

**2023 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1538**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1538  
2/3/2023

Relating to the powers of the director of the game and fish department and relating to fishing contests
---

Chairman Porter opened the hearing at 9:00 AM

Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

### Discussion Topics:

- Conservation fees
- Permit fee
- Charities fundraising
- Economic impacts
- High school fishing leagues
- National fishing tournaments
- In state tournaments
- Tournament expenses
- Fishing tournament trends
- Boat ramps
- Cap removal
- 2020 administrative rule changes
- Youth tournament fees
- Youth event definition
- Tourism

Jeremy Olson, resident and angler from Washburn ND Testimony 18729, 21120

Zach Axtman, Harvey, ND, Testimony 18855

JR Carter, Dist 34 citizen and angler, Testimony 18951

Ross Grothium, Baldwin, ND, oral testimony

Amy Kreuger, Williston Convention & Visitor's Bureau, Testimony 19088

Greg Powers, Fisheries Division Chief for ND Game & Fish Department, Testimony 18949

John Bradley, Executive Director, ND Wildlife Federation, Testimony #18993

Terry Steinwand, oral testimony

### Additional written testimony:

17792, 17861, 17917, 17943, 17975, 18191, 18234, 18250, 18262, 18263, 18268, 18338, 18426, 18488, 18502, 18570, 18613, 18615, 18700, 18702, 18710, 18714, 18718, 18720, 18724, 18725, 18737, 18774, 18783, 18795, 18808, 18809, 18821, 18831, 18834, 18835, 18843, 18844, 18846, 18848, 18864, 18865, 18869, 18889, 18925, 18931, 18934, 18935, 18939, 18943, 18944, 18945, 18954, 18964, 18978, 18986, 18990, 18996, 19016, 19018, 19020, 20336, 20596

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10:36 AM Chairman Porter closed the hearing.

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1538  
2/10/2023

Relating to the powers of the director of the game and fish department and relating to fishing contests
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10:53 AM

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

### **Discussion Topics:**

- Organized youth fishing events
- Non profits events
- Fees

Jeb Williams, Director, NDG&F, was asked to come forward to answer questions

11:09 AM Chairman Porter closed the hearing.

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1538  
2/16/2023

Relating to the powers of the director of the game and fish department and relating to fishing contests
---

9:00 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

### Discussion Topics:

- Committee action

Rep Olson moved a Do Pass, seconded by Rep Novak.

Representatives	Vote
Representative Todd Porter	N
Representative Dick Anderson	AB
Representative Glenn Bosch	N
Representative Liz Conmy	N
Representative Jason Dockter	N
Representative Jared Hagert	N
Representative Pat D. Heinert	N
Representative Zachary Ista	N
Representative Jim Kasper	Y
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

**6-7-1 Motion failed.**

9:39 AM Chairman Porter closed the meeting.

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1538  
2/16/2023

Relating to the powers of the director of the game and fish department and relating to fishing contests
---

3: 55 PM

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

### Discussion Topics:

- Committee action

Rep M Ruby moved to propose and amendment Page 1 Line 24, 15 boats becomes 25 boats, Page 2 Line 1, remove sponsored by an individual resident or business, Page 2 Line 6, remove "a minimum of 75% of any entry or participation fee paid by the" and remove Line 7, Line 8 remove "merchandise", a tournament, remove Line 9, Line 10 remove "participation fees", Line 18 replace "250" with "2500", seconded by Rep Bosch.

**Voice vote. Motion carried.**

Rep M Ruby moved a Do Pass as Amended, seconded by Rep Bosch.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Liz Conmy	AB
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	AB
Representative Zachary Ista	Y
Representative Jim Kasper	AB
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Shannon Roers Jones	Y
Representative Jeremy Olson	AB
Representative Matthew Ruby	Y

**10-0-4 Motion carried.** Rep M Ruby is carrier.

4:00 PM Chairman Porter closed the meeting.

*Kathleen Davis, Committee Clerk*

February 16, 2023

AG  
2-16-23  
(1-1)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1538

Page 1, line 24, replace "fifteen" with "twenty-five"

Page 2, line 1, remove "sponsored by in individual resident or business"

Page 2, line 6, remove "A minimum of seventy-five percent of any entry or participation fee paid by the"

Page 2, remove line 7

Page 2, line 8, remove "merchandise."

Page 2, line 8, remove "A tournament"

Page 2, remove line 9

Page 2, line 10, remove "participation fees."

Page 2, line 18, replace "two hundred fifty" with "two thousand five hundred"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1538: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1538 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "fifteen" with "twenty-five"

Page 2, line 1, remove "sponsored by in individual resident or business"

Page 2, line 6, remove "A minimum of seventy-five percent of any entry or participation fee paid by the"

Page 2, remove line 7

Page 2, line 8, remove "merchandise."

Page 2, line 8, remove "A tournament"

Page 2, remove line 9

Page 2, line 10, remove "participation fees."

Page 2, line 18, replace "two hundred fifty" with "two thousand five hundred"

Renumber accordingly



**2023 SENATE ENERGY AND NATURAL RESOURCES**

**HB 1538**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1538  
3/16/2023

A bill relating to the powers of the director of the game and fish department; relating to fishing contests.
--

9:00 AM Chairman Patten opened the meeting.

Chairman Patten and Senators, Beard, Boehm, and Magrum are present. Senator Kannianen absent. Senator Kessel was absent but joined the meeting at 11:07 AM.

### Discussion Topics:

- Tournament fees
- Conservation fees

10:57 AM Representative Todd Porter introduced the bill.

11:02 AM Jeremy Olson testified in favor of the bill and provided written testimony #25484.

11:32 AM Greg Power, Fisheries Division Chief, North Dakota Game and Fish Department testified opposed to the bill and provided written testimony #25536.

11:37 AM Rod Gilmore, Friends of Lake Sakakawea, testified opposed to the bill and provided written testimony #24907.

11:39 AM John Bradley, North Dakota Wildlife Federation, testified opposed to the bill and provided written testimony #25508.

11:40 AM Terry Steinwand spoke opposed to the bill.

11:44 AM Blair Ihmels, Friends of Lake Sakakawea, testified opposed to the bill and provided written testimony #24785.

11:45 AM Jeff Herman introduced Perry Kapaun, President Barnes County Wildlife Club.

11:45 AM Perry Kapaun, President, Barney County Wildlife Club testified opposed to the bill and provided written testimony #25251, 25252.

11:44 AM Jeff Herman testified opposed to the bill and provided written testimony #24734, 25587.

11:59 AM Chairman Patten closed the public hearing.

### Additional written testimony:

Jared Pokrzywinski #25492

Brent Racine #25475

John Aarfor #25455

Cory Meyer #25454

Steve Axtman #25423

Jack Sannes #25413

Matt Williamson #25406

Jay Hagen #25403

Jarett Bauer #25371

Tim Sandstrom #25352

Sheldon Cieslak #25263

Bradley Durick #25269

Johnnie Candle #25244

Zachary Axtman #25224

Daryl Dukart #25215

Bob Matthews #25190

Jarett Bauer #25072

Mark Anderson #24989

Connor Bevan #24976

Richard Mohan #24851

Dave Wasness #24840

Suzie Kenner #24312

Richard Brueckner #23908

Amy Liebel #23752

Matthew Liebel #23749

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Page 3

11:59 AM Chairman Patten closed the meeting.

*Rick Schuchard, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1538  
3/30/2023

A bill relating to the powers of the director of the game and fish department; relating to fishing contests.
--

10:07 AM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Beard, Boehm and Magrum are present.

### **Discussion Topics:**

- Amendments
- Application fees
- Conservation fees

10:10 AM Jeb Williams, Director, North Dakota Game and Fish Department answered committee questions.

10:27 AM The committee discussed amendments to the bill.

10:31 AM Senator Magrum moved to adopt amendment “change conservation fee to 7% and remove cap from application fee”.

10:32 AM Senator Kannianen seconded the motion.

10:33 AM Chairman Patten decided to leave the vote open until a later time.

10:33 AM Chairman Patten closed the meeting.

*Rick Schuchard, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1538  
3/30/2023

A bill relating to the powers of the director of the game and fish department; relating to fishing contests.

3:27 PM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Boehm, Beard and Magrum were present.

### Discussion Topics:

- Amendments
- Conservation fees
- Application fees

3:28 AM The committee discussed amendment that had a motion made at the last meeting.

3:29 PM Jeb Williams, Director, North Dakota Game and Fish Department, answered questions for the committee.

3:36 PM Senator Magrum withdrew the amendment that was moved at the previous meeting.

4:06 PM Senator Kessel moved to adopt amendment, "conservation fee minimum of gross proceeds or ten percent of entry fees or participation fees up to 2500 dollar maximum per event". #27111

4:06 PM Senator Magrum seconded the motion.

4:06 PM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passed 6-0-0.

4:15 PM Chairman Patten closed the meeting.

*Rick Schuchard, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB1538  
3/31/2023

A bill relating to the powers of the director of the game and fish department; relating to fishing contests.
--

10:30 PM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Beard, Boehm, and Magrum are present. Senator Kannianen is absent.

### Discussion Topics:

- Amendments
- Fishing tournaments
- Application fees
- Conservation fees

10:34 AM Greg Powers, Fisheries Division Chief, North Dakota Game and Fish Department testified. #27155

10:48 AM Senator Kessel moved to reconsider action taken on the bill at the last meeting. Senator Magrum seconded the motion.

10:48 AM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	AB
Senator Greg Kessel	Y

Motion passed 5-0-1.

10:48 AM Senator Magrum moved to adopt amendment LC 23.1081.03001. Motion seconded by Senator Beard.

10:49 AM Roll call vote is taken.

Senators	Vote
Senator Dale Patten	N
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	AB
Senator Greg Kessel	Y

Motion passed 4-1-1.

10:49 AM Senator Magrum moved to Do Pass the bill as Amended.  
Motion is seconded by Senator Beard.

10:50 AM Roll call vote was taken.

<b>Senators</b>	<b>Vote</b>
Senator Dale Patten	N
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	AB
Senator Greg Kessel	Y

Motion passed 4-1-1.

Senator Magrum will carry the bill.

This bill does not affect workforce development.

**Additional written testimony:**

Jeffrey Magrum #27165

10:51 AM Chairman Patten closed the meeting.

*Rick Schuchard, Committee Clerk*



March 31, 2023

AG  
3-31-23  
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1538

Page 2, line 6, replace ". A" with "if it is held by a"

Page 2, line 8, replace the second "and" with "or"

Page 2, line 9, remove ", may retain one hundred"

Page 2, line 10, remove "percent of the proceeds of a fishing contest"

Page 2, line 13, remove "A permit application fee may"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "organization listed in subsection 2 or a youth event held on a single body of water" with "A conservation fee of ten percent of gross proceeds from entry and participation fees, not to exceed two thousand five hundred dollars, must be paid to the North Dakota game and fish department for an event"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1538, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1538 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 6, replace ". A" with "if it is held by a"

Page 2, line 8, replace the second "and" with "or"

Page 2, line 9, remove ". may retain one hundred"

Page 2, line 10, remove "percent of the proceeds of a fishing contest"

Page 2, line 13, remove "A permit application fee may"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "organization listed in subsection 2 or a youth event held on a single body of water" with "A conservation fee of ten percent of gross proceeds from entry and participation fees, not to exceed two thousand five hundred dollars, must be paid to the North Dakota game and fish department for an event"

Renumber accordingly

**2023 CONFERENCE COMMITTEE**

**HB 1538**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1538  
4/18/2023

### Conference Committee

Relating to the powers of the director of the game and fish department and relating to fishing contests
---

9:30 AM Chairman Ruby opened the meeting.

Members present: Chairman Ruby, Rep Olson and Novak, Senators Kessel, Boehm and Patten

#### Discussion Topics:

- Fish cleaning station
- Tournament costs
- Locals improvement funds
- Conservation fee
- Tournament definition
- Types of out of state licenses
- Low ND license fees
- Administering conservation fee rules

Chairman Ruby, Amendment 23.1081.03002, Testimony 27657

Senator Patten, Amendment 23.1081.03003, Testimony 27658, 27659

Greg Power, Fisheries Division Chief, ND Game and Fish Department, oral testimony

Jeremy Olson, oral testimony

9:55 AM meeting adjourned.

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1538  
4/18/2023

### Conference Committee

Relating to the powers of the director of the game and fish department and relating to fishing contests
---

2:00 PM Chairman Ruby opened the meeting.

Members present: Chairman Ruby, Rep Olson and Novak, Senators Kessel, and Patten.  
Absent: Sen Boehm

#### **Discussion Topics:**

- Committee action
- Matching federal funds
- Grant programs

Chairman Ruby, Amendment 23.1081.03004, Testimony 27675  
Jeb Williams, ND Game and Fish, oral testimony

Sen Patten moved the Senate recede from the Senate amendments and further amend 23.1081.03001 and adopt 23.1081.03004, seconded by Sen Kessel. Motion carried. 5-0-11

Representative Ruby and Senator Patten are carriers.

2:10 PM meeting adjourned.

*Kathleen Davis, Committee Clerk*

AG  
4-18-23  
(1-2)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1538

That the Senate recede from its amendments as printed on pages 1620 and 1621 of the House Journal and page 1370 of the Senate Journal and that Engrossed House Bill No. 1538 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees, and the fishing conservation fund; to"

Page 1, line 3, remove "create and enact a new section to chapter 20.1-02 of the North Dakota Century Code,"

Page 1, line 4, replace "relating to fishing contests" with "provide a continuing appropriation"

Page 1, line 22, after "event" insert "with fewer than fifty participants or fewer than fifteen boats"

Page 1, line 24, remove "A fishing event with fewer than fifty participants and fewer than fifteen boats."

Page 2, line 1, remove "c."

Page 2, line 3, replace "d." with "c."

Page 2, line 5, replace "e." with "d."

Page 2, line 6, replace ". A" with "if the fishing contest is held by a"

Page 2, line 8, replace the second "and" with "or"

Page 2, line 9, remove ", may retain one hundred"

Page 2, line 10, remove "percent of the proceeds of a fishing contest"

Page 2, line 13, remove "A permit application fee may"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "organization listed in subsection 2 or a youth event held on a single body of water" with "The application must list the recipient of the conservation fee and include a seventy-five dollar application fee. A conservation fee must be negotiated between the organization desiring to hold the fishing contest and a representative of the fishing league or fishing tournament"

Page 2, line 26, remove "the gross and net proceeds for the"

Page 2, remove line 27

Page 2, line 28, replace "prizes" with "and the total amount and recipient of the conservation fee"

Page 2, after line 30, insert:

**"SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Nonresident license surcharge - Fishing conservation fund - Continuing appropriation.**

1. Notwithstanding any other provision of law, the director shall establish a surcharge of five dollars on each nonresident fishing license issued under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the fishing conservation fund.
2. There is created in the state treasury a special fund known as the fishing conservation fund. The fund consists of all money deposited in the fund pursuant to this section. All money deposited in the fund is appropriated as a continuing appropriation to the game and fish department for the purpose of fishery conservation, public access projects, and grant programs relating to fish and wildlife conservation. The game and fish department may adopt rules in accordance with chapter 28-32 for the purpose of administering the fishing conservation fund."

AG  
4-18-23  
(2-2)

Renumber accordingly





**REPORT OF CONFERENCE COMMITTEE**

**HB 1538, as engrossed:** Your conference committee (Sens. Kessel, Boehm, Patten and Reps. M. Ruby, J. Olson, Novak) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1620-1621, adopt amendments as follows, and place HB 1538 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1620 and 1621 of the House Journal and page 1370 of the Senate Journal and that Engrossed House Bill No. 1538 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees, and the fishing conservation fund; to"

Page 1, line 3, remove "create and enact a new section to chapter 20.1-02 of the North Dakota Century Code,"

Page 1, line 4, replace "relating to fishing contests" with "provide a continuing appropriation"

Page 1, line 22, after "event" insert "with fewer than fifty participants or fewer than fifteen boats"

Page 1, line 24, remove "A fishing event with fewer than fifty participants and fewer than fifteen boats."

Page 2, line 1, remove "c."

Page 2, line 3, replace "d." with "c."

Page 2, line 5, replace "e." with "d."

Page 2, line 6, replace ". A" with "if the fishing contest is held by a"

Page 2, line 8, replace the second "and" with "or"

Page 2, line 9, remove ". may retain one hundred"

Page 2, line 10, remove "percent of the proceeds of a fishing contest"

Page 2, line 13, remove "A permit application fee may"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "organization listed in subsection 2 or a youth event held on a single body of water" with "The application must list the recipient of the conservation fee and include a seventy-five dollar application fee. A conservation fee must be negotiated between the organization desiring to hold the fishing contest and a representative of the fishing league or fishing tournament"

Page 2, line 26, remove "the gross and net proceeds for the"

Page 2, remove line 27

Page 2, line 28, replace "prizes" with "and the total amount and recipient of the conservation fee"

Page 2, after line 30, insert:

"**SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Nonresident license surcharge - Fishing conservation fund - Continuing appropriation.**

1. Notwithstanding any other provision of law, the director shall establish a surcharge of five dollars on each nonresident fishing license issued under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the fishing conservation fund.
2. There is created in the state treasury a special fund known as the fishing conservation fund. The fund consists of all money deposited in the fund pursuant to this section. All money deposited in the fund is appropriated as a continuing appropriation to the game and fish department for the purpose of fishery conservation, public access projects, and grant programs relating to fish and wildlife conservation. The game and fish department may adopt rules in accordance with chapter 28-32 for the purpose of administering the fishing conservation fund."

Renumber accordingly

Engrossed HB 1538 was placed on the Seventh order of business on the calendar.

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1538  
4/25/2023

### Conference Committee

Relating to the powers of the director of the game and fish department and relating to fishing contests
---

2:30 PM Chairman Ruby opened the meeting.

Members present: Chairman Ruby, Rep Olson and Novak, Senators Kessel, Boehm and Patten

#### **Discussion Topics:**

- 2024 effective date
- Tournament fees
- Committee action

Senator Patten moved to reconsider HB 1538, seconded by Rep Olson. Voice vote, motion carried.

Senator Patten moved the Senate recede from the Senate amendments and further amend with an effective date of April 1, 2024 and to set the fishing tournament fees at \$75, seconded by Senator Boehm.

Roll call vote 6-0-0 Motion carried.

2:42 PM meeting adjourned.

*Kathleen Davis, Committee Clerk*

April 25, 2023

AG  
4-25-23  
(1-2)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1538

That the Senate recede from its amendments as printed on pages 1620 and 1621 of the House Journal and page 1370 of the Senate Journal and that Engrossed House Bill No. 1538 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees, and the fishing conservation fund; to"

Page 1, remove line 3

Page 1, line 4, replace "relating to fishing contests" with "to provide a continuing appropriation; and to provide an effective date"

Page 1, line 22, after "event" insert "with fewer than fifty participants or fewer than fifteen boats"

Page 1, line 24, remove "A fishing event with fewer than fifty participants and fewer than fifteen boats."

Page 2, line 1, remove "c."

Page 2, line 3, replace "d." with "c."

Page 2, line 5, replace "e." with "d."

Page 2, line 6, replace ".A" with "if the fishing contest is held by a"

Page 2, line 8, replace the second "and" with "or"

Page 2, line 9, remove ". may retain one hundred"

Page 2, line 10, remove "percent of the proceeds of a fishing contest"

Page 2, line 13, remove "A permit application fee may"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "organization listed in subsection 2 or a youth event held on a single body of water" with "The application must list the recipient of the conservation fee and include a seventy-five dollar application fee. A conservation fee must be negotiated between the organization desiring to hold the fishing contest and a representative of the fishing league or fishing tournament"

Page 2, line 26, remove "the gross and net proceeds for the"

Page 2, remove line 27

Page 2, line 28, replace "prizes" with "and the total amount and recipient of the conservation fee"

Page 2, after line 30, insert:

**"SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Nonresident license surcharge - Fishing conservation fund - Continuing appropriation.**

AG  
405-23  
(2-2)

1. Notwithstanding any other provision of law, the director shall establish a surcharge of five dollars on each nonresident fishing license issued under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the fishing conservation fund.
2. There is created in the state treasury a special fund known as the fishing conservation fund. The fund consists of all money deposited in the fund pursuant to this section. All money deposited in the fund is appropriated as a continuing appropriation to the game and fish department for the purpose of fishery conservation, public access projects, and grant programs relating to fish and wildlife conservation. The game and fish department may adopt rules in accordance with chapter 28-32 for the purpose of administering the fishing conservation fund.

**SECTION 4. EFFECTIVE DATE.** This Act becomes effective on April 1, 2024."

Renumber accordingly

**2023 HOUSE CONFERENCE COMMITTEE  
 ROLL CALL VOTES  
 HB 1538 as engrossed**

**House Energy and Natural Resources Committee**

- Action Taken**
- HOUSE accede to Senate Amendments
  - HOUSE accede to Senate Amendments and further amend
  - SENATE recede from Senate amendments
  - SENATE recede from Senate amendments and amend as follows
  - Unable to agree, recommends that the committee be discharged, and a new committee be appointed

Motion Made by: Senator Patten                      Seconded by: Senator Boehm

Representatives	4/25/23		Yes	No		Senators	4/25/23		Yes	No
Rep Ruby	✓		✓			Sen Kessel	✓		✓	
Rep Olson	✓		✓			Sen Boehm	✓		✓	
Rep Novak	✓		✓			Sen Patten	✓		✓	
Total Rep. Vote						Total Senate Vote				

Vote Count            Yes: 6                      No: 0                      Absent: 0

House Carrier    Chairman Ruby                      Senate Carrier    Senator Patten

LC Number        23.1081                      . 03005                      of amendment

LC Number        23.1081                      . 06000                      of engrossment

Emergency clause added or deleted

Statement of purpose of amendment:

Set an effective date of April 1, 2024 and to set the fishing tournament fees at \$75

**REPORT OF CONFERENCE COMMITTEE**

**HB 1538, as engrossed:** Your conference committee (Sens. Kessel, Boehm, Patten and Reps. M. Ruby, J. Olson, Novak) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1620-1621, adopt amendments as follows, and place HB 1538 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1620 and 1621 of the House Journal and page 1370 of the Senate Journal and that Engrossed House Bill No. 1538 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees, and the fishing conservation fund; to"

Page 1, remove line 3

Page 1, line 4, replace "relating to fishing contests" with "to provide a continuing appropriation; and to provide an effective date"

Page 1, line 22, after "event" insert "with fewer than fifty participants or fewer than fifteen boats"

Page 1, line 24, remove "A fishing event with fewer than fifty participants and fewer than fifteen boats."

Page 2, line 1, remove "c."

Page 2, line 3, replace "d." with "c."

Page 2, line 5, replace "e." with "d."

Page 2, line 6, replace ". A" with "if the fishing contest is held by a"

Page 2, line 8, replace the second "and" with "or"

Page 2, line 9, remove ". may retain one hundred"

Page 2, line 10, remove "percent of the proceeds of a fishing contest"

Page 2, line 13, remove "A permit application fee may"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "organization listed in subsection 2 or a youth event held on a single body of water" with "The application must list the recipient of the conservation fee and include a seventy-five dollar application fee. A conservation fee must be negotiated between the organization desiring to hold the fishing contest and a representative of the fishing league or fishing tournament"

Page 2, line 26, remove "the gross and net proceeds for the"

Page 2, remove line 27

Page 2, line 28, replace "prizes" with "and the total amount and recipient of the conservation fee"

Page 2, after line 30, insert:

Insert LC: 23.1081.03005  
House Carrier: M. Ruby  
Senate Carrier: Patten

"**SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Nonresident license surcharge - Fishing conservation fund - Continuing appropriation.**

1. Notwithstanding any other provision of law, the director shall establish a surcharge of five dollars on each nonresident fishing license issued under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the fishing conservation fund.
2. There is created in the state treasury a special fund known as the fishing conservation fund. The fund consists of all money deposited in the fund pursuant to this section. All money deposited in the fund is appropriated as a continuing appropriation to the game and fish department for the purpose of fishery conservation, public access projects, and grant programs relating to fish and wildlife conservation. The game and fish department may adopt rules in accordance with chapter 28-32 for the purpose of administering the fishing conservation fund.

**SECTION 4. EFFECTIVE DATE.** This Act becomes effective on April 1, 2024."

Renumber accordingly

Engrossed HB 1538 was placed on the Seventh order of business on the calendar.



**TESTIMONY**

**HB 1538**

January 30, 2023

Re: HB1538

To whom it may concern:

I am writing you to voice my support of HB1538.

As a business owner in Devils Lake, we rely greatly on both residents and non-residents who visit this part of the state for it's fantastic outdoor opportunities.

Tournament angling in particular draws in thousands of anglers annually to Devils Lake. I along with many other business's see the positive impact these tournaments bring to our community in the weeks and months leading up to tournament weekends.

I believe HB1538 will help strengthen and promote North Dakota's fantastic outdoor opportunities.

Sincerely,



Clifford Newby

Newby's Ace Hardware

Devils Lake, ND



Patrick Neu  
President  
National Professional Anglers Association  
8410 Curve Rd.  
Forestville, WI 54213  
Office: (920)365-6051  
E-mail: [director@NPAA.net](mailto:director@NPAA.net)

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**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** January 30, 2023

**Submitted by:** Patrick Neu, President of the National Professional Anglers Association

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As President of the National Professional Anglers Association (NPAA), a 1400-member national organization comprised of tournament anglers, student anglers, guides, charter captains and angler educators, with 85 Members from North Dakota, I am writing to voice our organizations support for your House Bill 1538.

The NPAA and its Members are passionate about angling and boating, and most have taken their passion for these pursuits to the level where they are classified as professional anglers and as such they have become influencers in their communities. As influencers many feel it's their duty to become involved in matters that can affect the future of the sport they love and live to participate in. That is exactly the case regarding Bill 1538.

Our Members and their networks have been affected greatly by the current legislation that is in place surrounding tournaments and fees that have been mandated to be charged to tournament organizations. Those fees in the current legislation have affected the number of tournament events that are being run in North Dakota by both in state and out of state organizations. The number of major tournament events have dropped because of the excessive fees being charged tournament organizations under the current legislation. The reduction in these tournaments affects the tourism dollars brought into the local communities in which the events are held and in the case of non-profit organizations it has also limited their abilities to utilize fishing tournaments as a source of revenue for their organizations.

The overall affect that the current legislation has had on the number of events being held in the state is an obvious effect of the current legislation. A not so obvious effect is the reduction in the exposure to the sport and the resource that these tournament fees have created. The NPAA has organized and supported angler education events that are hosted at the weigh-ins associated with tournaments in North Dakota for years. Without those tournaments and the opportunity that existed to have NPAA Members share their knowledge and passion for angling with the crowd/audience/youth and family attendees at these events, the number of the angling education events we have supported has also dropped. The result, an unintended consequence of the current legislation, will likely have an effect on angling recruitment and participation in your state.

It is for these reasons that the NPAA and our North Dakota Members overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is of significant importance to the local communities in which these events are held and to the future of the sport that means so much to the residents of North Dakota and our Members. Thank you for your consideration!

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Allen". The signature is written in a cursive style with a large initial "P" and "A".

NPAA, President

January 30th, 2023

House Energy and Natural Resources Committee,

I am writing in support of HB 1538 as it relates to fishing contests. Currently the ND Century code relating to fishing contests is outdated and is hurting North Dakota in a number of ways.

1. Student Angling is growing across the country and attempts to bring competitive student angling to ND have been impeded by the cost associated with running a tournament in ND due to the current regulations requiring 10% of the entry fees be paid back as a conservation fee.
  - a. There are many students wanting to participate in outdoor sports. Look at Archery and Clay Target Leagues growing around the state, Williston has the largest clay target league in the NATION!!! If we can get student fishing leagues started here in ND, there is no doubt it will grow into something great! I think we can all agree that getting students involved in extracurricular clubs and activities greatly benefits students. If we can get them involved in the outdoor sports, they can continue to pass them on for generations to come. But right now the administrative rules set by the NDGF do not allow these student angling events to happen.
2. Many North Dakotans are tournament anglers and want a chance to compete at the highest level, and with the current regulations, North Dakota has not been able to host a national level fishing tournament since 2020. As such North Dakota's anglers have not been able to have any type of "home-field advantage" in these events.
  - a. The AIM Weekend Walleye Series has been wanting to bring their National Shootout to ND for the past 2 years but has not due to the \$10,000 requirement that is currently stated in the NDGF Administrative Rules(30-03-05-03.) on tournaments that require no entry fee.
    - i. This spring myself and 9 other teams from ND are headed to eastern Wisconsin to fish for a boat totalling nearly \$100k! We will be spending money(lodging, gas, meals, bait, tackle, licenses) in Minnesota and Wisconsin along with 20 other teams. All of which could be here in ND.
3. The revenue these national level tournaments bring in is quite large, especially for communities that rely heavily on tourism dollars. Many of these tournaments have anglers in the area for at least a week and often more. That is alot of revenue for hotels, restaurants, bait shops, gas stations etc. In 2019 a study of the Devils Lake National Walleye Tour event indicated that over \$250,000 was brought into the community over the course of the event!
  - a. Not only do these events bring in money from the event itself, the marketing that comes with these events showcases the great fishing that we have in ND, creating more buzz around the country about coming to ND for a fishing trip. Which generates more tourism dollars!

4. Non-profit organizations are affected by the current regulations as well, the language only allows them to keep 15% of the monies that they raise, and if they want to get 10% more there is a long process to get it back, which is a waste of time and money.

This new proposal HB1538 is a great benefit to North Dakota, its residents and even nonresidents. Let us showcase the great outdoor opportunities here in ND, not set ourselves back even further by allowing this bill to fail and saying we don't want others to come visit  
#LegendaryND

Sincerely,

*Matthew Liebel*

**Matt Liebel**  
Tournament Angler  
Owner of Liebel's Guide Service

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** 1/30/2023

**Submitted by:** Alan Lick

Address: 7301 135<sup>th</sup> Ave SE Sawyer, ND 58781

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

In my opinion, the financial burden the current legislation on tournaments and tournament fees has placed on tournaments that are held within our state is far too restrictive. The result has been that the major tournament organizations have chosen to hold their events in other surrounding states that have much less restrictive fee structures. The loss of tournaments in our state affects our local communities with loss of tourism revenue. It also affects me personally by reducing the number of events available for me to participate in each year. Without major tournament circuits, there are virtually no other avenues to build yourself and your brand for building a professional fishing career.

