

**2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HCR 3045**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union Room, State Capitol

HCR 3045  
2/28/2019  
33004

- Subcommittee  
 Conference Committee

Committee Clerk: Carmen Hart

### Explanation or reason for introduction of bill/resolution:

Requesting the Legislative Management to consider studying the feasibility and desirability, potential benefits and efficiencies, and potential implementation processes for unifying the responsibilities and resources of the Game and Fish Dept. and the Parks and Rec. Dept.

### Minutes:

Attachment 1

**Chairman Kasper** opened the hearing on HCR 3045.

**Rep. Rick Becker** appeared in support. This is for a study on combining the game and fish department with the parks and recreation department. The other component is looking at the law enforcement aspect of game and fish, parks and rec., and highway patrol and putting that under one umbrella as well. There are several other states that have done one or both of these types of things. Let us see if we can find some efficiencies by studying this.

**Rep. C. Johnson:** Did you have any discussion with these departments before you proposed this?

**Rep. Becker:** None so whatever.

**Rep. Rohr:** Did you get any numbers from the states that have merged the departments and the percentage of savings?

**Rep. Becker:** That is one of the things the study would look at. I wouldn't hesitate to amend the highway patrol out if you felt the need to after hearing other testimony.

**Rep. Schauer:** You say in the resolution to better benefit the people. What do you base that on, and what kind of information do you have from other states who have done this that can show in a real way that this is a benefit to the people other than just cutting money?

**Rep. Becker:** Anytime that we are eliminating the redundancy of government and needless costs, it is a benefit to the people?

**Rep. Schauer:** What is the redundancy between those departments?

**Rep. Becker:** It is similar to when I look at higher education, and we have multiple institutions. Some of them are quite small, and yet, the administrative load for each of those is relatively equally high. If they were to be under one administrative umbrella, we would eliminate a huge amount of administrative overhead. Anytime more than one organization, agency, or department is going to merge, you have the opportunity to get rid of the top heavy cost of things, and there may be additional redundancies that would find financial efficiencies.

**Vice Chair Steiner:** People hunt and fish through the game and fish department, and people like trails and watch wildlife through the parks and rec. department. Do you think there is a dissymmetry there between goals of people enjoying the outdoors and seeing the animals in the wild, and then you have the hunting, trapping, and fishing that may be incongruous to these two departments being under one umbrella?

**Rep. Becker:** I don't, because I think what both of those come down to is proper management of the resource.

**Rep. Karls:** Game and fish is users' fees. It is not general funds at all, but where the others are. How would you reconcile that difference?

**Rep. Becker:** I don't know. Because there is a list of 20 some states that have been combined, I see that as a possibility.

**Rep. Rohr:** Did your constituent feel there were a lack of services or redundancy of services between the two departments that would make it look like it would be great to put them together?

**Rep. Becker:** It is a little bit more like that higher education analogy.

## Neutral

**Terry Steinwand, Director of ND Game and Fish Department,** appeared in a neutral position. Attachment 1 (9:33-12:42)

**Rep. B. Koppelman:** What about the concept that they are managed by the same group? Could there not be any efficiencies there?

**Mr. Steinwand:** I would have to say perceptually at this point in time. The agencies have a director or a secretary and then a parks head and a wildlife fisheries head. I would think possibly the administration of that form. I personally believe the accounting staff would have to increase.

**Rep. B. Koppelman:** When you get those federal funds, I understand they are for the purpose of promoting hunting or fishing. Are you able to use any of those funds from an access point of view?

**Mr. Steinwand:** Yes, we can. In fact, we provide over 122,000 each biennium to parks and rec. for creation of fishing access right now.

**Rep. Schauer:** You would have the game and fish, parks and rec., and then you have the highway patrol running everything. Who would be the administrator of that? What kind of background and education would they have?

**Mr. Steinwand:** Our concern on something like that is that highway patrol is out there for the safety of the citizens. Game and fish is mainly protection of the wildlife.

**Melissa Baker, Director of Parks and Recreation,** appeared to answer questions. The reason why we did not prepare testimony, because the bill was for a study. I am sure if it was a bill to combine the agencies, we would have prepared testimony.

