am gonna guess its \$400,000. That was with a lot of other partners. One was in Senator Christmann's district. This is river front property, which is very expensive and unique and there was danger that it would have been developed as homes.

Senator Christmann: A few comments. It was a situation that they wanted it to be an honorarium of some kind and specifically wanted to sell it to the Department. So there we sit with 209 acres that shows up in your plots book. We lure deer hunters and when you think about it, they will not stay on 209 acres when they are out there deer hunting. They are on

everybody else's land when they are out there hunting, we entice them out there with a little piece.

In Walsh County, the Marcella Rogalla tract. We are not buying up property that would be flooded. We are far from the river, I don't know if the neighbor would be interested or if they only want to sell it to the Department. On the third page of attachment # 1, I am wondering about the Northern Improvement Land, does that get them out of the legal requirement, the mining operation. On the second page, I see there is crop land to the north and east.

Regarding the whole thing, I asked for amendments to be drafted, regarding the appraised price and they can't exceed the appraised price except for properties of less than 40 acres.

They could go up to 200%. That seemed to have buyoff from the Commissioner.

Steinwand: Agrees, do not want to compete. Being fiscally conservative, to pay more than the appraised value it is going to have to be a very, very, very good reason for that. On the Rogalla property, we have not checked that out.

Rep. Wald: Did these people approach you or are you out soliciting?

Steinwand: No. this is an Emergency Water Shed Program (EWP) tract, administered by the NRCS. It cannot be farmed 100% of the time, we don't know if it could be grazed.

Northern Improvement could not be exonerated from their responsibility. We are not sure we wanna buy that tract. This is just a list of people that have contacted us.

Senator Christmann: I other thing I have asked for is a 10 year plan. Do we want to buy a certain number of acres, this much value of land every biennium or is it a plan to buy a certain amount of acreage. To buy however much people want to sell to us, whether it is reasonable to sell to us; to know what the long range plan is. The thing that could really derail me from

voting for this, I've always made clear that I won't bow down to threats. If I continue to receive threats on it, I will have no choice but to oppose this as vigorously as possible.

Rep. Wald: threatening life and limb?

Senator Christmann: Mine have not threatened life and limb but very threatening in general. I say that more for the use of the lobbyists sitting in the room than for the Committee Members. The messages come in with many sentences all verbatim that are part of an organized movement and getting carried away. I will not build a reputation of caving in because of threats.

Senator Porter: On the Smith Grove situation, when those are acquired, how are they signed when they are going to them, adjacent property. Are there signs on both sides so that people walking know full, good and well that they are leaving. Are they completely fenced so that they have to physically crawl through a fence, especially when you have odd sized pieces not more than a quarter so that you would have to go off the line? How does the Department control that so we reduce the probability that being on private land and maintain the relationship that we wanna have with neighbors?

Steinwand: Boundaries are fenced and yellow signs show it is a State Wild Life Management Area. They are given the same as any posting laws, about every 800 yards on fenced land. Smith Grove property may not be marked yet because that acquisition and transfer didn't occur until last fall but it will be done this summer. We have wardens out there to see that this doesn't happen.

Senator Porter: If it is bouncing up against private property and there isn't any fence, there is an obligating to post from both the private land owner. If persons are crossing a fence then they are violating our existing laws if it is properly posted.

Steinwand: We will not put the burden on the land owner.

Senator Porter: Distributing amendment 0203, attachment # 2 regarding training gun dogs.

Trained dogs cannot be on the loose, even to play fetch in the driveway if they held themselves out to be a professional dog trainer. We added a section to HB 1499 that dealt with that and it was defeated in the Senate.

Putting policy on appropriations is sensitive, the Department agrees that this void should be addressed.

Senator Grindberg: Asking the Commissioner why this came along. Why do we have this law on the books?

Paul Schadowald, Director State Game and Fish Department: Gun laws came along with nonresident dog trainers came into the state 20-25 years ago. Ending up with one region against the other. Someone thought it was a problem in their area.

Steinwand: There was some concern that dog training is harming the resource. We actually like that one part and we could enforce that.

Rep. Wald: The proper motion would be to accede to the Senate amendments and further amend. What are your wishes, committee? Do you want to suspend for today and wait for the amendments?

Senator Christmann: Wait for amendments and we can do the whole thing at once.

Rep. Wald: Stand adjourned until further call of the Chair.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1017

House Appropriations Committee
Education and Environment Division

☒ Check here for Conference Committee

Hearing Date: April 24, 2009

Recorder Job Number: 12190

Committee Clerk Signature

Shirley Branning

Minutes:

Rep. Wald: Called the Conference Committee to order to discuss HB 1017 Game and Fish budget, by calling the Roll. Members present were Senators Christmann, Grindberg and Krauter, and Representatives Porter and Kroeber.

Rep. Wald: Do we have documentation on the equity issue? Addressing **Becky Keller, Legislative Council Representative.**

Keller: No

Rep. Kroeber: I have a section written by Rep. Carlson and he asked HR to look it over to see what changes they thought would be appropriated.

Rep. Wald: Are you ready to move ahead on the issue?

Rep. Kroeber: It is the Senate's issue; they will have to be satisfied with it.

Rep. Wald: I hope that we could finish this budget this morning. Rep. Porter, I believe you wanted to make a motion.

Rep. Porter: If the equity issue is resolved before we move on to the other issues, the first motion that I would make is the Senate Recede from its Amendments.

Rep. Kroeber: Second for discussion.

Senator Christmann: I would vote NO on that, I hope we can resolve the amendment and take everything as one motion and Recede at the same time. We have agreements on the other things.

He distributed **Amendment 98017.0204** and reviewed the sections. It does have the Senate receding from its amendments and they were essentially the salaries and wages, the equity, the \$800,000 for land acquisitions and the cost benefit analysis. This would have us Recede from those amendments, add back in the salaries and wages part, add back in the cost benefit analysis, and allow the \$800,000 exemption with this underlined language whereby they need to have the property appraised and they cannot pay more than the appraisal except for small parcels of under 40 acres for which they can pay up to 200% of the appraisal. That has been agreed upon by the Commissioner.

I will move the amendment.

Senator Krauter: Second.

Rep. Wald: Explain for my benefit no indigenous Aquatic Nuisance Prevention and Control Act?

Terry Steinwand, Commissioner State Game and Fish Department: The Legislature gave the Department the authority to develop administrative rules regarding aquatic nuisance species. It was primarily for boat movement, plants and other creatures that have cost billions of dollars to municipal water intakes. The administrative rules have just recently been finalized. We agreed to everything he has said.

Rep. Wald: How comfortable are you with the amendment in terms of requiring land not to exceed the appraised value in parcels over forty acres?

Steinwand: We did agree to that. I am fiscally conservative so if we can get by with appraised or less value, we are going to. I doubt we'll ever go that 200%.

Rep. Porter: Looking at the amendment, I am uncomfortable with the \$800,000 figure, given the plan of \$315.00 per acre. \$1M would be a more reasonable figure.

Steinwand: I agree, there is not enough money to buy all of those parcels on the list. Those are the people who have contacted us regarding they want to sell us their land. There will be more expensive lands within the next years. We know there is not enough money to buy all of those. Some would be a collaborative effort as would many of the others.

Rep. Porter: The Section 2 Language the appraisal that the funding mechanism should be enough to cover the cost of the projects. The safety net is there that only the lands that fit into the safety net would be available for purchase anyway.

Steinwand: Senator Christmann asked about a long range plan. We look at, is it a round out or is it adjacent to an existing wildlife management area or unique areas. We don't typically buy parcels of land sitting out in the middle of nowhere, and especially we won't buy small parcels, it has to be good sized for wildlife production.

Rep. Porter: With the motion and the second on the table I would **move that we further amend that land acquisition line item to \$1M.**

Rep. Kroeber: Second.

Rep. Porter: My reasoning is that looking at the proposed safety net on any land that would be purchased, when you look at the purchase list, to do justice it needs to be funded at a proper level. I have a hard time putting this safety net language in place without properly funding the proposed project.

Rep. Wald: Procedurally, we should take these motions and vote on them before we have the final. That would be the proper mechanism. Senators, do you agree with that?

Senator Christmann: To vote on the amendment.... The Senate voted down the \$800,000 but with the provisions that this amendment would put into place, that it would be acceptable but I will not go any higher than that and will not vote for this and will not do a lot more work on the bill either. As far as I am concerned, do without any of it.

Senator Grindberg: The requested \$800,000, we put it back, it is double from the current biennium of \$400,000. And even \$200,000 isn't going to be significant in the overall land parcels that could come on the market. I am not sure how I am gonna look at this.

Rep. Wald: We have a motion and I'll do that by Voice Vote. Motion fails.

Commissioner, would you take the mic one more time. Under Section 3, item 5, a cost benefit analysis. How you gonna implement that.

Steinwand: Senator Christmann explained that pretty well when it was first brought up as....We'll look at what the cost is for the preventative measures as opposed to what harm it could do in the receiving waters, the cost benefit ratio.

Rep. Wald: Did we adopt your amendment on the dog training issue? Would you like to move that, Rep. Porter?

Rep. Porter: I would move 0203, dog training permit area.

Rep. Kroeber: Second

Senator Christmann: The only change is what is listed in Section 2, just to add that, no other changes..

Rep. Porter: It only allows a professional trainer, to get a permit, to train on a specific training area, not to exceed 40 acres. They may train a dog during the time frame when the law says they cannot have a gun dog running loose.

Senator Christmann: I am gonna support this but I want to be up front when I carry this Bill on the floor because the Senate already defeated this provision earlier. But there is another thing, I want to make sure that if they dislike this portion, they should reject the Conference Report and send it back.

Rep. Wald: Since you are talking about heart burn.....

Rep. Porter: Agree, I did talk with senators involved in the defeat of that Bill and it did have other extenuating circumstances. I was sensitive to fact that this is an appropriations bill and this is a policy issue that was not passed by the Senate.

Rep. Wald: I also am carrying this bill on the House side and I have heartburn like you do the amendment about the 200%, so it is a give and take this morning. I am open for a motion.

Voice vote; Motion carried.

The chair is open for a Do Pass as Amended.

Rep. Kroeber: Asking the Senators, are you satisfied with the equity issue.

Senator Grindberg: We have a motion on the table with 0204.

Rep. Kroeber: Do your amendments address that of the equity issue?

Senator Christmann: Yes, we had added the equity plan back in and this recedes from that.

Rep. Wald: Take a roll call vote on .0204.

Roll Call Vote: 6 yes, 0 No, Motion carried. Carriers: Senator Christmann and Rep.

Wald.

Rep. Wald: Combine the language, Council will write a new amendment. That concludes our business. We adopted .0204 as amended, so as far as I'm concerned it isAdjourned.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017

That the Senate recede from its amendments as printed on page 1138 of the House Journal and page 978 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, after "department" insert "and to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to permits for exempt training areas for gun dogs"

Page 2, after line 3, insert:

"SECTION 2. A new section to chapter 20.1-04 of the North Dakota Century Code is created and enacted as follows:

Gun dog training area - Permit. Notwithstanding section 20.1-04-12, a professional trainer may apply to and obtain from the department a permit designating a specific training area, not to exceed forty acres [16.19 hectares], as an exempt training area.

1. In the exempt training area, a professional trainer may train or run any gun dog or allow the gun dog to run loose at any time.
2. The fee for the permit may not exceed ten dollars per year."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017

That the Senate recede from its amendments as printed on page 1138 of the House Journal and page 978 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, after "department" insert "; and to amend and reenact section 20.1-02-05.1 and subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to game and fish department land acquisitions and agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act"

Page 1, line 12, replace "1,946,918" with "2,566,824" and replace "20,960,381" with "21,580,287"

Page 2, line 2, replace "1,002,993" with "1,622,899" and replace "58,844,032" with "59,463,938"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Section 20.1-02-05.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-05.1. Land acquisitions - Statewide land acquisition plan. The director shall establish a comprehensive statewide land acquisition plan that must be approved by the budget section of the legislative council. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section. Prior to any land acquisition, the department shall have the land in question appraised by a certified appraiser. The department may not acquire any land for an amount that exceeds the appraised value except for parcels or tracts of land less than forty acres [16.19 hectares] which may be acquired for up to two hundred percent of the appraised value.

SECTION 3. AMENDMENT. Subsection 5 of section 20.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Develop rules to prevent the movement of aquatic nuisance species into or within the state. In addition to requirements under chapter 28-32, the department shall conduct a cost-benefit analysis for any rule proposed for adoption under this chapter.

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0204 FN 1

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1017 - Game and Fish Department - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$21,883,052	\$20,960,381	\$619,906	\$21,580,287	\$21,883,052	(\$302,765)
Operating expenses	12,800,000	12,800,000		12,800,000	12,800,000	
Capital assets	3,965,000	3,965,000		3,965,000	3,165,000	800,000
Grants	6,344,000	6,544,000		6,544,000	6,544,000	
Land habitat and deer depredation	11,080,162	11,080,162		11,080,162	11,080,162	
Noxious weed control	550,000	550,000		550,000	550,000	
Grants, gifts, and donations	400,000	400,000		400,000	400,000	
Nongame wildlife conservation	120,000	120,000		120,000	120,000	
Lonetree Reservoir	1,655,689	1,655,689		1,655,689	1,655,689	
Wildlife Services	768,800	768,800		768,800	768,800	
Total all funds	\$59,566,703	\$58,844,032	\$619,906	\$59,463,938	\$58,966,703	\$497,235
Less estimated income	59,566,703	58,844,032	619,906	59,463,938	58,966,703	497,235
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	157.00	157.00	0.00	157.00	157.00	0.00

Department No. 720 - Game and Fish Department - Detail of Conference Committee Changes

	Restores Funding Related to Anticipated Salary Savings ¹	Total Conference Committee Changes
Salaries and wages	\$619,906	\$619,906
Operating expenses		
Capital assets		
Grants		
Land habitat and deer depredation		
Noxious weed control		
Grants, gifts, and donations		
Nongame wildlife conservation		
Lonetree Reservoir		
Wildlife Services		
Total all funds	\$619,906	\$619,906
Less estimated income	619,906	619,906
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment restores funding for salaries and wages removed by the House to recognize anticipated savings from vacant positions and employee turnover. This is the same amount included in the Senate version.