Furthermore, there is a uprising of young anglers in the country, fishing high school and college fishing tournaments, and turning angling into a full time career. We need to pave a path in this state that allows our own children to have these types of opportunities as them become available.

The last point I will make is, why do tournament fisherman have to pay for boat ramps solely? Should this not be a responsibility of every watercraft owner that unloads at our lakes and rivers?

It is for these reasons that I overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is important to the local communities in which these events are held and to the future of the sport that means so much to me personally. Thank you for your consideration!

Sincerely,

Alan Lick

01/30/2023

Written testimony in support of HB 1538

Dear Energy and Natural Resource Committee,

I am writing to you today to oppose HB 1538 as it is currently written. This is a A Bill Relating to the powers of the director of the game and fish department; and to create and relating to fishing contests.

Currently the North Dakota Game and Fish receives a percentage of fishing contest entries or participation fees of 10% (from the gross proceeds). The previous policy used to have a \$5,000 cap for the larger fishing tournaments held within the state but this has since been removed. This new bill however reduces the Game and Fish allocation of entry funds to a one time application fee of only \$250.00 for any tournament(s) that exceed the maximum entrant criteria of 50 participants or 15 boats, or contests where entry fees less than \$50 are charged. The language does not specify per boat or per participant in regards to the \$50 fee however.

While I agree that, in some cases, the funds of 10% allocated back to the Game and Fish under the current rule is considered excessive, reducing it to \$250.00 per contest is considerably insufficient to help pay for the use of infrastructure and offset additional pressure to the resource that larger tournaments can bring. I believe that a common ground can be found that is beneficial for all parties involved, but limiting the fee to \$250.00 in a tournament that allows 260 team entrants is insignificant to help support future stocking efforts as well as the development and maintenance of boat ramps and public facilities managed by the Game and Fish that benefits all anglers.

Additionally, Page 2 line 21, subsection 4 states that the director may revoke a permit if: 5. A permittee shall submit a report to the director within thirty days after completion of the fishing contest. The report must include the number of contest participants, the quantity and species of fish taken in the contest, the gross and net proceeds for the tournament, and the percentage of the entry fees awarded to the participants as prizes. Failure to submit this report is justification for denial of future fishing contest permits...

This section does not clearly state that should a committee or sponsors fail to supply a report within 30 days, that they could be eligible to file for an application further down the road after reconciliation and delivery of a late report. In other words, the way this is written, if a tournament committee or sponsor fails to supply the document within 30 days of the tournament, this gives the Game and Fish director absolute authority to deny them any future permits to ever hold a tournament again, even if the document was completed and provided after the thirty day window. In the event of a lost report (mail), or a situation where a report could not be developed in due time, this could effectively "kill" a tournament and its "name" or "brand" here in North Dakota. Perhaps a late filing fee would be more appropriate?

These are my main concerns with the way this bill is written. I completely support organizations, non-profits and other institutions such as chambers of commerce to promote their cause and/or communities by utilizing our fishing resources, but I do not support the bill as written for the reasons



detailed above. I believe we can work to find a common ground, where all involved stake-holders can promote the resource and benefit from the opportunities and revenue it can generate, but I do not believe the way this bill is written is that common ground. Thank you for your time and consideration.

Sincerely,

Matthew Williamson

## Get Involved, Tell Your Story North Dakota House Bill 1538

As American citizens it is our responsibility to respectfully participate in the political process. A small group of business owners, civil servants, professional anglers, nonprofit supporters, recreational sportsmen and North Dakota residents have taken the time to study the history of the current North Dakota Century Code, all of the groups that are positively and negatively affected by the current Century Code and how to fix the unintended consequences of the current Century Code that is in place.

Now is the time for you to share your story of how the current North Dakota Century Code has impacted you personally, the businesses you support, the people or organizations that you love and because you're passionate about the positive power of angling. Please take the time to read [North Dakota House Bill 1538](#) and the attached information sheet outlining the reasons for [Bill 1538](#) being introduced into the North Dakota House.

Then take the time to write testimony about how the current tournament Century Code in North Dakota has affected you and how the new proposed bill will affect you.

Please include testimony that includes

1. The financial ramifications for you in the organizations you are a part of.
2. The effects of the charities and causes you support
3. How important it is that you have the opportunity to compete on your home waters on a national stage.
4. The opportunities that exist in other states that North Dakota is limiting.
5. The amount of money spent each year on fishing tackle and equipment that is split between the 50 states through excise tax dollars collected for the [Dingell Johnson Act](#).

Make sure that you are honest and fair and take this time to tell your story and not complain about or accuse others.

After you have done this click on this link [Submit Testimony](#), fill out the information and upload your written testimony.

The first hearing for [North Dakota House Bill 1538](#) will be held on [February, 3 at 9 AM](#) in the Coteau AB room at the North Dakota Capitol. Check the two links above for any changes to this time or date.

We need every angler, business owner, nonprofit group and parent who wants their kids to have the opportunity to participate in student angling to submit [Submit Written Testimony](#) and show up on [February, 3 at 9 AM](#).

Thank you for telling your story and being a positive part of the process.

# Information Sheet

## North Dakota House Bill 1538

### **Background**

The current statutes governing fishing tournaments in North Dakota have a long history heading back to the early 1980's. The changes that are included in House Bill 1538 are to remedy the unintended consequences, unforeseen technological changes and new opportunities that the original authors of the current statutes had no way foreseeing at the time they were written. The changes contained within this bill are intended to make competitive angling available for anglers of all walks of life and all ages, accessible for residents of and visitors to North Dakota. The purpose of House Bill 1538 is not to take away the oversight of fishing tournaments from the North Dakota Game & Fish but to allow them to focus on competitive angling events that are on a single body of water and are outside of normal day to day fishing pressures.

### **Unintended Consequences**

The current statutes that have been in place for nearly 40 years have had many unintended and negative consequences; some of which are listed here.

1. The current statute is negatively impacting not only recruitment and retention of new anglers, but is also driving funds to other states while hurting the reputation of North Dakota.
2. The application of the current statute is the sole roadblock for student angling in North Dakota. Target shooting, archery and angling are the 3 fastest growing high school sports in America. Currently students are prevented from being able to participate in high school angling programs at home in ND.
3. Fishing tournaments are one of, if not the only, event/s that a non profit is required to give away monies raised for their organization to the participants of the fundraisers and to the NDGF. This hinders positive impacts on communities and is having a negative impact on the fishing culture in North Dakota.
4. The current statute prevents organizations from inside and outside of the state of ND from holding and promoting youth angling events.
5. The current statute and application of this legislation is negatively impacting North Dakota communities who rely on recreational income in their communities. In some situations, communities are forced to give up revenue in the millions.
6. The current statute does not promote new and outside anglers to fish North Dakota waters that greatly reduces needed revenue for the NDGF.
7. The current statute and administration is adversely affecting the groups that pay the most in outdoor recreational excise tax.

### **Purpose of House Bill 1538**

1. The proposed changes are intended to alleviate the negative impact to non profit organizations which the current statute was originally meant to protect.
2. The current statute has North Dakota Game and Fish overstepping their jurisdictional responsibilities/authority in some cases. This Bill allows the Game and Fish to stay within their jurisdictional authorities and boundaries.
3. Fishing is one of if not the only activity in ND that takes away a resident's ability to compete with a home field advantage in the sport they love. This Bill will give North Dakota anglers of all ages and abilities the opportunity to compete in the sport they love at home.
4. The current application of this statute is unable to coexist with regional & national online activities. Examples are: take your kids fishing events, nonprofit fundraising events, online fishing clubs and more. House Bill 1538 removes these online events from being defined as a fishing tournament.

5. The current statute aims to protect our fishing resources, but current conservation fees do not go back to replace the fish that are taken during a tournament. House Bill 1538 removes the current conservation fee in order to remove the unintended consequences listed above.

### **Opposition to House Bill 1538**

The opposition to the proposed changes can be narrowed down to three general categories:

1. Current grantees of conservation fees.
2. Individuals and groups who would prefer to keep any outside angler from in or out of state away from their local waters.
3. Individuals and groups who disapprove of tournament angling.

### **Other Needed Solutions**

When you take a step back and take a look at the contention of House Bill 1538 all the way back to the original legislation written in the early 1980s, there is one practical topic that has never been adequately addressed by any group involved in the discussions and/or arguments. The state of North Dakota does a poor job of funding conservation and lake access outside of grant dollars for its land management agencies. Many of the problems and complaints brought up from opponents of Bill 1538 would be solved if our land management agencies were provided with state dollars to maintain a minimum standard of access to North Dakota outdoor resources. Currently, we are asking a small handful of the 80,000 plus boaters in ND to cover lake access for everyone. This also becomes an apparent problem that needs a remedy in the winter months when lake access is all but ignored by state and local officials. Passing House Bill 1538 will remedy the unintended consequences for many individuals in North Dakota, but not passing House Bill 1538 will never solve the core issue to those who are opposed to this Bill.

Many of the current conservation fee dollars are returned to the organization or sister organization that originally paid the conservation fee. This only costs tax payers additional administrative dollars that are not necessary to be spent.

Testimony in support of North Dakota House Bill 1538-A Bill for an act to amend and reenact subsection 20 of section 20. 1-02-05 of the North Dakota Century Code.

Date: 1/31/2023

Submitted by: Cole Frenzel

Address: 637 Palm Beach Road Dickinson, ND 58601

I have grown up in North Dakota as a sportsman, avid angler and fishing fan. I am grateful for the opportunities this great state has provided my family, friends and myself and all the priceless memories that have come along with it. In my opinion, I feel I am getting cheated of several opportunities this great state could provide and am writing to voice my opinion in support for House Bill 1538. North Dakota has seen a decrease of major tournament organizations because of the fee structure, whereas other surrounding states have benefitted. In my opinion this loss of major tournaments affects North Dakota communities, anglers, and tourism.

In 1998 my father drove myself and all my siblings to Bismarck, ND from Dickinson, ND to watch professional walleye Anglers weigh in for the PWT Classic Championship on the Missouri River in Bismarck, ND. I was 8 years old and that was one of the best experiences I can remember from my youth. With the current fee structure in place, we are robbing youth from the very same memories I was so fortunate to enjoy. It affects me personally because I grew up watching these major tournaments and now that I am old enough to enjoy competing in them I do not get this opportunity because of the fee structure North Dakota currently has. In my opinion many Avid Anglers appreciate the opportunity to compete at the highest level of fishing in their home state and on their home waters. The very same waters they grew up fishing with their dads, moms, uncles, brothers, cousins and closest friends or even made new friends from fishing in general. The very same waters they made memories on and spent thousands of hard earned dollars in boats, fishing poles, fishing tackle, gas etc. and all that money benefits locals. This tourism industry truly does help communities succeed, but with the current fee structure in place it only robs these local bait shops, stores and communities from those opportunities and tournaments are slowly diminishing due to the fee structure North Dakota currently has.

It is for these reasons that I support Bill 1538. This Bill in my opinion is important to local communities and its people, which benefit from these events through tourism and recreation and is a crucial part in empowering future generations of anglers to get exposure to angling and the outdoors.

Sincerely,

Cole Frenzel

Testimony in support of HB 1538:

My name is Jeff Clarke and I live in Williston, ND.

I am an avid recreational and tournament fisherman. I regularly fish tournaments in North Dakota, Montana and in Saskatchewan. I also am the tournament director for two of the largest tournaments in North Dakota. Fishing is one of the reasons I chose to live in North Dakota. I have raised 3 daughters who love hunting and fishing and am now helping raise my girlfriend's son the same way! We fish a lot around my house!

From a tournament director stand point I have been at the fore front of the ND Game & Fish tournament fee debacle. I have done a lot of research on tournament fees in other States. North Dakota fees are so out of line. There is a reason that the National Professional tournaments (Walleye and Bass) no longer visit North Dakota. What a shame for our small lake towns and all the North Dakota towns in between that would benefit from the increased traffic and dollars that come with these tournaments (Millions of dollars lost). From the research I did a few years ago regarding these tournament fees:

South Dakota fee = \$50/50 teams. Additional \$50 for next 50 teams. 100 team tournament = \$100 fee

Montana fee = \$3/tournament angler 100 teams = \$600 fee

Minnesota = \$250 flat fee

Wisconsin = \$25 flat fee

Below is some information about the two tournaments I run and the fees associated with them.

#### **Williston Rural Fire Association Spring Walleye Classic:**

About 5 or 6 years ago we started this tournament on western Lake Sakakawea to raise funds for the fire department here in Williston. The tournament has been a huge success in that regards. We have fishermen come every year from all over ND, SD, MT and even MN. The first few years of the tournament we had a waiting list. After the fee change we have struggled to get a full field of fishermen (100 teams). People don't want to pay the Game and Fish tournament tax. It is ridiculous in my opinion that we are taking thousands of dollars annually away from the local fire department to pay the Game and Fish. 100 teams @ \$400 entry fee = tournament fee \$4000

#### **Lewis & Clark Big 10 Showdown:**

The Lewis and Clark Big 10 showdown is a high dollar tournament (\$1000 entry and almost \$100,000 payout) also located on western Lake Sakakawea. This tournament is held in conjunction with the local CVB here in Williston and was created as a way to bring people to our area. The 2022 tournament brought anglers from six states to the Williston area. Most anglers come for a week or more to pre-fish and fish the tournament. Both professional and amateur anglers come to our area and spend thousands

of dollars on gas, beer, bait, food, hotels and other expenses. The conservation fees for this tournament have doubled from \$5000 max to \$10,000 since the Game and Fish fee change. Since the change, the local Convention and Visitors Bureau here in Williston has helped pay the increased fee amount. Again, this takes those dollars away from other local community events to pay to the Game and Fish. 100 teams @\$1000 entry fee = tournament fee \$10,000

The ridiculous Game and Fish tournament fees also limit youth fishing tournaments. In this day and age promoting outdoor activities should be a priority for all of us. Other states have youth fishing leagues and tournaments but the fee structure in North Dakota is a deterrent for this.

There are no fees for Coyote tournaments, pheasant hunts, baseball or basketball tournaments, etc. Why the huge burden on fishing tournament anglers??

Please vote yes and pass this legislation. Conservation fees can be funded through appropriations and not through a tax on tournament fishermen. Get us back in line with surrounding states on tournament fees, welcome back the National circuits, and let's give some homefield advantage back to our local professional anglers by allowing them to fish at home here in North Dakota.

Sincerely,



Jeffery T Clarke, CPA  
Fisherman  
Tournament Angler  
Tournament Director

701-770-0199

# devils lake

Tourism

## Testimony in **Support of House Bill 1538**

**Date:** February 1, 2023

**Submitted by:** Suzie Kenner

PO Box 879, Devils Lake ND 58301

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

I am the Tourism Director for Devils Lake, North Dakota. To provide a quick background, since 1984, the North Dakota Game and Fish Department (NDGF) has charged fishing contests 10% of tournament entry fees as a conservation fee. In 2000, the conservation fee was capped at \$5,000 to allow for national tournaments in the state that gained us national media exposure. In the summer of 2020 while everything was shut down due to COVID, the NDGF Department decided to remove the cap via an administrative rule hearing and the new rule went into effect in October of that year. This doubled, or even tripled the conservation fee into the \$10,000-20,000 range for the largest tournaments, including the ones that created national media attention for North Dakota. With this new administrative rule comes a decline in economic revenue to our communities.

Destination marketing associations became involved in this debate in the fall of 2020, when we began receiving comments and concerns from resident tournament anglers along with complaints from traveling anglers claiming state policy was increasingly negative towards them. National Tournaments were removing North Dakota from consideration to the point that they canceled insurance that covers events in North Dakota. This led us to engage in discussions with NDGF. In our involvement, our goals were to:

- Make the application fee more reasonable to again host national tournaments
- Disconnect entry fees paid by anglers from the application fee paid by organizations; the amount an angler pays to enter a contest does not correlate to the impact on the resource
- The Game & Fish Director would still have the authority to approve or deny tournament applications
- Tournament fees would be brought into alignment with neighboring states
- Avoid changing the rule in a way that would hurt smaller family, local and charity contests
- Retain a way to fund fishing access and infrastructure projects

This began two years of meetings and discussions that proposed changes to the rule and a mediation session was set between destination marketing organizations that wanted to reinstate the \$5,000 cap or change the fee, and a group of anglers selected by NDGF that supported keeping the 10% conservation fee. I was a part of this mediation process. Both sides came to an agreement that we all thought was fair to everyone and proposed the change. In the end, NDGF decided to take no action and left the uncapped 10% conservation fee in place that has limited our opportunity to host certain tournaments.

The state held 6 National Walleye Tour tournaments in 8 years; 2013, 2015, 2017, 2018, 2019 and 2020, and none since. Devils Lake was lucky to host 4 of those. All our lodging, restaurants and bait shops haven't been able to benefit from tournaments since they were here in 2019. We are looking to host the National Walleye Tour again in September of 2023, pending permit approval, but there is a debate as to what the conservation fee should be, even though based on current legislation the amount should be set. Hosting a larger tournament of this size can bring in well over \$250,000 of direct expenditures into our county over the timeframe of the tournament. This provides a big impact to our community.



As it sits now, only tournament anglers are tasked with providing the conservation fee that is used in communities to reinvest back into our resource. These typically include developing fishing opportunities, construction, upgrading and/or maintenance of fishing infrastructure (e.g. boat ramps, courtesy docks, fishing cleaning stations, vault toilets, access road and parking lots, etc) and/or educating the public (especially youth) about fishing. These projects are vital to the future of our lakes, but I ask, why are only tournament anglers assessed the fees for the infrastructure used daily by all anglers and boaters? The current structure is unfair to our tournament anglers and makes it impossible for communities to host national tournaments that highlight our state. These are often the most influential anglers that have the voices on social media and beyond that help spread the word about protecting all our resources against aquatic nuisance species and teaching our younger generations about fishing, etiquette, and safety. It also begs the question why tournaments with a higher entry fee pay way more than tournaments that have more anglers participating but have a lower entry fee – these tournaments are using more resources based on numbers that a smaller, bigger entry fee tournament uses. Cities try and work as much as possible with these tournaments to bring them in during the shoulder seasons making it easier to release fish back into the system, the boat ramp areas aren't as busy with resident weekend anglers and our lodging facilities have the space.

Fishing contests are not just about winning prize money and competition. They are tools to educate and recruit new young anglers. They also highlight communities and recreation opportunities to potential new residents. These events get people together to engage in the sport of fishing. We use tournaments and tournament anglers to access a very committed niche tourism audience and through their advocacy we gain credibility for our marketing efforts.

In my opinion, the financial burden placed on tournaments that are held in our state our much too restrictive. We are losing economic impact to our surrounding states that charge a minimal tournament fee to participate when the conservation fee in our state can be thousands of dollars. It is also harming the state's reputation and image and has hurt the reach and impact of our marketing efforts. With our workforce shortage around the state, highlighting North Dakota as an outdoor mecca is just one of the tools in our tool chest to help recruit workforce and families into the state.

It is for these reasons that I support and ask for a **do pass** on HB1538. The bill revising the language in the current legislation is important to our local communities and fishing clubs in which these events are held. Thank you for your consideration.

Respectfully,



Suzie Kenner  
Executive Director

There needs to be a set fee charged for hosting a tournament. There has been tons of money lost out on by ND communities as the larger national tournament refuse to host a tournament here. The money that isn't being brought in far out ways the money the G&F is charging to host a tournament. The cities and chambers that are trying to promote themselves are being handcuffed by this extreme cost to these organizations for hosting a tournament in our state. There are plenty of other states that welcome with open arms the tournaments to their state/cities for promotional opportunities from the publicity of the event, and the week leading up to the actual event from the anglers fishing the event. There is no need for them to come to ND to be fleeced by the G&F for trying to help bring tourism dollars into our state. I have read some of the larger national events are actually paid by CVB/ cities to host events as the ROI is very good some of the larger national events. Secondly from a weekend angler stand point you have a few "larger local" tournaments people save up throughout the year to participate in, and with no cap the cost to the tournament organizers being forced to give so much of entry fee to the G&F that the pay back to the anglers becomes less desirable, and the average angler just can't justify fishing the tournament anymore.

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** Feb. 3rd

**Submitted by:** Brian Bashore

Address: 2512 S. Moss Stone Ave, Sioux Falls, SD 57110

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As a Professional angler, outdoorsman, and most importantly a Conservationist. I am writing to voice my support for your House Bill 1538.

In my opinion the financial burden the current legislation on tournaments and tournament fees has placed on tournaments that are held within North Dakota is much too restrictive. The result has been that the major tournament organizations have chosen to hold their events in other surrounding states that have much less restrictive fee structures. The loss of tournaments in our state affects our local communities with loss of tourism revenues and also affects me personally by reducing the number of events available for me to participate in each year. My favorite body of water in the US is Lake Sakakawea and I will participate at any major tournament held on that body of water. True Professional Anglers are some of the best conservationist caring for and giving back to the resource. Not being able to have major circuits come to ND due to the current fee structure is not just a choke hold on tourism but on conservation and awareness of North Dakota's great fisheries.

It is for these reasons that I overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is important to the local communities in which these events are held and to the future of the sport that means so much to me personally. Thank you for your consideration!

Sincerely,

*Brian Bashore*

Brian Bashore

**Michael R Starck**

**7418 Keepsake Lane**

**Bismarck, ND 58501**

[starck57@hotmail.com](mailto:starck57@hotmail.com)

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** January 30, 2023

**Submitted by:** Michael Starck, Member of the National Professional Anglers Association

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As one of the 85 members of the National Professional Anglers Association (NPAA) who lives in North Dakota, I am writing to voice my support for House Bill 1538.

I am an avid angler who fishes the waters of North Dakota with my family as well as participating in a number of tournaments throughout the year. During these tournaments, I will spend numerous days away from my home in Bismarck. While fishing in preparation for the tournament, I need to buy gas, bait, and food. A lot of times these purchases are made in smaller communities throughout the state, putting money into these cities. I support this bill in hopes that it will increase such spending in the future. It is clear that the major tournament circuits have avoided coming to North Dakota in the last few years. These tournaments give local anglers an opportunity to showcase their talents as well as the amazing fishing that is available in the state on a national stage. When these tournaments are held in the state, many of the angler will come from out of state and spend a week or more supporting the communities that host the tournament. Studies have shown that an event can bring in as much as \$250,000.

I am also the father of two boys that love to fish. I would like to see them have the opportunity to one day compete against some of the best fisherman in the nation. The opportunities that young anglers have in other states today is truly amazing. I believe that the administrative rules set forth by the NDGF have negatively impacted these opportunities.

It is for these reasons that I overwhelmingly support Bill 1538. The revision of the language in the current legislation is of significant importance to the local communities in which these events are held and to the future of the sport that means so much to myself and the residents of North Dakota.

Thank you for your consideration!

Sincerely,

A handwritten signature in black ink that reads "Michael R. Starek". The signature is written in a cursive style with a small mark to the left of the first letter.

NPAA Member (#1004)

Testimony in Favor of **HB 1538**  
House Energy and Natural Resources Committee

February 1, 2023

Chairman Porter and Committee Members:

My name is Darin Miller I am a resident of Burleigh County. I would like to submit testimony in support of **HB 1538**.

I have been a resident of this state and have fished North Dakota waters my entire life. I have participated in hundreds of fishing derbies, fishing fun days, and fishing tournaments over the years. These derbies/tournaments were for kids, a cure for cancer, drug abuse, a memorial, or nonprofit fundraisers. I have also run my company fishing derby for the last 28 years.

I am well-versed regarding all aspects of fishing tournaments, and I am aware of the questions about the smaller tournaments. For example:

- "Why do we have to pay 10% to game and fish when the amount is so small?"
- "Why do we have to pay 10% for this charity tournament when all they are doing is trying to raise money to help a sick person with cancer or to help promote drug awareness?"
- "Where does the 10% fee go?"
- "Does NDGF really need \$30 from our small company tournament?"

Larger fishing tournaments, like the National Walleye Trail (NWT), are often huge fundraisers for the communities that host them. Businesses in towns like Garrison, Devils Lake, and Bismarck could really use this additional income along with the publicity that these events bring to these communities. I am sure North Dakota Tourism is in favor of these professional tournaments being widely viewed on social media like YouTube. This is free advertisement for the state and the community. Not only do these big events help the communities they also give the youth something to attend, the anglers in these tournaments are mentors, educators for the sport, host kids' clinics help promote positive attitudes.

My adult son still talks about going to the Civic Center as a kid to watch the "pros" weigh their fish. It is something parents can do with their kids. We certainly need more of that these days. In many tournaments, the fishermen donate the tournament fish to the assisted living type places, giving back to the community. With the current North Dakota laws, these tournaments will not continue to come here because of the 10% conservation fee. With the smaller to minimal fees in other states, North Dakota is now being overlooked.

In closing I would like to respectfully ask that you pass HB 1538 to continue the great fishing opportunities here in North Dakota.

Sincerely,

Darin Miller

Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: 01/31/2023

Submitted by: Alexandra Axtman

Address: 20 Country Rd Rugby Nd 58368

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

I am writing to voice my support for your House Bill 1538.

I may not be the most avid outdoors woman. But I do enjoy spending time on the great waters ND has to offer. Whether this be fishing, floating, or ripping around on the jet skis.

Growing up in Minnesota I was able to be involved in sports of all kinds from a young age. After graduating college, I came back to coach girls' hockey at the Highschool level. While I was involved in the Highschool system one thing really surprised me, I was shocked at the new sports that were becoming available to students. I came back to kids talking about shooting trap competitively and fishing! I could not believe the number of students that were in these sports.

Now fast-forward 5 years and I move to North Dakota. Now I am not involved in Highschool sports at this time but I was shocked to hear there is no High School fishing. As popular as it has become in Minnesota in a short amount of time.

I was also surprised to find out that the main reason was due to the way the current century code is written. With the way the current century code is written it does not make it feasible for High Schools to do this as many would not be able to afford the conservation fee. This is substantially hindering the students and the ability to even have an opportunity to participate. Not only does this directly impact the kids on a competitive side, but we are forgetting about the education side not only to the students but the parents as well. Education taught could be but not limited to, Conservation, Aquatic Nuisance, and Boater Safety. Besides the direct benefits of a program like this. There are many indirect benefits as well. There are many families that may not fish because they do not know how to or do not have the means to. This would give those families the opportunities to learn through their children. This would add to an increase in total number of fishing licenses sold in the state allowing more people to enjoy the great outdoors this great state has to offer.

I will leave you with this thought. In this day's society that likes to cancel things that they do not agree with. I don't know why we would not do everything in our power to promote and get the youth involved as young as possible. There is strength in numbers.

It is for these reasons that I overwhelmingly support Bill 1538. Thank you for your consideration!

Sincerely,

*Alli Axtman*

Alli Axtman





**Sleep Inn & Suites**  
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Devils Lake, ND 58301  
701.544.1111  
[SleepInn.com](http://SleepInn.com)

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Testimony in **SUPPORT of House Bill 1538**

**Date:** February 1, 2023

**Submitted by:** Jeff Schooler

1413 Hwy 2 E, Devils Lake ND 58301

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

For the reasons below, I support and as for a **DO PASS** on **HB1538**.

I am the General Manager at the Sleep Inn & Suites in Devils Lake, North Dakota. Our community thrives on the tourism industry and the visitors that come to spend their time and money at the businesses in the "Lake Region." A large portion of these visitors come to participate in fishing tournaments, or they come because of a large tournament that put us on the map to fishing enthusiasts.

We are already noticing a decrease in tournaments, especially the large national tournaments that help put Devils Lake on the radar to the rest of the nation. The largest national tournaments are less willing to come to Devils Lake because of the \$10,000 - \$20,000 "conservation fee" being charged. This "conservation fee" essentially doubled or tripled in the summer of 2020 when the NDGF Department removed the \$5000 cap that had been in effect since 1984.

Despite multiple meetings and discussions between NDGF, anglers and destination marketing professionals who supported keeping the 10% conservation fee, the cap has remained and is now has become a deterrent to the tournaments.

Lodging, restaurants, sporting goods have been impacted negatively since 2019. The National Walleye Tour is planning to be here in September 2023 pending permit approval. The \$250,000 of direct expenditures INTO our county during a tournament of this magnitude.



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Influential national anglers that have a voice and following on social media who come to our lake, pay huge “conservation fees” to fish a tournament do have an enormous effect on future visitors. If we can’t get the tournaments in, we won’t have the influencers we want. That means that interest and tourism will diminish, and not just fishing.

In summary, the financial burden placed on tournaments are much too prohibitive to sustainably market tourism to Devils Lake. These factors damage our state’s reputation to out-of-state travelers who are considering visiting our natural resources. Our marketing reach and effectiveness is shrinking because of these extreme “conservation fees.” Fees that don’t do any good if the tournaments won’t come in. The economic climate we are in necessitates, more than ever, the need to promote and build this revenue stream for our communities.

This is my written testimony and request a **DO PASS** on **HB1538**.

Respectfully,

Jeffery D. Schooler, GM

Sleep Inn & Suites – Devils Lake



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Testimony in favor of HB 1538  
House Energy and Natural Resources Committee

February 1, 2023

Chairman Porter and Committee Members:

My name is Dane Heid and I am a current resident of Bismarck, ND. I would like to support my testimony in support of **HB 1538**.

I have fished all over the state of ND since I can remember. Many weeks and weekends have been spent throughout the great state parks and campgrounds surrounding Lake Sakakwea, Devils Lake and the Missouri River. Many trips were fun, family-oriented weekends of fishing and typical campground activities. However, there were a lot of trips taken with the family where my dad and his tournament partners would be pre-fishing for upcoming competitions. At that point, it didn't make much difference to me, I just wanted to be on or near the water. Now that I have young children, I've enjoyed having them by my side or at least at the ramp as I prepare for tournaments. The current conservation fee has already pushed out major tournament trails to surrounding states, negatively impacting the local economies along with the exposure of another generation of young anglers. I'm afraid that my kids won't have the same opportunities as me, simply because of policy changes and greed.

From a biological standpoint, the fisheries of ND remain healthy and continue to provide angling opportunities to all skill levels and backgrounds. I feel like that is a direct result from the work of the ND Game and Fish, volunteers and the general public whether it be direct or indirect with the purchases of hunting and fishing gear/tags/licenses/etc. The 10% conservation fee without a cap has proven to be detrimental to the residents of ND and to the State of North Dakota, both of which could use the extra income and exposure these larger tournaments bring in.