**Rep. Rohr:** You came from Montana?

**Melissa Baker:** Yes.

**Rep. Rohr:** Any discussion there about combining agencies and doing studies done to look at the efficiency of those two departments?

**Melissa Baker:** Montana is fish, wildlife, and parks. In the past two legislative sessions, there has been considerable discussion about separating the agencies. My time at Montana fish, wildlife, and parks and working as a park system within a fish and wildlife agency was very difficult. There is a competition for prioritization.

**Rep. Rohr:** Were you under the beginning phases of that merger or was it already in existence and for how long?

**Melissa Baker:** It had been decades that the agencies had been together. The conversation was on separating the agencies. Part of the reason was because of the very differences in the funding sources and the restrictions on the fish and wildlife funds created accounting bureaucracy issues and how you accomplish the work of parks without creating diversion of those fish and wildlife funds.

**Chairman Kasper** closed the hearing.

**Chairman Kasper** opened the meeting. (19:55)

**Rep. Johnston** made a motion for a **DO PASS**.

**Rep. B. Koppelman** seconded the motion.

**Rep. B. Koppelman:** I found it interesting that the highway patrol didn't come up in any form of this. I think this is suggesting all the game wardens work for highway patrol over here, and then parks and rec and all their other duties along with game and fish and their other duties are over here.

**Chairman Kasper:** Of course, they did say if it were a bill, they would have been against it. They can come in and make their case during the study if it is chosen.

**Rep. B. Koppelman:** Why would someone in the agency be against this study if not for the fact that they want to protect turf and not have change and not shine sunlight or it is not being shone right now? I think this is exactly the reason why we should consider this.

**Rep. Johnston:** From either standpoint, the bill sponsor or the neutral testimony, there are a lot of questions that could be answered by this. If there is potential savings to the taxpayers of the state by doing this, they should know that. I am agreeing on this.

**Rep. P. Anderson:** I think they are going to have another executive if they combine. I don't think there would be any savings. It is not a good idea.

**Vice Chair Steiner:** Hunting and fishing is a heritage that we protect in ND. You have to be really careful, because parks people are birders and they are anti-hunting. You are putting together two different groups. I think we are wasting money on this bill, so I am going to vote no.

**Rep. B. Koppelman:** Game and fish is all about conservation.

**Vice Chair Steiner:** I am talking about conservatory groups with no hunting. They go for trails and watch wildlife.

**Rep. Laning:** I am going to oppose this too. About 45% of game and fish money comes from federal taxes on ammunition and supplies, etc. That is going to be audited to death if you try to mix with parks and recreation. The whole idea is trying to mix too much together in one pot.

**Rep. Rohr:** I am going to support the motion, because it is just a study, and it is an excellent opportunity to build relationships between two departments that may have opposing viewpoints. Melissa Baker didn't really elaborate what the issues were that Montana wanted to separate the agencies.

**Rep. Vetter:** I am going to vote yes.

**Rep. Louser:** I say vote yes and let legislative management figure it out.

**Rep. Hoverson:** I am going to resist, because I am not big on merging and centralizing.

**Rep. Schauer:** I think it is very dangerous to take similar interests and combine that with professional careers. I will be voting no.

**A roll call vote was taken. 6-8, 0 absent. Failed.**

**Rep. Schauer made a motion for a DO NOT PASS.**

**Vice Chair Steiner seconded the motion.**

**A roll call vote was taken. 8-6, 0 absent. Rep. Schauer will carry the bill.**

Date: 2-28-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 3045**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Johnston Seconded By Rep. B. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper		X	Rep. Pamela Anderson		X
Vice Chair Vicky Steiner		X	Rep. Mary Schneider		X
Rep. Jeff Hoverson		X			
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls		X			
Rep. Ben Koppelman	X				
Rep. Vernon Laning		X			
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer		X			
Rep. Steve Vetter	X				

*failed*

Total (Yes) 6 No 8

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 2-28-19  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 3045**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Schauer Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson		X			
Rep. Daniel Johnston		X			
Rep. Karen Karls	X				
Rep. Ben Koppelman		X			
Rep. Vernon Laning	X				
Rep. Scott Louser		X			
Rep. Karen Rohr		X			
Rep. Austen Schauer	X				
Rep. Steve Vetter		X			

Total (Yes) 8 No 6

Absent \_\_\_\_\_

Floor Assignment Rep. Schauer

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

**REPORT OF STANDING COMMITTEE**

**HCR 3045: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING).  
HCR 3045 was placed on the Eleventh order on the calendar.