This amendment also adds:

- A section included in the Senate version requiring the department to conduct a cost-benefit analysis for certain rules proposed by the department.
- A section relating to the acquisition of land by the Game and Fish Department.

VR
4/25/09
103

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017

That the Senate recede from its amendments as printed on page 1138 of the House Journal and page 978 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, after "department" insert "; to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to permits for exempt training areas for gun dogs; and to amend and reenact section 20.1-02-05.1 and subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to game and fish department land acquisitions and agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act"

Page 1, line 12, replace "1,946,918" with "2,566,824" and replace "20,960,381" with "21,580,287"

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SECTION 3. A new section to chapter 20.1-04 of the North Dakota Century Code is created and enacted as follows:

Gun dog training area - Permit. Notwithstanding section 20.1-04-12, a professional trainer may apply to and obtain from the department a permit designating a specific training area, not to exceed forty acres [16.19 hectares], as an exempt training area.

1. In the exempt training area, a professional trainer may train or run any gun dog or allow the gun dog to run loose at any time.
2. The fee for the permit may not exceed ten dollars per year.

SECTION 4. AMENDMENT. Subsection 5 of section 20.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Develop rules to prevent the movement of aquatic nuisance species into or within the state. In addition to requirements under chapter 28-32, the

department shall conduct a cost-benefit analysis for any rule proposed for adoption under this chapter."

203

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0205 FN 1

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1017 - Game and Fish Department - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$21,883,052	\$20,960,381	\$619,906	\$21,580,287	\$21,883,052	(\$302,765)
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Lonetree Reservoir	1,655,689	1,655,689		1,655,689	1,655,689	
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Total all funds	\$59,566,703	\$58,844,032	\$619,906	\$59,463,938	\$58,966,703	\$497,235
Less estimated income	59,566,703	58,844,032	619,906	59,463,938	58,966,703	497,235
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	157.00	157.00	0.00	157.00	157.00	0.00

Department No. 720 - Game and Fish Department - Detail of Conference Committee Changes

	Restores Funding Related to Anticipated Salary Savings ¹	Total Conference Committee Changes
Salaries and wages	\$619,906	\$619,906
Operating expenses		
Capital assets		
Grants		
Land habitat and deer depredation		
Noxious weed control		
Grants, gifts, and donations		
Nongame wildlife conservation		
Lonetree Reservoir		
Wildlife Services		
Total all funds	\$619,906	\$619,906
Less estimated income	619,906	619,906
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment restores funding for salaries and wages removed by the House to recognize anticipated savings from vacant positions and employee turnover. This is the same amount included in the Senate version.

This amendment also adds:

- A section included in the Senate version requiring the department to conduct a cost-benefit analysis for certain rules proposed by the department.
- A section relating to the acquisition of land by the Game and Fish Department.
- A section relating to gun dog training areas.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1017 (, as (re)engrossed):

Date: April 24, 2009

Your Conference Committee House Appropriations: Educ and Envr.

For the Senate:

For the House:

<i>attend</i>		YES / NO		<i>attend</i>		YES / NO	
✓	Sen. Christmann	✓		✓	Rep. Wald	✓	
✓	Sen. Brindley	✓		✓	Rep. Porter	✓	
✓	Sen. Krauter	✓		✓	Rep. Kroeber	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (S/H) page(s) 978 -

and place on the Seventh order.

✓, adopt (further) amendments as follows, and place HB 1017 on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Sen. Christman

SECONDED BY: Sen. Krauter

*adopt amendment
.0204*

VOTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1017, as engrossed: Your conference committee (Sens. Christmann, Grindberg, Krauter and Reps. Wald, Porter, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1138, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on page 1138 of the House Journal and page 978 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, after "department" insert "; to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to permits for exempt training areas for gun dogs; and to amend and reenact section 20.1-02-05.1 and subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to game and fish department land acquisitions and agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act"

Page 1, line 12, replace "1,946,918" with "2,566,824" and replace "20,960,381" with "21,580,287"

Page 2, line 2, replace "1,002,993" with "1,622,899" and replace "58,844,032" with "59,463,938"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Section 20.1-02-05.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-05.1. Land acquisitions - Statewide land acquisition plan. The director shall establish a comprehensive statewide land acquisition plan that must be approved by the budget section of the legislative council. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section. Prior to any land acquisition, the department shall have the land in question appraised by a certified appraiser. The department may not acquire any land for an amount that exceeds the appraised value except for parcels or tracts of land less than forty acres [16.19 hectares] which may be acquired for up to two hundred percent of the appraised value.

SECTION 3. A new section to chapter 20.1-04 of the North Dakota Century Code is created and enacted as follows:

Gun dog training area - Permit. Notwithstanding section 20.1-04-12, a professional trainer may apply to and obtain from the department a permit designating a specific training area, not to exceed forty acres [16.19 hectares], as an exempt training area.

1. In the exempt training area, a professional trainer may train or run any gun dog or allow the gun dog to run loose at any time.
2. The fee for the permit may not exceed ten dollars per year.

SECTION 4. AMENDMENT. Subsection 5 of section 20.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Develop rules to prevent the movement of aquatic nuisance species into or within the state. In addition to requirements under chapter 28-32, the

department shall conduct a cost-benefit analysis for any rule proposed for adoption under this chapter."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0205 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

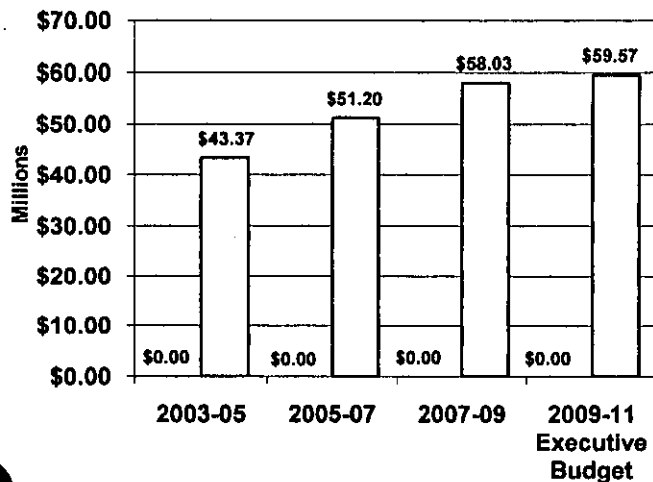
HB 1017

Department 720 - Game and Fish Department
House Bill No. 1017

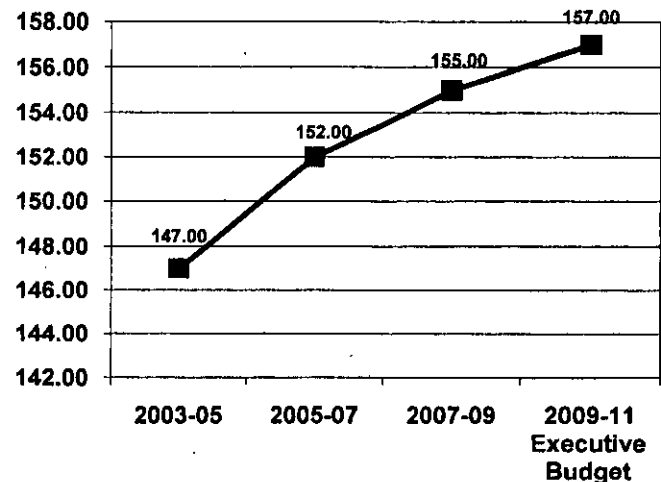
	FTE Positions	General Fund	Other Funds	Total
2009-11 Executive Budget	157.00	\$0	\$59,566,703	\$59,566,703
2007-09 Legislative Appropriations	155.00	0	58,033,045	58,033,045 ¹
Increase (Decrease)	2.00	\$0	\$1,533,658	\$1,533,658

¹The 2007-09 appropriation amounts include \$192,006 of other funds for the agency's share of the \$10 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees. The 2007-09 appropriation amounts do not include \$259,700 of capital construction carryover and do not include \$630,000 of additional special funds authority resulting from Emergency Commission action during the 2007-09 biennium.

Agency Funding



FTE Positions



■ General Fund □ Other Funds

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Provides \$302,765 of funding to address salary equity issues, including \$14,417 for the related second-year salary increase		\$302,765	\$302,765
2. Adds 1 FTE graphic artist position		\$88,455	\$88,455
3. Adds 1 FTE pilot game warden position		\$121,229	\$121,229
4. Increases funding for in lieu of tax payments for Game and Fish Department-owned lands from \$900,000 to \$1,200,000		\$300,000	\$300,000
5. Provides funding for land acquisitions of \$800,000, \$700,000 more than was provided in the 2007-09 biennium		\$700,000	\$700,000
6. Provides funding for facility repairs at department-owned facilities		\$400,000	\$400,000
7. Increases funding for wildlife management area improvements to provide total funding of \$400,000		\$175,000	\$175,000
8. Provides funding for fishing area improvements		\$450,000	\$450,000
9. Provides funding to replace the department's 1982 Cessna 182 aircraft		\$150,000	\$150,000
10. Increases funding for the noxious weed program		\$240,453	\$240,453
11. Provides a grant to the Parks and Recreation Department for ongoing maintenance and repairs at state park boat ramps (\$122,000) and for one-time improvements to the boat ramp and courtesy dock at Lewis and Clark State Park (\$100,000)		\$222,000	\$222,000
12. Provides funding for equipment replacement for the Enforcement Division (\$150,000), Fisheries Division (\$175,000), Wildlife Division (\$185,000), and for a Hooked on Fishing pontoon boat (\$30,000)		\$540,000	\$540,000

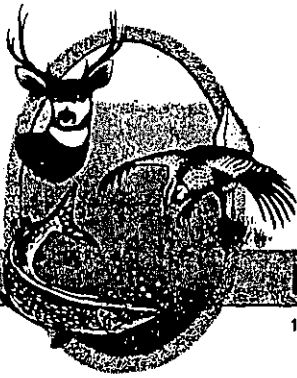
13. Increases grant funding to the federal Wildlife Services Agency to provide total grant funding of \$768,800	\$88,800	\$88,800
14. Removes funding for 2007-09 capital projects and capital construction carryover	(\$3,354,241)	(\$3,354,241)
15. Provides \$11,000,000 of funding to continue the department's private lands program, \$1,700,000 less than provided during the 2007-09 biennium. The 2009-11 private lands program includes approximately \$9,900,000 for the private land open to sportsmen program, a decrease of \$1,700,000 from the 2007-09 biennium.	(\$1,700,000)	(\$1,700,000)

Continuing Appropriations

No continuing appropriations for this agency.

Major Related Legislation

House Bill No. 1009 - Section 4 provides \$968,800 from the game and fish operating fund for various Department of Agriculture programs for the 2007-09 biennium.



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

*Sum
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Horse
1-12-09*

March 10, 2009

2009-2011 Appropriation Request North Dakota Game and Fish Department

The Game and Fish Department is a special fund agency using only hunting, fishing, and boat license revenue and federal funding. The total budget request is \$58,844,032. This is an increase of about \$1.3 million from the 2007-2009 appropriation. Department accounts will support this level of funding. This request includes the following amounts:

Game and Fish Fund	\$53,479,409
Nongame Wildlife Fund	\$120,000
Private Land Habitat Fund	\$5,244,623

Appropriation Total \$58,844,032

Fund Balances - Fund balance projections are as follows:

	<u>6/30/09</u>	<u>6/30/11</u>
Game and Fish Fund	\$25,000,000	\$19,200,000
Private Land Habitat Fund	\$78,000	\$53,000
Non-Game Wildlife Fund	\$115,000	\$34,000

Revenue - Federal revenue is expected to be as follows:

Federal Aid in Wildlife Restoration Act	\$10,000,000
Federal Aid in Sport Fish Restoration Act	\$10,000,000
Recreational Boating Safety Program	\$908,804
State Wildlife Grants	\$1,475,137
Misc. Federal Grants	\$385,219
Bureau of Reclamation(Lonetree)	<u>\$2,051,390</u>

Total Federal Revenue	\$24,820,550
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State Revenue by Fund:

Game and Fish Fund(Licenses + Misc.)	\$23,420,000
Private Land Habitat Fund	\$5,220,000
Nongame Wildlife Fund(Donations)	\$35,000

Total State Revenue	\$28,675,000
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Total All Revenue	\$53,495,550
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REQUEST / RECOMMENDATION COMPARISON SUMMARY