In closing, I respectfully ask that you pass HB 1538 to prove to our younger generations of anglers that we care about creating interactions with positive role models and a healthier economy.

Sincerely,

Dane M. Heid, D.C.



**Attn:** Members of the House Committee on Energy & Natural Resources  
**Re:** House Bill 1538 – Fishing Contests  
**Date:** February 1, 2023  
**Position:** Support

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Honorable Members of the House Committee on Energy & Natural Resources,

I write to you today on behalf of the Congressional Sportsmen's Foundation in support of House Bill 1538, a bill that would eliminate constraints on fishing contests that currently make many of those contests unfeasible and impractical to conduct. This bill does not eliminate the ability of the North Dakota Game and Fish Department (GFD) to conduct science-based fish and wildlife management, nor does it prohibit the GFD from denying permit applications when appropriate, but rather creates conditions that encourages competitive angler participation, eliminate barriers for youth fishing contests, benefits the fundraising capabilities of charitable organizations, and will have a positive impact on the local economies near popular fishing destinations. Furthermore, the changes presented in this bill will result in increased funding for the North Dakota GFD through the Sport Fish Restoration Program and additional non-resident license sales. I respectfully urge the members of this committee to support the passage of HB 1538.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

The present language creates unnecessary barriers to hosting fishing contests in the state. Under the current law, organizers must pay a conservation fee of at least 10% of the gross proceeds from the same entry or participation fees to the North Dakota Game and Fish Department. Despite common misconceptions, large fishing tournament organizations do not generate significant revenues from a single tournament event, and those tournaments with at, or near, 100% payback to participants are often in the negative with expenses versus receipts prior to being subject to the 10% conservation fee. For this reason, larger multi-day professional or semi-professional fishing tournaments simply will not host events in North Dakota, resulting in lost economic gains for local communities near popular fisheries.

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### **Your Inside Connection to Outdoor Legislation**

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Data have shown that fishing contests have a positive and even substantial economic impact on local communities. For instance, in a study of the economic impact of black bass tournament angling at Sam Rayburn Reservoir, Texas, Texas Parks and Wildlife Department personnel determined that black bass tournament angling contributed a greater percentage of annual economic expenditures and value (74% and 66%, respectively) than non-tournament angling<sup>1</sup>. In addition, larger professional tournaments have been documented to have a disproportionately larger economic impact than smaller tournament events<sup>23</sup>. Furthermore, and even more relevant for North Dakota, a study by the University of Wisconsin – La Crosse found walleye anglers have a higher tendency to spend more money per day and more days in host communities than any other species-specific tournaments<sup>4</sup>.

Many communities in other states actually invest in bringing fishing tournaments to their area because of the return-on-investment fishing contests generate. For instance, in 2015 the Adirondack Coast Visitors Bureau paid \$24,800 in host fees for six professional or semi-professional tournaments over the course of the year. Those six tournaments had an overall economic effect of \$2.2 million, and the associated economic impact report concluded, "...bass fishing tournaments represent a remarkable return on investment for the Plattsburgh community."<sup>5</sup>

Additionally, the present fishing contest definition only exempts contests with participants younger than sixteen years of age and that do not charge entry fees. This requirement discriminates against high school anglers sixteen and older. High school fishing competitions are one of the fastest growing youth sports in the nation because it is more inclusive for students regardless of athletic abilities, compared to traditional high school sports. Yet, high school fishing teams are not commonplace in North Dakota because they are subject to the same permit requirements to host an event as a major tournament organization.

The language proposed by HB 1538 remedies these challenges by removing the conservation fee mandate and establishing a flat permit fee based on participant size, raising the minimum entry fee subject to the permitting requirements to \$50.00, and exempts high school fishing contests from permitting requirements that will allow North Dakota youth anglers to be on par with their peers across the country.

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<sup>1</sup> "Black Bass Tournament Characteristics and Economic Value at Sam Rayburn Reservoir, Texas," Journal of the Southeastern Association of Fish and Wildlife Agencies 1:26–32, 2014.

<sup>2</sup> "Economic Value of the Tournament Black Bass Fishery on Lake Guntersville, Alabama," Auburn University, Master's Thesis, May 9, 2015.  
[https://etd.auburn.edu/bitstream/handle/10415/4607/Economic\\_Value\\_of\\_Tournament\\_Black\\_Bass\\_Fishing\\_on\\_Lake\\_Guntersville\\_15\\_05\\_07.pdf?sequence=2](https://etd.auburn.edu/bitstream/handle/10415/4607/Economic_Value_of_Tournament_Black_Bass_Fishing_on_Lake_Guntersville_15_05_07.pdf?sequence=2)

<sup>3</sup> "Bassmaster Classic generated \$35M economic impact," Birmingham Business Journal, May 5, 2020.  
<https://www.bizjournals.com/birmingham/news/2020/05/05/bassmaster-classic-generated-35m-economic-impact.html>

<sup>4</sup> "Tournament Angling in Wisconsin: The Economic Impact of Bass, Salmon, and Walleye Fishing Tournaments on Host Communities," University of Wisconsin – La Crosse, Master's Thesis May 2015.  
[https://minds.wisconsin.edu/bitstream/handle/1793/73369/Erickson\\_Sara\\_Thesis.pdf?sequence=1&isAllowed=y](https://minds.wisconsin.edu/bitstream/handle/1793/73369/Erickson_Sara_Thesis.pdf?sequence=1&isAllowed=y)

<sup>5</sup> "2015 Economic Impact Study – Pro Bass Fishing Tournaments," SUNY Plattsburgh, in conjunction with the Adirondack Coast Visitors Bureau. February 9, 2016.  
[https://www.researchgate.net/publication/293653159\\_2015\\_Bass\\_Fishing\\_Economic\\_Impact\\_Study](https://www.researchgate.net/publication/293653159_2015_Bass_Fishing_Economic_Impact_Study)

In closing, the proposed language of HB 1538 does not interfere with the North Dakota GFD's ability to carry out science-based fish and wildlife management. Rather, this legislation would likely increase the funding available to the GFD through Sport Fish Restoration dollars and increased fishing license revenue, while encouraging increased participation in recreational fishing in North Dakota and substantially benefiting local economies.

For these reasons, I respectfully urge the members of the committee to support HB 1538.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Matthews". The signature is written in a cursive style with a large initial "R" and "M".

**Robert Matthews**

Senior Coordinator, Upper Midwestern States

Congressional Sportsmen's Foundation

[rmatthews@congressionalsportsmen.org](mailto:rmatthews@congressionalsportsmen.org) | 517-210-2890

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** 2-1-2023

**Submitted by:** John Aarfor

Address: 735 18<sup>th</sup> Ave W West Fargo ND 58078

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

In my opinion the financial burden the current legislation on tournaments and tournament fees has placed on tournaments that are held within our state is much too restrictive. The result has been that the major tournament organizations have chosen to hold their events in other surrounding states that have much less restrictive fee structures. The loss of tournaments in our state affects our local communities with loss of tourism revenues and also affects me personally by reducing the number of events available for me to participate in each year.

It is for these reasons that I overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is important to the local communities in which these events are held and to the future of the sport that means so much to me personally. Thank you for your consideration!

Sincerely,



John Aarfor

Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: February 1st 2023

Submitted by: Kyle Hertz

Address: 2312 S 3rd St Bismarck ND 58504

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

The current legislation for fishing tournaments, organized youth fishing, and for tournaments that are used as fund raisers is a financial burden and too restrictive. Many opportunities have been lost instead of gained. Communities that used to benefit from large tournaments no longer can look forward to the extra revenue brought there way. Youth fishing clubs struggle to take root with the current laws and organizations that want to host a fishing tournament such as fire departments, churches, and veterans clubs do not receive 100% of money they deserve.

House bill 1538 addresses the issues stated above and brings the change needed to North Dakota fishing community.

Thank you,

Kyle Hertz



Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: February 1st 2023

Submitted by: Chelsi Hertz

Address: 2312 S 3rd St Bismarck ND 58504

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

The current legislation for fishing tournaments, organized youth fishing, and for tournaments that are used as fund raisers is a financial burden and too restrictive. Many opportunities have been lost instead of gained. Communities that used to benefit from large tournaments no longer can look forward to the extra revenue brought there way. Youth fishing clubs struggle to take root with the current laws and organizations that want to host a fishing tournament such as fire departments, churches, and veterans clubs do not receive 100% of money they deserve.

House bill 1538 addresses the issues stated above and brings the change needed to North Dakota fishing community.

Thank you,

Kyle Hertz

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** 1-31-2023

**Submitted by:** Cody Cerkoney

Address: 12428 25<sup>th</sup> St SW  
Belfield, ND 58622

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538. I work in the oilfield plus my wife and I ranch north of Belfield. I started tournament fishing with my Dad when I was about 10 years old. Fishing has taught me many life lessons as well as having great respect for our land and water. As a landowner and tournament angler, I am very respectful and a firm believer in conserving our resources in North Dakota, especially our fisheries.

I believe this Bill will not only help the fisheries in North Dakota but also bring in lots of revenue to small towns and communities. I know when I am chasing tournaments throughout the state, it can get very expensive between fuel, lodging, food, and equipment, but it is all going back to the communities. If North Dakota were to host a major national fishing tournament that brings in over 100 boats, there is revenue that goes back to our remarkable state. I was able to witness this when I honored to fish my first National Walleye Tour in North Dakota in 2020.

The other reason I support this Bill is that takes away the absurd 10% of all entry fees for each tournament for the North Dakota Game and Fish Department as there "Conservation Fee". A conservation fee that was a greedy show of power. This "conservation fee" has made more challenges for the tournaments in ND to have lower payouts and less attendees. With lower payouts and the inflation in today's economy, it makes things even tougher. I did not get into tournament fishing to make money. Many of us do fish the tournaments because of the competition and the comradery between anglers that share the passion as much as I do. However, a person has to draw the line when traveling to these events knowing that a lot of entry money has no chance of getting back to us. There are other financial resources for our fisheries; it should not be the sole responsibility of tournament anglers.

This Bill should take care of the high conservation fee by making it a flat rate for all permitted tournaments. It will also open the door for more student angling in the state, and nonprofit causes.

Sincerely,

*Cody Cerkoney*

Tournament Angler

Hi my name is Kris Walcker and part of the reason I love to live in North Dakota is the outstanding fisheries we have. With The over reach of the Game and fish increasing the fee on larger tournaments and making it harder for local people to compete on a National level in front of a home crowd is gonna go away if we don't make changes to where we all get along. I've been told by the fisheries department that if a lake was gonna be affected by the tourney he wouldn't issue a permit and also has said that it's not about the money, so if it's not about the money why is it that a tournament that would be at boat ramp (A) for example with same amount of participants but different entry fees be charged a different fee? Everything is the same 5 fish 8 hours of fishing, only thing different is the \$\$\$\$\$\$ so make all the tourney fees the same price across the board for all and work to find conservation money elsewhere like price increase to license a boat, out of state fishing license fee, boat dock fee would help spruce up some of these that are in bad shape and lacking toilets and such. Right now to fish in North Dakota for a out of stater say from South Dakota is substantially cheaper than it is for us to go there which is absurd. Last year South Dakota was fortunate enough to host a Bassmaster elite series tournament on lake Oahe and the crowd at weigh in was huge, that alone tells me the amount of money that was brought in to South Dakota a in tourism and gas, food ,lodging, license fees was a lot of money which is what is needed for a lot of small towns in North Dakota for them to also flourish and survive on. Weather it's in Devils lake or Sakakawea or from eastern North Dakota when there traveling through it's a huge amount of money that North Dakota deserves and needs.

Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: 2/1/2023

Submitted by: Lori Carter, Resident District 31, Mandan ND

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee:

As an angler's wife, a mother of two little kids, I would like to express my support of HB 1538.

My husband has fished professionally since 2010. Many of the professional tournaments have taken place in North Dakota, that is, until the North Dakota Game and Fish changed the rule, with administrative rule change during the COVID-19 pandemic.

Though it might be selfish, having big tournaments in our state was a win-win for our family, our communities and our state. It meant my husband and other anglers did not have to drive 17-hours one way, family and extended family were able to take in these events in-person instead of on a device, we were able to support local businesses, event sponsors and communities alike, out-of-staters were able to see our beautiful state first hand, 225+ anglers bought ND fishing licenses, the list goes on. Why the change? Many of our small communities are dying and events like these are an economic booster for them, but a 10% fee kills that opportunity as it's cheaper to go to a different state.

These events also expose our children to a sport they are not used to seeing on a professional level and a sport that gets them into an environment that is good for their mental health (we all know mental health is an issue in North Dakota), a sport that anyone can succeed at. Wouldn't it be great if our kids in North Dakota could have the same scholarship opportunities like those in Minnesota with the Student Angler Trail, which provides college scholarships for high school students.

We also enjoy attending an event called Fishin' For the Cure at Beulah Bay, thankfully this event has stayed. It's a charity event that helps local children suffering from childhood cancer and raises money for cancer trials. A hundred percent of the winners donate their money back. They rip up the checks. You can imagine how touching that is. The only check not ripped up is the check sent to the ND Game and Fish for the required 10% not sure where the 10% conservation fee goes but it must be a pretty important cause.

Thank you for your time,

Lori Carter

**February 1st, 2023**

To Chairman Porter and members of the House Energy and Natural Resources Committee,

I, Peter Olson, am writing this testimony in support of House Bill 1538.

As an outdoor enthusiast and outright fishing fanatic, it pains me to see how the great state of North Dakota has been and continues to be negatively affected by the current legislation and restrictions that are currently being placed on the fishing tournament scene. What makes this so difficult is that these restrictions apply to nearly all of the groups and organizations that utilize the amazing fishing resources that are in our state.

As an avid angler, one of the best ways for me to learn and understand fishing better is to put my knowledge and skills to the test. The only true way to test myself is to compete against other anglers in tournaments and competitions. But sadly, the North Dakota Legislation and North Dakota Game and Fish Department currently enforces a conservation fee that requires tournament organizers to pay a 10% fee which tends to place an unhealthy financial burden on these organizations. It does not seem to matter if it's a simple/small club event, non profit fundraising event or a large tournament circuit like the National Walleye Tour or Bassmaster series, everyone is negatively affected by the current legislation.

For over twelve years, I have been a small business owner located in Washburn, North Dakota and am in the business of selling of fishing tackle and educating other anglers. Part of being a business owner is looking for ways to expand and provide exposure for my company, and participating and/or attending fishing tournaments is a phenomenal way of doing just that! I have been fishing/participating in tournaments and competitions for many years and love testing myself as an angler but also supporting my business as well as other businesses and organizations. I find it quite ironic that the North Dakota Department of Agriculture supports my business more the North Dakota Game and Fish Department.

For three years myself and my younger brother spent time traveling to Minnesota to participate in high school fishing competitions through the Student Angler Organization and the Student Angler Tournament Trail. Although we learned a ton about how to be better anglers and conservationists by going to different locations across Minnesota, it was difficult to pursue tournament angling as a whole because of the inability to simply be tournament anglers in our home state. This also has lead to less exposure for my business locally and the inability to organize my own educational tournament events for others via online resources. This wouldn't be an issue if the North Dakota Legislation and North Dakota Game and Fish were supportive of tournament angling in my home state.

What House Bill 1538, if passed, would do is allow a much smoother approach to the tournament angling scene in North Dakota and allow more and more people of all ages to get in the outdoors to compete and most of all, have fun learning how to understand and respect the amazing fishing resources that North Dakota provides.

Thank you for taking the time to read and listen to the testimony of myself and others who support making North Dakota a better place by allowing economical growth, pathways into the sport of fishing and the opportunity to learn, teach and understand the outdoors.

Thank you!

**PETER OLSON**

NPAA #247

Owner, Missouri Secrets Tackle

Former Student Angler

Fishing enthusiast

Feb 1, 2023

House Energy and Natural Resources Committee,

I am writing in support of HB 1538 as it relates to fishing contests. Currently the ND Century code relating to fishing contests is outdated and is hurting North Dakota in a number of ways.

1. Student Angling is growing across the country and attempts to bring competitive student angling to ND have been impeded by the cost associated with running a tournament in ND due to the current regulations requiring 10% of the entry fees be paid back as a conservation fee.
2. Many North Dakotans are tournament anglers and want a chance to compete at the highest level, and with the current regulations, North Dakota has not been able to host a national level fishing tournament since 2020. As such North Dakota's anglers have not been able to have any type of "home-field advantage" in these events.
3. The revenue these national level tournaments bring in is quite large, especially for communities that rely heavily on tourism dollars. Many of these tournaments have anglers in the area for at least a week and often more. That is a lot of revenue for hotels, restaurants, bait shops, gas stations etc. In 2019 a study of the Devils Lake National Walleye Tour event indicated that over \$250,000 was brought into the community over the course of the event!
4. Not only do these events bring in money from the event itself, the marketing that comes with these events showcases the great fishing that we have in ND, creating more buzz around the country about coming to ND for a fishing trip. Which generates more tourism dollars!
5. Non-profit organizations are affected by the current regulations as well, the language only allows them to keep 15% of the monies that they raise, and if they want to get 10% more there is a long process to get it back, which is a waste of time and money.

This new proposal HB1538 is a great benefit to North Dakota, its residents and even nonresidents. Let us showcase the great outdoor opportunities here in ND, not set ourselves back even further by allowing this bill to fail and saying we don't want others to come visit  
#LegendaryND

Sincerely,

Amy Liebel

**Testimony in support of:** North Dakota House Bill 1538- A bill for an act to amend and reenact subsection 20 of section 20.1-02-5 of the North Dakota Century Code.

**Date:** February 2

**Submitted by:** Cody Northrop

201 7<sup>th</sup> St SW, South Heart, ND 58655

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee:

As a lifelong resident of North Dakota, professional fisherman, outdoorsman, and conservationist, I am writing to voice my support for House Bill 1538

I have fished for many years both recreationally and as a tournament angler on our great waters of North Dakota. I was humbly able to win the 2020 National Walleye Tour tournament held on Lake Sakakawea which is considered the “crown jewel” of walleye tournaments. My success in that event and a career full of other successes on ND waters helped me elevate my professional fishing career and gave me a platform to be recognized on a national level. The current legislation with the conservation fee has driven these large major tournament organizations to other states. South Dakota will have had 4 major events in 3 years since this fee took effect. Half of these would have been in our state. The organizations will not come back if the status stays as is. No other person, including my children will ever be able to experience what I did within our home state again. From a tourism and business level, the financial impacts are quite large to ND cities and communities. High school fishing clubs and teams are gaining popularity within this country by leaps and bounds and none of our kids will get that opportunity either as it stands. Many people outside of our state have approached me with concern that they won't be able to fish tournaments here again. This shows how well our fisheries are liked and envied outside of our state.

Truth be told, tournament fisherman are true conservationists and would never harm our resources. We are spokespeople for the industry, supportive of Game and Fish conservation efforts and give back to our communities and young people – partnering with NDGF, holding fishing clinics and learning opportunities as an example. We have no other choices to promote youth angling as the current statute limits options of organizations to do so.

I overwhelmingly support Bill 1538 and appreciate your consideration and time.

Sincerely, Cody Northrop



February 1, 2023

Chairman Todd Porter  
North Dakota House Committee on Energy and Natural Resources  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Chairman Porter and Members of the North Dakota House Energy and Natural Resources Committee,

I'm writing this testimony as a "regular" sportsman of the great state of North Dakota. The topic before you has been concerning to me for over a decade and I'm grateful for the opportunity to see a positive change for North Dakota. In that time I've served as a fishing tournament director, tournament committee member, small business owner, father of student anglers, charitable donor, mentor and author of an outdoor book that teaches parents how to raise kids in the outdoors.

For the last 40 years the current statute has unjustly affected tournament anglers, charities, communities and now the youth of our state. Like many issues that arrive in front of your committee, it can be difficult to understand where people are coming from and what the desired outcome is for each group. There are a few things that I have learned over the last decade that helped me understand the dispute between the 2 sides of this discussion and why many are confused looking in from the outside. First of all there are many words that are thrown around that have meanings other than what most North Dakotans think they mean. The word that is most important to look at is resource.

**Resource:** The 10% conservation fee has always been there to defend and protect the "resource". The general public and anyone else outside of fishing would fairly assume that this means fish. It does not. Within the context of this discussion, the "resource" means lake access, fish cleaning stations, wait time at a boat ramp and education. It's the stance of the NDGF that we have healthy fisheries that can withstand any amount of current fishing pressure with no need for additional protection. The following link is a good example of the NDGF stance on fishery quality in ND. [Video Link](#)

This gets to jurisdiction. Growing up in North Dakota nobody ever explained to me the difference between jurisdictional boundaries, responsibilities and authority. When it comes to boat ramps in North Dakota, some of these ramps fall within the jurisdiction of the NDGF but others fall under the jurisdiction of cities, counties, state and federal agencies. One of the issues at hand is that all boat ramp complaints are directed to NDGF and not the proper responsible agency. This puts NDGF in a tough place. Now, add in technology and social media into the competitive arena and it opens up the unforeseen and untested virtual jurisdictional boundaries.

## **History**

It wasn't until recently and asking for nearly 10 years that I was able to see a glimpse of history relating to the original statues back in 1984. At that time fishing tournaments were not allowed in North Dakota and were viewed as gambling. And as it goes, it took the direction of the Governor to allow the first tournaments to happen. No-one could have comprehended the internet, student angling as a high school sport, students going to college with a full ride angling scholarship, \$500,000 charitable tournaments with no payout and anglers making a professional living with the skills they've learned on the water.

In the early 1990s, a professional tournament, run by an honorable man, brought a national championship to North Dakota. Because there was no entry fee for this tournament, based on their format, there was no conservation fee paid and a group of people were upset enough to bring it to the ND legislature. The result was a \$10,000 conservation fee that was required for a tournament that had no entry fee and that gave away prizes. Again, today we are paying for the unintended consequences of this legislative change.

At some point in time, after this legislation was passed, a \$5,000 cap was negotiated and granted to larger tournaments. However, the legislation was not changed and this cap was not public knowledge until 2020 when the cap was lifted. Tournaments that didn't know about this cap made decisions based on the published Century Code on the NDGF website that would've been different had they know that the cap existed.

## **Unintended Consequences**

The first unintended consequence is that NDGF 40 years later has been put in a position of trying to do the right thing, hold to the ND Century Code and for lack of a better word - keep those they serve happy. This has led to an unequal application of the law, along with the confusion of anglers and ND residents. It's not right to ask a state agency to determine which causes or groups of people are worthy of an exception to the ND Century Code. I personally applaud the NDGF for some of these exceptions but they are still exceptions none the less.

Another unintended consequence is that the current statute is, as far as I've found, the only place in the ND Century Code, that we ask charities and non-profits to give away 85% of the funds they raise during a fishing event. There are many faith based organizations that would participate in angling fundraisers if they were not required to participate in activities that go against their moral compass to raise money such as raffles, calcuttas or other games of chance. This 85% giveaway requirement also centralizes donated funds that would be used in local areas where it is desperately needed. One example is all of the fire departments in ND that receive zero state funding and are holding tournaments to raise money for needed equipment.

The most costly unintended consequence is the barriers placed on student angling in ND. The current statute allows for an emphasis of teaching young children to the age of 15 angling. There is nothing for them after the age of 16 except for paying for a fishing license and entering adult tournaments where they are forced to compete for large cash prizes due to the required 75%

payout to the anglers. This doesn't leave room for high school students to be mentored in the biology of fish, the ethics of conservation, the importance of helping others, the responsibility of leadership, the value of a dollar and the importance of earning their way. From a financial perspective from the NDGF, it's keeping all of these new, young anglers and their parents from buying fishing licenses, which unlocks the additional funding for the NDGF.

The limitation of removing larger professional angling events has two unintended consequences. The first is the severe negative economic impact on our small businesses that rely on outdoor recreation for their income. The second is the current statute and its application are the only place in ND Century Code that restricts a North Dakota resident from competing in front of a home crowd. It's mind boggling to me that someone can hate an event so badly that they won't allow someone to compete at home when they've reached the pinnacle of their sport.

The final unintended consequence I'd like to address is what I would call an unhealthy ownership of our fishing waters in North Dakota. I cannot express how painful, and embarrassing it is when a fishing non profit from Minnesota came to help me work through my PTSD after being injured as a volunteer firefighter in ND and how poorly we were treated by locals at the boat ramp, on the water and at the fish cleaning station on Lake Sakakawea. We need to heal our broken fishing culture and allow anglers to start fishing for something other than themselves.

## **Equal Application**

The purpose of HB 1538 is to remove the unintended consequences of a 40 year old statute while at the same time providing NDGF with the ability to oversee and enforce fishing tournaments within their jurisdictional responsibility and practical boundaries. At the same time, removing the unnecessary oversight of NDGF for anglers who are participating in normal fishing activities within their communities. This also allows NDGF to utilize it's resources with better efficiency while improving fishing opportunities in ND.

By removing the conservation fee and lifting the 75% payout currently required, sport clubs and conservation groups across North Dakota will be able to raise and utilize exponentially more dollars for conservation at both the local and state level and allow NDGF the time and resources to leverage more dollars in grant match that are currently unrealized.

Furthermore, this will allow communities to start student angling teams that can learn and compete unhindered. This will create healthy growth in sport fishing for our state.

I'm not pointing fingers, however over the last 2 years, as I've been researching on what it would take to fix these unintended consequences, I've found 2 groups of people who support keeping things the way they are. These are people who do not want other people in their fishing spot and people who hate tournament anglers. I do not have an issue with this being their opinion. As my kids grew up I can't keep track of the number of times that they asked what it would take to kick jet skiers and water skiers off the lake. I moved back to North Dakota to raise my kids with the same ethics and values that I was raised with. It was my responsibility when they asked about jet skiers and water skiers to teach them that we all have the right enjoy North Dakota. And it is each of our responsibility to learn to respect everybody and their recreational choices. What I

think is sad is that for the last 40 years this respect has not been given to a group of people who pours more money into conservation and the NDGF fisheries budget than any other group of people. It's time to fix the current Century Code and start treating all North Dakotans in a just and equal manner.

This is why I support the passing of House Bill 1538.

Humbly Submitted,

Jeremy Olson  
North Dakota Angler & Dad

# Johnnie Candle

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## Professional Walleye Angler

February 1, 2023

Testimony Regarding HB 1538

Dear Representatives, the following is my testimony regarding HB1538.

HB 1538 is not about restricting the ND Game and Fish Department in their administrative role of managing fishing tournaments. In fact, I believe they do a great job with this. The department makes sure that boat landing and bodies of water are not over saturated on tournament days. They are very mindful of not placing too much pressure on a body of water. The overall health of a fishery always comes first and for all of this I am grateful.

HB1538 does provide opportunities for all anglers to enjoy competitive angling in a manner that and at a price that makes sense.

There are a few key areas of HB1538 that I would like to address. First is the ramifications, both short and long term, of the existing laws regarding fishing tournaments and their economic impact in ND. Under the current rules, a conservation fee of 10% of all entry fees collected is required to obtain a tournament permit by a promoter. Until the fall of 2020, this amount was capped at \$5000. An administrative rule was put into place that lifted this cap. That meant that for some larger national tournaments, the conservation fee could now be \$25,000; an amount that all national tournament promoters refuse to pay. This has eliminated the short term economic impact of hundreds of anglers visiting a body of water for a week to ten days to compete in a tournament. They rent rooms, buy food, bait and tackle. They get boats and vehicles repaired. They buy fishing licenses. The amount of money potentially spent is well into the hundred of thousands of dollars.

This does not include the long term impacts of having these anglers returning home and sharing the good word about the wonderful fisheries in ND. Friends and relatives as well as their fishing fans hear how much the tournament anglers enjoy their time on our incredible fisheries and they want to come see it for themselves. It also does not take into account the national media exposure that will be no more without these tournaments. This brings even more economic impact long term.

HB 1538 eliminates the conservation fees, allowing the larger tournaments that bring economic impact and national promotion back to the state of ND.

HB 1538 also allows for fishing clubs, fishing leagues, and student angler leagues to thrive. Again the current rules do not make it easy for the above groups to gather and hold competitive fishing events. Student Angling is one of the fastest growing youth

# Johnnie Candle

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## Professional Walleye Angler

events across the country. The exorbitant conservation fees are forcing the student angling groups in ND to look elsewhere for places to compete.

Currently, if a fishing tournament with no entry fee is held in ND, there is a conservation fee of \$10,000. This means that if an organization would like to hold a fundraising event, they may have to give all or most of the money raised to the ND Game and Fish Department. HB 1538 prevents this.

The bottom line is this; ND has become one of the most restrictive states in the country when it come to fishing tournaments. Our state currently put all of the burden of providing conservation fees on tournament competitors. No other group of anglers or boaters is required to pay a fee that is used to provide and maintain lake access or help replace fish taken from the resource.

ND has created a reputation across the country as being anti fishing tournament and may be starting a precedent nationwide as to higher tournament fees and stricter permitting regulations.

ND is prohibiting the growth of student angler which is one of the fastest growing youth participation activities in the country. This is slowing the addition of long-term participants enjoying our fisheries and buying fishing license for years to come. It is not just the students, but their parents as well. The more fishing licenses sold, them more participants we have, the more federal and local dollars that are generated from many sources.

It puzzles me that Big Buck contests, Pheasant Long Tail contests, Coyote Hunting contests, and Duck and Goose shoots can be held anywhere in the state with no conservation fees, but a fishing tournament cannot.

I urge you to please take a closer look at the current situation, then take a look at HB1538. I am positive that you will see the old way is broken and HB1538 is a great step in fixing it.

Thank you,



## The value of fundraising fishing tournaments to nonprofit organizations

The Minnesota Fishing challenge is a fundraising fishing tournament in which anglers not only compete for prizes but also raise awareness and funds for Minnesota Adult & Teen Challenge, six faith-based drug and alcohol rehabilitation campuses across the state. There are also campuses most other states including North and South Dakota.

This event has raised more than \$4 million to help people struggling with drug and alcohol addiction, including a record \$520,000 in 2022. Men and women enrolled in the program have their lives transformed with more than an 80% long-term success rate of recovery. It is expensive for a person to be in a program for 13 months, but it has been shown to create productive members of society, functioning adults who are better parents, better spouses and examples to the people around them. Broken families are restored, broken lives are restored and it is no overstatement to say that lives are being saved.