**2019 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HCR 3045**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

-HCR3045  
3/29/2019  
# 34361

- Subcommittee  
 Conference Committee

Committee Clerk: Pam Dever

### Explanation or reason for introduction of bill/resolution:

Consider studying the feasibility & desirability, potential benefits & efficiencies, & implementation process for unifying the responsibilities & resources of Game & Fish & Parks & Recreation Dept. under a single department.

### Minutes:

Att. # 1 – Att # 7

**Chairman Davison** called the hearing to order. Attendance was taken and all were present. Let's open the hearing for HCR3045.

**Rep. Becker:** Here to introduce. This is a simple thing that offers legislative management shall consider studying two things. One, is to consolidate Game and Fish with Parks and Rec department. Two, is to put the law enforcement aspect of Game and Fish and Parks and Rec under and unifying with the Highway Patrol. (1.03) The two departments have similar missions. I do not know what the outcome of this study would be. It could come out that these two groups should be kept separate. Maybe they could find efficiencies that could be increased. (3.50)

**Sen. Erin Oban:** You gave us a list of states. (see att #1) Do you know if these states that have a Natural Resources department include things similar to what we separated out from our health department and environmental quality? We have an industrial commission that does stuff.

**Rep. Becker:** No, I do not know. (4.45) I did not research.

**Sen. Erin Oban:** Adding in the Highway, how do you tie this in?

**Rep. Becker:** Just the enforcement part. There are two studies in this study. (5.37)

**Chairman Davison:** More in support? Agency?

**Terry Steinwand, Director, N.D. Game & Fish:** (6.00) I am neutral. (see att # 2) The biggest issue that we have to have control of the funds. There are federal excise tax dollars on hunting and fishing. These have to be used for hunting and fishing and administration of such.

**Chairman Davison:** Thank you for your testimony in opposition to this bill. What are the positives that has happened in the two states that have done this?

**Terry:** We are not aware of any. (10.07)

**Melissa Baker, Director, Parks & Recreation:** (see att #3) The department is neutral on this. We have no issues with a study. I have experience with two departments in Wisconsin and Montana. The additional accounting process for keeping the funding sources separate, if we merge, would be increased time. In Parks and Rec, we have credentialed law enforcement in our park rangers. In a unified model, we would have an officer that would have a broad range. In that model the law enforcement people would have to prioritize. The little things, the highway patrol is not going to deal with. When you let the little things, go, the culture of your campground is affected. Families leave and more party people take over. Not good. (14.43)

**Chairman Davison:** This is stuff we would find in a study, would it not? (15.49) We may find some benefits in the study. Legislators need to get the knowledge to make a decision.

**Melissa:** I well-run study, we are not opposed. You would have to have a big investment in a good study. You are dealing with a strong culture. How are we serving the customer, which are the people of N.D. (17.45) This is primary. I see a risk with this study.

**John Bradly, N.D. Wildlife Federation, Director:** I represent 1500 members. (see att # 4) We are opposed to this study. We think joining the two departments is a bad idea. (19.47)

**Michael EcEnroe, N.D. Chapter of Wildlife Society:** We oppose this study. (see att # 5) I am sorry I have to oppose this when you can find lots of information from this study.

**Chairman Davison:** You are fine. I am one vote. I just had a problem with saying neutral and they were not. That was my point.