720 GAME AND FISH DEPARTMENT

Bill#: HB1017

Biennium: 2009-2011

Description	Expenditures Prev Biennium 2005-2007	Present Budget 2007-2009	2009-2011 Requested		Requested Budget 2009-2011	2009-2011 Recommended		Executive Recommendation 2009-2011
			Incr(Decr)	% Chg		Incr(Decr)	% Chg	
BY MAJOR PROGRAM								
ADMINISTRATIVE SERVICES	12,482,866	12,685,811	-1,189,481	-9.4%	11,496,330	-555,030	-4.4%	12,130,781
FISHERIES	6,788,553	9,130,853	-412,262	-4.5%	8,718,591	-39,198	-4%	9,091,655
ENFORCEMENT	5,432,679	6,535,127	624,181	9.6%	7,159,308	1,113,563	17.0%	7,648,690
COMMUNICATIONS AND CONSERVATION	5,100,722	6,567,438	188,740	2.9%	6,756,178	457,959	7.0%	7,025,397
WILDLIFE	17,841,278	23,373,516	-404,225	-1.7%	22,969,291	296,664	1.3%	23,670,180
TOTAL MAJOR PROGRAMS	47,646,098	58,292,745	-1,193,047	-2.0%	57,099,698	1,273,958	2.2%	59,566,703
BY LINE ITEM								
SALARIES AND WAGES	16,549,169	19,205,469	585,229	3.0%	19,790,698	2,677,583	13.9%	21,883,052
OPERATING EXPENSES	9,846,860	11,690,087	1,109,913	9.5%	12,800,000	1,109,913	9.5%	12,800,000
CAPITAL ASSETS	2,323,985	3,284,241	680,759	20.7%	3,965,000	680,759	20.7%	3,965,000
CAPITAL CONSTRUCTION CARRYOVER	900,000	259,700	-259,700	-100.0%	0	-259,700	-100.0%	0
GRANTS-GAME AND FISH	5,197,202	6,652,184	-458,184	-6.9%	6,194,000	-308,184	-4.6%	6,344,000
LAND HABITAT & DEER DEPREDAION	9,506,838	12,786,351	-1,786,351	-14.0%	11,000,000	-1,706,189	-13.3%	11,080,162
NOXIOUS WEED CONTROL	466,883	450,000	100,000	22.2%	550,000	100,000	22.2%	550,000
RECRUITMENT AND RETENTION	0	30,000	-30,000	-100.0%	0	-30,000	-100.0%	0
GRANT-GIFT-DONATION	327,459	500,000	-100,000	-20.0%	400,000	-100,000	-20.0%	400,000
NONGAME WILDLIFE CONSERVATION	6,369	120,000	0	.0%	120,000	0	.0%	120,000
LONETREE RESERVOIR	1,352,091	1,594,713	5,287	.3%	1,600,000	60,976	3.8%	1,655,689
WILDLIFE SERVICES	680,000	680,000	0	.0%	680,000	88,800	13.1%	768,800
RAMP AND MARINA IMPROVEMENTS	489,242	1,040,000	-1,040,000	-100.0%	0	-1,040,000	-100.0%	0
TOTAL LINE ITEMS	47,646,098	58,292,745	-1,193,047	-2.0%	57,099,698	1,273,958	2.2%	59,566,703
BY FUNDING SOURCE								
GENERAL FUND	0	0	0	.0%	0	0	.0%	0
FEDERAL FUNDS	16,537,555	20,974,250	1,634,881	7.8%	22,609,131	2,291,146	10.9%	23,265,396
SPECIAL FUNDS	31,108,543	37,318,495	-2,827,928	-7.6%	34,490,567	-1,017,188	-2.7%	36,301,307
TOTAL FUNDING SOURCE	47,646,098	58,292,745	-1,193,047	-2.0%	57,099,698	1,273,958	2.2%	59,566,703
TOTAL FTE	152.00	155.00	.00	.0%	157.00	2.00	1.3%	157.00

GAME AND FISH DEPARTMENT

Agency 720

Statutory Authority

North Dakota Century Code Title 20.1.

Agency Description

The North Dakota Game and Fish Department manages publicly owned wildlife resources for the state of North Dakota. The Game and Fish Department consists of five major divisions, as follows:

- Administrative Services provides policy, planning, and support services and is responsible for all game and fish licensing.
- Fisheries manages the state's fisheries.
- Enforcement provides enforcement of the laws and regulations governing the use of the state's wildlife resources and recreational waters.
- Conservation and Communication informs the public of rules, regulations, and guidelines for safe, lawful hunting, fishing, trapping, and boating.
- Wildlife provides for the management of wildlife resources in the state.

Major Accomplishments

1. Expanded the private land initiative (PLI) to include a conservation reserve program (CRP) cost share and hunting access program with 1,000,000 acres.
2. Emphasized biological control of leafy spurge and other noxious weeds.
3. Continued the special spring snow goose hunting season and expanded Canada goose hunting opportunities.
4. Developed a state management plan for the black-tailed prairie dog.
5. Developed a department web site that includes a large variety of game and fish information, on-line game and fish license sales and lottery applications.
6. Provided hunter safety education to 6,000 youth in 200 communities.
7. Expanded the Department's shooting range grants program to fund larger shooting range projects throughout the state.
8. Increased the number of recreational fishing lakes in North Dakota to over 300 in

the past ten years.

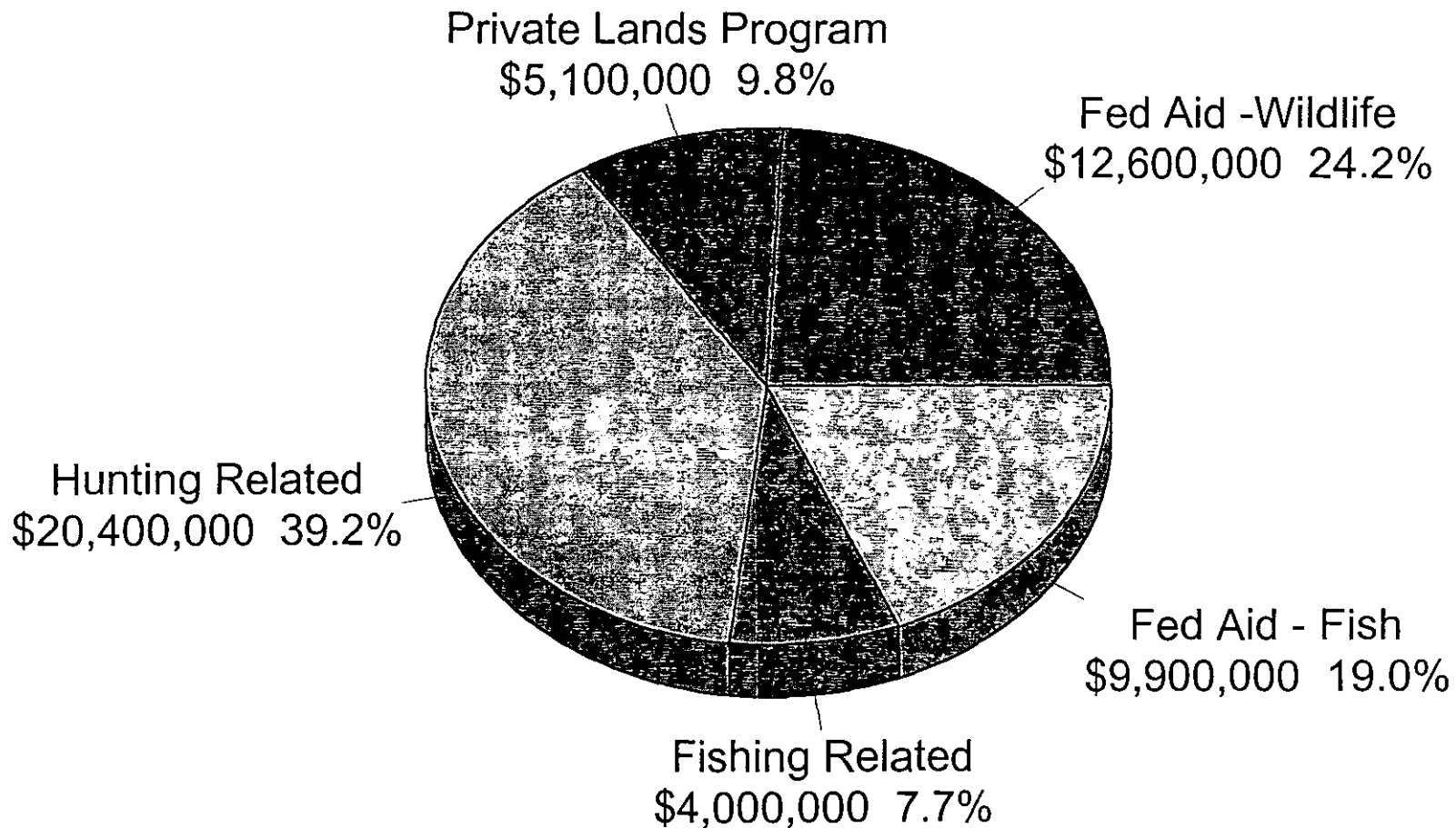
9. Instituted the Aquatic Habitat-Save Our Lakes Program to restore deteriorating aquatic habitat.
10. Improved boating access throughout the state.

Executive Budget Recommendation

- Approves the agency request to add 2.00 FTE positions. One FTE is for a graphic artist to convert a temporary position to permanent FTE status. The graphic artist does design work for the department's North Dakota Outdoors magazine, for fishing and hunting guides, the PLOTS guide, newsletters, and educational items. The other FTE is for a pilot game warden. The current enforcement division pilot is also chief investigator for commercial operations and is not able to fly as often as desired.
- Approves \$150,000 for replacement of the department's 1982 model Cessna airplane used for law enforcement work.
- Removes the department's \$1.0 million ramp and marina improvements line item, which was added by the 2007 legislature to address low water access issues on Lake Sakakawea. With rising water levels, this funding is no longer needed.
- Approves \$1.2 million for in lieu of property tax payments to local political subdivisions.
- Provides \$200,000 for a grant to the Board of Animal Health.
- Provides \$768,800 for a grant to the federal Wildlife Services agency, an increase of \$88,800 to cover a portion of increased fuel and salary costs.
- Provides \$222,000 for a grant to the Parks and Recreation Department -- \$122,000 for ongoing maintenance and repairs at state park boat ramps and \$100,000 for one-time improvements to the boat ramp and courtesy dock at Lewis and Clark State Park.