Yes, a fishing tournament can do all that. The Teen Challenge campus in Bismarck could take advantage of this amazing opportunity to raise funds if the ability to hold an event like this one was available to them. Tournaments using both an in-person weigh-in format, as well as an app-based event where anglers fish the water of their choice should be available to North Dakota Anglers.

Don't waste this opportunity to transform the lives of broken people with tournament rules and regulations that create a difficult environment for events of this nature. These events not only generate funds to help hurting people, but create employment opportunities, bring positive exposure to fisheries and generate excitement for fishing among anglers of all ages.

Thank you,

Bernie Barringer

Tournament director

**68<sup>th</sup> Legislative Assembly**  
Representative Porter

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Dr. Penny Veit-Hetletved  
USA Level III Archery Coach; Licensed Mental Management Coach

**House Bill No 1538**

Mr. Chairman and Members of the Committee:

My name is Dr. Penny Veit-Hetletved, and I am a national and international archery coach. It may seem strange that I am offering testimony to this bill. As I read the language, I wanted to take a moment to share how powerful angling competitive opportunities can be for community and youth. As a coach, I have watched how archery builds, grows, and often protects youth self-image. Competitions open up opportunities for scholarships, leadership, and overcoming. Same as hunting provides strategy. And most definitely how angling can do the same. Our North Dakota roots are deep, and I believe that we need to protect the western and outdoor heritage that our state offers and exemplifies.

Any time our state can offer opportunities that can be life long activities where multi-generational participation can occur is a win. Protecting and increasing these opportunities is imperative for communities to come together, for youth to experience, and for seasoned anglers to teach and compete.



**68<sup>th</sup> Legislative Assembly**  
Representative Porter

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Dr. Penny Veit-Hetletved  
USA Level III Archery Coach; Licensed Mental Management Coach

We as North Dakotans are only as good as the experiences and lifestyle we protect. It's a great day to be a North Dakotan, and I am in support of HB 1538.

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** 02/02/23

**Submitted by:** Roger Schumann

Address: 5311 14<sup>th</sup> St SE Minot ND 58701

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

In my opinion the financial burden the current legislation on tournaments and tournament fees has placed on tournaments that are held within our state is much too restrictive. The result has been that the major tournament organizations have chosen to hold their events in other surrounding states that have much less restrictive fee structures. The loss of tournaments in our state affects our local communities with loss of tourism revenues and also affects me personally by reducing the number of events available for me to participate in each year.

It is for these reasons that I overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is important to the local communities in which these events are held and to the future of the sport that means so much to me personally. Thank you for your consideration!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Roger Schumann', with a long horizontal flourish extending to the right.

Roger Schumann

Denny Fox

AIM Weekend Walleye Series

920-505-0122

info@aimfishing.com

**In regard to House Bill 1538**

My name is Denny Fox and I represent a company doing business in North Dakota called Anglers Insight Marketing LLC. I am the National Tournament Director for a host of Walleye Tournaments called AIM Weekend Walleye Series (AWWS). The AWWS has been in business since 2014 and I have worked for them from the beginning. AWWS develops and executes 21 Walleye tournaments a year. We do business in Wisconsin, Minnesota, Iowa and North Dakota. AWWS facilitates 5 events in North Dakota and has worked here since 2016.

What I would like to address is the cost of doing business in North Dakota verses the other states.

Permits for the use of public waters is common in almost every state. Each state puts a flat fee value to that permit. In Wisconsin and Iowa it is \$25.00. In Minnesota it is \$250.00.

North Dakota is the only place that I do business that attaches a permit fee based on how much money is charged at the event.

The current North Dakota rule states that 10% of the entry fee must be paid to the Game and Fish as a conservation fee. If we have our maximum limit of 100 boats at an event, and the entry fee is \$350.00 per boat, the conservation fee for that event is \$3,500.00. As you can see it is way out of line compared to other states in the region.

This is a problem for the Anglers in ND as that money must come from somewhere and that somewhere is from their payouts. The AWWS pays out as much money as we can from entry fees, 80% in ND, but we still need to pay our bills to stay afloat in ND.

Furthermore, there is in Chapter 30-03-05 Fishing Contests section 30-03-05-03 Use of Proceeds, a provision that states, Contests with no entry fee but still subject to regulations as defined in subsection 2 of section 30-03-05-01, are required to submit a \$10,000 conservation fee. This rule is directly affecting YOUR anglers, let me explain.

Since the AWWS operates in many states, it also runs a National Championship where there is NO ENTRY FEE. 10 Teams qualify from every division to fish against the best 10 from the other 3 divisions. Winners receive a Boat Motor Trailer package valued at over \$100,000 plus many other prizes and money. We cannot have this event in North Dakota because we would have to pay \$10,000 to do so. In return your anglers do not get home water advantage.

To sum this up, I would encourage the elected officials to streamline the permitting process in ND for their anglers to take advantage of what they have earned. Please vote yes on HB1538 and institute a flat permit fee for fishing tournaments in the Great state of North Dakota.

Thank You for your time.



February 2, 2023

Chairman Todd Porter  
North Dakota House Committee on Energy and Natural Resources  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Chairman Porter,

On behalf of the recreational fishing industry, the American Sportfishing Association writes in favor of House Bill 1538, legislation addressing fees levied on fishing contests. The current approach by North Dakota Department of Game and Fish to levy fees on gross proceeds for all fishing tournaments has resulted in tournaments relocating to other states, negatively impacting local and statewide economies. HB 1538 can expand the accessibility of the state's attractive fishing destinations, welcoming fishing tournaments back to North Dakota communities and creating economic opportunities across the state.

By way of background, the American Sportfishing Association (ASA) is the nation's recreational fishing trade association, providing a united voice for the recreational fishing industry when emerging laws and policies pose significant impacts on sportfishing businesses or sportfishing itself. Between manufacturing, retail businesses and guide and charter services, the recreational fishing industry makes a profound economic impact in North Dakota. In North Dakota alone, 136,000 anglers contribute to a \$102 million economic impact, supporting 1,420 jobs across the state.

North Dakota anglers annually contribute millions to the ND Department of Game and Fish through license and permit fees. In Fiscal Year 2022, the ND Game and Fish apportionment of the Sport Fish Restoration and Boating Trust Fund, which draws funding from excise taxes on fishing equipment, motors, and motorboat fuels, was \$4,619,573. North Dakota anglers have, and continue to, fund state conservation efforts as well as the construction and maintenance of boating access facilities.

Of all anglers statewide, tournament anglers contribute an outsized share of sportfishing's economic impact. Anglers who compete in tournaments are more likely to purchase sportfishing rods, tackle and equipment, contributing more excise tax dollars to the Sportfish Restoration Fund. Tournament anglers have a higher propensity of buying licenses year after year, and represent a dependable funding base for the ND Game and Fish Department. Youth tournaments welcome young anglers into the world of competitive sportfishing, creating lifelong customers for fishing licenses and goods under the excise tax.

Beyond the impact of those participating in competitive fishing, fishing tournaments themselves represent major economic opportunities for communities statewide. Fishing contests welcome competitors from across the state and region, creating tourism windfalls for communities where

contests are located. Hospitality and restaurant businesses in small and rural communities welcome the impacts of fishing tournaments.

However, since ND Game and Fish removed the \$5000 cap on its 10% “conservation fee” applied to the gross proceeds of fishing tournaments in 2020, both youth and adult tournament activity in North Dakota has declined. Both for-profit and nonprofit tournament circuits have scaled back events, with some tournaments relocating out of the state of North Dakota altogether. Series like the National Walleye Tour and the Masters Walleye Circuit have already relocated events outside of North Dakota, creating missed opportunities for local economies.

Not-for-profit and charity tournaments, which constitute a sizable share of tournaments in North Dakota, do not seek to retain profits from entry fees and sponsorships associated with events. However, the 10% fee on gross proceeds nevertheless applies to these fishing contests, undermining the charitable goals and fundraising totals of these events while discouraging nonprofit tournament organizers from siting events in North Dakota. Additional requirements mandating the return of 75% of proceeds to participants further restricts the charitable potential of nonprofit tournaments.

HB 1538 would correct this misapplication of fees, by:

- Preventing the charge of a conservation fee for tournaments, while establishing flat permit fees
- Allowing nonprofit contests to retain 100% of gross proceeds
- Creating affordable permit requirements for youth fishing contests
- Raising the minimum tournament entry fee subject to permit requirements to \$50

HB 1538 will welcome both major and minor tournament series back to North Dakota, repealing costly conservation fees that have driven tournaments to other states. By enabling nonprofit organizations to retain all proceeds from contests, organizers can maximize tournament impacts for contests benefiting veterans, schools and other charities. The legislation, if enacted, will further welcome young anglers into the sport, alleviating the burden of 10% fees and lowering permit costs for youth events.

While ASA welcomes increased investments in conservation, ASA believes that burdensome, 10% fees applied on gross proceeds will deter competitive angling events from North Dakota and reduce participation in the sport. HB 1538 remedies a misapplication of conservation fees that injures economic prospects for the sportfishing industry and local economies statewide. ASA encourages the House Committee on Energy and Natural Resources to pass HB 1538.

Sincerely,



Connor Bevan  
Inland Fisheries Policy Manager  
American Sportfishing Association

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20,1-02-05 of the North Dakota Century Code

**Date:** 02/02/2023

**Submitted by:** Jeremy Wentz  
Address: 1121 Carvell Lane  
Washburn, ND  
58577

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

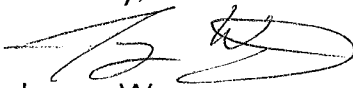
As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

In my opinion the financial burden the current legislation on tournaments and tournament fees has placed on tournaments that are held within our state is much too restrictive. The result has been that the major tournament organizations have chosen to hold their events in other surrounding states that have much less restrictive fee structures. The loss of tournaments in our state affects our local communities with loss of tourism revenues and also affects me personally by reducing the number of events available for me to participate in each year.

In addition to the loss of major tournament organizations and the revenues they would bring to the local communities, I also believe the current tournament fees is a key component on why ND does NOT have a Student Angling League. As we know, target shooting, archery and angling are three of the fastest growing High School sports in America. ND students are extremely committed to Trap shooting and Archery Target shooting...why can't we help them be committed to Student Angling? One of ND Game and Fish's mottos are to get the youth involved, well let's get them involved and remove this roadblock on student angling.

It is for these reasons that I overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is important to the local communities in which these events are held and to the future of the sport that means so much to me personally. Thank you for your consideration!

Sincerely,



Jeremy Wentz

Feb 1, 2023

House Energy and Natural Resources Committee,

I am writing in support of HB 1538 as it relates to fishing contests. Currently the ND Century code relating to fishing contests is outdated and is hurting North Dakota in a number of ways.

Student Angling is growing across the country and attempts to bring competitive student angling to ND have been impeded by the cost associated with running a tournament in ND due to the current regulations requiring 10% of the entry fees be paid back as a conservation fee.

Many North Dakotans are tournament anglers and want a chance to compete at the highest level, and with the current regulations, North Dakota has not been able to host a national level fishing tournament since 2020. As such North Dakota's anglers have not been able to have any type of "home-field advantage" in these events.

The revenue these national level tournaments bring in is quite large, especially for communities that rely heavily on tourism dollars. Many of these tournaments have anglers in the area for at least a week and often more. That is a lot of revenue for hotels, restaurants, bait shops, gas stations etc. In 2019 a study of the Devils Lake National Walleye Tour event indicated that over \$250,000 was brought into the community over the course of the event!

Not only do these events bring in money from the event itself, the marketing that comes with these events showcases the great fishing that we have in ND, creating more buzz around the country about coming to ND for a fishing trip. Which generates more tourism dollars!

Non-profit organizations are affected by the current regulations as well, the language only allows them to keep 15% of the monies that they raise, and if they want to get 10% more there is a long process to get it back, which is a waste of time and money.

This new proposal HB1538 is a great benefit to North Dakota, its residents and even nonresidents. Let us showcase the great outdoor opportunities here in ND, not set ourselves back even further by allowing this bill to fail and saying we don't want others to come visit #LegendaryND

Sincerely,

Chris Johnson

Feb 1, 2023

House Energy and Natural Resources Committee,

I am writing in support of HB 1538 as it relates to fishing contests. Currently the ND Century code relating to fishing contests is outdated and is hurting North Dakota in a number of ways.

Student Angling is growing across the country and attempts to bring competitive student angling to ND have been impeded by the cost associated with running a tournament in ND due to the current regulations requiring 10% of the entry fees be paid back as a conservation fee.

Many North Dakotans are tournament anglers and want a chance to compete at the highest level, and with the current regulations, North Dakota has not been able to host a national level fishing tournament since 2020. As such North Dakota's anglers have not been able to have any type of "home-field advantage" in these events.

The revenue these national level tournaments bring in is quite large, especially for communities that rely heavily on tourism dollars. Many of these tournaments have anglers in the area for at least a week and often more. That is a lot of revenue for hotels, restaurants, bait shops, gas stations etc. In 2019 a study of the Devils Lake National Walleye Tour event indicated that over \$250,000 was brought into the community over the course of the event!

Not only do these events bring in money from the event itself, the marketing that comes with these events showcases the great fishing that we have in ND, creating more buzz around the country about coming to ND for a fishing trip. Which generates more tourism dollars!

Non-profit organizations are affected by the current regulations as well, the language only allows them to keep 15% of the monies that they raise, and if they want to get 10% more there is a long process to get it back, which is a waste of time and money.

This new proposal HB1538 is a great benefit to North Dakota, its residents and even nonresidents. Let us showcase the great outdoor opportunities here in ND, not set ourselves back even further by allowing this bill to fail and saying we don't want others to come visit #LegendaryND

Sincerely,

Tessa Johnson, RN

Dickinson, ND



Denny Fox

AIM Weekend Walleye Series

920-505-0122

info@aimfishing.com

**In regard to House Bill 1538**

My name is Denny Fox and I represent a company doing business in North Dakota called Anglers Insight Marketing LLC. I am the National Tournament Director for a host of Walleye Tournaments called AIM Weekend Walleye Series (AWWS). The AWWS has been in business since 2014 and I have worked for them from the beginning. AWWS develops and executes 21 Walleye tournaments a year. We do business in Wisconsin, Minnesota, Iowa and North Dakota. AWWS facilitates 5 events in North Dakota and has worked here since 2016.

What I would like to address is the cost of doing business in North Dakota verses the other states.

Permits for the use of public waters is common in almost every state. Each state puts a flat fee value to that permit. In Wisconsin and Iowa it is \$25.00. In Minnesota it is \$250.00.

North Dakota is the only place that I do business that attaches a permit fee based on how much money is charged at the event.

The current North Dakota rule states that 10% of the entry fee must be paid to the Game and Fish as a conservation fee. If we have our maximum limit of 100 boats at an event, and the entry fee is \$350.00 per boat, the conservation fee for that event is \$3,500.00. As you can see it is way out of line compared to other states in the region.

This is a problem for the Anglers in ND as that money must come from somewhere and that somewhere is from their payouts. The AWWS pays out as much money as we can from entry fees, 80% in ND, but we still need to pay our bills to stay afloat in ND.

Furthermore, there is in Chapter 30-03-05 Fishing Contests section 30-03-05-03 Use of Proceeds, a provision that states, Contests with no entry fee but still subject to regulations as defined in subsection 2 of section 30-03-05-01, are required to submit a \$10,000 conservation fee. This rule is directly affecting YOUR anglers, let me explain.

Since the AWWS operates in many states, it also runs a National Championship where there is NO ENTRY FEE. 10 Teams qualify from every division to fish against the best 10 from the other 3 divisions. Winners receive a Boat Motor Trailer package valued at over \$100,000 plus many other prizes and money. We cannot have this event in North Dakota because we would have to pay \$10,000 to do so. In return your anglers do not get home water advantage.

To sum this up, I would encourage the elected officials to streamline the permitting process in ND for their anglers to take advantage of what they have earned. Please vote yes on HB1538 and institute a flat permit fee for fishing tournaments in the Great state of North Dakota.

Thank You for your time.

Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: 2/2/2023

Submitted by: Mike Carlson

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee:

As an avid fisherman in North Dakota, I support this legislation. I believe that Game & Fish is well funded through other means, and this will just level the amount that they can take from tournament fishing events. Charity event are to raise funds for charity and should not have to be subject to increasing payments to Game & Fish, to raise money.

Mike Carlson



To whom it may concern,

My name is Jason Foss and I am a business owner and resident of Garrison ND. I am an avid fisherman and do not fish tournaments. I am supporting this bill on the grounds that we as a business and community are losing a lot of revenue and spotlight by overpricing the larger national fishing tournaments out of ND. I love the concept of nonprofit organization doing tournaments for fundraising and always, youth directed tournaments to get more kids in the outdoors and experiencing everything ND has to offer. Thank you for your consideration.

Sincerely,

Jason Foss

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** February 2<sup>nd</sup> 2023

**Submitted by:** Matt Ristow

Address: 7009 Beaver Creek Road, Bismarck ND 58504

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

I am voicing my support for the House Bill 1538

Making changes to the current tournament fees and how they are structured is important because they have caused several large tournament circuits to no longer visit North Dakota. That has economic impact to local communities and also our youth anglers and potential new anglers. These large tournaments have educational seminars for youth and new anglers. They give them new rod and reel combos that they can keep and use on their own. This is vital to the future of fishing. They also emphasize the education of AIS and how to keep our waters clean.

It is also important to note that the local tournaments that operate as non-profits have to pay 10% of money raised for their cause to the conservation fee.

Sincerely,

*Matt Ristow*

Matt Ristow

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** February 2<sup>nd</sup> 2023

**Submitted by:** Ashley Ristow

Address: 7009 Beaver Creek Road, Bismarck ND 58504

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

I am voicing my support for the House Bill 1538

Making changes to the current tournament fees and how they are structured is important because they have caused several large tournament circuits to no longer visit North Dakota. That has economic impact to local communities and also our youth anglers and potential new anglers. These large tournaments have educational seminars for youth and new anglers. They give them new rod and reel combos that they can keep and use on their own. This is vital to the future of fishing. They also emphasize the education of AIS and how to keep our waters clean. My children have participated in these events and enjoyed them. We also enjoy traveling around the state and visiting all of the communities where these events take place and used to look forward to it every year.

Sincerely,

*Ashley Ristow*

Ashely Ristow

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** Feb. 2nd

**Submitted by:** Zach Axtman  
20 Country Rd Rugby ND 58368

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

Let me tell you a little story about a young boy that grew up on a dairy farm in north central ND. We did not do much fishing growing up. We would basically have one big fishing trip a year where my we would get together with my father's family and fish for an extended week. All though that may have been great fun, It never really got me passionate about fishing. Now fast forward to 1996 my dad surprised my brother and I with a trip to the big city of Bismarck ND. We had no idea what he had planned for us all we knew was he was taking the day off from milking cows to go to Bismarck. Anyone that knows dairy farms you do not just take a day off. Well to our surprise he was taking use to the Professional Walleye Trail weigh in. Now boy was that exciting getting to watch the pros pull their boats around the civic center and weigh their fish in! It was so much fun my brother and I convinced him to take us back for the final weigh in so we could see who would win. Seeing these weigh ins and all the excitement surrounding them really made me want to learn to fish.

I went home and wanted to learn everything I could about fishing. Now mind you we did not have a boat, so I would beg my mom to drive me down to the two small lakes that had fishing in them. I would save all my money to buy fishing tackle even enough to buy an old busted up paddle boat to fish out of at my grandmas cabin. I spent as much time as I possibly could in that old paddle boat.

Fast forward to today. I have enjoyed a mildly successful fishing career, but an absolute successful career in helping get people passionate and involved in the sport of fishing. Now many of the individuals I have helped/taught may never participate in a fishing tournament. But they all were helped along the way by a young boy that fell in love with the sport of fishing thanks to a tournament trail that got the opportunity to come to Bismarck ND.

In a time where kids are locked into screens daily I among other anglers have the opportunity to share our passion for the sport of fishing and help get kids out from behind the screens and in to the outdoors. I'm afraid with the current legislature not allowing these tournaments to come to North Dakota these kids will get interested but than have nothing to back up that interest that allows them to set a goal to achieve in the sport of fishing like the PWT once did for me.

With the current 10% conservation fee we have seen all the national tournament trails pull their regular season events out of the state of ND. This not only takes away from giving individuals the opportunity to catch the fishing bug like I did but I hinders the communities that

rely on these events to bring tourism dollars to their businesses. In a survey done in Devils Lake while the National Walleye Tour was in town. Anglers said they spent on average \$1,375 while in town. Now this is direct impact on businesses in the communities and does not include recirculation of that money in the town. By having these tournaments in our state, we are not only helping towns prosper but as many of these tournaments are nationally televised, we are getting great promotional exposure for tourism in our state. I do not know how many anglers I have talked to that have come to North Dakota for a fishing tournament only to return to either fish or hunt for fun in our great state.

Now not only have I been fortunate enough to help educate people about fishing. I have been able to use fishing to help give back. My family and I have been participating in the Kolar Toyota ALS Charity Fishing tournament in Duluth MN. This tournament raises money for ALS in ND SD and MN. It absolutely blows me away every year we attend how much money they raise. They consistently raise over \$200,000 dollars for ALS. This Tournament raise money through their entry fees. Each angler needs to raise a minimum of \$250 but can raise as much as possible. Some anglers raise up words of \$20,000. Now let put this into perspective in ND current century code numbers. Due to the entry fee being endless for the participants because they can raise as much money as they want to fish it. They would be required to pay \$10,000 in conservation fees or 10% of the entry fees depending on what Game and Fish deems correct. Then 85% (\$153,000) of what is left would have to be repaid back to the anglers. Now that would only leave \$27,000 to \$28,5000 to actually be donated back to the ALS organization, we are trying to raise money for. Now I think we can all agree this is no way beneficial to nonprofits and fundraisers in North Dakota under the current century code guidelines.

In the eyes of a once young dairy farmer boy in rural ND who knew nothing about fishing. I hope that this bill passes because you never know who or how many people will catch the passion bug for fishing by just watching a group of anglers weigh fish in a tournament or how one dollar raised may be the one to cure a disease. That is why I **support** Bill 1538.

Thank you for your time and consideration!

Sincerely,

*Zach Axtman*

Zach Axtman

10% 270000

**NORTH DAKOTA**  
**SPORTFISHING**  
**CONGRESS**

P.O. BOX 2472 • BISMARCK, ND 58502

BARNES COUNTY WILDLIFE FED  
 PO Box 148  
 Valley City, ND 58072

BIS-MAN REEL & REC CLUB  
 PO Box 2525  
 Bismarck, ND 58502

DAKOTA ANGLERS  
 PO Box 1411  
 Jamestown, ND 58401

F.M. MUSKIES, INC.  
 PO Box 2021  
 Fargo, ND 58107

F.M. WALLEYES UNLIMITED, INC.  
 PO Box 1017  
 Moorhead, MN 56560

FRIENDS OF LAKE SAKAKAWEA  
 PO Box 1853  
 Bismarck, ND 58502

GREAT PLANERS TROUT & SALMON  
 PO Box 1972  
 Bismarck, ND 58502

LAKE REGION ANGLERS ASSN.  
 PO Box 456  
 Devils Lake, ND 58301

LURE EM FOR LIFE  
 PO Box 547  
 Bismarck, ND 58502

ND FISHING HALL OF FAME  
 PO Box 445  
 Garrison, ND 58540

RED RIVER AREA SPORTSMENS  
 PO Box 1  
 Wahpeton, ND 58074

UNITED SPORTSMAN OF WILLISTON  
 PO Box 11393  
 Williston, ND 58803

VOICES FOR LAKE OAHE  
 PO Box 482  
 Linton, ND 58552

**February 1<sup>st</sup> 2023**

**Submitted by: Richard Brueckner, Past President of the North Dakota Sportfishing Congress (NDSFC).**

**Dear Chairman Porter, Vice Chairman Anderson members of the House Energy and Natural Resources Committee,**

**On behalf of the North Dakota Sportfishing Congress, and the members of the 13 Fishing Clubs of North Dakota that we represent we ask the House Energy and Natural Resources Committee OPPOSE House Bill 1538.**

**HB 1538 removes conservation fees that are currently paid by sponsors of fishing tournaments. These fees go back to the local area where the tournament was held and are used to upgrade infrastructure for all users of the resource to enjoy. The North Dakota Game and Fish Department estimates that just over \$1 million has been invested in local communities through the conservation fee. HB 1538 instead institutes an application fee of up to \$250/tournament. This fee would stay with the Game and Fish Department and not be passed on to local communities. Additionally, it is the opinion of the Sportfishing Congress and the member clubs we represent that the regulation of fishing tournaments is best addressed through Administrative Rules under the purview of the North Dakota Game and Fish Department and should not become part of the North Dakota Century Code through the passage of HB 1538. Maintaining these regulations in administrative code gives the flexibility to make changes throughout the biennium, rather than just through the legislative session.**

**The NDSFC has a long reputation of working with the ND Game & Fish Department on issues such as those addressed as concerns within House Bill 1538. We and our member organizations are committed to taking a lead role in working with the North Dakota Game and Fish Department in addressing those concerns and as needed working through the Administrative Rule process to implement any needed changes. For these reasons, the North Dakota Sportfishing Congress and the members of its 13 affiliated clubs respectfully request a "Do Not Pass" recommendation on HB 1538.**

**Thank You,**

**Richard Brueckner**

**North Dakota Sportfishing Congress**



I am in support of HB1538, which looks to sensibly modernize the current rules regarding fishing tournaments on North Dakota waters.

I am a small business owner, and as such have sought to use the platform of my business to create meaningful experiences in the Northern Plains. We have grown a state championship triathlon, bringing people from all over the United States to compete in North Dakota. Though it is a business, the aim of the experience has been to create an avenue to give back to the community in service and profits.

I attempted something similar with a multi-species, online fishing challenge during COVID shut downs. My hope was to get people from all over the state to go outside, explore the beauty of their own backyard, and promote the sport of fishing.

The rules for the challenge would be simple: The longest fish of each species would get a point. The most points at the end of the challenge, win. The fish would be measured and photographed and released. Therefore, a bullhead from Antelope Creek in Hazen would be worth as much as a trophy walleye from the Tailrace. My hope was not to make money from North Dakota's resources, but to create a genuine experience in the out-of-doors, when everyone was otherwise locked inside. As an added bonus, this challenge would be sustainable and not negatively impact any fishery with weigh-ins and boat ramp usage. It also challenged experienced anglers to try something new – when is the last time you have targeted a sucker with a wormtail? Or a buffalo carp with grub? People might need to travel to find a brown trout point, or visit Owl pond for perch. The point was to get people to explore North Dakota waters.

Seeking to do this correctly, I learned quickly this would be considered a tournament under North Dakota rule. No problem – until I filled out the application, which necessitated one North Dakota body of water, a weigh-in, and a payout. My application was denied. How could it be that taking photos of your catch, releasing it, and posting them for a common challenge would be illegal, while catching multiple fish, weighing in, and winning huge sums of money would be the correct way? It seemed to me the rules simply hadn't yet caught up to the technology.

I am in favor of HB1538, opening new avenues for enjoyment of North Dakota's fisheries for all ages and professions.

February 2, 2023

I am in support of HB 1538 as it relates to fishing contests.

Since 2020 the tournament scene in North Dakota has been stale. National events have no interest scheduling in our state and I'm sure plenty of people in support have already touched on tourism dollars. Without a change in fee's our competitive angling in the state will disappear completely leaving behind great opportunities to build on the nationwide growth of student angling, national events, fishing clubs, and local events so many enjoy will also soon disappear leaving behind only memories.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Joshua', written in a cursive style.

Jordan Joshua  
Tournament Angler

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** February 2<sup>nd</sup> 2023

**Submitted by:** Derrick Hecker

Address: 120 Moonlight Drive, Parshall, ND

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

I am voicing my support for the House Bill 1538

Making changes to the current tournament fees and how they are structured is important because they have caused several large tournament circuits to no longer visit North Dakota. That has economic impact to local communities and also our youth anglers and potential new anglers. These large tournaments have educational seminars for youth and new anglers. They give them new rod and reel combos that they can keep and use on their own. This is vital to the future of fishing. They also emphasize the education of AIS and how to keep our waters clean.

Thank You,

Derrick Hecker

I Grant Miller live in Dickinson, ND. I am in support of **HB 1538**.

Here are a reasons why we need to pass this new bill:

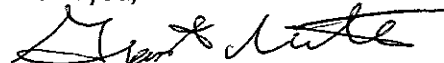
- \*Will allow our Youth more opportunities in the fishing industry.
  - Student Angling is growing across the country and attempts to bring competitive student angling to ND have been impeded by the cost associated with running a tournament in ND due to the current regulations requiring 10% of the entry fees be paid back as a conservation fee.
- \*Economic Impact.
  - In 2019 the Devils Lake National Walleye Tour event indicated that over \$250,000 was brought into the community over the course of the event!
- \*Bigger tournaments with TV following coming and highlighting our State, and Cities.
  - NWT, MWC, Etc.

Things that compare that don't pay current fees:

- \*Coyote Tournaments
- \*Trap Shooting,
- \*Pheasant Tournaments
- \*Golf tournaments

For these reasons, I strongly urge you to pass bill HB 1538.

Thank you,



Grant Miller



Representative Todd Porter, Chairman  
House Energy & Natural Resources Committee

Mark Haugen, President  
North Dakota EMS Foundation  
(701) 527-5997

Friday, February 2, 2023

Support of HB 1538, Related to Fishing Contests

Chairman Porter and members of the House Energy and Natural Resources Committee, I am Mark Haugen, President of the North Dakota EMS Foundation. Our Foundation testifies in support of HB 1538.

The North Dakota EMS Foundation is a non-profit 501(c)(3) organization dedicated to the state's EMS providers, ambulance services and quick response units; and it places a major emphasis on the continued viability of individual rural providers and response groups. Our goal is to promote Emergency Medical Services by providing leadership and educational opportunities through scholarships, grants, and by sponsoring education conferences, which are necessary to attract, sustain, and retain EMS professional in North Dakota.

To raise funds to meet our above-mentioned goals, the EMS Foundation sponsors an annual fishing tournament on Lake Sakakawea each year in August. The basis for our support lies in the proposed language found in section 2, subsection 2, stating that various types of listed non-profit organizations defined in Chapter 53-06.1, may retain 100% of the proceeds from the fishing contest. This proposed language will certainly give our Foundation increased flexibility in deciding how much of the entry fee should go back to the fishing tournament teams as cash prizes and how much may be retained for the Foundation to meet its stated goals.