**Cole Higlin, Dir. of Mandan Park Dist. And N.D. Recreation/Park Assoc.:** (see att #6) We feel it is better to spend our dollars in different ways. What is the impact these departments have in our state? These departments do an excellent job in N.D. N.D. is unique. People come to our state. We have a quality of life that is very important. Are we trying to save dollars? We don't want to go backwards. (27.08)

**Chairman Davison:** Do you think legislators want to go backwards?

**Cole:** No, but if something is working well, we can use our time and money in other areas.

**Chairman Davison:** Not sure if a study is always to save money. Sometimes we want to better our quality. (27.5)

**Robert Gregwire, Bismarck:** I am 76 and have used all the parks and rivers for years. I am a bit fearful that we are dictating from above into the agencies. You are looking into three cultures, hoping to merge them into a better unit. I question that. Some people have worked

Senate Government and Veterans Affairs Committee  
HCR3045  
3-29-19  
Page 3

in Game/Fish for 30 years and there is a culture there. They serve our people and visitors well. (29.49) We don't need to fix it if it isn't broke.

Chairman Davison: Thanks. Anymore against? Hearing is closed.

Sheldon Cieslak – Att # 7 – did not speak

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HCR3045  
3/29/2019  
#34367

- Subcommittee  
 Conference Committee

Committee Clerk: Pam Dever

### Explanation or reason for introduction of bill/resolution:

Consider studying the feasibility & desirability, potential benefits & efficiencies, & implementation process for unifying the responsibilities & resources of Game & Fish and Parks and Recreation Dept. under a single department.

### Minutes:

**Chairman Davison:** Take out HCR3045. This was to study Game/Fish and Parks/Rec. What are the committee wishes?

**Sen. Shawn Vedaa:** I move a DO PASS on HCR 3045. **Vice Chair Meyer:** I second for discussion.

**Chairman Davison:** It's a study. I am frustrated when people say they are neutral and are not.

**Sen. Kristin Roers:** I know that some departments believe they are not allowed to be for or against. They can only be neutral. (1.35)

**Chairman Davison:** Then they should know some things that are positive. You know how I feel.

**Sen. Erin Oban:** I don't disagree with you on studies. With good reasons, sometimes people read into legislator's intentions, if they have a tract record of certain things. I think these are pretty lean departments now. Game and Fish is already asking for help in Mandan police and sheriffs' departments to enforce laws on the Missouri River. I don't know that this study is the best way to spend their time. I will oppose this. (4.11)

**Sen. Kristin Roers:** I struggle with bringing in the Highway Patrol. Don't see how this would work.

**Chairman Davison:** Take roll: **YES -- 2 NO -- 5 -0-absent. FAILED.**

Senate Government and Veterans Affairs Committee

HCR3045

3-29-19

Page 2

**Sen. Erin Oban:** I move a DO NOT PASS.

**Vice Chair Meyer:** I second.

**Chairman Davison:** Discussion? Take roll: **YES -- 5 NO -- 2 -0-absent.**

The **DO NOT PASS – PASSED.**

**Sen. Erin Oban will carry the bill.**

3-29-19

Date: /  
Roll Call Vote #: /

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES *HB 3045*  
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen. Vedaa Seconded By Sen. Meyer

Senators	Yes	No	Senators	Yes	No
Chair Davison	/		Sen. Oban		/
Vice Chair Meyer		/	Sen. Marcellais		/
Sen. Elkin		/			
Sen. K. Roers		/			
Sen. Vedaa	/				

Total (Yes) 2 No 5

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Failed*

*original*

3-29-19  
 Date:  
 Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 3045

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Sen. Oban Seconded By Sen. Meyer

Senators	Yes	No	Senators	Yes	No
Chair Davison		/	Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa		/			

Total (Yes) 5 No 2

Absent 0

Floor Assignment Sen. Oban

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





**REPORT OF STANDING COMMITTEE**

**HCR 3045: Government and Veterans Affairs Committee (Sen. Davison, Chairman)**  
recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
HCR 3045 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**HCR 3045**



#1  
HCR 3045  
2-28-19

Government and Veterans Affairs Committee  
Information on HCR 3045

North Dakota Game and Fish Department  
Terry Steinwand, Director  
February 28, 2019

Chairman Kasper and members of the Government and Veterans Affairs Committee, my name is Terry Steinwand, Director of the North Dakota Game and Fish Department. I am here today to provide information to the committee on HCR 3045.