2009-11 Revenue Projection

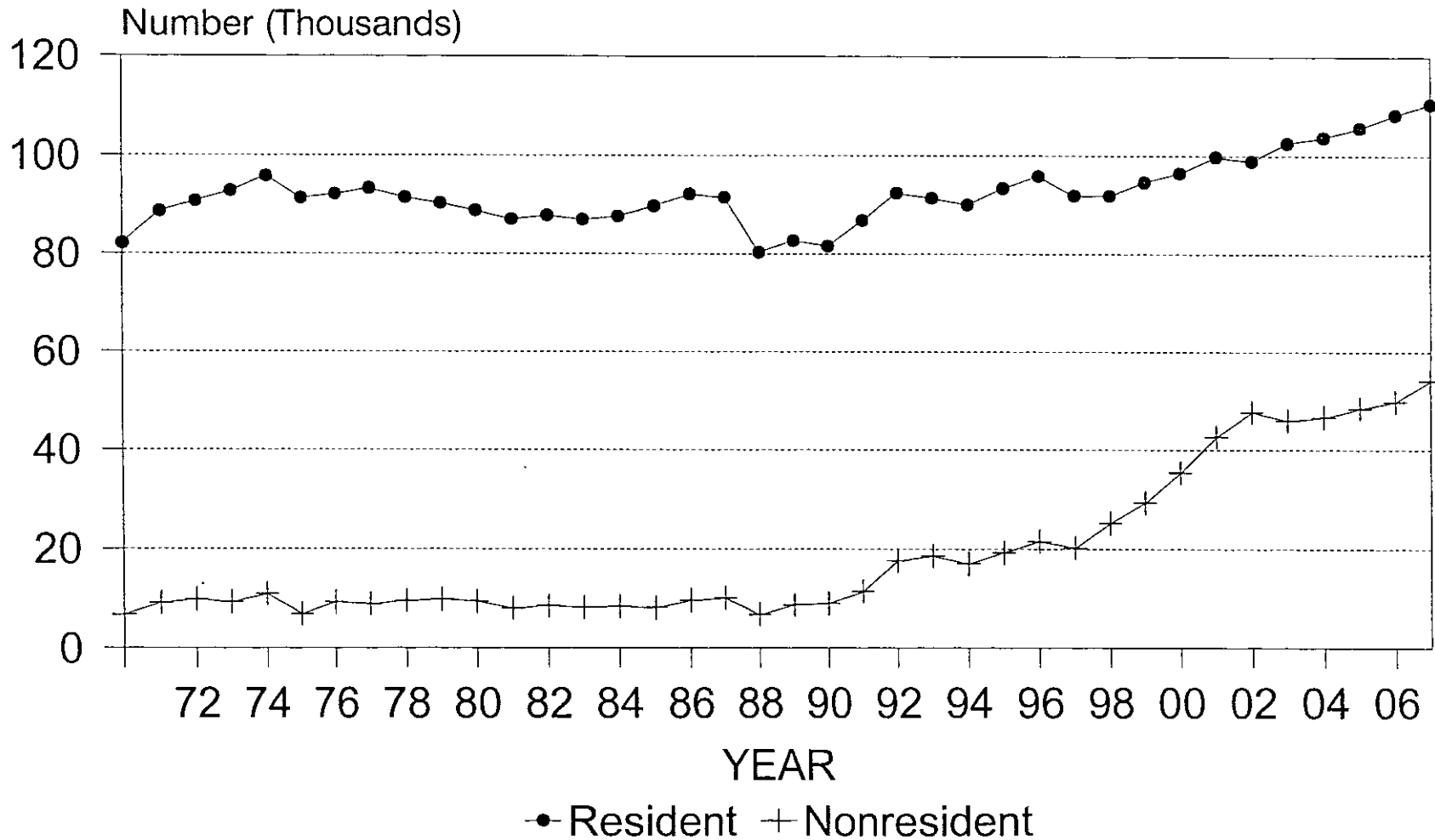
ND Game and Fish Department



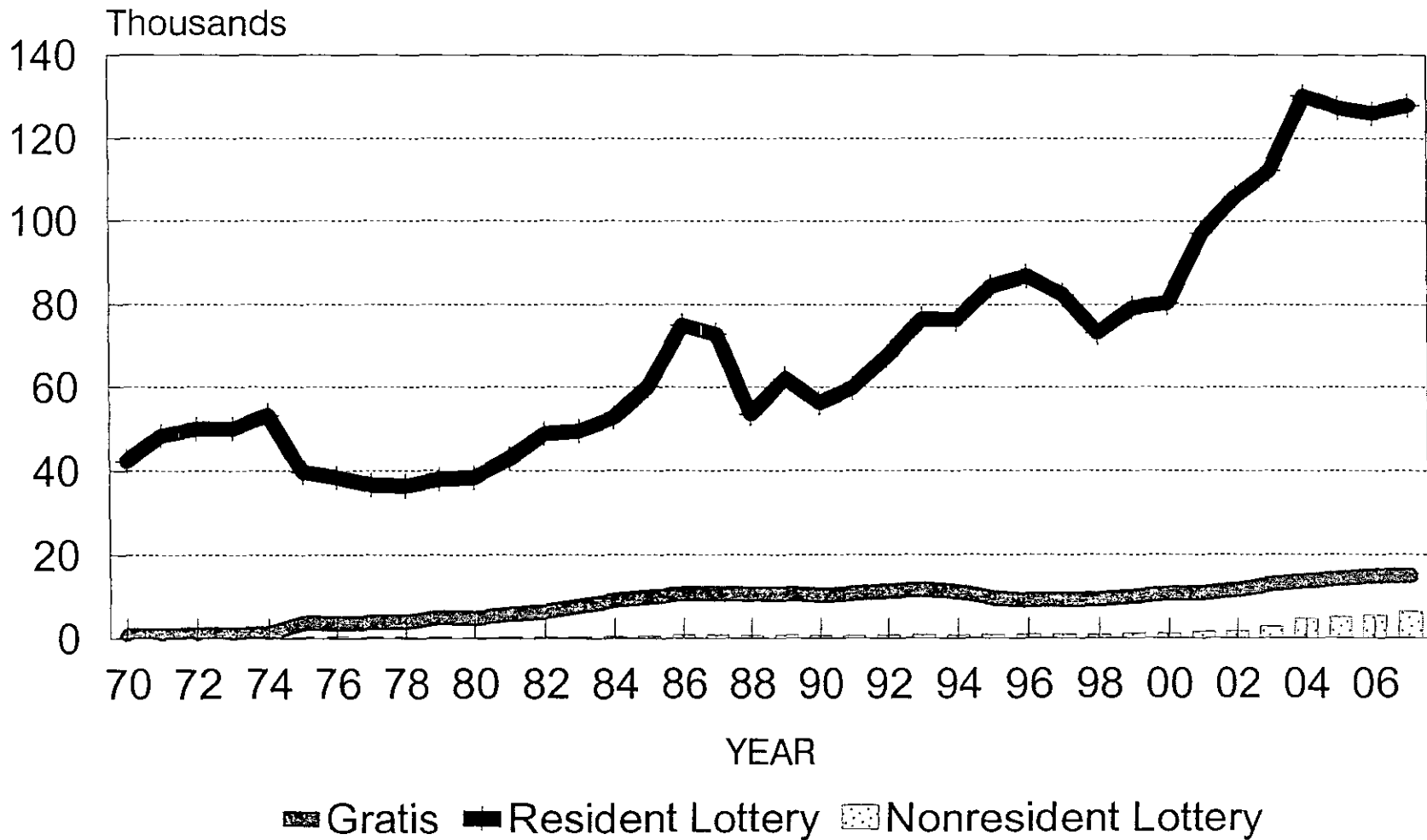
Total=\$52,000,000

NORTH DAKOTA

GENERAL GAME LICENSE SALES



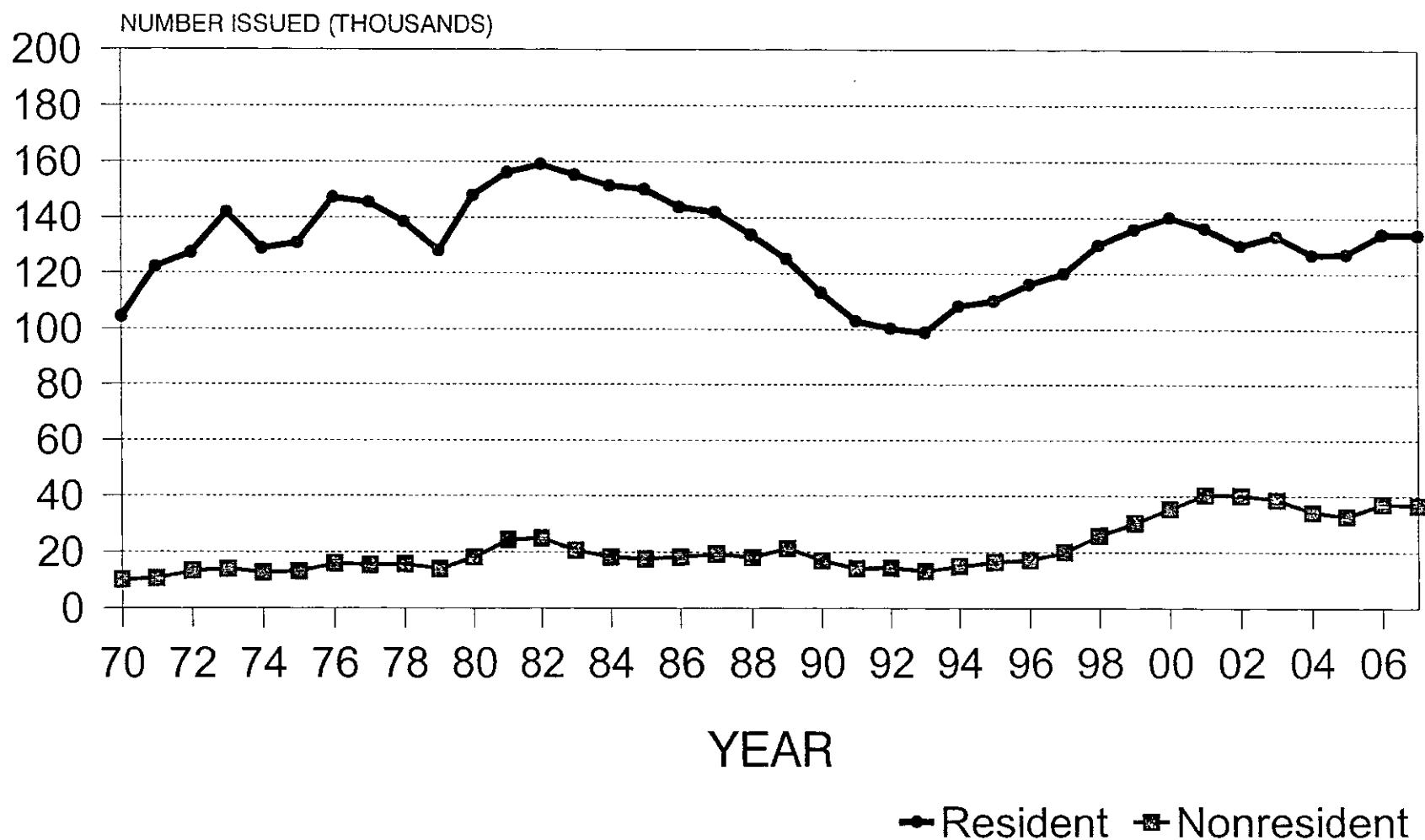
DEER GUN LICENSES ISSUED



Reg. and youth gun seasons only Includes NR landowner as paid NR lic.

FISHING LICENSE SALES

North Dakota Game and Fish Department



Items of Special Interest

Brief details on the budgets for the Department's five divisions are presented below.

1. Administrative Services Division Budget - Costs in this Division include the following:

- *Secretarial support for all Divisions
- *Licensing section costs including lotteries
- *Accounting costs
- *Information Tech. Division Data Processing \$520,000
- *All Department utility, telephone, office rental, janitorial, office supply, insurance, postage, aircraft costs, office machine rental, and other similar costs.
- *Credit card transaction fees - \$380,000.
- *Legal services from Attorney General's office
- *Costs for the Game and Fish Advisory Board
- *In Lieu of Tax payments for all Department lands-\$1,200,000
- *North Dakota Risk Management fund - \$13,569
- *Costs for the Director, Deputy Director, Administrative Services Division Chief, Data Processing Coordinators and Planner.
- *Capital improvement funds for office and shop facilities-\$416,116 for regular maintenance statewide.
- *The Department Donation account-\$400,000
- *Statewide Cost Allocation payment to OMB -\$250,000
- *\$400,000 in the Capital Assets line for extraordinary repairs at Department facilities statewide.
- *Cooperative Grants - \$200,000 for grants to local groups for game and fish related projects.
- *\$150,000 plus trade in for a replacement for a 1982 Cessna 182 aircraft. We hope to purchase a used aircraft.
- *Includes a new Graphic Artist I position.

The Administrative Services Division budget is decreased 4% from 2007-2009.

2. Fisheries Division Budget - This program includes fish production and distribution, fishery research and surveys, and fishing area and boating facility development and maintenance and a Save Our Lakes program. This division budget is at the same level as last biennium. Grants are used for cost sharing with local governments on fishing and boating facilities and to pay the department's share of costs for the Garrison Dam National Fish

Hatchery. Grants are also used for creel survey and other fisheries management work. \$222,000 is included for boating facilities at state parks. Capital improvements are used for fishing and boating facilities on Department managed lands. High and low water conditions at Devils Lake and Lake Sakakawea have been major challenges for the boating access program. The Department receives 75% federal funding for most of the work in this division. In some cases the 25% match comes from local partners such as park boards.

SAVE OUR LAKES PROGRAM

These projects included sediment dams, shoreline enhancements and building of earthen piers, establishment of buffer zones, building of rock weirs, building of wetlands, waste management systems, active hypolimnetic pumping systems, passive low water draw downs, fencing projects, alternate water sources (well), planting of trees and grasses in riparian areas, sediment removal, purchase of equipment for cooperating agencies, gravel spawning substrates, establishment of wave breaks and underwater boulder habitats.

\$325,000 is budgeted as regular line items for work on public lands. Much of the land where lakes and reservoirs are is publicly owned. \$400,000 is budgeted in the private lands line item. Dollars from this line item can be spent only on private land. A significant portion of our watershed work will be on private land.

3. **Enforcement Division** - This budget supports a staff of thirty-six law enforcement employees. This program is increased by 17%. The budget includes operating expenses mainly for State Fleet and travel costs. Game wardens are very dependent on vehicles to do their work. Replacement boats, snowmobiles and all-terrain vehicles are budgeted in capital assets. One new Game warden pilot position is included.

4. **Conservation and Communication Division** - Programs include aquatic and hunter education, nongame wildlife program, ND Outdoors magazine, ND Outdoors weekly television program, boating education, web page management, environmental review and supplying general information to the public. This Division's budget request is a 7% increase from 2007-2009. Printing costs have increased and are needed for the ND Outdoors magazine and other publications. Funds are needed to replace and enhance computer systems and video production equipment. Grants are increased to provide funding for local shooting range projects. \$420,000 is included for shooting range projects throughout the state. Federal funding is passed on to local groups that provide shooting facilities for public use and for hunter education.

Natural resource related reviews and recommendations are provided to private and government entities. This division also includes the nongame wildlife program. It is supported by an income tax check off and federal matching funds. An \$80,000 boating grant program for counties is also included in this budget. \$300,000 is included for youth programs, archery in schools and Hooked on Fishing. \$1,300,000 is included for the State Wildlife Grant Program. This federally funded program works primarily with wildlife species that are not hunted.

5. Wildlife Division - This budget includes private land habitat and deer depredation programs, operating costs for Department managed lands, and wildlife surveys and investigations. This Division's budget increased about 1% from 07-09. Salaries are increased to support current staff. \$760,800 is included to support Wildlife Service's animal damage control work. \$550,000 is requested for noxious weed control on Department lands. \$200,000 is included in grants to reimburse the State Veterinarian for game and fish related work.

Lonetree Funding - A \$1,600,500 appropriation is requested to operate the Lonetree area. The Lonetree area consists of over 30,000 acres of land managed for wildlife purposes. The North Dakota Game and Fish Department provides technical services for this area for the State of North Dakota as laid out in the Garrison Diversion Reformulation Act. 100% of the funding for these services comes from the Bureau of Reclamation. This is the amount of funding anticipated for 2009-2011.

Department Appropriation - Key Items

Some key items follow:

Fishing area capital projects	\$450,000
Fisheries boating access grants	\$1,635,000
Save Our Lakes Program	\$725,000
Land Acquisition(Budget section approval req.)	\$800,000
Op.Expense increase-State fleet & inflation	\$245,000
Noxious Weed Control Line Item	\$550,000
*Cost Allocation Costs - OMB	\$250,000
*Wildlife Services Animal Damage Control	\$760,800
*State Veterinarian Funding	\$0
*ND Parks Dept. boating access grant	\$222,000
Donation Account	\$400,000
Shooting Range Grants	\$420,000
Youth programs, archery in schools and Hooked On Fishing grants	\$300,000
State Wildlife Grant - nongame funding	\$1,300,000

Garrison Dam Fish Hatchery operations grant	\$440,000
Fisheries research and survey grants	\$250,000
Lonetree Area Bureau of Reclamation Project	\$1,655,689
Private Land Habitat and Access Program	\$11,000,000
In Lieu of Tax Payments	\$1,200,000
Missouri River Enforcement Grant	\$200,000

*Indicates funding to other agencies

FTE Request Details

Two new full-time positions are included in this budget request.

Graphic Artist I - This person does graphic design work for the Department's ND Outdoors Magazine, for numerous hunting and fishing guides, the PLOTS guide, newsletters, educational materials and many other items that the Department produces. This work is currently done by a temporary employee. Computer capabilities for graphic art work have improved tremendously in recent years. Having this person has been very beneficial and there is more than enough of this type of work to justify this position.

Game Warden Pilot - Enforcement's chief investigator for commercial operations is currently the Division's pilot. This person is not available to fly as often as desired and is also nearing retirement. Pilot game wardens are difficult to find and to find one who could also be the head of our commercial operations section is not likely. The choices are to convert the next district game warden position to a pilot warden and eliminate a district game warden or establish a new position. The Department's preference is to add a game warden/pilot position. This person will perform regular game warden duties when not involved in aviation.