In conclusion, the North Dakota EMS Foundation supports HB 1538, and we ask for a favorable recommendation by the House Energy and Natural Resources Committee. Thank you for the opportunity to give written testimony.

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** 2/2/23

**Submitted by:** Chandler Aarfor

Address: 511 4<sup>th</sup> Ave, Milnor ND 58060

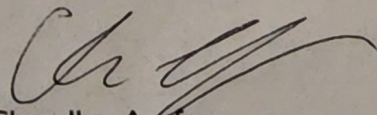
**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

In my opinion the financial burden the current legislation on tournaments and tournament fees has placed on tournaments that are held within our state is much too restrictive. The result has been that the major tournament organizations have chosen to hold their events in other surrounding states that have much less restrictive fee structures. The loss of tournaments in our state affects our local communities with loss of tourism revenues and also affects me personally by reducing the number of events available for me to participate in each year.

It is for these reasons that I overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is important to the local communities in which these events are held and to the future of the sport that means so much to me personally. Thank you for your consideration!

Sincerely,



Chandler Aarfor

I wish to submit testimony concerning HB1538. I believe organized fishing tournaments serve as a valuable component to the fishing industry as a whole and also to tourism in the state of North Dakota. When North Dakota changed the ruling removing the cap for the conservation fee paid by tournaments operating in the state, I don't believe that anglers were fairly represented and also don't believe that communities that benefit from tournaments were represented. I believe that a conservation fee is good for creating goodwill and for putting something monetary back towards the resource or department that can be used to create more opportunities for the outdoor resource of the state. When the cap was removed however, the fees that were required to be paid to the state to have a tournament became excessive considering that other states don't require anything similar. As a result, many large National scale tournament circuits immediately quit coming to North Dakota.

There is a misconception that the tournament organizations themselves are getting rich from the resource. The truth is that most of these circuits barely survive from year to year. I can remember many large tournament organizations that no longer exist: Professional Walleye Trail, North American Walleye Association, Team Walleye, Western Walleye Pro Circuit... the list goes on. The people who stand to benefit the most financially from tournaments happening in the state of North Dakota are North Dakotans. From gas station owners and hotel owners to resorts, guides and retail locations. Communities like Devils Lake, Newtown, Garrison and others benefit greatly from fishing tournaments.

There is also the misconception that tournament anglers simply replace recreational anglers in that if the tournament isn't happening, there would still be ample weekend anglers spending the same amount of money. That can be true at times but so often... this isn't the case. If the weather is cold, rainy and windy on Memorial Day weekend for example, it can cost a community like Devils Lake millions of dollars in lost revenue. The tournament anglers still fish and spend money regardless of poor fishing reports or weather.

What also goes unsaid is that many North Dakota resident anglers also enjoy participating in these tournaments. From a grass roots level to promote angling and getting future generations involved in fishing, the high school and college level organized fishing tournaments have greatly increased participation for young and new anglers across the country where North Dakota has lagged greatly behind with organized high school fishing. These high school programs in particular have been so beneficial because angling requires equipment and mentorship. Highschool age kids are able to compete in fishing tournaments when their parents did not own a boat. These kids are able to receive mentorship and information to make themselves competent anglers because of these entry level tournaments and many of these kids go on to become licensed and passionate anglers. The overall beauty of all these youth tournament opportunities is that any kid can learn and get good at fishing and find satisfaction and enjoyment. I believe this bill would also increase youth fishing tournament opportunities in the state.

To provide balance between those that benefit from tournaments and those that believe they do not, the permit process is needed and some type of conservation fee getting paid to the state is good but there needs to be some flexibility.

Respectfully,

Jason Mitchell

Jason Mitchell Outdoors Television

My name is Dennis Bense and I am a resident of Bismarck. I am in support of HB1538.

As a retired store leader of a large sporting goods retailer, a tournament angler and a person very involved in youth fishing, this bill affects my interests in many areas.

As a former retailer, I saw first hand the money that came into our city when one of these large tournaments was held. I know the data is out there, but millions of dollars are being spent in other states because of the 10% fee being attached to the permits. And they will not come back without a change to the policy. Small cities like Devils Lake and Garrison are missing out on significant revenue.

As a tournament angler, I am already buying a fishing license, why should 10% of my entry fee have to go to the Game and Fish. Do big buck contests or pheasant tail contests pay 10% off their entries to the Game and Fish. Also, under the current policy, things like tournament calculators are required to pay the 10% fee. Side pots are required to pay the 10% fee. I traveled as a Co Angler in the NWT for one year. Now to fish as a co Angler, you have to travel out of state, thus reducing the opportunities for our residents.

Lastly, I think requiring non profits and high school tournaments pay a \$10,000 fee to host a tournament is wrong. We need to recruit and encourage kids to get involved in the outdoors. High School angling is a very popular sport across the country. We can not discourage it in North Dakota.

Please pass this bill, or a form of this bill, to erase the 40 year old outdated policy.

Thank you

Dennis Bense



**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** 2/02/2023

**Submitted by:** Brandon Van Dusen

**Address:** 3111 43<sup>rd</sup> Ave NE Bismarck, ND 58503

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

I have been tournament fishing in North Dakota for 4 years. It started out as a onetime event to spend some time in the boat with a friend and to test our skills. After the first event I quickly realized this something I want to do forever. Tournament walleye fishing was able to bring out the competitive side of me I felt like I lost. It has been a great way to meet new people that I would not meet otherwise.

However, the fishing world can be a tough place to navigate. It is relatively expensive. If you do not have a close family member, friend or mentor to point you in the right direction, fishing North Dakota's great bodies of water can make novice anglers feel very overwhelmed. In my opinion North Dakota House Bill 1538-A can help with that. It would give all anglers especially the youth more opportunities to get involved in the hobby (lifestyle) we all love. North Dakota has some of the best fishing on the planet. That is something we should all be proud of and something we want everyone to be able to experience. I would love nothing more than to support the great state of North Dakota by giving people the opportunities I never had.

It is for these reasons that I support Bill 1538. This Bill in my opinion is important to local communities and its people, which would benefit from future events through tourism and recreation and is a crucial part in empowering future generations of anglers to get exposure to angling and the outdoors.

Sincerely,

Brandon Van Dusen

February 2, 2023

Submitted by: Rick Mohan, President of the North Dakota Sportfishing Congress (NDSFC)

Dear Chairman Porter, Vice Chairman Anderson members of the House Energy and Natural Resources Committee

I am not submitting this testimony on behalf of the North Dakota Sport Fishing Congress. This is my own opinion.

Rich Brueckner, past president recently submitted testimony in opposition to HB 1538 on behalf of the NDSFC. While the board of the NDSFC did vote to oppose HB 1538, the vote was not unanimous. Mr. Brueckner represented all the members clubs of the NDSFC as being opposed to HB 1538. This is not the case.

My affiliation with the NDSFC is on behalf of FM Walleyes Unlimited. FM Walleyes Unlimited has taken no position regarding HB 1538 due to timing of our board meetings and when the hearing was scheduled. Many of our members do support HB 1538.

I also want to submit my support for HB 1538. The proposed legislation addresses many issues.

The application of the current statute is the sole roadblock for student angling in North Dakota. Currently students are prevented from being able to participate in high school angling programs at home in ND.

The current statute prevents organizations from inside and outside of the state of ND from holding and promoting youth angling events.

The current statute and application of this legislation is negatively impacting North Dakota communities who rely on recreational income in their communities. In some situations, communities are forced to give up revenue in the millions.

The opposition to the proposed changes can be narrowed down to three general categories:

- Current grantees of conservation fees.
- Individuals and groups who would prefer to keep any outside angler from in or out of state away from their local waters.
- Individuals and groups who disapprove of tournament angling.

I appose all these points of view.

I ask you to support of HB 1538.

Kind regards,

Rick

Richard Mohan  
1751 6<sup>th</sup> St E  
West Fargo, ND 58078  
rgmohan1@outlook.com

**Testimony in support of:** North Dakota House Bill 1538 – A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** 2/2/2023

**Submitted by:** Justin Fettig

Address: 5801 Lakeshore Estates Lot 1  
Beulah, ND 58523

**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resource Committee

As an avid angler and lifetime resident of North Dakota, I am writing to voice my support for your House Bill 1538.

North Dakota has seen a decrease in a few national level tournaments since the changes to the conservation fees have taken place. The effects of this have impacted several communities that benefit from events such as these. These events attract upwards to 200 out of state anglers who spend up to a week in these communities. The communities also benefit from seminars and fishing clinics for the local youth that are put on by anglers themselves to promote fishing and the awareness of ANS. These benefits have been shifted to neighboring states and are giving them exposure on a national level and sending tourism dollars there instead of our great state.

I would like to respectfully ask that you pass HB 1538 to support and promote one of our great resources.

Sincerely,

Justin Fettig



## House Energy and Natural Resources Committee Testimony on HB 1538

North Dakota Game and Fish Department  
Greg Power, Fisheries Division Chief  
February 3, 2023

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Greg Power, Fisheries Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in opposition of HB 1538.

The bill proposes some significant changes to fishing tournament rules and regulations including codifying some of the current administrative rules. Our concerns with HB 1538 are generally two-fold. First, as written, the bill is unclear on several important issues. For example, this bill exempts youth fishing events from the need to be permitted yet it also establishes an application fee for a youth event. The Department would welcome the opportunity to work with the bill sponsor in gaining clarification before HB 1538 proceeds (Attachment 1).

The Department's largest concern centers on the elimination of the fishery conservation project fee and replacing it with an application fee. To explain the Department's concerns with this matter, I'd like to share some background and current information.

The passage of HB 1700 in 1983 and subsequent administrative rules in 1984 authorized the Department to adopt rules and issue permits for conducting fishing contests (tournaments). Fishing contest administrative rules have been modified five separate times since 1984 to address the contemporary needs of the time.

There are several required steps to sponsor a fishing tournament in North Dakota, including the requirement for all fishing tournaments to pay a portion (generally 10%) of their respective contestant entry fees toward a fishery conservation project. This requirement has existed for nearly forty years, and since 2010 fees have totaled slightly more than \$1 million (Attachment 2).

It should be noted, the Department has permitted well over 3000 fishing tournaments over the years. Except for a few high entry fee, high payout tournaments, the Department has received essentially no negative, unsolicited comments about the conservation fees.

Fishery conservation fees reinvest tournament proceeds back into the local fisheries resource. Tournament sponsors may request how these monies are spent, and a popular designation is to allocate it toward access improvement at or near the tournament location. Boat ramps, courtesy docks, fish cleaning stations and other infrastructure have been enhanced considerably over four decades using tournament conservation fees. In addition to boat ramp infrastructure, tournament monies have been used for youth fishing and education events (Attachment 3).

It must be stated that all (100%) monies collected from fishing tournaments go back to a North Dakota fishery resource. No tournament conservation monies are used by the Department to administer fishing tournaments or other programs.

Historically, there had been periodic disagreement and conflict between some tournament and non-tournament anglers. Knowing that tournaments invest at least 10% of their entry fees into a local fisheries project has led to much higher acceptance of tournaments by many casual anglers who do not fish in tournaments. The combination of the 10% conservation fee coupled with the Department's efforts to apply various tournament protocol to reduce crowding (e.g., spread tournaments about, non-tournament anglers have precedent at the ramp, etc.) has helped lessen conflicts considerably in the past 15-20 years.

Currently, North Dakota has about 150,000 resident licensed anglers (16 years of age and older) and their collective support for the fishery conservation project fee has been strong. In a 2021 survey of licensed resident anglers, 92% of the non-tournament anglers and 68% of the tournament anglers supported the current 10% minimum fee over a reduction of the fee. Even the majority (57%) of the tournament sponsors were in support of the current 10% minimum conservation fee over a reduction of the fee or replacing it with an application fee. Again, most see it as a reinvestment into the state's fisheries resources.

There will always be a small portion of the public who will oppose tournaments altogether and at the same time a segment who believe professional tournaments should receive special attention. In the big picture however, the Department believes that the current administrative rules have greatly reduced tournament-related conflicts and the existence of the conservation fee has significantly increased non-tournament anglers support for fishing tournaments. For these reasons, the Department opposes HB 1538.

This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.



## Attachment 1. Questions/concerns with language of HB 1358

- Pg. 1, lines 19,20 - “... and fishing leagues and tournaments comprised of multiple fishing events which have a cumulative fee of fifty dollars or more per event.”
  - **Need clarification regarding intent. Unsure what is meant by ‘cumulative fee’ and ‘per event’.**
  
- Pg. 1, lines 21-24 – “The term does not include: a. A fishing event for which an entry or participation fee of less than fifty dollars is charged. b. A fishing event with fewer than fifty participants and fewer than fifteen boats”.
  - **Need clarification - If an event has an entry fee less than \$50 – and - 50 or more participants – and - 15 or more boats, then is it considered a fishing contest?**
    - **If the threshold of 15 or more boats (or 50 or more participants) is exceeded, history has shown us the volume of issues with crowded boat ramps, tournament/non-tournament angler conflicts, etc. increases considerably if there is not public knowledge of the fishing event. Regardless of the entry fee, the Department strongly feels all events at or exceeding the 15 and 50 threshold must be permitted to reduce the potential of conflict.**
  
- Pg. 1, line 21; Pg. 2, lines 3-4. “The term does not include: d. An organized youth fishing event if participants are under the age of nineteen or enrolled in a high school.”
  
- Pg. 2, lines 18-20. “A permit application fee may not exceed seventy-five dollars for ... a youth event held on a single body of water.”
  - **The proposed language above states youth fishing events are not required to be permitted yet also establishes a maximum application fee of \$75 for youth events.**
  - **A youth event should be defined. Does it include events with adults?**
  - **Note - current administrative rules exempt youth (16 years of age and younger) fishing events from needing a permit if there is no entry fee. Further, the Department provides youth events with older individuals (ages 16, 17 and 18) with a directors permit which allow them to fish without a license for the event.**

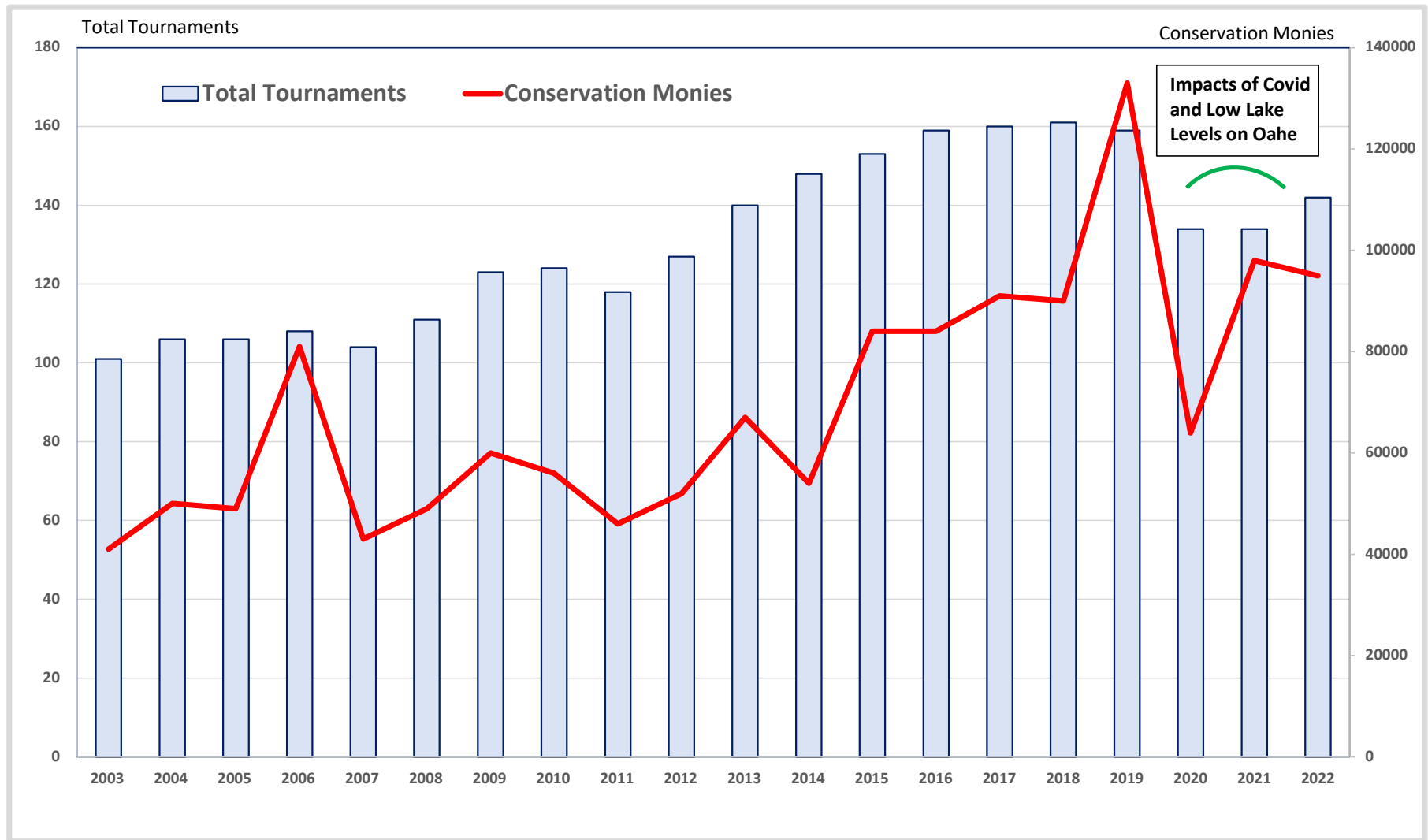
- Pg. 1, line 21; Pg. 2, line 5. “The term does not include: e. An online contest not held on a single body of water.”
  - **‘Online contests’ are growing in popularity but can be problematic as there can be complications with other ‘permitted’ tournaments that occur at the same place and time.**
  
- Pg. 2, lines 6-10. “A minimum of seventy-five percent of any entry or participation fee paid by the contestants must be returned to the contestants as cash or cash equivalent merchandise. ... A tournament applicant may retain a maximum of fifteen percent of the gross proceeds from entry or participation fees”.
  - **What does the other 10% (formerly the conservation project) go toward? Should change the minimum contestant payback to 85%.**
  
- Pg. 2, lines 17-18. “A permit application fee may not exceed two hundred fifty dollars for an event held on a single body of water”.
  - **Some fishing contests are held on multiple bodies of water. Does the application fee apply to each water body?**
  
- Pg. 2, lines 30,31 - “... the gross and net proceeds for the tournament, and the percentage of the entry fees awarded to the participants as prizes.”
  - **If there no longer would be a conservation fee, then there should be no need to report gross/net proceeds nor percentage payback to participants.**

### Other Clarification

- Through the administrative rule process, presumably the Department would have the authority to prorate the application fee downward based on tournament size, etc.?
- Approximately two-thirds of the 2023 tournaments are already permitted. If HB 1538 was to pass, could it become effective January 1, 2024?

## Attachment 2.

### Permitted Fishing Tournaments and Conservation Project Monies Trends







## Attachment 3. Fisheries conservation project details - 2019

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Alkaline Lake	247	Kidder County Sportsmen's Club	Fisheries Development
2019	Ashtabula, Lake	220	Barnes Co. Wildlife Club	Barnes County Wildlife Club - Faust Park O&M
2019	Ashtabula, Lake	148	Ice Fishing ND (IFND Facebook Group)	Fisheries Development
2019	Ashtabula, Lake	150	Page Fire Department	Fisheries Development
2019	Ashtabula, Lake	186	Barnes County Wildlife Club	Barnes County Wildlife Club - Faust Park access
2019	Ashtabula, Lake	48	Barnes County Wildlife Federation	Fisheries Development
2019	Audubon, Lake	51	Minot State Baseball	Fisheries Development
2019	Audubon, Lake	168	Bis Man Reel & Rec Club	Bis Man Reel & Rec Club - Take A Kid Fishing Program
2019	Audubon, Lake	64	Anglers Insight Marketing (AIM)	Fisheries Development
2019	Audubon, Lake	25	Souris Valley Bowmen	Fisheries Development
2019	Audubon, Lake	25	Badlands Bass Bandits	Fisheries Development
2019	Audubon, Lake	20	Badlands Bass Bandits	Fisheries Development
2019	Buffalo Lodge Lake	89	Minot AFB Chief's Group	Lake Darling-ADA Concrete Pad
2019	Buffalo Lodge Lake	0	Ashlar Lodge #69	tournament cancelled due to low water levels
2019	Buffalo Lodge Lake	83	Ashlar Lodge #69	Fisheries Development -rip rapping sides of ramp
2019	Camels Hump Lake	6	Karwin Wilson Memorial	no entry fee/all fish released that were caught
2019	Carpenter Lake	200	Turtle Mountain Wildlife Club	documentation of dock and gravel work submitted
2019	Coe, Lake	0	Eddy County Rod & Gun Club	Tournament cancelled due to extreme cold & snow
2019	Crystal Springs	0	Medina Sportsmen's Club	Tournament cancelled due to weather
2019	Crystal Springs	22	Medina Sportsman Club	Fisheries Development-Reule Lake project
2019	Darling, Lake	100	Souris River Basin Longbeards	Lake Darling-ADA Concrete Pad
2019	Darling, Lake	50	Souris River Basin Longbeards	USNWR-ADA loading dock
2019	Devils Lake	2328	Devils Lake Volunteer Fire Dept.	\$1,250/EACH: Fishing Has No Boundaries/DL Chamber-youth tournaments/LRAA-DL access/DL Park Board - Lure 'em For Life-camps
2019	Devils Lake	43	IBEW Local Union 714 & 1426	Fisheries Development
2019	Devils Lake	181	Volunteer Fire and Community Club	Minnewaukan Comm. Club - fish cleaning station O&M
2019	Devils Lake	35	Lake Region Angler Association	LRAA - youth scholarships/projects
2019	Devils Lake	55	Lake Region Angler Association	LRAA - Youth scholarships/projects
2019	Devils Lake	0	Obermiller Nelson Engineering	tournament cancelled due to weather
2019	Devils Lake	261	Spirit Lake Casino & Resort	Spirit Lake Marina-O&M/winter access
2019	Devils Lake	35	Bobcat Employees	Fisheries Development-Devils Lake
2019	Devils Lake	47	Lake Region Angler Association	LRAA - youth scholarships/projects
2019	Devils Lake	220	Devils Lake Chamber of Commerce	Devils Lake Chamber of Commerce-DL Access Committee

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Devils Lake	60	Dean Staska	Fisheries Development - Devils Lake
2019	Devils Lake	34	John Adams (Ball & Chain)	Lake Region Anglers - fisheries project
2019	Devils Lake	120	FM Walleyes Unlimited	Lake Region Anglers Association (LRAA) - fisheries projects
2019	Devils Lake	25	Lake Region Angler Association	Lake Region Anglers Association-youth scholarships
2019	Devils Lake	76	Doosan Bobcat	Fisheries Development-Devils Lake
2019	Devils Lake	96	Haybale Heights	Fisheries Development-Devils Lake
2019	Devils Lake	46	Anglers Insight Marketing (AIM)	Fisheries Development
2019	Devils Lake	31	Camp Grafton MSC (Barstad Memorial)	Lake Region Anglers - Devils Lake access
2019	Devils Lake	51	Minnewaukan Community Club	Minnewaukan Community Club - Minnewaukan O&M
2019	Devils Lake	126	Devils Lake CVB /Cabela's	Devils Lake Chamber of Commerce-Devils Lake Access Committee
2019	Devils Lake	12	Lake Region Angler Association	Lake Region Anglers Association-youth scholarships
2019	Devils Lake	174	Outdoor Team Works	Fisheries Development-Devils Lake
2019	Elsie, Lake	450	Richland County Wildlife Club	Richland County Wildlife Club-Lake Elsie
2019	Elsie, Lake	76	Richland County Wildlife Club	Richland County Wildlife Club - Horseshoe Lake access
2019	Fordville Dam	173	Dakota Prairie Wildlife Club	Fisheries Development
2019	Frettim Lake	97	Robinson Lions Club	Fisheries Development
2019	Goose Lake (Wells)	18	Harvey Wildlife Club	Harvey Club expense invoice for dock installation
2019	Green Lake	200	Wishek Wildlife Club	Wishek Wildlife Club-Green Lake Roads
2019	Heart Butte Reservoir (Tschida)	26	Badlands Bass Bandits	Fisheries Development
2019	Heart Butte Reservoir (Tschida)	33	Dakota Fishfest Youth	Tri Cities, JJD-docks
2019	Heart Butte Reservoir (Tschida)	108	Dakota Fishfest	Tri-Cities, JJD - docks
2019	Heart Butte Reservoir (Tschida)	8	Eastern Montana Bass Anglers	Fisheries Development
2019	Hiddenwood Lake	78	Hiddenwood Sportsmans Club	Fisheries Development
2019	Homme Dam	0	City of Park River Park District	Tournament cancelled due to weather
2019	Indian Creek Dam	100	Veterans Outdoors Adventures ND	Fisheries Development
2019	Jamestown Reservoir	983	Jamestown Rural Fire Department	Fisheries Development
2019	Jamestown Reservoir	0	Stutsman County Wildlife Club	no entry fee
2019	Jamestown Reservoir	12	Dakota Anglers	Ron Liudahl Scholarship - documentation submitted
2019	Josephine, Lake	170	Tuttle Wildlife Club	dock/ramp maintenance, winter access, rods & reels for kids
2019	Josephine, Lake	0	Dakota Fence	Tournament Cancelled due to snow

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Kraft Slough	140	Cogswell Rural Fire Department	Sargent County Park Board - Kraft Slough
2019	Larimore Dam	250	Larimore Legion	Grand Forks Water Board -Larimore Dam shore fishing improvements
2019	Makoti Lake	140	Hiddenwood Sportsman's Club	Fisheries Development
2019	Metigoshe, Lake	62	Bottineau Area Chamber of Commerce	Fisheries Development
2019	Mirror Lake	36	RZ Motors/Runnings	Fisheries Development
2019	Missouri River	165	Broken Oar	Lure 'em For Life
2019	Missouri River	34	Kupper Chev/MVP/Broken Oar -Walleye Wizards League	Fisheries Development
2019	Missouri River	300	Broken Oar	Lure 'em For Life, Bismarck, ND
2019	Missouri River	189	Bis-Man Reel & Rec Club	Bis-Man Reel & Rec Club - Take A Kid Fishing Program
2019	Missouri River	130	Bis-Man Reel & Rec Club	Bis-Man Reel & Rec Club - Take A Kid Fishing Program
2019	Missouri River	95	The Little Bar & Grill	Fisheries Development
2019	Missouri River	50	Riverboat Saloon	Fisheries Development
2019	Missouri River	0	Mandan Moose #425	tournament cancelled due to wind and rain
2019	Multiple	44	Richland Wildlife Club Fishing League (Thursdays)	Richland Wildlife Club -Rough Fish Removal
2019	Multiple	24	Sportsman's Warehouse	Fisheries Development (caught all carp & gar)
2019	Multiple	87	Kidder County Sportsman's Club	Fisheries Development
2019	Multiple	20	Dakota Anglers	Ron Liudahl Scholarship -documentation submitted
2019	Multiple	0	Arthur Companies	tournament cancelled due to weather
2019	Multiple	15	University of Mary Athletics (Fins & Feathers)	Fisheries Development
2019	Mundt Lake	204	Lehr Wildlife Club	Lehr Wildlife Club - Fisheries Projects
2019	Nelson Lake (Oliver)	22	Badlands Bass Bandits	Fisheries Development
2019	New Johns Lake	25	Badlands Bass Bandits	Fisheries Development
2019	North (Hoffer) McClusky	16	McClusky Sportsman's Club	Fisheries Development
2019	North Carlson Lake	68	Douglas Sportsman's Club	requested money be sent directly to Ward Co. Park Board for fishing pier repairs
2019	Oahe, Lake	60	Angler Insight Marketing (AIM)	Fisheries Development
2019	Oahe, Lake	82	Cattail Resort (Scott Dub Memorial)	Voices of Oahe - Fisheries Project
2019	Oahe, Lake	38	Anglers Insight Marketing (AIM)	Fisheries Development
2019	Oahe, Lake	244	Prairie Knights Casino & Resort	Prairie Knights Marina-Marina O&M
2019	Oahe, Lake	18	Lincoln Tumbleweed/Sportsman's Club	Fisheries Development-Oahe/Missouri River
2019	Pipestem Reservoir	6	Stutsman County Wildlife Club	no entry fee
2019	Pipestem Reservoir	55	Dakota Anglers	Ron Luidahl Scholarship Fund
2019	Red River	354	Red River Valley Catfish Club	Fisheries Development