The North Dakota Game and Fish Department is a special fund agency and receives our funding primarily from hunting and fishing license sales and federal excise taxes on hunting equipment that is administered through the U.S. Fish and Wildlife Service (USFWS). There are laws and rules regulating how the funds can be used. USFWS federal funds (Pittman-Robertson (PR) and Dingell-Johnson (DJ)) include important restrictions limiting the use of federal and state wildlife funds to wildlife activities. The restrictions are described in 50 CFR 80.3 --

*"A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency."*

As such, many years ago the legislature passed a law that addresses that previously mentioned in the federal code, which is included in NDCC 20.1-02-17: *hunting and fishing license fees and application fees may only be used for game and fish department programs and administration.* Noncompliance will result in a diversion of funds. A diversion of funds can also occur when there is a loss of control of those funds by the Department. A diversion would result in the Department not being able to receive *any* Federal funds from the USFWS, which would amount to approximately \$32 million over the course of a biennium.

We've had limited time to query our colleagues in other states that have unified their game and fish agency with the parks department so the information is somewhat limited in nature, but I'll give some of the responses we've received. Other states in our region that have responded would not call it 'efficient' as it takes a lot of time and effort to manage keeping everything financially separate. When Kansas merged, the agency then went into diversion within a few years because they didn't keep expenditures completely separate. They now keep things very separate, to the point that they avoid riding in each other's vehicles since parks employees can't charge mileage to Game and Fish. Other states have experienced double the audit time due to scrutiny of time tracking and no mingling of funds. Per other states, it is difficult to run

#1  
HCR 3045  
2-28-19

an agency like this. Per Colorado, "Little if any added effectiveness or efficiencies have occurred since the Division of Wildlife merged with the Division of Parks and Outdoor Recreation back in 2011. The increased need to be vigilant in keeping wildlife and parks funding separated, of course, has added much new work for staff."

Chairman Kasper, thank you for allowing time to provide some information on this resolution. I would stand for any questions.

Rep. Becker

Her 3045

3-29-19

AH #1

Pg 1

Alabama - Department of Conservation and Natural Resources  
Colorado - Parks and Wildlife  
Georgia - Department of Natural Resources  
Hawaii - Department of Land and Natural Resources  
Illinois - Department of Natural Resources  
Iowa - Department of Natural Resources  
Kansas - Department of Wildlife, Parks, and Tourism  
Louisiana - Department of Wildlife and Fisheries  
Maryland - Department of Natural Resources  
Michigan - Department of Natural Resources  
Minnesota - Department of Natural Resources  
Mississippi - Department of Wildlife, Fisheries, and Parks  
Montana - Fish, Wildlife, and Parks  
Nebraska - Game and Parks Commission  
Ohio - Department of Natural Resources  
Rhode Island - Department of Environmental Management  
South Dakota - Game, Fish, and Parks  
Texas - Parks and Wildlife  
Utah - Department of Natural Resources  
Vermont - Agency of Natural Resources  
West Virginia - Division of Natural Resources  
Wisconsin - Department of Natural Resources

By my count that is 22 states having some form of unification, and many have a much larger scope of resources to manage than ND



Senate Government and Veterans Affairs Committee  
Information on HCR 3045

HCR 3045  
3-29-19  
AH #2  
pg 1

North Dakota Game and Fish Department  
Terry Steinwand, Director  
March 29, 2019

Chairman Davison and members of the Government and Veterans Affairs Committee, my name is Terry Steinwand, Director of the North Dakota Game and Fish Department. I am here today to provide information to the committee on HCR 3045.

The North Dakota Game and Fish Department is a special fund agency and receives our funding primarily from hunting and fishing license sales and federal excise taxes on hunting equipment that is administered through the U.S. Fish and Wildlife Service (USFWS). There are laws and rules regulating how the funds can be used. USFWS federal funds (Pittman-Robertson (PR) and Dingell-Johnson (DJ)) include important restrictions limiting the use of federal and state wildlife funds to wildlife activities. The restrictions are described in 50 CFR 80.3 --

*“A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency.”*

As such, many years ago the legislature passed a law that addresses that previously mentioned in the federal code, which is included in NDCC 20.1-02-17: *hunting and fishing license fees and application fees may only be used for game and fish department programs and administration.* Noncompliance will result in a diversion of funds. A diversion of funds can also occur when there is a loss of control of those funds by the Department. A diversion would result in the Department not being able to receive *any* Federal funds from the USFWS, which would amount to approximately \$32 million over the course of a biennium.