2007 - 2009 BIENNIUM

FUND SOURCE	ALLOCATION	EXPENDITURES			Expenditure Totals	Remaining Balance
		Salary/Benefits	Operating Expenses ³	Travel		
Federal Disease Surveillance	328,045	168,656	144,518	14,871	328,045	0
Federal Operations	1,349,713	992,849	277,448	43,153	1,313,451	36,262
Federal Cattail Management	156,649	0	156,649	0	156,649	0
Federal Blackbird Management	512,333	100,238	403,801	8,294	512,333	0
Federal Guard Dog	70,074	0	70,074	0	70,074	0
Federal Aviation Operations	160,958	125,831	28,833	6,294	160,958	0
ND Dept. Agriculture	920,000	786,098	212,729	0	998,827	-78,827
TOTAL	\$3,497,772	\$2,173,672	\$1,294,052	\$72,613	\$3,540,337	-\$42,565

2009 - 2011 BIENNIUM

FUND SOURCE	ALLOCATION ¹	EXPENDITURES			Expenditure Totals	Remaining Balance
		Salary/Benefits	Operating Expenses ³	Travel		
Federal Disease Surveillance	190,444	158,630	26,079	5,735	190,444	0
Federal Operations	1,428,198	835,713	438,838	48,128	1,322,679	105,519
Federal Cattail Management	155,506	0	155,506	0	155,506	0
Federal Blackbird Management	411,780	105,225	302,771	3,784	411,780	0
Federal Guard Dog	79,490	0	79,490	0	79,490	0
Federal Aviation Operations	146,340	128,386	11,546	6,408	146,340	0
ND Dept. Agriculture	1,067,400	1,226,402 ²	0	0	1,226,402	-159,002
TOTAL	\$3,479,158	\$2,454,356	\$1,014,230	\$64,055	\$3,532,641	-\$53,483

- 1) Federal allocations are based on federal FY08 levels; allocation from the ND Dept. of Agriculture based on 2007-2009 Governors budget
- 2) State total eligible salary and benefits for trappers and pilots minus \$13,000 of field specialist's salary/benefits charged to federal Blackbird Management and \$17,000 of pilot's salaries/benefits charged to federal Aviation Operations account
- 3) Operating Expenses include: equipment, supplies, vehicle replacements, vehicle fuel and maintenance, aircraft fuel and maintenance; storage rent; postage and telecommunications

attachment #2
#B 1017
February 3, 2009

North Dakota Game and Fish Department
Potential Land Acquisitions for the 2009-2011 Biennium
(as of March 20, 2009)

The Department has been contacted by landowners concerning the following possible land acquisitions. These tracts are being offered by willing landowners and meet the criteria for Department land acquisition.

County	Acres	Landowner	Comments
Grand Forks	160	Paul and Lula Bry	Round-out to Prairie Chicken WMA ✓
Burleigh	80	Wagner Estate	Round-out to Phoenix WMA
Morton	60	Northern Improve Co.	Round-out to Oahe WMA
Walsh	80	Marcella Rogalla	Round-out to Joliette Ferry (EWP)
Walsh	160	Ken Schuster	Round-out - Joliette Ferry WMA (EWP)
McKenzie	900	multiple owners	Round-out to Ochs WMA
Rolette	80	Kundart	Round-out to Wakopa WMA
Cavalier	80	Sheldon Bracket	Round-out to Pembina Hills WMA
Barnes	153	James Kieley	Adjacent to USFWS WPA
Benson	500	Konzak	New area -- west shore of Devils Lake
LaMoure	279	Kettle Property	New Area -- northwest of Kulm



North Dakota Game and Fish Department
Potential Land Acquisitions for the 2009-2011 Biennium
(as of April 23, 2009)

The Department has been contacted by landowners concerning the following possible land acquisitions. These tracts are being offered by willing landowners and meet the criteria for Department land acquisition. The attached maps show the following acres outlined in white on the respective maps.

<u>County</u>	<u>Acres</u>	<u>Landowner</u>	<u>Comments</u>
Grand Forks	160	Paul and Lula Bry	Round-out to Prairie Chicken WMA -This property was offered to the Dept. in Aug., 2008. It consists of 109.8 acres of upland acres and 50.2 acres of wetlands. The soils are poorly drained and strongly saline. It is currently in CRP.
Burleigh	80	Wagner Estate	Round-out to Phoenix WMA -This property has been in the PLOTS program. It is agricultural land but 'wet' acres and marginal cropping history. We received a call from a family member on our interest. Likely a lower priority.
Morton	60	Northern Improve Co.	Round-out to Oahe WMA -This is an old gravel pit area that is no longer productive. Northern Improvement approached us on acquisition.
Walsh	80	Marcella Rogalla	Round-out to Joliette Ferry (EWP) -This area is adjacent to an existing Emergency Watershed Program site (EWP) that has been flooded. This is agricultural property but frequently flooded and is also in EWP. The restrictions on use of EWP land is variable and under the control of NRCS.
Walsh	160	Ken Schuster	Round-out - Joliette Ferry WMA (EWP) -This is similar to the Rogalla property but is currently in CRP. The property owner has indicated he will either put the property into WRP (Wetland Reserve Program) or EWP.

<u>County</u>	<u>Acres</u>	<u>Landowner</u>	<u>Comments</u>
McKenzie	900	multiple owners	Round-out to Ochs WMA -This tract consists of multiple owners (9) and a 40 acre BLM tract. The property is currently a mixture of trees and grasslands. There is no current agricultural use on the property because of no access to the area (the area was created when the Missouri and Yellowstone Rivers changed their course over 100 years ago). Approximately 500 acres is currently in the PLOTS program. Game and Fish would be a contributing partner on this project but not the lead entity.
Rolette	80	Kundart	Round-out to Wakopa WMA -This is a forested tract with small acreages of tilled land within the boundary.
Cavalier	80	Sheldon Bracket	Round-out to Pembina Hills WMA -This tract contains 20.9 acres of CRP with the remainder in 'grass and brush'.
Barnes	153	James Kieley	Adjacent to USFWS WPA -This tract has been removed from the list.
Benson	500	Konzak	New area – west shore of Devils Lake -The majority of this acreage is inundated by the waters of Devils Lake with the remaining upland being grassland. The primary purpose of this acquisition would be to provide adequate boating access to Pelican Lake, which is separated from Devils Lake by Highway 19.
LaMoure	279	Kettle Property	New Area – northwest of Kulm -This is primarily wetland/upland property created when waters rose in the area beginning in 1993.

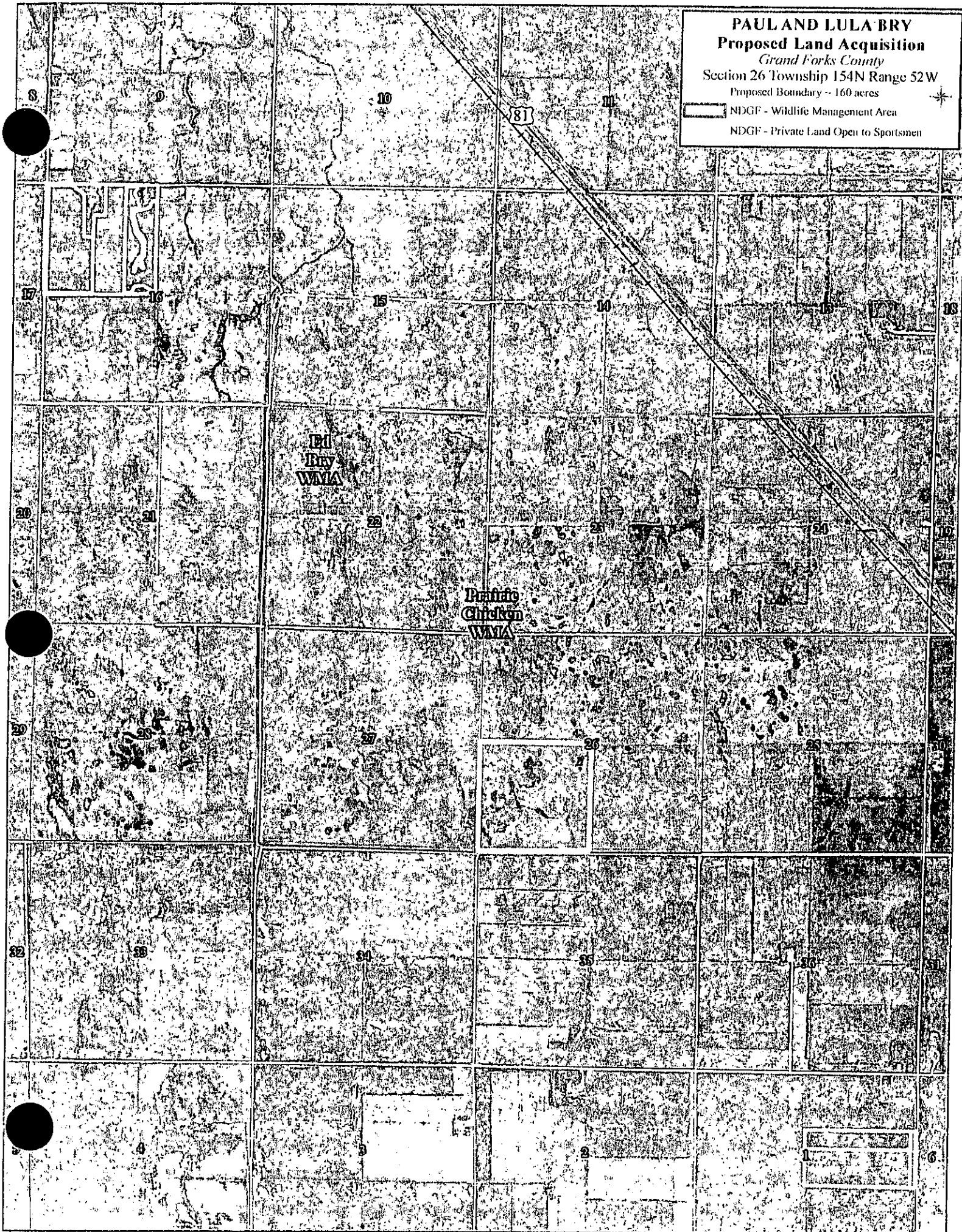
PAUL AND LULA BRY
Proposed Land Acquisition

Grand Forks County
Section 26 Township 154N Range 52W



Proposed Boundary ~ 160 acres

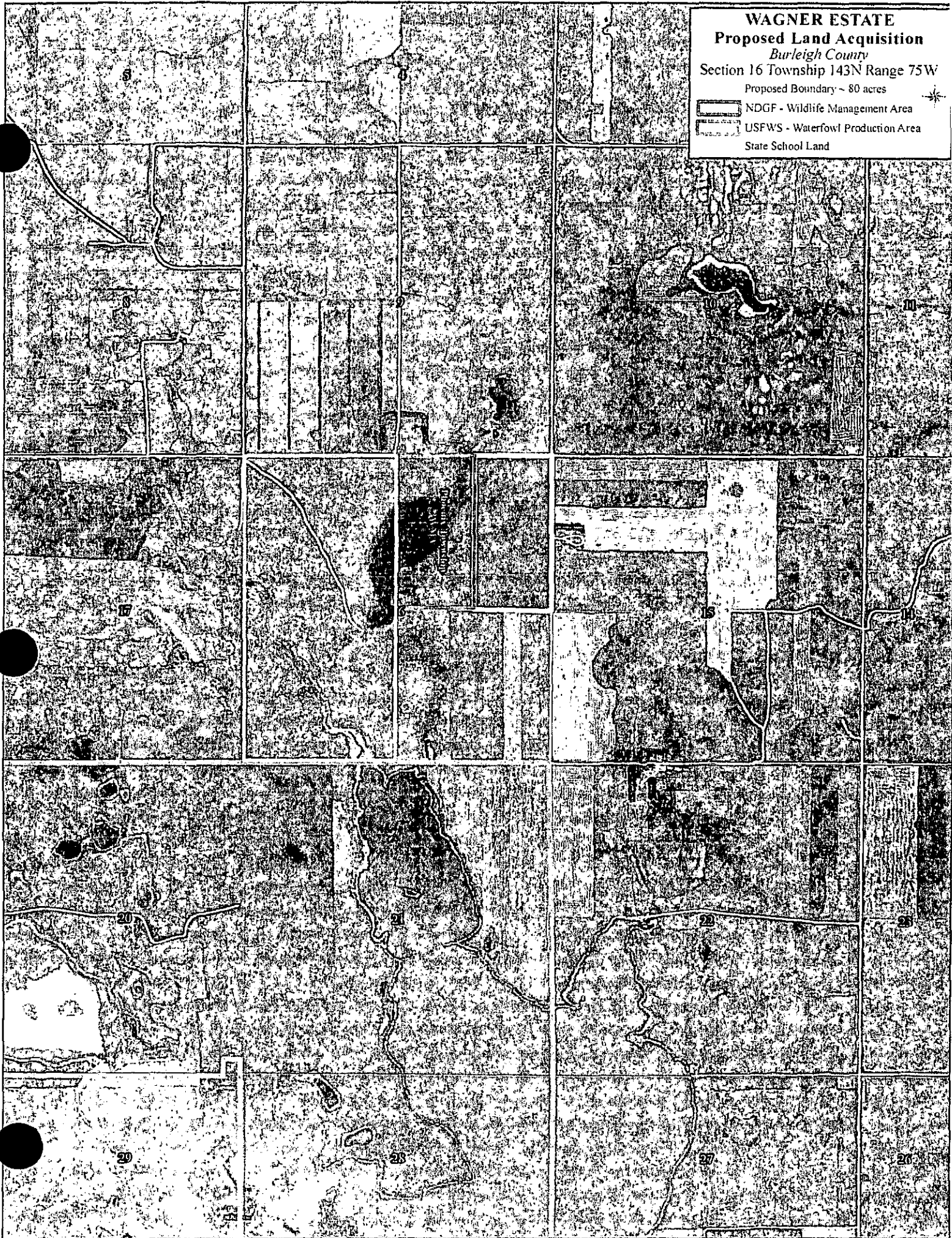
NDGF - Wildlife Management Area

NDGF - Private Land Open to Sportsmen



WAGNER ESTATE
Proposed Land Acquisition
Burleigh County
Section 16 Township 143N Range 75W
Proposed Boundary ~ 80 acres

 NDGF - Wildlife Management Area
 USFWS - Waterfowl Production Area
State School Land