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Red River	12	Red River Area Sportmen's Club	Red River Sportsmen Club -fishing pier improvements (Wahpeton Area)
2019	Red River	100	Red River Valley Catfish Club	City of Grand Forks-Whopper John boat ramps
2019	Red River	35	Pembina 4th of July Committee	Fisheries Development
2019	Red River	40	Drayton Chamber	City of Drayton - Hastings Landing Recreation O&M
2019	Red River	34	Drayton Chamber	City of Drayton - Hastings Landing Recreation O&M
2019	Renwick Dam	0	Pembina County Sportsmen's Club	Tournament cancelled due to excessive snow
2019	Sakakawea, Lake	104	Epping Rural Fire Department	Fisheries Development
2019	Sakakawea, Lake	134	Rugged West Relay For Life	Fisheries Development
2019	Sakakawea, Lake	1250	New Town Chamber/Parshall Promoters	Mountrail County Park Board-Van Hook Improvements
2019	Sakakawea, Lake	52	The Little Bar & Grill	Fisheries Development
2019	Sakakawea, Lake	15	IBEW Local 1593	Fisheries Development
2019	Sakakawea, Lake	28	Gust Family	Fisheries Development
2019	Sakakawea, Lake	200	Pheasants For The Future	New Town Marina-Barracuda Fish Cleaning Station
2019	Sakakawea, Lake	104	Angler Insight Marketing (AIM)	Fisheries Development
2019	Sakakawea, Lake	260	Williston Rural Fire Association	Lewis & Clark State Park - Fish Cleaning Station
2019	Sakakawea, Lake	180	Oilfield Helping Hands	Tobacco Gardens Resort-Fish Cleaning Station
2019	Sakakawea, Lake	72	Bobcat	Fisheries Development
2019	Sakakawea, Lake	264	New Town Chamber of Commerce	Mountrail County Park Board - Van Hool O&M
2019	Sakakawea, Lake	74	Montana Dakota Utilities	Ft. Stevenson's State Park - fish cleaning station
2019	Sakakawea, Lake	70	Falkirk Mine	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	108	Fishin For the Cure	Fisheries Development - Lake Sakakawea
2019	Sakakawea, Lake	165	ND Adult & Teen Challenge	Mountrail County Park Board-Parshall Bay Improvements
2019	Sakakawea, Lake	52	Couteau Freedom Mine	No Entry Fee - No Conservation Fee
2019	Sakakawea, Lake	88	Angler Insight Marketing (AIM)	Fisheries Development
2019	Sakakawea, Lake	62	Coal Creek Employees	Fisheries Development
2019	Sakakawea, Lake	460	Van Hook Association	Mountrail County Park Board- Van Hook O&M
2019	Sakakawea, Lake	180	Border States	no entry fee
2019	Sakakawea, Lake	45	Coyote Station Emploees	Fisheries Development-Beulah Bay
2019	Sakakawea, Lake	249	ND Petroleum Foundation	Dunn County Park Board - Little Missouri fish cleaning station
2019	Sakakawea, Lake	504	ND Governor's Walleye Cup	Ft. Stevenson State Park - ADA loading dock = \$ 3,000/ND Fishing Hall of Fame = \$1500.00/ND Jr. Gov. Cup Derby =\$500.00
2019	Sakakawea, Lake	84	Friends of Parshall Bay	Mountrail County Park Board- Parshall Bay
2019	Sakakawea, Lake	360	Beulah Chamber of Commerce	Beulah Park District - Fish Cleaning Station

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Sakakawea, Lake	14	Badlands Bass Bandits	Fisheries Development
2019	Sakakawea, Lake	42	Missouri Basin Bowmen	Mountrail County Park Board-Van Hook O&M
2019	Sakakawea, Lake	43	Skunk Bay Cabin Owners	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	35	Elmer's Point	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	46	REC Coop/Indian Hills Resort	Indian Hills Resort-Fisheries Projects O&M
2019	Sakakawea, Lake	228	4 Bears Casino & Lodge	4 Bears Casino-Fisheries Project
2019	Sakakawea, Lake	402	Outlaw Walleye Tournament Association	Mountrail County Park Board - White Earth O&M
2019	Sakakawea, Lake	29	BNI Coal	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	66	Indian Hills Resort	Indian Hills Resort-Fisheries Projects O&M
2019	Sakakawea, Lake	146	Great Planers Trout & Salmon Club	Lake Sakakawea State Park - fish grinder
2019	Sakakawea, Lake	160	ND Emergency Medical Services Foundation	Mountrail County Park Board - Van Hook O&M
2019	Sakakawea, Lake	117	Coyote Wrestling Club	Mountrail County Park Board - White Earth Bay O&M
2019	Sakakawea, Lake	146	Hook, Line & Sinkers/Dakota Farms	Beulah Cops N Kids-kids fishing outing
2019	Sakakawea, Lake	71	Van Hook Resort	Mountrail County Park Board - Van Hook O&M
2019	Sakakawea, Lake	68	Tobacco Gardens	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	88	Outlaw Walleye Association	Mountrail County Park Board - White Earth O&M
2019	Sakakawea, Lake	18	Badlands Bass Bandits	Fisheries Development
2019	Sakakawea, Lake	200	4 Bears Casino & Lodge	4 Bears Casino - Fisheries Project
2019	Sakakawea, Lake	200	Williston CVB	Lewis & Clark State Park - Fish Cleaning Station
2019	Sakakawea, Lake	32	North Country Marine/Yar Craft	Fisheries Development - Lake Sakakawea
2019	Sand Lake	193	Rugby Eagles Club	Fisheries Development
2019	Sibley Lake (Griggs)	77	Sibley Lake Association	Jon Dockter-Sibley Lake dock O&M
2019	Sibley Lake (Kidder)	64	Dakota, Missouri Valley & Western Railroad	Fisheries Development
2019	Silver Lake (Sargent)	0	Cogswell Gun Club	Tournament cancelled -Fisheries Development
2019	Spiritwood Lake	6	Stutsman County Wildlife Club	no entry fee
2019	Spiritwood Lake	25	Badlands Bass Bandits	Fisheries Development
2019	Stump Lake	18	ND Peace Officers Association	Fisheries Development
2019	Tolna Dam	383	Tolna Fire Department	Tolna Community Club - docks
2019	Tolna Dam	30	Pekin Rod & Gun Club	Fisheries Development
2019	Trenton Lake	62	Teton Hockey	Fisheries Development
2019	Trenton Lake	56	Missouri Basin Bowmen	Fisheries Development
2019	Twin Lakes (LaMoure)	86	James River Sportsmans Club	James River Sportsmans Club-Twin Lake Improvements
2019	Upper Missouri River	106	Montana Catfish Association	Fisheries Development
2019	Upper Missouri River	130	River Rat Anglers Association	Fisheries Development-Hwy 85 Parking Area Expansion

Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: 2/2/2023

Submitted by: JR Carter, Resident District 34, Mandan ND

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee:

Thank you for the opportunity.

I speak today as a District 34 ND Resident, Professional Fisherman, ND Army Guard Veteran, and most importantly a father.

I strongly support this legislation HB1538. Tournament fishing has been apart of my life for a long time. The current century code, the game and fish administrative rule change to \$5000 cap, then the game and fish administrative rule change back to \$10,000 has been a point of contention for far too long. The fact of the matter is the Game and Fish Department has a boss and you are sitting right in front of me. This legislation HB 1538 takes care of the Game and Fish burden of fishing tournaments and makes it clear for everyone involved. It supports youth angling, high school fishing, veteran organizations, fraternal, virtual angling, charitable events, and tournaments to host big and small in our communities. This Bill addresses what it needs to address, century code in relation to fishing contests. This bill doesn't address fish, boat ramps, watercraft registration, campgrounds or planting trees that's up to some other legislation.

In this debate, I have heard tournament fisherman don't pay their fair share, I've paid over \$25,000 dollars in excise tax just on boats, \$3000-\$6000 a year in just boat gas, not to mention staying at local communities and truck travel in the last 5 years. I pay income tax on my earnings. I buy a ND watercraft license and a ND fishing license just like everybody so I am just as entitled to fishing.

I've hosted many Future Angler Fishing Clinics and the future of ND fishing is very important to me.

I will be available for questions if you may have any, thank you for your time.

JR Carter

Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: 2/2/2023

Submitted by: Tyler Schlosser, Resident District 37, Dickinson ND

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee:

I am the Chairman of the ND Chapter of Fishin For The Cure 5013C, our organization raises money for local ND families and provide Clinical trials specific to Children cancers. Our founder and hero, Matthew Ross Siegle, founded FFTC in 2008. His goal and mission was to find a cure for childhood cancer, which he had been fighting for 5 years at the time (osteosarcoma). He lost his courageous battle after 7 years. We have bound together to continue his legacy. We ask for your support for HB 1538. It would help to better clarify fishing contests. Our event is our main fundraiser and most if not all participants donate their winnings back, its amazing event. I invite each and every one of you in this room to our event at Beulah Bay on June 17<sup>th</sup> 2023. ND has been an overwhelming supporter and we look forward to future events.

Thank you

Tyler Schlosser

John Aarfor, FM Walleyes Board of Directors, is submitting the following testimony on behalf of FM Walleyes President, Dave Wasness.

North Dakota House Bill 1538

There is a lot of discussion on this proposed legislation. All of which is coming from a foundation of which is best for North Dakota's resources and opportunities to access them. At this time, FM Walleyes Unlimited as a club is taking no position on this bill in favor or opposed to it. Our board members and officers have not had the opportunity to meet to discuss this proposed legislation. As President of FM Walleyes Unlimited, Inc., I do not have nor want the ability to take a stance solely on my personal opinions. We recommend everyone to review this bill and make their own decisions on whether they want to support or oppose.

Sincerely,  
Dave Wasness, President



Dear House committee members,

I oppose HB 1538 as it is not a win for fishing conservation and education. I do agree the current policy on conservation dollars paid by fishing tournament permittees needs to be changed. However, removing the conservation dollars entirely, in favor of a standalone permit fee paid to the NDGF, is simple not the answer.

I am a current board member for a fishing conservation organization that puts on tournaments and we put our conservation dollars towards our own college scholarship that supports kids who want to get a college education in wildlife or fisheries related areas. The current policy is not a problem for our organization. However, it is a problem for tournaments that are ran as business such as the National Walleye Tour, Master Walleye Circuit or Anglers insight marketing. Since the cap on conservation fees was removed in 2020, these tournaments have pretty much pulled out of the state. As a tournament angler myself, I want these tournaments in my home state to showcase the work that our state agency does, the work that our local conservation clubs do, and the beauty of North Dakota. I want the communities that they are held in to benefit from the tourism and the opportunity for individuals in those communities to show what North Dakota nice is. I don't want conservation to be lost in our way to accomplishing those objects though.

To hold a tournament in the surrounding states, you don't have to give any money towards conservation. Minnesota is a application fee ranging between \$70-\$560 that is paid to the DNR, South Dakota you don't have to pay anything, Montana charges a fee of \$3 per participant, that is paid to FWP, if the tournament will be using a FWP access site or state park. Thats exactly \$0 towards fishing conservation and education. This is speculation but I would guess if you asked anyone who works for or fishes a NWT, MWC, or AIM event if they support fishing conservation and education, the answer would be yes.

I would support putting a cap back on conservation fees or having a lower percentage to begin with. Prior to 2020, we had the bigger tournaments in our state and that meant \$5000 towards conservation per tournament. That put North Dakota as a leader in fishing and education conservation dollars rasied, compared to surrounding states, and also worked for running a business. I don't want to see conservation lose in this.

Thanks,

Alex McInnes

My name is Cole Scherbenske, I serve as Outdoor Ministry Director of the Carson Wentz Audience of One (AO1) Foundation and I am providing testimony in support of HB 1538.

In 2018, The AO1 Foundation launched its Outdoor Ministry Programs which consists of two parts, Camp Conquerors and Mountain Movers. Camp Conquerors is a free overnight summer camp for youth ages 11-18 who have experienced life altering and life threatening medical situations and diagnosis, Mountain Movers provides the same population of youth with once in a lifetime outdoor adventures such as hunting, fishing, hiking, and camping trips at no cost to them or their family. Both of these programs serve to aim to help our youth foster a genuine passion for the outdoors while bringing them closer to God through discipleship.

As a foundation we aim to provide our youth with incredible opportunities to get outdoors and experience creation through lenses they may not experience in their everyday lives. One of the opportunities we provided for our youth was our "Mountain Movers Fishing Derby," held in Devils Lake, ND in August of 2021.

Although we were successful in achieving our goal of "just taking kids fishing," that was far from the full story. We were faced with a couple of options; 1. Obtain a permit, jumping through several hoops with the scheduling, planning, reporting, and paying a conservation fee OR 2. Limit our number of participants, limit the age of our participants (to under 16), and meet the requirements to avoid obtaining a permit. We chose option 2 and were fortunate enough to accomplish our goals, but unfortunately it came at the cost.

In the beginning of our Mountain Movers Fishing Derby planning, we discussed options such as hosting a 2 day tournament, one day of free fishing tournament for our youth (just as we did in 2018), and a second day with a standard entry fee tournament with the proceeds benefiting the AO1 Foundation the Mountain Movers Fishing Derby. After learning the regulations for fishing tournaments in North Dakota, we decided to "hang up" the idea as the majority of the proceeds wouldn't be benefitting our youth.

Unfortunately, after our inaugural Mountain Movers Fishing Derby, we opted to not continue the event as we could no longer meet the requirements to avoid obtaining a permit (without minimizing the number of youth involved), as well as the fact that potential ideas of fundraising were simply not plausible with the current fishing tournament rules and regulations.

**Testimony in support of North Dakota House Bill 1538****Date:** 3 February 2023**Submitted by:** Jim Carroll – Professional Angler**To:** Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

I am writing to lend my support to North Dakota House Bill 1538. For the past 30 years I have been involved in walleye fishing tournaments- as an angler, a volunteer, and organizer- at all levels of the sport from the grass-roots to professional level events across the United States. I have fished at the highest levels of competitive walleye fishing for the past 20 years; in that time competing in several events held here in my home state of North Dakota. I'm always proud to call North Dakota my home.

Travelling and fishing tournaments across the country has given me a great appreciation and perspective on how good the fishing can be here in North Dakota and I give our ND Game and Fish Department great credit for nurturing and improving our fisheries. However, in 2020 I believe a mistake was made when Game & Fish issued an executive ruling removing the \$5000 cap on the 10% Conservation Fee on entry fees paid by tournament anglers. This cap system had been in place for 20 years and while not perfect, it had allowed larger local events to thrive and national tournaments to be held in our state. The net effect of this change, whether intended or not, has undoubtedly been a chilling effect on tournaments and fishing here in North Dakota.

There have been no large national events in ND since this rule was changed in 2020. I fish the National Walleye Tour (NWT) and a regular season NWT event typically has around 120 boats with the pro's and co-anglers paying nearly \$300,000 in entry fees. With the removal of the \$5000 cap on the 10% Conservation Fee there would be a mandated fee to ND Game & Fish of nearly \$30,000 to hold an event in North Dakota. By contrast the NWT would pay \$250 for a tournament permit from the State of Minnesota. In South Dakota there is no fee. The State of Montana would charge \$360 and in Wisconsin the permit would cost \$25. It's easy to see why large professional tournament events will not be coming to North Dakota under the current rule. The potential economic impact on tournament towns like Devils Lake and Garrison could be enormous.

Local tournaments are affected as well. I've worked with the ND Governor's Cup Walleye Derby for the past 10 years and this rule change has meant the conservation fee paid to the State has nearly doubled. That money is no longer available to put into the purse to pay anglers.

Non-profit organizations that would like to raise funds with a fishing tournament are hampered as well. As are grass-roots efforts like High School Fishing Leagues and Fishing Clubs which we all want to see thrive here in North Dakota.

What needs to happen going forward is a decoupling of entry fees paid by anglers from the permit fee paid by tournament organizations to hold the event. The amount of entry fee paid by an angler does not correlate to impact on a fishery.

For these reasons I support HB 1538 going forward and hope we can move forward together to showcase the wonderful fishing opportunities here in North Dakota!

Sincerely,

A handwritten signature in black ink that reads "Jim Carroll". The signature is written in a cursive, flowing style.

**Jim Carroll**

Professional Angler

P.O. Box 814

Minot, ND 58702

(701) 720-8614

[jjmc@minot.com](mailto:jjmc@minot.com)



## NORTH DAKOTA WILDLIFE FEDERATION

**TESTIMONY OF JOHN BRADLEY  
NORTH DAKOTA WILDLIFE FEDERATION  
HOUSE BILL 1538  
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE  
FEBRUARY 3, 2023**

Chairman Porter and members of the House Energy and Natural Resources Committee:

For the record, I am John Bradley, executive director of the North Dakota Wildlife Federation. I'm here today representing our thousands of members in 15 affiliated wildlife and sportsmen's clubs across North Dakota that make up the North Dakota Wildlife Federation.

NDWF opposes HB 1538. The Wildlife Federation has a strong track record of working to protect North Dakota's world class fishery. NDWF worked on SB 2293 in 2019 which created the ANS Fund. Most recently, NDWF held a fundraising raffle with the profits from the raffle to help fund mobile ANS cleaning stations in the state.

We believe that HB 1538 would be detrimental to the long-term prosperity of North Dakota's fisheries. Our biggest concern with the bill, besides poking a bear that had finally fallen asleep after years of stakeholder meetings, is the removal of the conservation fee. NDWF believes that the conservation fee requirement should be in place for all future fishing tournaments in the state.

We truly believe that North Dakota resident anglers are happy enough to share our cherished resources with tournament anglers and other user groups, as long as the resource is being looked after and those users give back to the resource and facilities. The money from conservation fees go to boat ramp maintenance, fishing cleaning stations, and other local projects that make our lakes and rivers more accessible and enjoyable to the residents of North Dakota.

As proud supporters of youth outdoor activities, NDWF welcomes a discussion on how we can bring youth fishing leagues to the state. We believe that the law as

currently written gives Game & Fish the tools to allow these type of events that bring more youth into fishing.

We urge a Do Not Pass on HB 1538.

Testimony in support of: North Dakota House Bill 1538

Date: February 2, 2023

Submitted by: Spencer Deutz, Tournament Angler, Youth Fishing Advocate

My name is Spencer Deutz and I am submitting my testimony in support of HB 1538. Currently, I am a resident of Cass County. I have fished tournaments in the state of ND for the last 20 years. These tournaments consist of professional events on a national level to local, non-profit and youth events. More importantly, I am an ambassador for the National Professional Angler's Association's (NPAA) Future Angler Foundation (FAF). Here is my story.

Growing up in ND, all I ever wanted to do is become a professional tournament angler. There are many different paths to achieve this goal but as a kid in ND, where would you start? The first place is to attend national level tournaments in the area. Events at this level open the eyes of young kids to the industry and what it entails. So, this is exactly what I did. I attended FLW and PWT events when they came to the Devils Lake and Bismarck areas. This allowed me to see what the sport of professional fishing was all about. Not only did these organizations hold fishing tournaments, but they held Youth Fishing Clinics at the weigh-in's. These clinics taught kids of all ages about the sport of fishing. The kids (myself at the time) were also given free rod/reels.

After attending those events as a child, I knew I wanted to do both when I grew up: fish events at all levels and host Youth and Family Fishing Clinics. These tournaments would allow me to compete in a sport at the highest level in a State where I had home field advantage. The Youth and Family Fishing Clinics would allow me help grow the sport of fishing through education and outreach. The kids that would attend these clinics would not only be the future of the sport, but also be future customers of our local sporting goods stores bringing and keeping money locally.

Fast forward 22 years to today. I currently fish tournaments at all levels but most importantly, I am an ambassador for the NPAA FAF. I have organized and hosted over 60 Youth and Family Fishing Clinics Educating over 1000 kids on the sport of fishing. At these clinics, the kids learn fish identification, knot tying, casting, how to net fish, on the water safety and most importantly, how to stop the spread of aquatic nuisance species.

Now, why I am telling you this story. The answer is this. With the current bill in place, the events I attended 25 years ago in the state of ND that got me hooked promoting the sport of fishing through education and outreach, would not have happened solely because of the 10% conservation fee. Due to that, over 1000 kids today would be without fishing rods and education on the sport, the majority being from ND. This includes education on protecting our ND waterways by preventing the spread of aquatic nuisance species.

By passing Bill 1538, this would allow the next generation of anglers to attend national events in their home state as well as learn about the sport through the industry's leading experts. Who knows, maybe one of these youngsters from ND will be the next ambassador of the NPAA FAF

and will educate and promote the sport of fishing for many generations to come. Therefore, I support bill 1538.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Spencer Deutz". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Spencer Deutz



**Testimony in support of:** North Dakota House Bill 1538

**Date:** Feb 2<sup>nd</sup>, 2023

**Submitted by:** Tyler Noot

3904 Silver Blvd

Bismarck, ND 58503

District 8

**To:** Members of the North Dakota House Energy and Natural Resources Committee

I am writing this testimony as an outdoors oriented, conservation minded individual whom only wants to see EVERY North Dakotan exceed at what they aspire to be or represent. I feel the conservation fee of old is by far out dated and severely segregates one community of anglers, the tournament anglers. So therefore, I support the passing of this bill.

I don't want to hear one mention of boat ramps, and how tournament anglers crowd out boat ramps. Do multiple pontoons filled to or possibly even in excess of the coast guard rating use boat ramps? How many pontoons are registered in ND? Do jet ski's crowd boat ramps? How many of those are registered in ND? Yea there's more and more of those every year as well. But do you know what we are seeing less and less of every year? Tournament anglers fishing on their own bodies of water in ND, many are leaving to fish circuits in other states, or are fishing major circuits that don't come to ND anymore because they cant afford to! That opens up another thought if a circuit isn't coming here, neither are all the anglers from WI, MN, IA, MI, IN, SD, WY, and many other states! Therefor diminishing the small town economies even more, the backbone of America isn't getting what they could because of a tax on a small segregated group, and yet I go to the boat ramp with my new pickup, fancy fiberglass boat, and top of the line electronics, and I Tyler Noot don't have to contribute one dollar to conservation? Yet generally speaking the weekend anglers are the ones going out trying to catch a limit to fill the freezer, did you know most tournament anglers don't keep fish during prefishing because its considered bad karma? Or by the end of the day the just want to throw a steak on the grill and go replenish all the tackle they lost that day only to do it all over again!

Is \$250 fair for a tournament registration? I sure think so.

Is the old 10% tax fair on tournament prize pots? I highly contest this idea and thought process. I'll even explain why!

How much money did the 10% raise in 2022? Someone told me between \$26,000 and 27,000

So If we really want money for conservation, we ALL should contribute. But let's be fair and not charge the senior citizens or the disabled!

Lets keep it low and charge \$5 per individual resident and Non Resident.

\$8 per married couple fishing

\$2 for every short-term license whether its 10 days or 3 days.

\$20 annually for boats

Seems pretty cheap doesn't it? That's because when you spread it out fairly and to everyone it is cheap individually, but with this system the state would have garnered nearly **1.7 million dollars** in 2022 alone! That has now become useful money, acquired in a fair and just way. Call in a access fee, many other states do it, heck a lot of areas you pay every time you use a access, we do that in our state parks already and look how nice those docks are.

I support conservation and sustainability in many other states and through several organizations, I always will until I cant afford to, and at that time I'll find a new way to contribute. Less then 1% of anglers will never make a difference but all of us contributing and working together would make a huge difference!

In closing you need to ask who and what is really losing if this bill or a version of it doesn't come to fruition in the near future. The fish aren't losing, the docks certainly aren't losing, its local anglers who want to compete on a bigger stage and in front of there own home grown ND crowd. It's the gas stations, and bait shops who don't get the anticipation and build up of a major tournament coming to town! Some of these small towns could really use the boost in economy.

Sincerely,

Tyler Noot



Representative Todd Porter, Chairman  
House Energy & Natural Resources Committee

Mark Haugen, President  
North Dakota EMS Foundation  
(701) 527-5997

Friday, February 2, 2023

Support of HB 1538, Related to Fishing Contests

Chairman Porter and members of the House Energy and Natural Resources Committee, I am Mark Haugen, President of the North Dakota EMS Foundation. Our Foundation testifies in support of HB 1538.

The North Dakota EMS Foundation is a non-profit 501(c)(3) organization dedicated to the state's EMS providers, ambulance services and quick response units; and it places a major emphasis on the continued viability of individual rural providers and response groups. Our goal is to promote Emergency Medical Services by providing leadership and educational opportunities through scholarships, grants, and by sponsoring education conferences, which are necessary to attract, sustain, and retain EMS professional in North Dakota.

To raise funds to meet our above-mentioned goals, the EMS Foundation sponsors an annual fishing tournament on Lake Sakakawea each year in August. The basis for our support lies in the proposed language found in section 2, subsection 2, stating that various types of listed non-profit organizations defined in Chapter 53-06.1, may retain 100% of the proceeds from the fishing contest. This proposed language will certainly give our Foundation increased flexibility in deciding how much of the entry fee should go back to the fishing tournament teams as cash prizes and how much may be retained for the Foundation to meet its stated goals.

In conclusion, the North Dakota EMS Foundation supports HB 1538, and we ask for a favorable recommendation by the House Energy and Natural Resources Committee. Thank you for the opportunity to give written testimony.



Testimony in Support of House Bill 1538

Date: February 2, 2023  
 Submitted By: Amber Klingbeil  
 PO Box 1000, Garrison ND 58540

To: Representative Porter and Members of the North Dakota House Energy and Natural Resources Committee

As the Director of Tourism for Garrison ND, I am the writing this letter to show support of House Bill 1538. Garrison sits just off of Lake Sakakawea which makes our community a great place to fish, including holding fishing tournaments. We hold the ND Governor's Cup every year, which brings 260 teams, each consisting of 2 people to Garrison every July. The ND Governor's Cup looks to sponsors to help cover costs of fees, including the conservation fee. When the cap was removed this added an additional expense to the tournament, which added additional expense to the sponsors, most of whom are the businesses of Garrison. Tournaments like these bring a lot of additional revenue to our community whether it be fuel, lodging, eating, or shopping.

Garrison sponsored the Cabela's NWT fishing tournament back in 2017 and again in 2020 which brought in 240 anglers, 65% of which were non-residents. With this tournament Garrison and the state of ND, received national exposure through marketing channels. This tournament saw an impact in many other areas as well as but not limited to more than two weeks of lodging, fuel, bait & tackle, fishing licenses, food, liquor, and any other purchases made by anglers pre-fishing prior to the tournament. There was also an increase of daily & seasonal passes out of Fort Stevenson State Park. The removal of the cap on tournaments as this one, puts those fees onto the communities hosting the tournaments as the tournament itself will not pay those fees, resulting in them looking elsewhere and not returning to our communities.

With each event the fishermen traveling to the host community provide an economic impact to the state itself. Each are spending additional money on fuel, food, and lodging in other North Dakota communities that they travel through. They are also all purchasing fishing licenses most of them, for the entire season.

North Dakota has the highest conservation fees compared to our surrounding states of Minnesota (\$250-\$550 per tournament), South Dakota (\$0), Montana (\$3/angler), Michigan (\$0), and Wisconsin (\$25 per tournament). We as a state were already charging high conservation fees.

The economic impact of being able to host these tournaments is crucial in our communities and state. If we do not amend the Century Code that is currently in place, the national tournament organizations will not put North Dakota on their radar, not coming back to our communities or state again. If they do return, the fees may be passed onto the hosting communities, making it difficult to host, putting strains on our CVB's, resulting in less marketing for the State of North Dakota. The community of Garrison, as well as other fishing communities around the state, have worked too hard to build these relations and momentum to let this amendment not go through.

As of now, we are losing our economic impact to our surrounding states. In my opinion, it's not very North Dakota nice. The North Dakota tourism website itself claims that ND is a top destination for walleye anglers far and wide and even touches on the fishing tournaments. Fishing tournaments are a great way to bring people to our state. North Dakota should be a welcoming state to our visitors coming for recreational sports like fishing and the tournaments that come with it. That is why I am in support of and ask that you do pass HB 1538.

Sincerely,



Amber Klingbeil  
Director  
Garrison Convention & Visitor's Bureau

113 - 4th Street East  
P.O. Box 1374  
Williston, ND 58802



Office: 701.774.9041  
Toll free: 800.615.9041

February 3, 2023

Testimony in Support of HB 1538

North Dakota House Energy and Natural Resources Committee

Chairman Porter and members of the House Energy and Natural Resources Committee:

I am Amy Krueger, Executive Director of the Williston Convention and Visitor Bureau.

One of the main attractions to our area in North West North Dakota is the Outdoors, including hunting and fishing. This beautiful asset not only is intriguing and inspiring to our visitors coming into our area but our workforce and population adding to our Quality of Life. Fishing Tournaments are one of those draws. In 2020 through an Administrative Rules Process the \$5,000 cap of the 10% tournament conservation fee was removed. This made our locally run Lewis and Clark Big 10 tournament conservation fee jump from \$5,000 to \$10,000. Taking away from the payout of prizes and making this tournament less attractive to fish. While my office has stepped up and sponsored the increase in conservation fee the last two years as this tournament is important for us to retain our end of the lake, unfortunately we are not able to sustain this commitment long term. This tournament has attracted many attendees traveling more than 120 miles to get here, resulting in hotel nights, gas, food, bait and tackle purchases at local establishments, all increasing our economic impact and reach. While Williston has not had the privilege of hosting some of the Nationally Ranked Tournaments, we have benefited from them. When Garrison has hosted some of these tournaments my communities have still benefited from these economic impacts as teams were fishing our end of the lake. I would like to note that these visitors are not just staying in our area for the night or two of the tournaments, but many of them can be found in the area for a week or more pre-fishing and learning the area, some of them coming to visit several times prior to the tournament.

While I would have liked to see more of a compromise reached in our efforts of negotiation, as I do believe the conservation fee has done a lot of good adding much needed improvements to our infrastructure: including vault toilets, improvements to access points, and fish cleaning stations. I am not convinced that the burden of those fees and needs should lie only on the shoulders of tournament anglers but should be assessed to all who enjoy the amenities. This bill would allow us to host larger tournaments and for these reasons I would ask you to support HB 1538.

Sincerely,



Amy Krueger, Executive Director



FRIENDS OF  
**LAKE SAKAKAWEA**

PO Box 1853, Bismarck, ND 58502

*Dear members of the House Energy and Natural Resources Committee,*

*Representative (Chairman) Todd Porter*

The Friends of Lake Sakakawea (FOLS) is not opposed any to fishing tournament in North Dakota. However, our board of directors has reviewed this bill and is in opposition. FOLS is *asking the House Committee to oppose HB 1538 give it a "DO NOT PASS" recommendation.*

While we may agree with some of the concepts proposed in HB 1538, regulating fishing tournaments is best addressed through administrative code/rules and NOT through century code. This only micro-manages the North Dakota Game and Fish Commissioner and the agency. Maintaining these regulations in administrative code provides the flexibility to make changes throughout the biennium through an open hearing process rather than just through the legislative session.