We've queried our colleagues in other states that have unified their game and fish agency with the parks department and the responses we've received have been consistent. Other states in our region that have responded would not call it 'efficient' as it takes a lot of time and effort to manage keeping everything financially separate. When Kansas merged, the agency then went into diversion within a few years because they didn't keep expenditures completely separate. They now keep things very separate, to the point that they avoid riding in each other's vehicles since parks employees can't charge mileage to Game and Fish. Other states have experienced double the audit time due to scrutiny of time tracking and no mingling of funds. Other states say

HCE 3045  
3-29-19  
AH #2  
pg 2

it is difficult to run an agency like this. Per Colorado, "Little if any added effectiveness or efficiencies have occurred since the Division of Wildlife merged with the Division of Parks and Outdoor Recreation back in 2011. The increased need to be vigilant in keeping wildlife and parks funding separated, of course, has added much new work for staff."

Chairman Davison, thank you for allowing time to provide some information on this resolution. I would stand for any questions.

HCR 3045  
3-29-19  
AH #3  
pg 1

Government and Veterans Affairs Committee  
Information on HCR 3045

North Dakota Parks and Recreation Department  
Melissa Baker, Director  
March 29, 2019

Chairman Davison and Members of the Committee, my name is Melissa Baker, and I am the director of the North Dakota Parks and Recreation Department. The Department is neutral on the proposed study in HCR 3045 but would like to provide informational testimony on some of the challenges that would be associated with the unification of the North Dakota Game and Fish Department (NDG&F) with the North Dakota Parks and Recreation Department (NDPRD).

Game and Fish funding is highly restricted in its use and using these funds for non-fish and wildlife activities violates state and federal law and can cause a loss of federal funding. The unification of the NDPRD and NDG&F would create additional responsibilities in accounting and tracking of resources (fiscal, equipment, payable work time) to ensure that a diversion of Game and Fish funds does not occur. This additional work would create higher administrative costs to both agencies without providing additional benefit to the public.

Additionally, if NDPRD and NDG&F law enforcement responsibilities were combined under the supervision of the North Dakota Highway Patrol (NDHP), the accounting needed to avoid a diversion of funds for Game and Fish would be substantial. Furthermore, the level of service to North Dakota State Parks would, by necessity, be reduced.

Credentialed Law Enforcement Officers in NDPRD are primarily in the Park Manager and Park Ranger Positions (with regional managers and one other Bismarck Staff Member also having credentials). Enforcement responsibilities within these positions range from 5-15% of the total responsibilities for the position. Because of this, there would be no FTE available to transfer to Highway Patrol.

The primary focus of NDPRD's law enforcement is having a presence in our parks and taking care of small issues. Our park managers and rangers do a variety of other tasks while having this presence including: management of personnel, facilities, fiscal and natural resources, and provision of visitor services. It is most often in the completion of these duties that our credentialed staff make contact with visitors who may be out of compliance with park rules or state laws. Many of these contacts involve small infractions like having a dog off leash or violations of quiet hours. By consistently enforcing these small infractions, and having a



HCR 3045  
3-29-19  
AA #3  
Pg 2

continual and visible presence at the park, our credentialed staff create a culture compliance with park rules and a safe environment for visitors and their families. Through these interactions, our parks get a reputation that they are not the place for illegal activities or inappropriate behavior.

In a shared services model, credentialed officers working under the leadership of Highway Patrol will likely be required to work across large areas. Through this alone, parks would lose its primary law enforcement tool – that of having a continual presence in the park.

Additionally, these officers will need to prioritize the many tasks for which they are responsible and balance the use of time and resources with the law enforcement need when determining to which calls they will respond. Under this model, it is unlikely that parks would call an NDHP officer for small infractions. It is also unlikely that those small infractions could be prioritized by NDHP. On an incident by incident basis, this model makes sense, but when you look at the larger picture – that of the continual presence of credentialed staff serving to prevent larger incidents – this model could lead to shifting of culture in parks and the increase of larger law enforcement issues.