**NORTHERN IMPROVE CO.
Proposed Land Acquisition**

Morton County

Section 17 Township 137N Range 80W


Proposed Boundary ~ 82 acres


NDGF - Wildlife Management Area



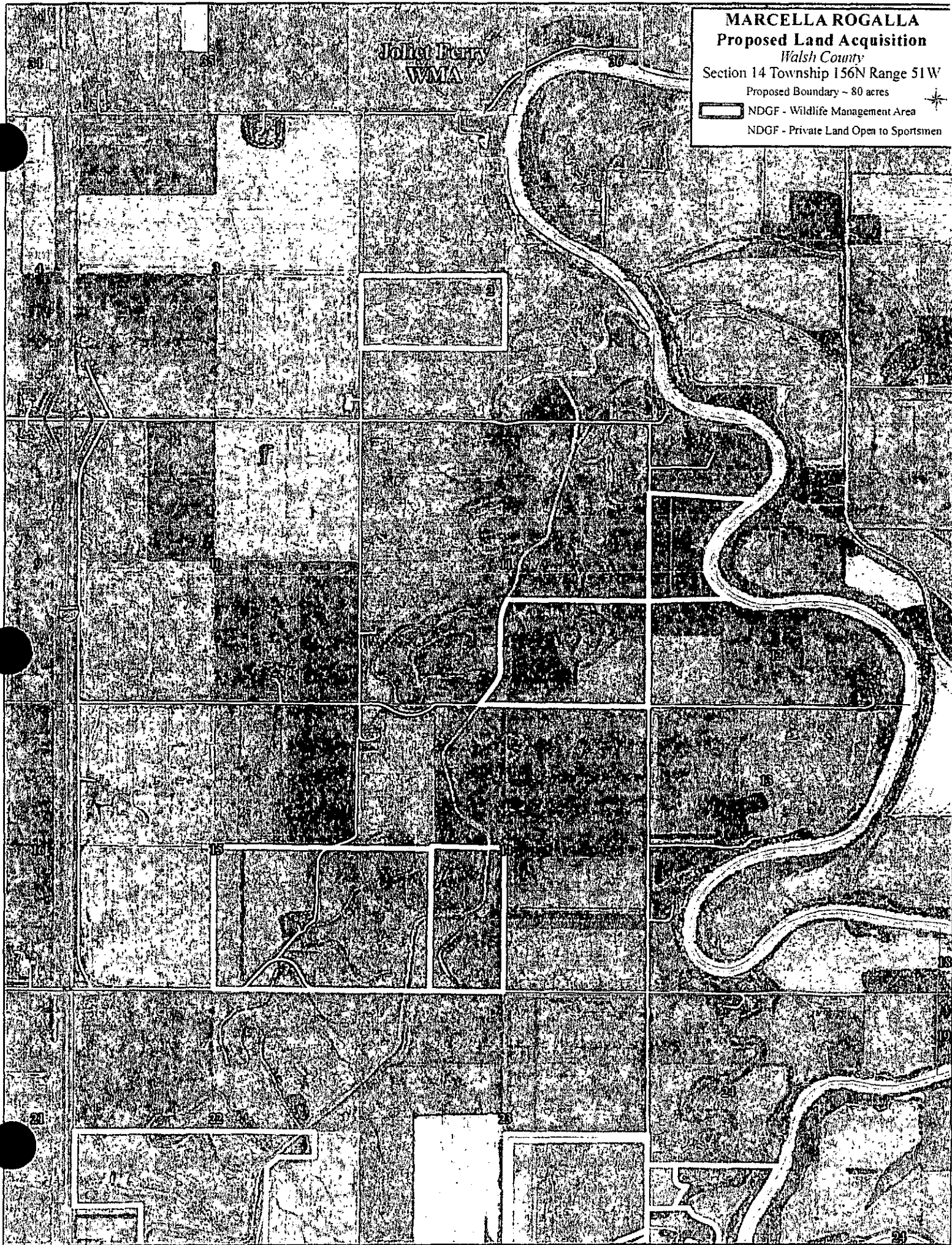
MARCELLA ROGALLA
Proposed Land Acquisition
Walsh County
Section 14 Township 156N Range 51W

Proposed Boundary ~ 80 acres

 NDGF - Wildlife Management Area

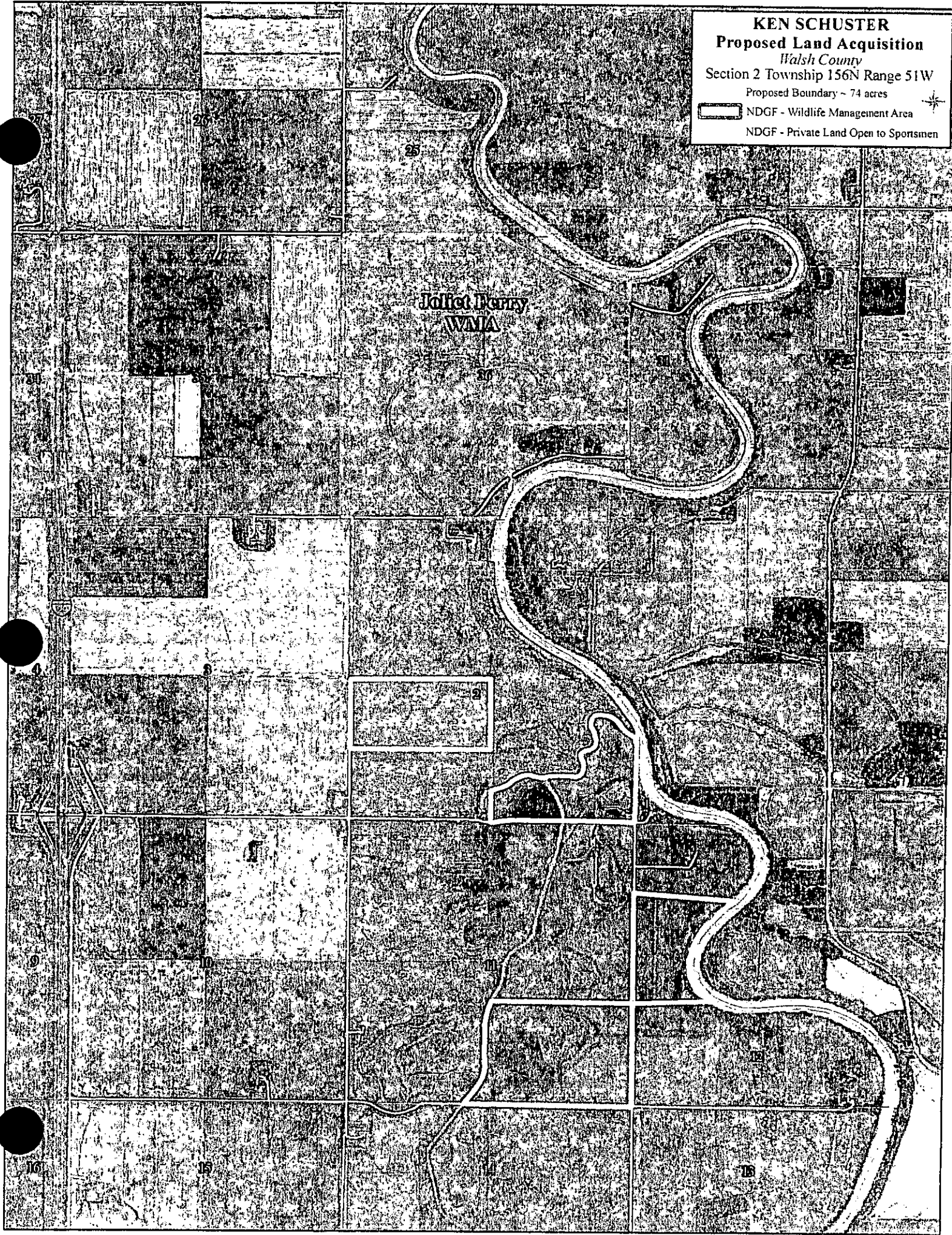
 NDGF - Private Land Open to Sportsmen

Jolly Perry
WMA




KEN SCHUSTER
Proposed Land Acquisition
Walsh County
Section 2 Township 156N Range 51W
Proposed Boundary ~ 74 acres
NDGF - Wildlife Management Area
NDGF - Private Land Open to Sportsmen


Jaffet Perry
WMA




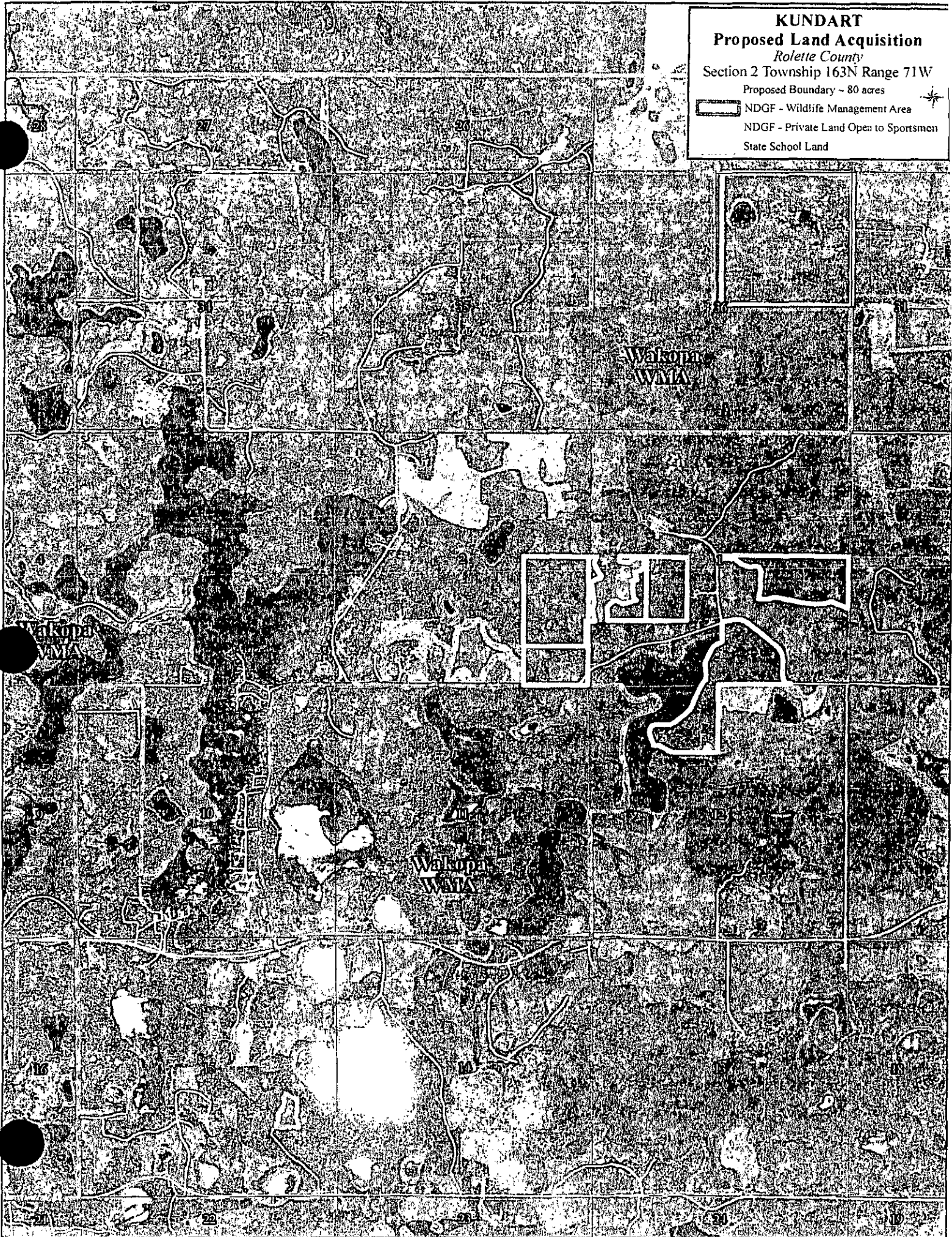
KUNDART
Proposed Land Acquisition
Rolette County
Section 2 Township 163N Range 71W

Proposed Boundary ~ 80 acres

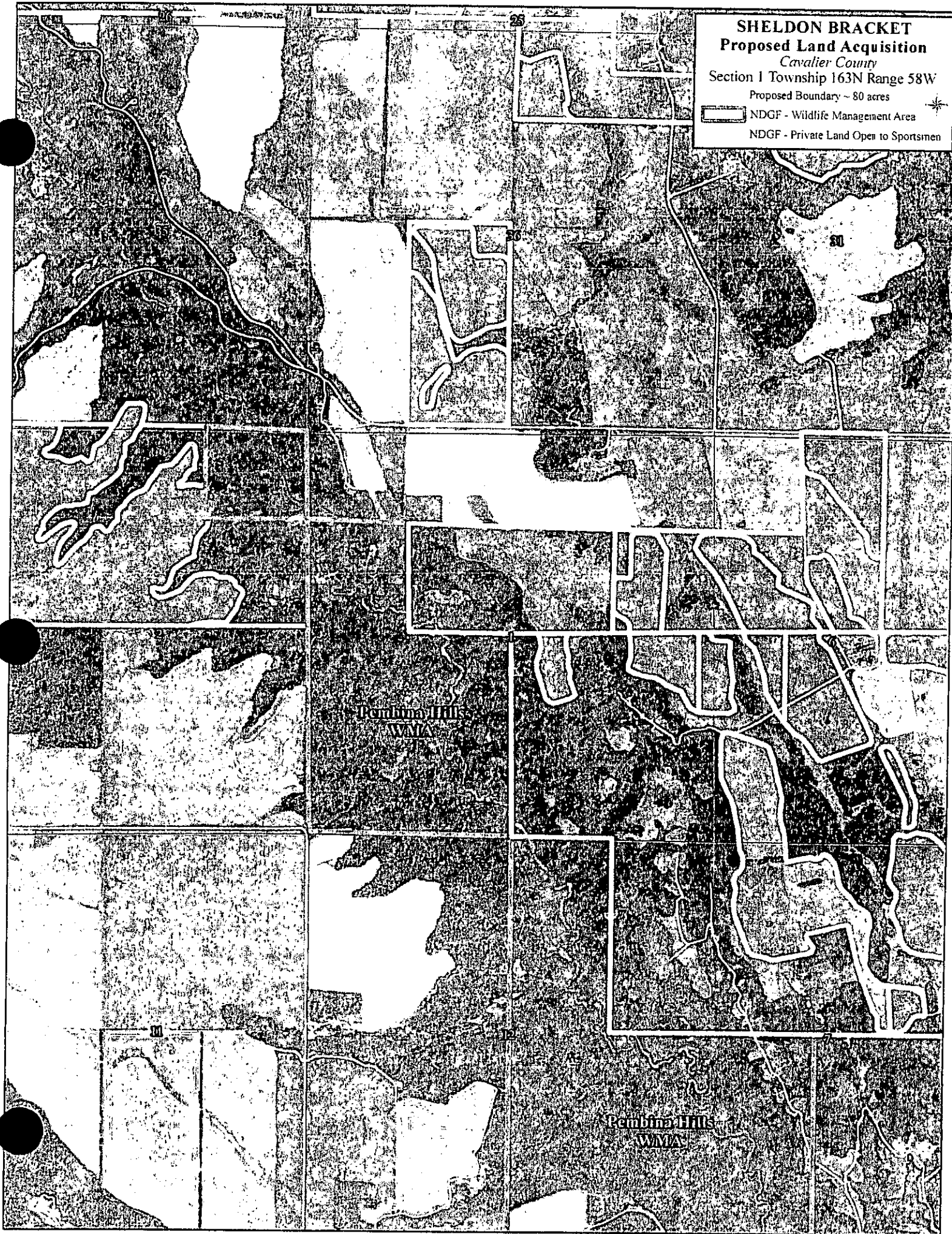
 NDGF - Wildlife Management Area

 NDGF - Private Land Open to Sportsmen

 State School Land



SHELDON BRACKET
Proposed Land Acquisition
Cavalier County
Section 1 Township 163N Range 58W
Proposed Boundary ~ 80 acres
NDGF - Wildlife Management Area
NDGF - Private Land Open to Sportsmen