One item we believe a vital part of this bill is Conservation Fees. These are important in that they need to be a part of the process as it helps with partially funding projects as stated best by one of our constituents:

***"Sitting on the Mountrail County Park Board we have been able to access these 10% conservation funds over the years from the game and fish for improvements to boat ramps, replacement of docks, maintenance of fish cleaning stations, installation of cameras and such. I'm 100% not in favor of this bill as written".***

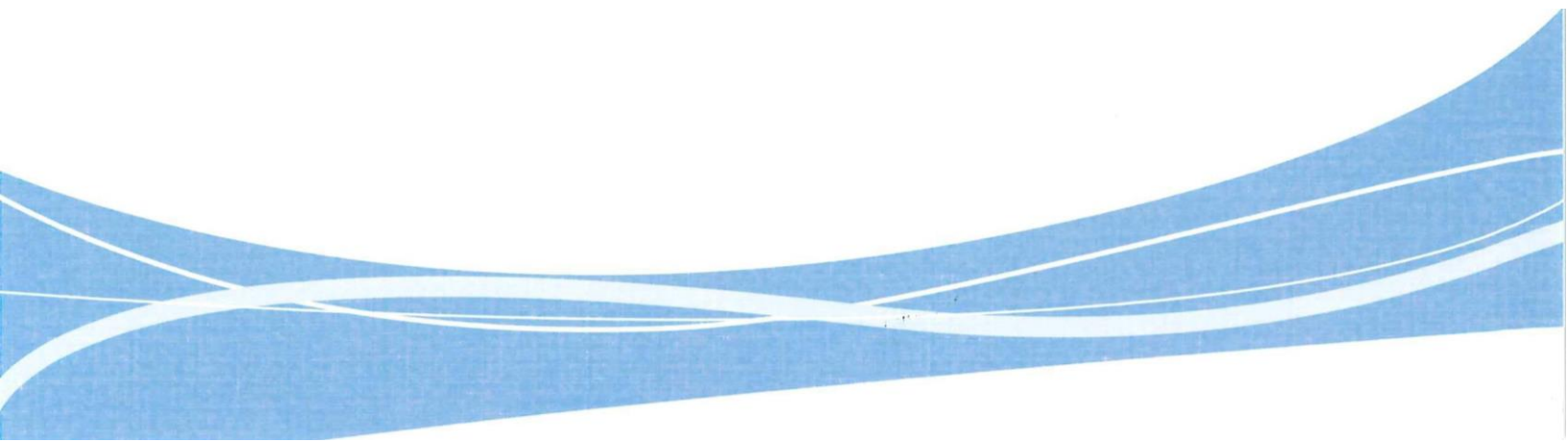
***Eric Jaeger D: 701.862.5259 O: 701.862.3115***

FOLS believes HB 1538 adversely affects non-profit organizations by letting LLC's have a much broader stance with fishing tournaments. Some tournaments can and will become total fundraising events within the written provisions within HB 1538.

*For these reasons, the Friend of Lake Sakakawea respectfully requests a "DO NOT PASS" recommendation on HB 1538.*

Respectfully submitted,

Terry Fleck  
President, Friends of Lake Sakakawea





## North Dakota Fishing Contest Directives

As directed and authorized by North Dakota Century Code (NDCC 20.1-02-04.20), the North Dakota Game and Fish Department is to adopt rules and issue permits for conducting fishing contests (tournaments).

*NDCC 20.1-02-04.20*

**20. Adopt rules and issue permits for conducting fishing contests involving public waters of the state. The director by rule shall define the term "fishing contest" and shall set criteria for which a fishing contest permit is required. The director may deny permits. No person may conduct a fishing contest on public waters without first receiving a permit issued by the director.**

To address HB 1538, the following could be added to NDCC 20.1-02-04.20

***Payback requirements and procedures, as stated in fishing contest rules (30-03-05-03), do not apply to the following:***

- 1. Organized youth fishing events. (Needs to be better defined in new admin rules)***
- 2. Nonprofit veterans, charitable, education, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those organizations are defined in North Dakota Century Code chapter 53-06.1, if entry or participation fees generated from the contest are not greater than \$4000.***

***For all other fishing contests, a minimum of five percent of the gross proceeds from entry or participation fees to be paid as a conservation fee. Conservation fees must be expended on fishery conservation projects (including youth fishing or education events) or for providing public access to fishing areas.***

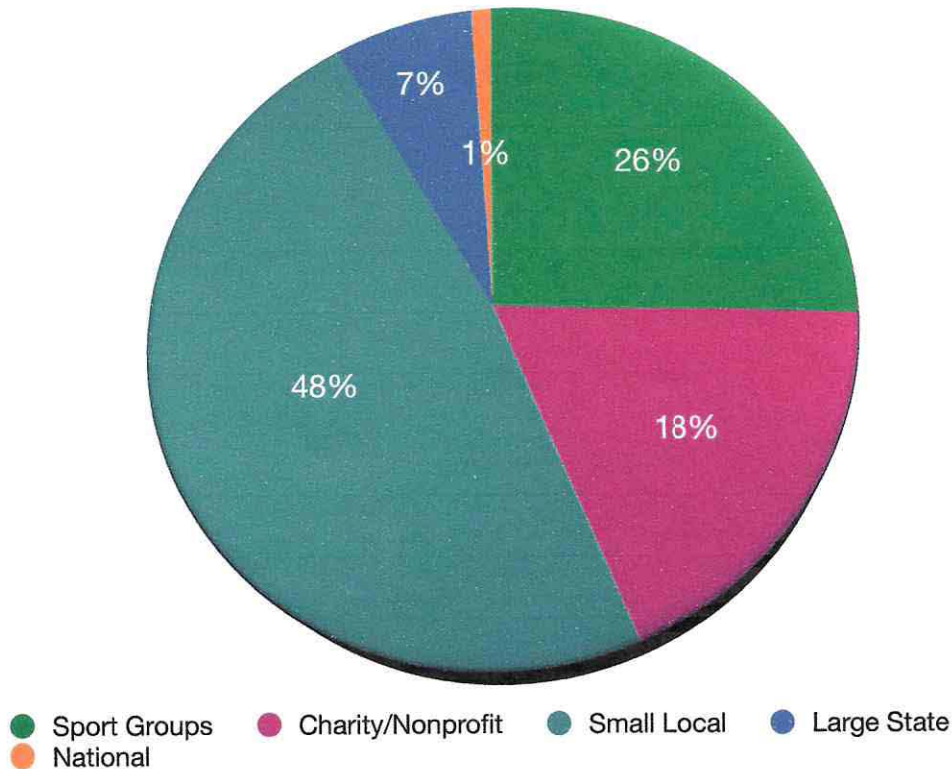
## **Purpose of HB 1538**

- 1. Removes the required conservation fee that negatively impacts the economies of ND cities.**
- 2. Removes the barrier for student angling in the state of ND.**
- 3. Removes the statute requiring non profits and charities to return monies they have raised.**
- 4. Updates ND Century Code to work with modern technology and social media.**
- 5. Removes the barriers on R3 in relation to fishing.**
- 6. Updates the definition of student angler to include all high school students.**
- 7. Promotes the raising of more conservation dollars than the previous statute allowed.**
- 8. Allows anglers to competitively fish for something other than money.**

# Things to Consider

## HB 1538

### ND Tournament Make Up



### Power of Recruitment

Each fishing license sold brings back an average of **\$19** to the ND Game & Fish. It will only take **5,500** new anglers to equal the current conservation fees collected by tournaments.

### Professional Anglers Give Back

Over the last **10** years, anglers have held over **85** educational events covering ANS, life jacket safety and basic fishing knowledge to **4,250+** kids. During these events they have handed out an estimated **\$125,000** in rods, reels, tackle and educational items.

### Nonresident Anglers

Over the last 5 years an average of **45%** of fishing licenses sold in North Dakota were to nonresidents. **25%** of total sales on average are **3** or **10** day licenses.

### Sources

ND Game & Fish Website  
NPAA Members' Input



# Economic Contributions of Recreational Fishing

## — North Dakota —

136,700 anglers spent \$102.2 Million while fishing in North Dakota.

### Statewide Contributions by Anglers in North Dakota



**\$158.6 Million**  
Economic Output



**1,420**  
Jobs Supported

### National Contributions by U.S. Anglers



**\$129 Billion**  
Economic Output

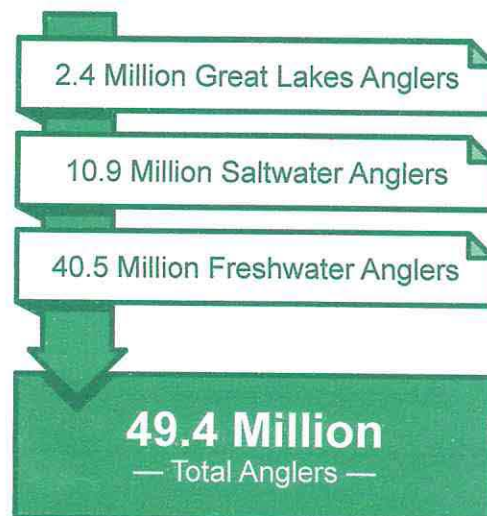


**826,000**  
Jobs Supported

### Annual U.S. Angler Contributions to Conservation



### U.S. Anglers by the Numbers



Angler participation and spending presented here reflect 2018 estimates. The 13% increase in license sales in the U.S. through September 2020 compared to the year before, and 66% increase in excise tax collections since 2018 indicate economic contributions for 2020 could be significantly greater.



Members of the Senate Energy and Natural Resources Committee,

I am writing to you today in rebuttal to some of the testimony that was presented during the House hearings and committee work for HB 1538.

First, I want to address the term “conservation fee.” Conservation is defined as preservation, protection, or restoration of the natural environment and of wildlife. Fees are imposed for the primary purpose of covering the cost of providing a service, with the funds raised directly from those benefiting from a particular provided service. Taxes are imposed for the primary purpose of raising revenue. It can be argued that this 10% is a fee and it can also be argued that it is a tax. What cannot be argued is that the money collected is not used for “conservation.” NDGF Director Jeb Williams, during the committee work on 2/10, stated that the conservation fee went back to infrastructure. That is not completely true. While much of the fee does, there are many tournaments that use the fee for kids fishing programs and scholarships. So it is not all infrastructure, but it certainly isn’t used for preservation, protection or restoration of the natural environment and wildlife. If you don’t believe me, please reach out to the NDGF and ask them how much of the “conservation fee” has been used for fish stocking and habitat improvement (rather than infrastructure). So at the least, the term “conservation fee” needs changing.

NDGF Fisheries Division Chief, Greg Powers cited some statistics from a 2021 survey of licensed anglers regarding the 10% conservation fee. As we all know statistics can be spun and survey’s written to show what people want. So I wanted to provide some information that I think is really important relating to this issue.

Let us start with the changing of the current conservation fee administrative rule to remove the \$5000 cap. This was changed in 2020 during Covid, it is safe to say that the administrative rules hearings are not usually well attended. I can tell you that very very few people were aware of the rule change proposed by the NDGF. This left tournament anglers behind and not finding out about this change until the Fall advisory board meetings that were hosted virtually. It is still safe to say that many anglers are still unaware of the regulations that are imposed on tournaments.

The 2021 survey that was sent out to 7000 licensed anglers (of roughly 150,000) was completed by only 1273 anglers. Of that 1273 only 102 said they have fished a tournament in the past 3 years. So using Greg’s data he presented and records that I open records requested:

- They only tried to survey 4.6% of all licensed anglers
- They received responses from 0.8% of licensed anglers
- The 151 tournament anglers that responded are only 0.75% of tournament participants using the 2019 numbers Greg submitted as testimony.

Are these numbers large enough to even consider this survey statistically significant? I don’t think it is... I understand there is a cost to survey’s, but the NDGF surveys all deer license holders every year (60,000+), and all other licenses that require a tag. So did the G&F really want to survey everyone on this issue? Especially in 2021 when all these surveys can be done electronically.

The next important part of this survey are the questions that were asked. Wording and background information is also an integral part to creating a valid survey. Like I mentioned earlier, anglers are generally unaware of the requirements placed upon fishing tournaments. Below are the questions that were asked on the survey.

1. Have you fished in a North Dakota fishing tournament in the past three (3) years?
2. For all North Dakota fishing tournaments, at least 10% of the entry/participation fees must be set aside for a fishery conservation project. Do you support this requirement, or should the fee be reduced?
  - a. If Reduce, which of the following(only one) would receive your most support?

Nothing in the questions references any of the administrative changes that had been recently made in the past year, so to say this survey accurately reflects the beliefs of anglers on the 10% conservation fee is not valid. I would be willing to guess that most anglers believe that the conservation fee is designated for fish stocking programs, but in reality the fees go for other improvements(boat ramps, fish cleaning stations, etc). In order to make this survey legitimate, the background information needs to be presented.

Moving on to other important information. Mr. Powers was also questioned by Representative Kasper during the initial committee hearing. Representative Kasper asked if the 10% conservation fee wasn't really about the money to the department, to which Mr. Powers responded with a "You are correct." So the department itself admits it's more about buying acceptance of tournaments.

So to see how many people are complaining about tournaments, I open records requested the complaints against fishing tournaments that the department has received. I was told "All complaints have been taken by phone; therefore, we have no records to provide you." So there are no documented complaints and no statistical numbers that the ND Game and Fish can speak about. It makes it really difficult to back their stance that the fee will help with tournament acceptance, because they have no data about tournament complaints.

Tournament anglers and local convention and visitors bureau's tried to work the the NDGF for a resolution and it ended up in arbitration with the NDGF not willing to discuss it any further. So we as tournament anglers were left with one option, Legislative action.

As all tournament anglers are required to have licenses, they are allowed to keep the same 5 walleyes per day just as every other angler. In fact it is oftentimes less during a tournament as tournament rules often say that you can only keep 8 in your livewell and weigh your top 5(in 2 man team events). So just because we pay our own hard earned money to be in a tournament, using the same resources as the other licensed anglers, we have to pay 10%? That's not fair.

Do big buck contests, pheasant tail contests, and coyote contests have to pay a conservation fee? To answer my own question, NO! Again only tournament anglers get the "fee" Wouldn't that be a good way to help with putting more land into PLOTS, or other public hunting access and habitat improvement?

When the NDGF bases the conservation fee based on percentages, it just penalizes the people who wish to pay more to play, even though, as I've stated earlier, I'm using the resources just the same as everyone else(tournament anglers and non tournament anglers). Let's look at a few examples, let us assume that the fishing is spectacular and everyone catches a limit!

- Example 1: 100 Boat Tournament \$50 entry fee.
  - \$5000 total money collected, \$500 conservation fee.

- 500 fish harvested= \$1/fish conservation fee, that doesn't really go back to fish.
- Example 2: 100 Boat Tournament \$1000 entry fee.
  - \$100,000 total money collected, \$10,000 conservation fee
  - 500 fish harvested= \$20/fish conservation fee, that doesn't really go back to fish
- Example 3: 100 non tournament boats fishing on a Random Saturday at Van Hook. (which is an extremely low traffic weekend)
  - \$0 collected, \$0 conservation fee
  - 500 fish harvested= \$0/fish conservation fee.

Are the above examples fair to everyone and everything involved, including fish, boat ramps, & cleaning stations?

A flat rate fee across the board for participants(\$5-\$10 per boat) in fishing tournaments is the most fair way if the NDGF feels that it is necessary to buy acceptance. Also there is nothing in this proposal that says these tournament hosting entities cannot still give that 10% back to their projects if they wish.

Another suggestion that I would like to propose, make the fee higher for tournaments that are catch and kill tournaments(\$10/boat). Give the tournaments that are catch and release a break(\$5/boat) because they are taking less fish from the resource.

I find it really interesting that since tournament anglers provide many funds through this conservation fee that the tournaments aren't recognized as a contributor on all the boat ramps and fish cleaning stations that have benefitted from this fee. But don't worry the sportsmans clubs and park boards will put their names on the signs to take all the credit along with the NDGF.

As a teacher, fishing guide, and tournament angler, I have a substantial interest in all of this. I want to see the youth involved, I want to promote the great fishing in North Dakota for my business, and I want to be able to compete at the highest level on my home waters. I urge you to please give this bill a do-pass recommendation out of committee.

Sincerely,



Matt Liebel  
District #1 Williston, ND  
Liebel's Guide Service  
[matt@liebelsguideservice.com](mailto:matt@liebelsguideservice.com)  
701-770-6746

Senate Energy and Natural Resources Committee,

In 2013, North Dakota's Outdoor Heritage fund was established. It was established to provide grant funds for many types of conservation projects, with 4 identified directives guiding the applications. It can provide up to 40 million dollars per biennium in grant funding.

From the Outdoor Heritage Fund website:

"Priority is given to projects that enhance conservation practices in the state by:

\* **Directive A** - Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

\* **Directive B** - Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems, and by supporting other practices of stewardship to enhance farming and ranching;

\* **Directive C** - Developing, enhancing, conserving, and restoring wildlife and fish habitat on private and public lands; and

\* **Directive D** - Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas."

Greg Powers testified that in the past 10 years fishing tournament conservation fees raised slightly more than 1 million dollars. Yet the Outdoor Heritage Fund can surpass that in a month... and funds can be used for the same projects that this "conservation fee" is used for.

I open record requested the use of these Outdoor Heritage Fund Grants by NDGF and also any fishing requests in the last 5 years. This was what I received back.

"The ND Game and Fish Dept has received the following grants from OHF:

-001-017: ND Game and Fish Dept Outdoor Heritage Habitat Initiative awarded 01/29/2014

- \$1,900,000 total grant award

- \$1,850,500 spent to date

-003-040: ND Pheasant Habitat Initiative awarded 09/17/2014

- \$3,000,000 total grant award

- \$93,219 spent to date

-017-172: Red River Basin Wildlife and Water Quality Enhancement Pilot Program awarded 11/23/2020

- \$270,000 total grant award

- \$1,241 spent to date

In the last 5 years, the following OHF projects were related to fishing:

-013-139: Schatz Point Fishing Pier, \$42,500, all spent

-013-143: Sky Chief Park Fishing Dock, \$74,000, all spent



-015-162: Sheyenne River Fish Passage at Bouret Dam, \$115,750,  
\$112,891 spent  
-015-163: Cannonball River Fish Passage at Karey Dam,  
\$253,770, \$210,577 spent  
-018-187: Bringing Fish to Glen Ullin, \$21,605, all spent"

It sure looks to me like we should be using this fund to follow Directives A, C, & D rather than charging one small group of anglers (which is just a fraction of the people who use resources). I urge a Pass on HB 1538.

Thank you,

Amy Liebel  
District #1 Williston, ND

**NORTH DAKOTA**  
**SPORTFISHING**  
**CONGRESS**

P.O. BOX 2472 • BISMARCK, ND 58502

BARNES COUNTY WILDLIFE FED  
 PO Box 148  
 Valley City, ND 58072

BIS-MAN REEL & REC CLUB  
 PO Box 2525  
 Bismarck, ND 58502

DAKOTA ANGLERS  
 PO Box 1411  
 Jamestown, ND 58401

F.M. MUSKIES, INC.  
 PO Box 2021  
 Fargo, ND 58107

F.M. WALLEYES UNLIMITED, INC.  
 PO Box 1017  
 Moorhead, MN 56560

FRIENDS OF LAKE SAKAKAWEA  
 PO Box 1853  
 Bismarck, ND 58502

GREAT PLANERS TROUT & SALMON  
 PO Box 1972  
 Bismarck, ND 58502

LAKE REGION ANGLERS ASSN.  
 PO Box 456  
 Devils Lake, ND 58301

LURE EM FOR LIFE  
 PO Box 547  
 Bismarck, ND 58502

ND FISHING HALL OF FAME  
 PO Box 445  
 Garrison, ND 58540

RED RIVER AREA SPORTSMENS  
 PO Box 1  
 Wahpeton, ND 58074

UNITED SPORTSMAN OF WILLISTON  
 PO Box 11393  
 Williston, ND 58803

VOICES FOR LAKE OAHE  
 PO Box 482  
 Linton, ND 58552

**March 11, 2023**

**Submitted by: Richard Brueckner, President of the North Dakota Sportfishing Congress (NDSFC).**

**Chairman Patten, Vice Chair Magrum and members of the Senate Energy and Natural Resources Committee:**

**On behalf of the North Dakota Sportfishing Congress an organization of 13 Fishing Clubs from across the state of North Dakota. By a majority vote we ask the Senate Energy and Natural Resources Committee give House Bill 1538 a 'do not pass' recommendation.**

**HB 1538 removes conservation fees that are currently paid by sponsors and participants of fishing tournaments. These dollars are returned to the communities where the tournaments are held. The North Dakota Game and Fish Department estimates that between 2011-2022 just over \$1 million has been invested in local communities through conservation fees.**

**HB 1538 does not return any funds to the impacted communities, there will be a significant loss of investment in infrastructure at local recreation areas - infrastructure used by North Dakotans and visitors alike.**

**While we may agree with some of the amendments in HB 1538. It is of the majority's opinion, that regulating fishing tournaments is best managed by the experts and specialists at our North Dakota Game and Fish Department through administrative code and rules process, not through century code. Maintaining these regulations in administrative code gives the flexibility to make changes throughout the biennium, rather than just through the legislative session once every couple of years.**

**The NDSFC has a long reputation of working with the ND Game and Fish Department on issues such as those addressed as concerns within House Bill 1538. We are committed in taking a lead role in working with ND Game & Fish Department on just such matters and as needed working through the Administrative Rule process to implement any needed changes.**

**For these reasons by majority vote, the North Dakota Sportfishing Congress respectfully request a "Do Not Pass" recommendation on HB 1538.**

**Respectfully Submitted,**

**Richard Brueckner  
 President, North Dakota Sportfishing Congress  
 ndsportfishingcongress@gmail.com**

# devils lake

Tourism

Date: March 10, 2023

To: Senator Patten  
Senate Energy and Natural Resources Committee

Re: HB1538

Dear Chairman Patten and members of the Energy and Natural Resources Committee,

I am the Tourism Director for Devils Lake, North Dakota. To provide a quick background, since 1984, the North Dakota Game and Fish Department (NDGF) has charged fishing contests 10% of tournament entry fees as a conservation fee. In 2000, the conservation fee was capped at \$5,000 to allow for national tournaments in the state that gained us national media exposure. In the summer of 2020 while everything was shut down due to COVID, the NDGF Department decided to remove the cap via an administrative rule hearing and the new rule went into effect in October of that year. This doubled, or even tripled the conservation fee into the \$10,000-20,000 range for the largest tournaments, including the ones that created national media attention for North Dakota. With this new administrative rule comes a decline in economic revenue to our communities.

Destination marketing associations became involved in this debate in the fall of 2020, when we began receiving comments and concerns from resident tournament anglers along with complaints from traveling anglers claiming state policy was increasingly negative towards them. National Tournaments were removing North Dakota from consideration to the point that they canceled insurance that covers events in North Dakota. This led us to engage in discussions with NDGF. In our involvement, our goals were to:

- Make the application fee more reasonable to again host national tournaments
- Disconnect entry fees paid by anglers from the application fee paid by organizations; the amount an angler pays to enter a contest does not correlate to the impact on the resource
- The Game & Fish Director would still have the authority to approve or deny tournament applications
- Tournament fees would be brought into alignment with neighboring states
- Avoid changing the rule in a way that would hurt smaller family, local and charity contests
- Retain a way to fund fishing access and infrastructure projects

This began two years of meetings and discussions that proposed changes to the rule and a mediation session was set between destination marketing organizations that wanted to reinstate the \$5,000 cap or change the fee, and a group of anglers selected by NDGF that supported keeping the 10% conservation fee. I was a part of this mediation process. Both sides came to an agreement that we all thought was fair to everyone and proposed the change. In the end, NDGF decided to take no action and left the uncapped 10% conservation fee in place that has limited our opportunity to host certain tournaments.

The state held 6 National Walleye Tour tournaments in 8 years; 2013, 2015, 2017, 2018, 2019 and 2020, and none since. Devils Lake was lucky to host 4 of those. All our lodging, restaurants and bait shops haven't been able to benefit from tournaments since they were here in 2019. We are looking to host the National Walleye Tour again in September of 2023, pending permit approval, but there is a debate as to what the conservation fee should be, even though based on current legislation the amount should be set. Hosting a larger tournament of this size can bring in well over \$250,000 of direct expenditures into our county over the timeframe of the tournament. This provides a big impact to our community.

As it sits now, only tournament anglers are tasked with providing the conservation fee that is used in communities to reinvest back into our resource. These typically include developing fishing opportunities, construction, upgrading and/or maintenance of fishing infrastructure (e.g. boat ramps, courtesy docks, fishing cleaning stations, vault toilets, access road and parking lots, etc) and/or educating the public (especially youth) about fishing. These projects are vital to the future of our lakes, but I ask, why are only tournament anglers assessed the fees for the infrastructure used daily by all anglers and boaters? The current structure is unfair to our tournament anglers and makes it impossible for communities to host national tournaments that highlight our state. These are often the most influential anglers that have the voices on social media and beyond that help spread the word about protecting all our resources against aquatic nuisance species and teaching our younger generations about fishing, etiquette, and safety. It also begs the question why tournaments with a higher entry fee pay way more than tournaments that have more anglers participating but have a lower entry fee – these tournaments are using more resources based on numbers that a smaller, bigger entry fee tournament uses. Cities try and work as much as possible with these tournaments to bring them in during the shoulder seasons making it easier to release fish back into the system, the boat ramp areas aren't as busy with resident weekend anglers and our lodging facilities have the space.

Fishing contests are not just about winning prize money and competition. They are tools to educate and recruit new young anglers. They also highlight communities and recreation opportunities to potential new residents. These events get people together to engage in the sport of fishing. We use tournaments and tournament anglers to access a very committed niche tourism audience and through their advocacy we gain credibility for our marketing efforts.

In my opinion, the financial burden placed on tournaments that are held in our state our much too restrictive. We are losing economic impact to our surrounding states that charge a minimal tournament fee to participate when the conservation fee in our state can be thousands of dollars. It is also harming the state's reputation and image and has hurt the reach and impact of our marketing efforts. With our workforce shortage around the state, highlighting North Dakota as an outdoor mecca is just one of the tools in our tool chest to help recruit workforce and families into the state.

It is for these reasons that I support and ask for a **do pass** on HB1538. The bill revising the language in the current legislation is important to our local communities and fishing clubs in which these events are held. Thank you for your consideration.

Respectfully,



Suzie Kenner  
Executive Director

**Respected Members of the Senate Energy and Natural Resources Committee,**

*Chairman Dale Patton, Vice Chairman Jeffery J. Magnum and Respected Senators:*

*I am asking for you to oppose HB 1538 with a DO NOT PASS out of committee. While I certainly do agree with some of the concepts proposed in HB 1538, I believe, that the regulation of fishing tournaments can best be addressed through administrative code/rules by the North Dakota Game and Fish Department (NDGF), and not through century code. I am not against any fishing tournament, but maintaining these regulations in administrative code/rules gives the flexibility to make changes throughout the biennium, rather than just through the process of the legislative session.*

*Moreover, the 10% Conservation Fee (the only fees used in obtaining a permit from the NDGF to have a tournament currently as no permit fees are required as of now) applied to fishing tournaments entry fees that HB 1538 is trying to eliminate – and is a part of the current administrative code/rules – has a very important part in helping in part to fund education about fishing along with helping in part for upkeep of infrastructure – fish cleaning stations, fish grinders, boat ramps, parking lots, vault toilets, etc. These are all items that our local lake communities obtain monies for in aiding the updating process at some place and time associated with the wear and tear of these parts of the infrastructure/resource of our great fisheries in North Dakota!*

*The current form of this bill states no conservation fees can be charged for fishing tournaments. Moreover, it does state that a permit fee may be charged. A fiscal statement/note should be applied to this to see what affects it does have by eliminating Conservation Fees. The permit fees are used for what – administrative costs as it does not state they replace*

*Conservation Fees. What money is going to be used to replace these monies lost that help pay for – in part – these infrastructure items?*

*This bill has always been about elimination of the Conservation Fees brought on by a couple of National Fishing Tournaments and a couple CVB's who pay for them to come to North Dakota. One big national tournament in particular, the National Walleye Tournament (NWT), does not come on its own merits and accepts a large payment to show up in North Dakota. Do these tournaments help local economies – perhaps, some, but one should look at all costs in deciphering any supposed economic gains, or losses. I see there is no fiscal statement/note associated with this bill stating either the economic gains/losses, and/or what the loss of the Conservation Fee's may bring. This should be done to gain a better understanding for everyone involved including the approximate 150,000 residents licensed to fish in North Dakota.*

*Some items in this bill, probably, should have been a stand-up part alone on their own merits regarding changes that need to be made to the current regulations through the administrative process. One concept I agree with in this bill is getting our youth involved in the outdoors and in particular fishing. Youth/High School fishing tournaments that could be developed to help get young people involved in fishing. However, I am a believer that any High School Fishing activities through organized events such as leagues or tournaments should include the North Dakota High School Activities Association (NDHSAA) to maintain that students participating in any High School competitions maintain an amateur relationship while being High School Students. Again, I feel these can be accomplished, by working with organization as the North Dakota Sportfishing Congress that works closely with the North Dakota Game and Fish Department to address these concerns through the administrative code/rules process.*

***For these reasons, I respectfully request a “Do Not Pass” recommendation coming out of Senate Energy and Natural Resources Committee on HB 1538. Thank you,***

PS I was born a North Dakotan, Raised a North Dakotan, Never left the state North Dakota, and have been Supporting North Dakotan's by Supporting North Dakota my entire life.

Sincerely,  
Jeffery A. Herman  
District 32 Resident  
701.400.5089

**Senate Energy and Natural Resources Committee**

**Thursday, March 16, 10:00 am**

**Oppose HB 1538 - Senate**

**Blair H. Ihmels**

**Derby Chair - Great Planers Trout and Salmon Club**

**Board Member - Friends of Lake Sakakawea**

**Member - ND Aquatic Invasive Species Committee**

**Phone 701-319-1267**

Good morning, I'm Blair Ihmels and I have been the Derby Chairman of the Great Planers Trout and Salmon club's annual event for over 25 years. Our club has had this event for 36 years and a good part of our purpose is to give kids an opportunity to hook a Chinook. Each year we have gladly provided our conservation money to the ND State Park in Pick City who is our gracious host. This partnership has helped fund the barracuda fish cleaning station at the park and most recently the sound system at the main shelter of the park. Our relationship with Park Managers like the late John Tunge and now Greg Corcoran has given us the opportunity to give feedback to what the public needs at the park. Now these items are available to everyone not just our club members.

Moneys given through the structure of the ND Game & Fish Department in the form of conservation fees give back to the area and the resource. Everyone needs to **pay to play**.

Please give careful consideration to protect the resource by protecting ND waters from Aquatic Invasive Species. These events can expose our resource.

I oppose HB 1538- Senate, and support the fishing tournament permitting process stays with ND Game & Fish and allow them to make changes through administrative rules process. Conservation fees are good for ND and the resource!

Thank you for the opportunity to present testimony.





March 14, 2023

Submitted by: Dave Wasness, President of F-M Walleyes Unlimited

Chairman Patten, Vice Chair Magrum and members of the Senate Energy and Natural Resources Committee

On behalf of the F-M Walleyes Unlimited we ask the Senate Energy and Natural Resources Committee give House Bill 1538 a 'do pass' recommendation.