Thank you for the opportunity to provide information to the committee. I would be happy to stand for any questions.

*HCR 3045*  
*3-29-19*  
*Att #4*  
*pg 1*

**TESTIMONY OF JOHN BRADLEY**  
**NORTH DAKOTA WILDLIFE FEDERATION**  
**HOUSE CONCURRENT RESOLUTION 3045**  
**SENATE GOVERNMENT AND VETERANS AFFAIRS**  
**COMMITTEE**  
**MARCH 29, 2019**

*agst*

Chariman Davison, members of the Senate Government and Veterans Affairs Committee,

For the Record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation (NDWF). I'm here today representing our 1,500 members in 15 affiliated wildlife and sportsmen's club across North Dakota. While I don't speak for the 100,000 plus hunters that took to the field last year, I would say our views are representative of many of them.

Simply put, NDWF is opposed to HCR 3045. We don't need to do a study to tell you that joining Game & Fish with the Parks Department is a bad idea. Even worse is spending money on a study to look at putting the Game Wardens under the State Highway Patrol.

There have been plenty of states that have combined their Parks Department with their Game & Fish Department. I think all would tell you the hassle and administrative nightmare that it was. I have also heard that when departments merge, the Parks section of the new department becomes a low priority, especially for funding.

A combined department of Game & Fish and Parks also leads to issues with federal funding. The North Dakota Game and Fish Department is a special fund agency and receives their funding primarily from hunting and fishing license sales and federal excise taxes on hunting equipment that is administered through the U.S. Fish and Wildlife Service (USFWS). There are laws and rules regulating how the funds can be used. USFWS federal funds (Pittman-Robertson (PR) and Dingell-Johnson (DJ)) include important restrictions limiting the use of federal and state wildlife funds to wildlife activities. They have to ensure that those funds cannot be spent on anything outside of the federal funds purpose (wildlife, habitat, etc.). This would create an administrative nightmare for the department to track and separate those funds. Could they do it? Yes, but it would not add efficiency to the operation.

*Original*

HCR 3045

3-29-19

AA # 4  
pg. 2

Lastly, the Game & Fish wardens moving under the Highway Patrol raises a lot of concerns for the Wildlife Federation. A major issue would be what the warden's priorities would be under their new direction and leadership. Would their priority still be the protection of North Dakota's natural resources or would their priorities be realigned to serve the mission of Highway Patrol. Having direction and leadership that is based in wildlife science is critical to the game wardens doing their job effectively. There are only two states where this is done - Alaska's state troopers and Oregon's state police. Both are significantly larger than North Dakota.

The system North Dakota has in place right now works for sportsmen and women, as well as hikers, bikers, recreationists and the general public who benefit from our beautiful parks. There is no need to study less effective ways of managing our game, fish, and parks. There is also no reason that our game wardens should be housed under the Highway Patrol. We urge a Do Not Pass on HCR 3045. Thank you and I would stand for questions.



North Dakota Chapter

# THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MICHAEL McENROE  
ND CHAPTER OF THE WILDLIFE SOCIETY  
HOUSE CONCURRENT RESOLUTION 3045  
SENATE GOVERNMENT AND VETERANS AFFAIRS  
COMMITTEE  
MARCH 29, 2019**

Chairman Davison and Members of the Senate Government and Veterans Affairs Committee:

For the record, I am Mike McEnroe representing the North Dakota Chapter of The Wildlife Society, comprised of some 350 wildlife biologists, land managers, educators, students, game wardens, and natural resource administrators in the State.

HCR 3045 proposes to study combining the North Dakota Game and Fish and the Parks and Recreation Departments into a single agency, and placing the law enforcement responsibilities and personnel of the two Departments under the Highway Patrol.

The Chapter opposes these ideas for several reasons.

First, is the diversion of federal funds issue described by Director Steinwand, and the accompanying need for more accounting and

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HCR 3045

3-29-19

AH #5

pg 2

auditing to prevent or document that a diversion of federal funds for fish and wildlife management does not happen. From the examples given by Director Steinwand, this need for additional accounting and the need for additional administrative staff seem to reduce or eliminate the potential for any efficiency or savings.