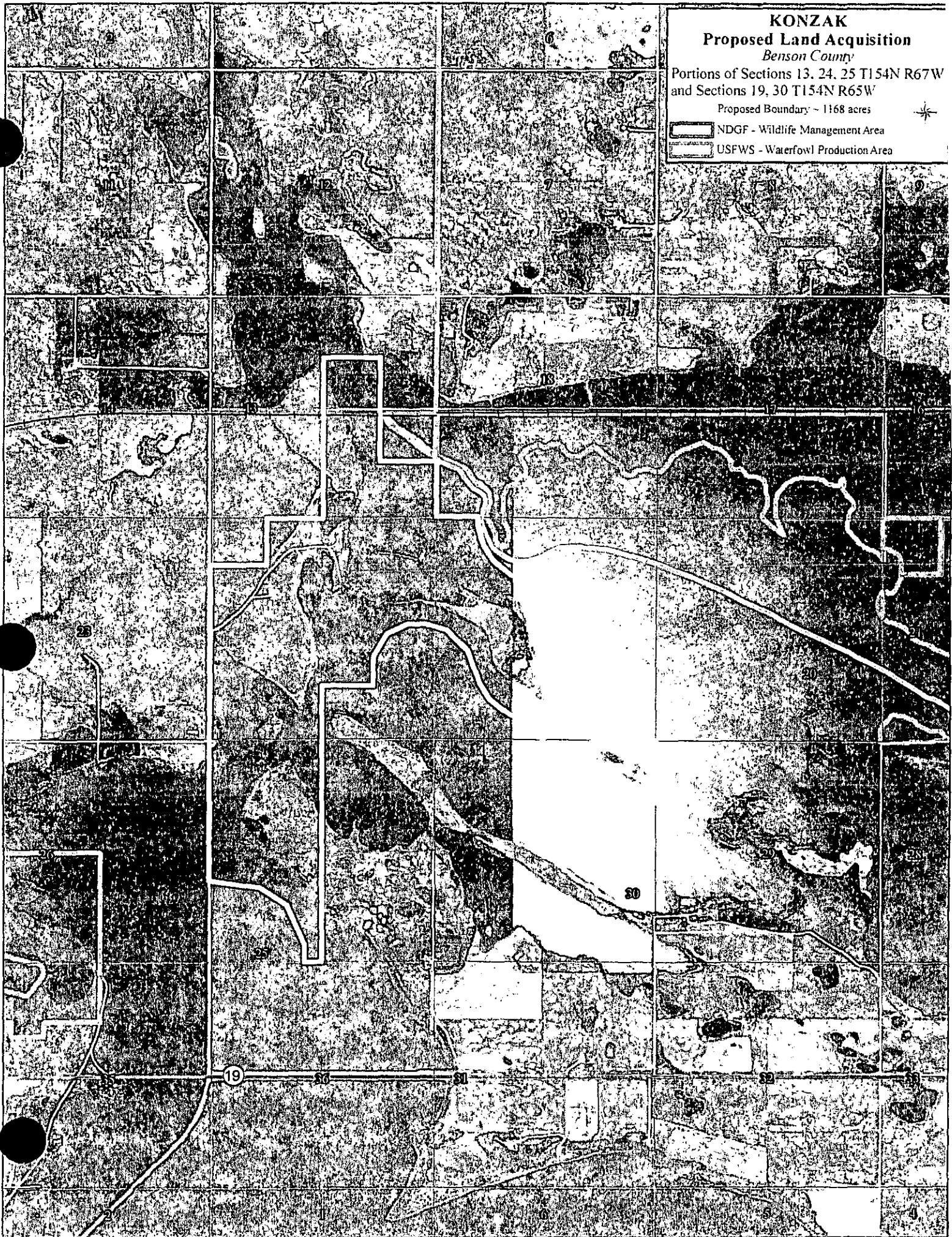
KONZAK
Proposed Land Acquisition
Benson County

Portions of Sections 13, 24, 25 T154N R67W
and Sections 19, 30 T154N R65W

Proposed Boundary ~ 1168 acres



-  NDGF - Wildlife Management Area
-  USFWS - Waterfowl Production Area



KETTLE PROPERTY
Proposed Land Acquisition

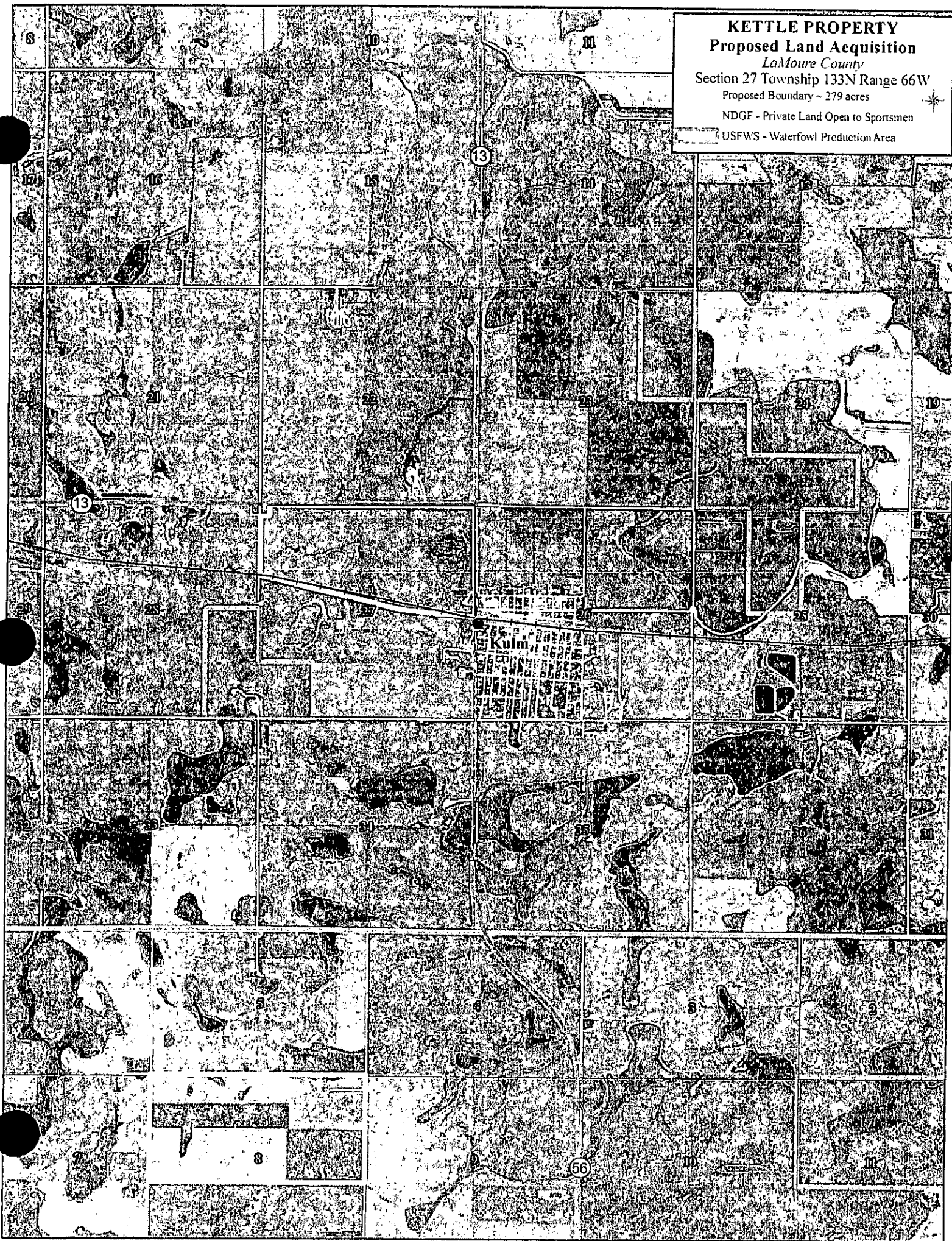
LaMoure County

Section 27 Township 133N Range 66W

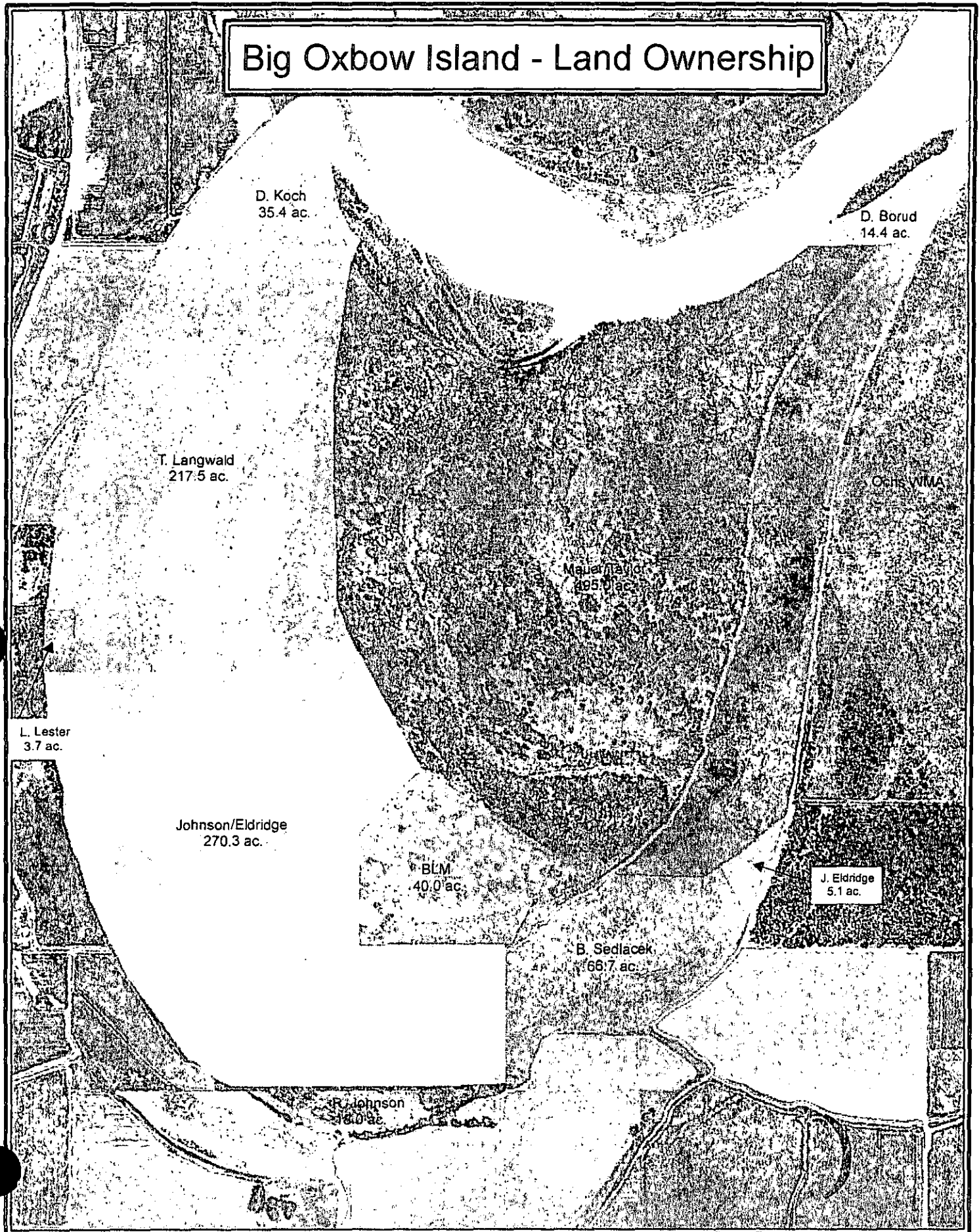
Proposed Boundary ~ 279 acres

NDGF - Private Land Open to Sportsmen

USFWS - Waterfowl Production Area



Big Oxbow Island - Land Ownership



CHALLENGE:

The current process has GF charging every applicant a fee of which they hold and collect interest until a lottery is complete. Only at that time are refunds made to those who were not selected.

These are the estimates of refund checks issued by Game and Fish during the **2005** Hunting Season: (received from GF 5-15-06)

Deer – 15,200	Check amounts range from \$8-\$20
Pronghorn – 5,602	
Fall Turkey – 655	
Spring Turkey – 2,944	
Swan – no refunds needed	

Total Refunds 24,401 checks

Game and Fish **estimate 50% are processed electronically**
***** (I can only assume this has increased due to the increased use of debit cards/credit cards)**

Using the above numbers and changing the applicant process, we could **eliminate the processing of 12,200 refund checks**

FULL PICTURE:

On average, it costs state government \$25 in labor and materials to issue a state check....

- Using a **\$25.00 estimate** per check the cost to government to refund Game and Fish checks in 2005 was estimated at **\$305,000**.
- In addition to this cost, is the back up of issuance of other state agency checks. The system is locked up other the processing of remaining state checks is delayed.

- Of these 2005 refund checks, we had **691** of them sitting in the outstanding check register**30% were cashed.**
- In 3 years... 463 or 70% of the outstanding checks were sent to Unclaimed Property (Land Department) we then add the cost of labor for both the Treasurer's Office/Labor Department. Estimate processing of \$10 per check.... \$4,630
- 231 or 50% of the checks going to Unclaimed Property will be **reissued**. This requires an affidavit for each reissued check and a new check to be cut.... $231 \times \$25.00 = \5775

So for the 2005 hunting season it has cost the State of North Dakota \$315,405 to issue these refunds with 230 still sitting in Unclaimed Property.