Second, we believe in such a scenario, the Parks and Recreation responsibilities and programs play second fiddle to the Game and Fish programs and responsibilities. The agencies and the citizens that use the parks and recreation facilities and programs deserve to have their needs at the top of the agencies priority list.

Third, the law enforcement duties and personnel of the Parks and Recreation and Game and Fish Departments are very different from those of the Highway Patrol. While some or even much of the basic law enforcement training is the same or similar, the duties and places of work are very different. Many Parks LE personnel are collateral duty officers, spending 15-50 percent of the time on LE duties. Would they then be supervised 50-85 percent of their time by Parks administrators, but change supervisors when and if they are called on for enforcement work? Similar issues would exist with High Patrol supervision of the game wardens. Game and Fish laws and circumstances are very different than the police work conducted by the Highway Patrol.

Mr. Chairman and members of the Committee, it is very difficult to get up and testify in opposition to a study, an opportunity to learn more and make an informed decision. But, based on the testimony presented today, I believe the question has already been answered, and needs not be studied for two years. I ask your support in giving HCR 3045 a Do Not Pass recommendation.

Thank you for the opportunity to address the Committee, and I will answer any questions the Committee may have.

# NDRPA

North Dakota Recreation & Park Association •

advancing parks and recreation for quality of life in North Dakota



**Testimony of Cole Higlin**  
**North Dakota Recreation and Park Association**  
**To Senate Government and Veterans Affairs Committee**  
**In Opposition to HCR 3045**

Chairman Davison and Members of the Committee, my name is Cole Higlin, and I am director of Mandan Park District and also a board member of the North Dakota Recreation and Park Association (NDRPA). NDRPA represents more than 700 members across the state and works to advance parks, recreation and conservation for an enhanced quality of life in North Dakota. I am here on behalf of NDRPA in opposition to House Concurrent Resolution 3045.

NRPA recognizes it is somewhat unusual to take a position against a study, but should it be selected by Legislative Management during the interim, it would require resources from all three executive agencies and the legislative branch to participate in the study that we believe could be better allocated elsewhere.

NDRPA appreciates the sponsor's interest in the goal of "more effective and efficient government." However, members believe that maintaining the independence of the Parks and Recreation Department and the Game and Fish Department are critical for several reasons:

1. Game and Fish is funded through special funds that are highly restricted, while Parks and Recreation is funded from a variety of sources. This would likely make any perceived administrative efficiencies from merging the two departments unrealized and make accounting and staff management more complicated.
2. The Game and Fish budget is more than double the Parks and Recreation budget and has more than twice as many FTEs. This size differential could easily result in more focus on game and fish priorities within a combined department to the detriment of parks and recreation. Further, if budget cuts are necessary, as they were during the recent allotment process and as requested by the governor for the upcoming biennium, parks and recreation funds would most likely be the ones reduced as they include general fund dollars.

NDRPA is also concerned law enforcement at state parks would end up being the lowest priority should Parks and Recreation law enforcement move under the Highway Patrol.

Based on these considerations, we believe the study proposed in HCR 3045 is unnecessary and ask the committee for a do not pass recommendation.

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**TESTIMONY OF SHELDON CIESLAK**  
**HOUSE CONCURRENT RESOLUTION 3045**  
**SENATE GOVERNMENT AND VETERANS AFFAIRS**  
**COMMITTEE**

**MARCH 29, 2019**

*HCR 3045*  
*3-29-19*  
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My name is Sheldon Cieslak, State Chairman and lobbyist for the United Sportsmen of North Dakota. We represent close to 600 people who hunt, fish, and trap in North Dakota.

Would the passage of HCR 3045 not effect future monies the Game and Fish Department receives from the Federal excise tax?

We find it hard to believe that combining the State Game and Fish Department, parks, and law enforcement would result in proper funding for all three agencies much less the people we represent.

In light of these questions the United Sportsmen of North Dakota request a no vote on HCR 3045.

Sincerely,  
Sheldon Cieslak  
State Chairman  
United Sportsmen of North Dakota.