OTHER ISSUES

- Unclaimed Property issue.....dollars have to total \$50 in order to be recognized. The public is not receiving their money.
- Banking Industry Standard.....a credit card purchase is to be reimbursed via the card the purchase was made.
- June 30, 2006 Audit Finding relating to license lottery refunds.

SOLUTION:

- Game and Fish use credit/debit card for licensing fees **AND** refunding.
- The **optimum solution** would be to hold the charge in suspend mode until the draw is accepted and then charge the account. GF would then add an approval code to move the charge forward. The lottery approval would trigger the individual credit card approval. If an applicant does not win a draw the fee is not collected.....NO REFUNDS.
- Any purchase made via card must be credited back to that card. This is required by the credit card companies, but is not currently being done at GF.

COST OF SOLUTION:

According to Paul Schadewald of GF in his email dated 5-15-06 it would cost GF .35 to .40 per transaction plus the cost of setting up a system that would communicate with the credit card companies software. (ITD estimates came in at \$26,000. Annual cost without the IT software expense.....per the above would be \$4,880 in refund costs.....minus postage of \$2,928 (.30 pc.) net cost is \$1, 952 for the year.

****Please note this scenario still has GF collecting the fees and refunding them rather than suspending the collection until the lottery is complete....so it could very well be no net cost if the interest is more than the expense.**

Is it appropriate for GF to be collecting money and gaining interest on fees collected for a service/opportunity which may never be delivered?

LICENSE LOTTERY REFUNDS

Challenge:

Approximately 50% of the license applications are now received over the internet and paid by credit card.

In 2006 the North Dakota Game and Fish Department issued approximately 17,000 refunds for deer, pronghorn, and turkey licenses. Currently the North Dakota Game and Fish Department issues refund checks for all unsuccessful applicants regardless if they initially paid with a credit card.

For each check issued there is a cost not only to the agency issuing the check, but also to the Office of Management and Budget and the State Treasurer's office. This would include the task of issuing, processing, and printing the checks.

A severe winter could result in a substantial decrease in the number of licenses available – which in the case of deer licenses could result in a substantial increase in the number of refunds issued.

Operational Improvement:

As the current lottery system will be re-written sometime in the next few years, we believe the North Dakota Game and Fish Department should consider implementing procedures to issue refunds back to credit cards as part of the system re-write.

North Dakota Game and Fish Department Response:

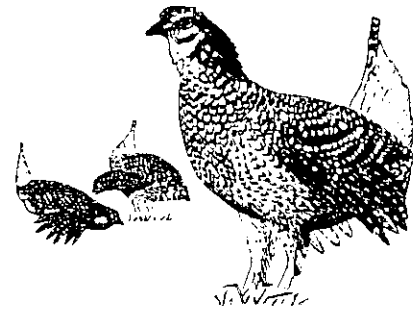
The Department would like to issue refunds to credit card customers who are unsuccessful in the license lotteries. This will be looked at when the lottery software is replaced in the next 1-2 years. If an efficient cost effective solution is available, this will be a good time to implement it.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



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**TESTIMONY OF MIKE McENROE
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO SENATE APPROPRIATIONS COMMITTEE
MARCH 10, 2009**

Chairman Holmberg and members of the Committee:

I am Mike McEnroe and I am speaking on behalf of the North Dakota Chapter of The Wildlife Society, an organization of about 350 wildlife and natural resource professionals in the State.

We support the proposed budget for the North Dakota Game and Fish Department.

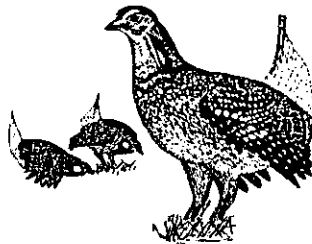
The proposed budget includes \$ 768,000 for USDA Wildlife Services. The Chapter expressed concerns last biennium when Wildlife Services received \$ 680,000. We also requested an audit to see what the Department and the State received for the past levels of funding. This session, Section 6 of the Agriculture Department Appropriation requests a study of the cooperative agreement between State Ag and the USDA to review the funding and programs. Wildlife Services funding coming from the Game and Fish Department funding remains a concern. The amount of Game and Fish Department funding for Wildlife Services has steadily increased from \$ 100,000 in the 1999-01 biennium, to \$ 400,000 (01-03), \$ 550,000 (03-05 and 05-07), to \$ 680,000 (07-09) to the proposed \$ 768,800 in this budget. The State's sportsmen and women who fund the Game and Fish Fund through their license dollars, get very little benefit from this ever-increasing level of funding.

In this period of a State budget surplus, it does not make sense to keep depending on Game and Fish Department funding for this program. The North Dakota Chapter of The Wildlife Society recommends a re-evaluation of using the Game and Fish Department to fund the Wildlife Services program.

SCHOLARSHIP PROGRAM

College scholarships are awarded annually to outstanding undergraduate natural resource students at Minot State University- Bottineau, North Dakota State University, Sitting Bull College, University of North Dakota, and Valley City State University. In addition, two outstanding graduate student awards are presented each year. Natural resource instructors at each of the universities and colleges nominate students for the scholarship awards.

The Chapter has also implemented a Legacy Trust Initiative to strengthen the connection between natural resource students, educators, and the wildlife profession. Included in this endeavor are job fairs, career lesson panels, and opportunities for students to attend and engage in professional meetings.



NORTH DAKOTA CHAPTER
THE WILDLIFE SOCIETY
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Bismarck, ND
58502-1442
(WWW.NDCTWS.ORG)

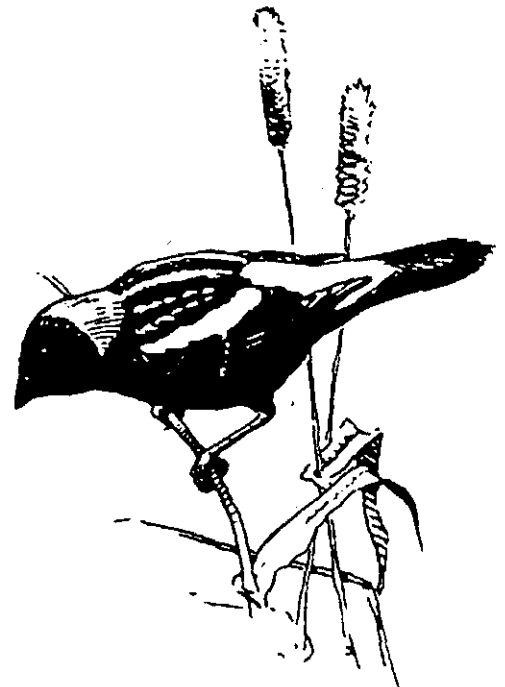
Mike McEnroe

224-8335

*attachment #3
HB 1017
January 12, 2009*

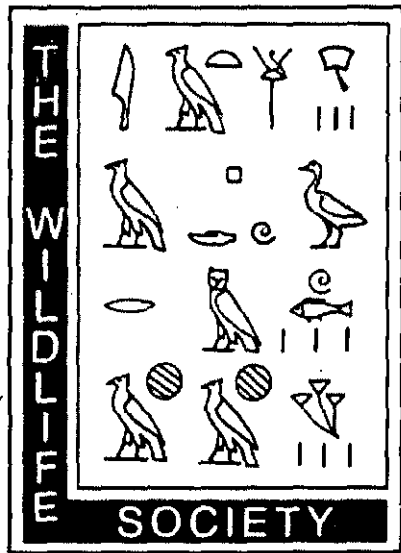
North Dakota Chapter

The Wildlife Society



NORTH DAKOTA CHAPTER
The Wildlife Society

*Dedicated to the wise use of North
Dakota's natural resources*



WHAT IS THE WILDLIFE SOCIETY?

Founded in 1937, The Wildlife Society is an international, nonprofit, scientific and educational organization composed of professionals, students and laypersons interested and active in wildlife research, management, education, and administration.

NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY

The North Dakota Chapter is an active affiliate of The Wildlife Society, a national organization. The Chapter is specifically concerned with effective management of North Dakota's plant and wildlife communities. The Chapter provides expertise in advising legislative and judicial processes concerning conservation of natural resources. It advocates the holistic treatment of environmental questions. The Chapter

was founded in 1963 and has played an active role in North Dakota wildlife management since that time.

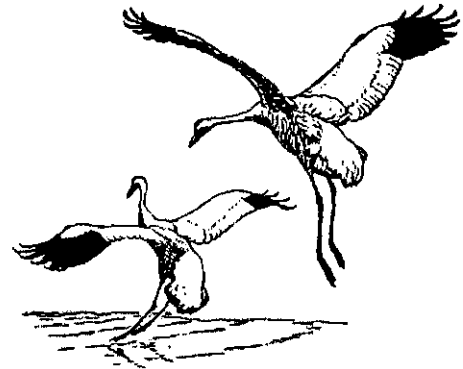
CHAPTER MEMBERSHIP

Membership in the Chapter is open to any person who has an interest in the objectives and activities of the Chapter and is formally trained or employed in the wildlife field.

Those not meeting the education or employment requirements may also affiliate with the Chapter.

Association with the Chapter provides opportunities to be informed and participate in resolving conservation issues. Each member or affiliate receives the Chapter Newsletter.

Chapter members are encouraged to join the parent group, The Wildlife Society and the regional organization, the Central Mountain and Plains Section.



CHAPTER OBJECTIVES

Consistent with the objectives of The Wildlife Society, the Chapter's objectives are:



- To advance the science and art of wildlife management.
- To improve public understanding and support of scientific management of wildlife and related resources.
- To provide a common meeting ground for people interested in wildlife conservation.
- To promote and maintain high professional standards.
- To recognize and commend outstanding accomplishments in wildlife conservation.
- To leverage the influence of The Wildlife Society at the national level on important wildlife issues in North Dakota.
- To follow the North American wildlife conservation model and its conservation objectives.

CERTIFICATION

The Wildlife Society promotes a certification program for its members that constitute official recognition that qualified members meet professional, educational, experience, and ethical criteria to be a "Certified Wildlife Biologist."

COMMITTEE ACTIVITIES

Chapter work is carried out by committees that focus on natural resource issues.

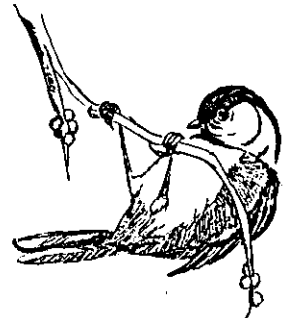
Examples of committees include: the Endangered Species committee, which is composed of expert biologists who make recommendations on rare species and their conservation.

The Wetlands committee takes an active role in working to preserve wetlands in North Dakota.

The Alternative Energy committee is composed of Biofuels and Wind subcommittees and is engaged in keeping the emerging industry of alternative energy compatible with natural resources.

A variety of natural resource issues are addressed through the Chapter's Missouri River committee.

The Chapter's Education committee is involved in a wide range of activities that include writing and updating the elementary text books PROJECT WILD, the Junior Duck Stamp contest, and a number of other publications concerning natural resource management.



Examples of other committees include: Legislative, Wildlife Commercialization, Western Lands, Invasive Species, Tribal Wildlife, Prairie Resources, and Professional Women in Natural Resources.

ORGANIZATION

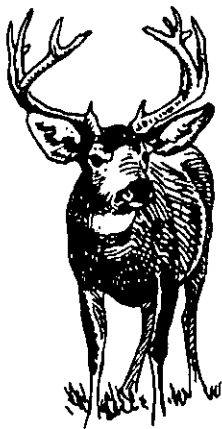
The Chapter is governed by an elected Executive Board composed of a President, President-elect, Past President, four Executive Board members, and an appointed Secretary-Treasurer.

A Field Representative for the Central Mountains and Plains Section of The Wildlife Society represents the Chapter on regional and national levels.

During legislative sessions, the Chapter employs a legislative liaison to provide expert testimony on Senate and House bills relating to natural resource issues, and where appropriate lobbies for bills that promote natural resource conservation.

CHAPTER PROGRAMS, ACTIVITIES, AND SERVICES

An annual winter meeting is held for the membership to elect and install new officers, for hearing of committee reports and for the general business meeting. The meeting also features research and management presentations, panel discussions of timely issues, and poster sessions.



An annual fundraiser provides for social time and raises funds targeted for Chapter programs and activities. A formal banquet includes annual awards, recognition of achievements, and special speakers or entertainment.

AWARDS

The chapter presents awards to recognize and commend outstanding achievement in wildlife related activities in North Dakota.



- The NORTH DAKOTA AWARD is presented to an individual for outstanding contribution to the profession of wildlife management in North Dakota.
- The NORTH DAKOTA HABITAT AWARD is presented to an individual or group that has made an outstanding contribution toward preserving and/or establishing high quality wildlife habitat on the lands of North Dakota.
- The NORTH DAKOTA CASE-OF-THE-YEAR AWARD is presented annually to the person or persons primarily responsible for the conviction of persons guilty of a serious natural resource violation in the state.
- Other awards may be given to individuals or groups that show outstanding achievements in wildlife-related fields.

DAKOTA PRAIRIE LEGACY ENDOWMENT

The Dakota Prairie Legacy endowment is a Chapter initiative to provide income to meet the many urgent challenges confronting wildlife and their habitats. The Dakota Prairie Legacy accepts gifts of cash, property, and deferred gifts (estates) from its members and interested parties.

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North Dakota Sportfishing Congress Testimony**Box 2472****Bismarck, ND 58502****Mar 10, 2009****House Bill 1017**

Mr. Chairman and members of the committee:

My name is Duaine Ash, Lobbyist #419 and I am speaking on behalf of the North Dakota Sportfishing Congress, an organization of fishing clubs from around our great state of North Dakota. Our organization represents fifteen fishing clubs and several hundred individual members.

We support the North Dakota Game & Fish Department's budget as proposed by the Governor Hoeven.

We will have serious reservations if the budget is amended without the support of the Governor Hoeven and the North Dakota Game and Fish director Terry Steinwand.

Thank You for your time and supporting HB 1017.