F-M Walleyes Unlimited is a fishing club that represents over 300 anglers in the greater Fargo-Moorhead area. Our club has served the F-M community for over 45 years and is dedicated to promoting conservation, sportsmanship, and education regarding walleye fishing.

F-M Walleyes supports HB 1538 and the changes to the definition of fishing contests. These changes will better serve high school fishing leagues and other youth fishing events. We also support the elimination of the onerous conservation fees that discourage local, regional & national events that represent significant economic benefits to North Dakota communities. Current rules also penalize local first responders from retaining the fishing event earnings they would otherwise use to support their response to emergencies.

Please note that the position the North Dakota Sportfishing Congress does NOT represent F-M Walleyes Unlimited.

Respectfully Submitted,

Dave

Dave Wasness  
President, FM Walleyes Unlimited  
[dave.wasness@fmwalleyes.com](mailto:dave.wasness@fmwalleyes.com)  
[www.fmwalleyes.com](http://www.fmwalleyes.com)



March 14, 2023

Submitted by: Richard Mohan

Chairman Patten, Vice Chair Magrum and members of the Senate Energy and Natural Resources Committee

I respectfully ask the Senate Energy and Natural Resources Committee give House Bill 1538 a “do pass” recommendation.

I have been a long time North Dakota resident and sport angler. I support HB 1538 and the changes to the definition of fishing contests. These changes will better serve high school fishing leagues and other youth fishing events. I also support the elimination of the onerous conservation fees that discourage local, regional & national events that represent significant economic benefits to North Dakota communities. Current rules also penalize first responder organizations from retaining the fishing event earnings they would otherwise use to support their response to local emergencies.

Some might argue that these changes could be better addressed through the administrative rule process. Unfortunately, the ND Game & Fish Department has been engaged in addressing these issues for several years and to date has refused to make any of the requested changes.

Please give HB 1538 a “do pass” recommendation.

Respectfully Submitted,

Richard Mohan  
[rgmohan1@outlook.com](mailto:rgmohan1@outlook.com)  
701-840-7792



FRIENDS OF  
**LAKE SAKAKAWEA**

PO Box 1853, Bismarck, ND 58502

*Dear members of the Senate Energy and Natural Resources Committee,*

*Senator (Chairman) Dale Patten, Senator (Vice Chairman) Jeffery Magrum*

The Friends of Lake Sakakawea (FOLS) is not opposed to fishing tournaments in North Dakota. However, our board of directors has reviewed this bill and is in opposition. FOLS is *asking the Senate Committee to oppose HB 1538 and give it a “DO NOT PASS” recommendation.*

While we may agree with some of the amendments to HB 1538, regulating fishing tournaments is best addressed through administrative code and rules process, NOT through century code. This only micro-manages the North Dakota Game and Fish Director and the agency. Maintaining these regulations in administrative code provides the flexibility to make changes throughout the biennium through an open hearing process rather than just through the legislative session.

This bill eliminates Conservation Fees which are returned to communities where the tournaments are held. These are important in that they help fund community projects as stated best by one of our constituents:

***“Sitting on the Mountrail County Park Board we have been able to access these 10% conservation funds over the years from the game and fish for improvements to boat ramps, replacement of docks, maintenance of fish cleaning stations, installation of cameras and such. I’m 100% not in favor of this bill as written”. Eric Jaeger D: 701.862.5259 O: 701.862.3115***

HB 1538 does not return any funds to the impacted communities and adversely affects non-profit organizations by letting LLC’s have a much broader stance with fishing tournaments. Some tournaments can and will become total fundraising events within the provisions of HB 1538.

***For these reasons, the Friends of Lake Sakakawea respectfully requests a “DO NOT PASS” recommendation on HB 1538.***

Respectfully submitted,

Terry Fleck

President, Friends of Lake Sakakawea – [friends@lakesakakawea.com](mailto:friends@lakesakakawea.com)



March 14, 2023

Chairman Dale Patten  
Senate Energy and Natural Resources Committee  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Chairman Porter, Vice Chair Magrum and members of the Senate Energy and Natural Resources Committee,

On behalf of the recreational fishing industry, the American Sportfishing Association writes in favor of House Bill 1538, legislation addressing fees levied on fishing contests. The current approach by North Dakota Department of Game and Fish to levy fees on gross proceeds for all fishing tournaments has resulted in tournaments relocating to other states, negatively impacting local and statewide economies. HB 1538 can expand the accessibility of the state's attractive fishing destinations, welcoming fishing tournaments back to North Dakota communities and creating economic opportunities across the state.

By way of background, the American Sportfishing Association (ASA) is the nation's recreational fishing trade association, providing a united voice for the recreational fishing industry when emerging laws and policies pose significant impacts on sportfishing businesses or sportfishing itself. Between manufacturing, retail businesses and guide and charter services, the recreational fishing industry makes a profound economic impact in North Dakota. In North Dakota alone, 136,000 anglers contribute to a \$102 million economic impact, supporting 1,420 jobs across the state.

North Dakota anglers annually contribute millions to the ND Department of Game and Fish through license and permit fees. In Fiscal Year 2022, the ND Game and Fish apportionment of the Sport Fish Restoration and Boating Trust Fund, which draws funding from excise taxes on fishing equipment, motors, and motorboat fuels, was \$4,619,573. North Dakota anglers have, and continue to, fund state conservation efforts as well as the construction and maintenance of boating access facilities.

Of all anglers statewide, tournament anglers contribute an outsized share of sportfishing's economic impact. Anglers who compete in tournaments are more likely to purchase sportfishing rods, tackle and equipment, contributing more excise tax dollars to the Sportfish Restoration Fund. Tournament anglers have a higher propensity of buying licenses year after year, and represent a dependable funding base for the ND Game and Fish Department. Youth tournaments welcome young anglers into the world of competitive sportfishing, creating lifelong customers for fishing licenses and goods under the excise tax.

Beyond the impact of those participating in competitive fishing, fishing tournaments themselves represent major economic opportunities for communities statewide. Fishing contests welcome competitors from across the state and region, creating tourism windfalls for communities where

contests are located. Hospitality and restaurant businesses in small and rural communities welcome the impacts of fishing tournaments.

However, since ND Game and Fish removed the \$5000 cap on its 10% “conservation fee” applied to the gross proceeds of fishing tournaments in 2020, both youth and adult tournament activity in North Dakota has declined. Both for-profit and nonprofit tournament circuits have scaled back events, with some tournaments relocating out of the state of North Dakota altogether. Series like the National Walleye Tour and the Masters Walleye Circuit have already relocated events outside of North Dakota, creating missed opportunities for local economies.

Not-for-profit and charity tournaments, which constitute a sizable share of tournaments in North Dakota, do not seek to retain profits from entry fees and sponsorships associated with events. However, the 10% fee on gross proceeds nevertheless applies to these fishing contests, undermining the charitable goals and fundraising totals of these events while discouraging nonprofit tournament organizers from siting events in North Dakota. Additional requirements mandating the return of 75% of proceeds to participants further restricts the charitable potential of nonprofit tournaments.

HB 1538 would correct this misapplication of fees, by:

- Preventing the charge of a conservation fee for tournaments, while establishing flat permit fees
- Allowing nonprofit contests to retain 100% of gross proceeds
- Creating affordable permit requirements for youth fishing contests
- Raising the minimum tournament entry fee subject to permit requirements to \$50

HB 1538 will welcome both major and minor tournament series back to North Dakota, repealing costly conservation fees that have driven tournaments to other states. By enabling nonprofit organizations to retain all proceeds from contests, organizers can maximize tournament impacts for contests benefiting veterans, schools and other charities. The legislation, if enacted, will further welcome young anglers into the sport, alleviating the burden of 10% fees and lowering permit costs for youth events.

While ASA welcomes increased investments in conservation, ASA believes that burdensome, 10% fees applied on gross proceeds will deter competitive angling events from North Dakota and reduce participation in the sport. HB 1538 remedies a misapplication of conservation fees that injures economic prospects for the sportfishing industry and local economies statewide. ASA encourages the Senate Energy and Natural Resources Committee to pass HB 1538.

Sincerely,



Connor Bevan  
Inland Fisheries Policy Manager  
American Sportfishing Association

Testimony on HB 1538

March 14, 2023

Greetings Legislators,

I respectfully request that you vote against HB 1538. The fish and wildlife resources of North Dakota should not be reduced to the status of a commodity for the support of charitable causes. Instead, the legislature should be passing legislation to double the percentage of fishing tournament revenue that is assigned to the North Dakota Game and Fish Department, specifically for the purposes of enhancing fish populations and access facilities to meet the rising demand by all anglers.

Respectfully submitted,

/ S /

Mark A. Anderson  
3121 Barracuda DR  
Bismarck, ND 58503

Chairman Dale Patton, Vice Chairman Jeffery J. Magnum, and respected Senators: As a lifetime resident of district 4B, current tournament chair and multi-year tournament fisherman, I respectfully ask that you support HB 1538 with a do-pass out of committee. I took over as co-chair for a small, 40 team, fishing tournament held on Lake Sakakawea in 2020. In permitting our tournament for that year, as well as the following years of 2021 and 2022, I became accustomed to the process needed to ensure a fair balance of angler's vs fishing pressure vs access location pressure. I believe that the permit process is a necessary feature to ensure all of the above components of a fishing tournament can be done with respect to all parties involved, whether directly or indirectly. With that said, I want to emphasize that my only issue with HB1538 stands with the conservation fee. When the permit process changed in regard to the elimination of the cap in fee's for the 2021 tournament season, it left me wondering what the fuss was about. The fees to run the small 40 team tournament I am a part of stayed the same but the stand-out words as to the reasoning for the elimination of the cap were always "it makes it fair across the board". It left me trying to understand how if 10% was already being charged to all tournaments, why it should be so grossly expanded with the lack of the cap. At some point, our leaders felt that there should be a cap so as not to make it so abhorrent, and as I will explain, rightfully so. To make it "fair" meant that we became the only state in the union to grossly punish our tournament fisherman as the sole funding for this conservation fee, and not by just a small dollar amount, we took it to a level that was nearly a crime compared to other states. I have however, continued to follow policy, and have earmarked our tournament "conservation fees" to go to the location that supports us for our event. This "conservation fee" money is removed from the payout structure for the hard working, blue collar, industry individuals who fish this tournament as a way to get together with old and new friends, spend time around a campfire or a good grilled steak, and yes, put a little skin in the game for some good natured ribbing over who caught the biggest, or most fish in the event. These men and women give their hearts to the backbones of our state infrastructure in the best and worst of conditions, just to have 10% of their entry fee get given to the state for trying to take a break from life for a long weekend in a beautiful ND destination. Yet somehow other events in the outdoors of our beautiful state get left untouched by the "conservation fee" even though they are waging money against our resources as well. Our big buck, big doe, pheasant tail and coyote events stand largely untouched and I'm sure there are other events that could be drawn out as well! As a tournament fisherman, I have spent the last decade of my life honing my skills trying to feed the strengthening desire to compete in walleye tournaments against some of the best in the field. My desire to do this shouldn't come at a cost that is any different to any other sports in the world, whether it be basketball, football, golf or even chess. I spend my hard-earned money on the equipment needed to compete, much the same as a basketball player buys his shoes, or a golfer does on his clubs. These expenditures never seem to stop with the advancements in tackle, lures, rods, electronics and even gas and boats themselves. My dollars spent on these items over the course of a year are in the thousands and these dollars go to support the small rural locations in which I fish. These recreational dollars provide a significant, unplanned boost to the local economy in the areas I frequent, and that is just one person making a small difference. I have traveled for my tournaments, spending time at resorts or motels, buying bait or tackle at many different locations. Now if you take that 1 person, and you make a full field of tournament fisherman out of him, those dollars now become exponentially substantial. A large tournament moving into a community for a week to 10 days while pre-fishing (practicing as they say) and fishing the tournament now has made a difference for businesses in that community. It was dollars that they didn't have the ability to budget for, as when they were planning their income around current events for the next fiscal year, they didn't know that at the same time, a tournament was in the permit process with the ND Game and Fish to be able to come to their location. It isn't until late spring, when these tournaments release their schedules for the coming year that they find out that they are the lucky recipients of this "boost". One often missed fact of these boosts, is that it often impacts locations that don't benefit from other events in the community, it is often the "off main street" businesses that get a chance at their piece of the pie that they have missed out on from a "main street" event held earlier in the year. I want to end this with a small paragraph making this bill about me. The friends I have met in tournament fishing, as well as the knowledge I have gained from participating in national events is priceless to me. These are major boosters of confidence and knowledge that can't otherwise be replicated. Since the elimination of the fee cap, these events have avoided our state thus depriving me of the ability to test my skills at an elevated level. It has taken my drive away from me because I don't feel that it is fair that when Mr. Powers says on record that "it's not about the money" while referring to the conservation fees, I get punished fiscally and mentally on my ability to represent my home in my own backyard. Thank you for your time and consideration towards a do pass on HB1538!





**Attn:** Members of the Senate Committee on Energy & Natural Resources  
**Re:** House Bill 1538 – Fishing Contests  
**Date:** March 15, 2023  
**Position:** Support

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Honorable Members of the Senate Committee on Energy & Natural Resources,

I write to you today on behalf of the Congressional Sportsmen's Foundation in support of House Bill 1538, a bill that would eliminate constraints on fishing contests that currently make many of those contests unfeasible and impractical to conduct. This bill does not eliminate the ability of the North Dakota Game and Fish Department (GFD) to conduct science-based fish and wildlife management, nor does it prohibit the GFD from denying permit applications when appropriate, but rather creates conditions that encourages competitive angler participation, eliminate barriers for youth fishing contests, benefits the fundraising capabilities of charitable organizations, and will have a positive impact on the local economies near popular fishing destinations. Furthermore, the changes presented in this bill will result in increased funding for the North Dakota GFD through the Sport Fish Restoration Program and additional non-resident license sales. I respectfully urge the members of this committee to support the passage of HB 1538.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

The present language creates unnecessary barriers to hosting fishing contests in the state. Under the current law, organizers must pay a conservation fee of at least 10% of the gross proceeds from the same entry or participation fees to the North Dakota Game and Fish Department. Despite common misconceptions, large fishing tournament organizations do not generate significant revenues from a single tournament event, and those tournaments with at, or near, 100% payback to participants are often in the negative with expenses versus receipts prior to being subject to the 10% conservation fee. For this reason, larger multi-day professional or semi-professional fishing tournaments simply will not host events in North Dakota, resulting in lost economic gains for local communities near popular fisheries.

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### **Your Inside Connection to Outdoor Legislation**

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Data have shown that fishing contests have a positive and even substantial economic impact on local communities. For instance, in a study of the economic impact of black bass tournament angling at Sam Rayburn Reservoir, Texas, Texas Parks and Wildlife Department personnel determined that black bass tournament angling contributed a greater percentage of annual economic expenditures and value (74% and 66%, respectively) than non-tournament angling<sup>1</sup>. In addition, larger professional tournaments have been documented to have a disproportionately larger economic impact than smaller tournament events<sup>23</sup>. Furthermore, and even more relevant for North Dakota, a study by the University of Wisconsin – La Crosse found walleye anglers have a higher tendency to spend more money per day and more days in host communities than any other species-specific tournaments<sup>4</sup>.

Many communities in other states actually invest in bringing fishing tournaments to their area because of the return-on-investment fishing contests generate. For instance, in 2015 the Adirondack Coast Visitors Bureau paid \$24,800 in host fees for six professional or semi-professional tournaments over the course of the year. Those six tournaments had an overall economic effect of \$2.2 million, and the associated economic impact report concluded, "...bass fishing tournaments represent a remarkable return on investment for the Plattsburgh community."<sup>5</sup>

Additionally, the present fishing contest definition only exempts contests with participants younger than sixteen years of age and that do not charge entry fees. This requirement discriminates against high school anglers sixteen and older. High school fishing competitions are one of the fastest growing youth sports in the nation because it is more inclusive for students regardless of athletic abilities, compared to traditional high school sports. Yet, high school fishing teams are not commonplace in North Dakota because they are subject to the same permit requirements to host an event as a major tournament organization.

The language proposed by HB 1538 remedies these challenges by removing the conservation fee mandate and establishing maximum permit fees, raising the minimum entry fee subject to the permitting requirements to \$50.00, and exempts high school fishing contests from permitting requirements that will allow North Dakota youth anglers to be on par with their peers across the country.

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<sup>1</sup> "Black Bass Tournament Characteristics and Economic Value at Sam Rayburn Reservoir, Texas," Journal of the Southeastern Association of Fish and Wildlife Agencies 1:26–32, 2014.

<sup>2</sup> "Economic Value of the Tournament Black Bass Fishery on Lake Guntersville, Alabama," Auburn University, Master's Thesis, May 9, 2015.  
[https://etd.auburn.edu/bitstream/handle/10415/4607/Economic\\_Value\\_of\\_Tournament\\_Black\\_Bass\\_Fishing\\_on\\_Lake\\_Guntersville\\_15\\_05\\_07.pdf?sequence=2](https://etd.auburn.edu/bitstream/handle/10415/4607/Economic_Value_of_Tournament_Black_Bass_Fishing_on_Lake_Guntersville_15_05_07.pdf?sequence=2)

<sup>3</sup> "Bassmaster Classic generated \$35M economic impact," Birmingham Business Journal, May 5, 2020.  
<https://www.bizjournals.com/birmingham/news/2020/05/05/bassmaster-classic-generated-35m-economic-impact.html>

<sup>4</sup> "Tournament Angling in Wisconsin: The Economic Impact of Bass, Salmon, and Walleye Fishing Tournaments on Host Communities," University of Wisconsin – La Crosse, Master's Thesis May 2015.  
[https://minds.wisconsin.edu/bitstream/handle/1793/73369/Erickson\\_Sara\\_Thesis.pdf?sequence=1&isAllowed=y](https://minds.wisconsin.edu/bitstream/handle/1793/73369/Erickson_Sara_Thesis.pdf?sequence=1&isAllowed=y)

<sup>5</sup> "2015 Economic Impact Study – Pro Bass Fishing Tournaments," SUNY Plattsburgh, in conjunction with the Adirondack Coast Visitors Bureau. February 9, 2016.  
[https://www.researchgate.net/publication/293653159\\_2015\\_Bass\\_Fishing\\_Economic\\_Impact\\_Study](https://www.researchgate.net/publication/293653159_2015_Bass_Fishing_Economic_Impact_Study)

In closing, the proposed language of HB 1538 does not interfere with the North Dakota GFD's ability to carry out science-based fish and wildlife management. Rather, this legislation would likely increase the funding available to the GFD through Sport Fish Restoration dollars and increased fishing license revenue, while encouraging increased participation in recreational fishing in North Dakota and substantially benefiting local economies.

For these reasons, I respectfully urge the members of the committee to support HB 1538.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Matthews". The signature is written in a cursive style with a large initial "R" and "M".

**Robert Matthews**

Senior Coordinator, Upper Midwestern States

Congressional Sportsmen's Foundation

[rmatthews@congressionalsportsmen.org](mailto:rmatthews@congressionalsportsmen.org) | 517-210-2890

March 15, 2023

Chairman Dale Patten Senate Energy and Natural Resources Committee

Senate Committee members,

I am Daryl Dukart a retired Dunn County Citizen.

I ask your support to HB1538, legislation addressing fees levied on fishing contests. The current approach by North Dakota Department of Game and Fish to levy fees on gross proceeds for all fishing tournaments has resulted in tournaments relocating to other states, negatively impacting local and statewide economies. HB 1538 can expand the accessibility of the state's attractive fishing destinations, welcoming fishing tournaments back to North Dakota communities and creating economic opportunities across the state.

HB 1538 will welcome both major and minor tournament series back to North Dakota, repealing costly conservation fees that have driven tournaments to other states. By enabling nonprofit organizations to retain all proceeds from contests, organizers can maximize tournament impacts for contests benefiting veterans, schools, and other charities. It also is an opportunity for local small rural areas of our state to gain some major economic strength as these types of event generate generous dollars spent into small communities.

Please support a do pass from the State Energy and Natural Committee.

Daryl Dukart

**Testimony in support of:** North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

**Date:** March 14<sup>th</sup>

**Submitted by:** Zach Axtman  
20 Country Rd Rugby ND 58368

**To:** Senator Patten and Members of the North Dakota House Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

Many people go to college to become credible in their line of work. Fishing is a little different as that I know of there are no colleges that offer a fishing degree. Where do most anglers gain the credibility? By fishing tournaments. This allows them to gain the recognition to be industry leaders. In my own personal experience, this has given me the platform to educate not only adults but children. By doing this we are helping the longevity of the fishing community.

This bill takes the pass-through dollar away. It allows the communities that bring in these tournaments the ability to keep the money they would have had to pay in conservation fees and use it toward projects they feel the need for in their fishing community. Most of the time these communities are the ones that are paying the conservation fee for the circuits to come to ND. By allowing these communities to allocate the money how they feel best suits their needs, not only does this allow them to pick their own projects but it also helps alleviate the financial burden on Game and Fish to make sure the money is collected and passed out correctly.

Communities that bring in these tournaments are conservation minded. They know what kind of resource they have and what it means to their community. One example of this was Devils Lake implementing the requirement of an ANS inspection before anglers are allowed to start fishing when they arrive. No one told them they needed to do this. They did this on their own to help stop the spread of aquatic nuisance species and help protect their resource.

The best part of this is the same clubs that were getting the conservation fees would have the opportunity to work with the cities, charities, and tournaments to gain that money back. In saving these entities money, there will be more money to go around and go around faster.

Bottom line is if this bill does not pass and/or something is not changed the big national tournaments will continue to stay away from North Dakota. This will not only cost North Dakota residents the opportunity to use the platform to bring attention to our state, but also get the recognition for having some of the best fisheries around.

Thank you for your consideration on HB1538 and I hope you vote PASS on this bill.

Zach Axtman

# Johnnie Candle

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## Professional Walleye Angler

March 15, 2023

Testimony Regarding HB 1538

Dear Senators, the following is my testimony regarding HB1538.

I want to start this testimony with my personal North Dakota story. In 1995 I was a very young tournament angler in my second year as a professional. That August I competed in a North American Walleye Anglers tournament on Lake Sakakawea. (The NAWA was a very large, national, professional tournament circuit at that time) To be honest, at that time in my life, I did not really know where North Dakota was and I certainly did not know how to spell Sakakawea.

To make a long story short, I moved to North Dakota less than one year later, became a resident, and have been here since. I have continued my path as a professional angler and was enshrined into the North Dakota Fishing Hall of Fame a few years ago. I have worked very closely with the State Game and Fish and Tourism Departments to better fisheries and attract visitors to the state. My guide service has brought visitors from all across the US and from several countries to North Dakota.

I have contributed to the economies of North Dakota for 27 years now through personal, business, and property taxes as well as improving the economics through tourism.

None of this would have happened if I did not gain exposure to North Dakota through the national level fishing tournaments that quit coming to North Dakota when the conservation fees for tournament became outrageous.

I am not alone in this scenario. I do not want to name drop as some may not want their names used in this testimony, but I can name at least 10 other past national tournament pros that moved to North Dakota because of the experiences they had while tournament fishing here. If the impacts made by those visits made 10 people and their families move to ND, how many did it effect enough to make continued visits or recommend those visits to their friends and families?

I could go on and on about the impacts these higher level tournaments have on economics, both state wide and locally. I could reiterate the data about how much media attention the state gains from these events. This is not necessary as I respect your intelligence and feel you understand all of that.

I testifies previously to the other aspects of HB 1538. Allowing an easier path for youth angling events is important. Allowing charitable organizations to keep more of their

# Johnnie Candle

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## Professional Walleye Angler

fundraising dollars is important. Saving administrative time and money is important. HB 1538 does all of this and more.

While the so called Conservation Fee is going away, my question is this; was it ever really a conservation fee? In my time here in North Dakota I have never seen the monies collected as a conservation fee used to create new habitat, establish new fisheries, or replace fish that were taken from a fishery by a tournament.

I have seen boat ramps maintained, fishing piers built, and fish cleaning stations established and maintained.

All of those resources are used by much more than tournament anglers. They are used by recreational anglers, duck hunters, water skiers, pontoon boats enjoying a picnic and many other use groups yet none of those groups are required to pay a conservation fee.

To take it a step further, groups can hold a water ski contest, jet ski races, duck hunting contest, big buck contest, long tail pheasant contest, coyote hunting contests, muskrat trapping contest and not need a permit or have to pay a conservation fee yet are all effecting the resources as much or more as a fishing tournament.

I urge you to pass HB 1538 as it rights a lot of wrongs and by admission of ND Game and Fish in many testimonies and media releases does not effect the amount of money used to maintain the facilities in question by enough to argue about.

Thank you for your time,



## Fishing Contest (Tournament) Update

There are four (broadly framed) groups who are affected or have expressed an interest in North Dakota fishing tournaments ... and the fishery conservation fee of 10% minimum

### *Support the current 10% minimum*

- 1) **North Dakota non-tournament resident licensed anglers** (currently there are about 145,000 resident licensed anglers in North Dakota) - overwhelmingly support (92%) the 10% minimum conservation fee with no exceptions\*

*\*(Results based on responses from 1468 individuals )*

- 2) **North Dakota resident tournament participants** (collectively represent about 15,000 (~10%) of all licensed anglers)- support (68%) the 10% minimum conservation fee with no exceptions\*

*\*(Results based on responses from 1468 individuals )*

- 3) **North Dakota tournament sponsors** - support (58%) the 10% minimum conservation fee with no exceptions\*

*\*(Results based on responses from ~60 of the 130 surveys sent (~45% response rate); because many sponsor names were voluntarily included when surveys were returned, it was noted that most of the 'bigger' tournament sponsors provided responses)*

## Fishing Contest (Tournament) Update

There are four (broadly framed) groups who are affected or have expressed an interest in North Dakota fishing tournaments ... and the fishery conservation fee of 10% minimum

### *Seek a reduction in the 10% minimum fee or reinstatement of the \$5000 (\$7500?) maximum exemption*

- 4) A few from the **CVB/Tourism community and a small group of avid/(professional?) tournament anglers** - support a reduction in the 10% minimum conservation fee or reinstatement of the \$5000 (or perhaps \$7500) maximum cap

#### Possible actions to address issue –

- *Game and Fish could readdress the matter and adjust admin rules*
  - *Likely not to occur given strong support expressed by three groups noted on the previous slide*
- *Commerce/Tourism could create and implement a small grant program to subsidize select (or all) tournaments by paying some/all their fisheries conservation fees*



Attn: Senate Committee on Energy & Natural Resources  
Re: House Bill 1538 – Fishing Tournaments  
Date: March 16, 2023  
Position: Oppose

Hello, my name is Perry Kapaun. I live in Valley City and I have been the President of the Barnes County Wildlife for over 30 years. We currently have 438 members which is the biggest wildlife club in North Dakota. On HB 1538 we encourage a NO vote. I have read most of the testimonies for and against the bill and no one has mentioned that most of the fishing public do not like fishing tournaments at all. After a certain date the ND Game & Fish does not allow catch and release tournaments because too many fish don't survive due to the warmer water. The public sees all these fish die without having a chance at catching them.

The survey I added to my written testimony shows that both non-tournament anglers and tournament anglers support the 10% pay back (92% percent non-tournament anglers, 68% of tournament participants and 58% of clubs agree).

In Barnes County we run two fishing tournaments per year. One tournament in the winter and one in June. There are two main reasons they are accepted in Barnes County. First, we are very much youth oriented. In the winter derby we give free rods and reels to 100 kids and in the summer derby we have special prizes for Mom, or Dad, or Grandma, or Grandpa with a youth (which we set at 30 years old). But the biggest reason by far is what Barnes County Wildlife has given back to the resource in the last 25 years. With the 10% of proceeds from our fishing derbies plus a lot of raffles we have put more than \$400,000 in resources up at Lake Ashtabula and surrounding water.

At Lake Ashtabula we have put in four fishing piers at a tune of \$40+ thousand each. Valley City has a lot of "Open-Door" residents that love these docks because they are 100% handicap accessible for them. They also receive a lot of use from non-boat anglers. We have also put in four state of the art fish cleaning tables which are also 100% handicap accessible and well lit. We are currently working with the ND Game & Fish and the Corp of Engineers on a new table that alone costs \$50,000.

Another major concern I have with this bill is the impact to smaller clubs. I worry that if this Bill is passed that the smaller clubs will quit doing their projects around the state. When you do have local sponsors and community support, they take great pride in keeping projects local and I worry this will be lost!

In closing I want to say that the majority of North Dakota fisherman and women agree with the 10% conservation fee. As for the Pro's or bigger tournaments I want to quote from the House Testimony. It was stated, "let's work to find conservation money elsewhere, like price increases to license a boat, raising out of state license fee, or implement a boat dock fee." What this says to me is we should raise the fees for everyone else but not us Pro's! In my opinion,

the ND Game & Fish has done a great job managing the derby funds the last 40 plus years with major public support. So why change for a few Pro's that come to our state?"

Thank you.

Perry Kapaun

The Hazen sportsmen oppose HB 1538.

We feel that fishing tournaments congregate people in select, desirable areas for the purpose of winning and making money. This essentially is exploiting our natural resources for profit.

Tournaments target the larger fish which means smaller fish are released after being boated. How many of these fish survive? We must also consider the larger fish permanently removed from the system. In regards to catch and release tournaments how many of these fish survive? We know not all because we have seen after these types of tournaments the dead walleyes floating in the release area.

The point has been made that fishing tournaments are a way to get children into fishing, we totally disagree. No matter the age, people who participate in tournaments have already been "hooked" on fishing. People just starting out in fishing don't own the type of equipment that the people who fish tournaments do. Our annual local Cops and Kids fishing event is a good example of how to get children into fishing. Basic, easy to use equipment, supervision by experienced fisherman and plenty of bluegills, rainbow trout, bullheads and crappies eager to bite. Sometimes the word tournament is used in the description for these get togethers but the only thing it has in common with big money tournaments is the congregation of people and the word tournament.

HB 1538 proposes to drop the 10% conservation fee and add an entrance fee at a maximum of \$2,500. The Governor's cup took in \$9,200, This money is put right back into the local area for fish cleaning stations, boat ramp upgrades and repair, bank stabilization etc. If this bill would of been in place during this particular tournament the Beulah area would of received \$6,700 less and lets take into consideration that the \$2,500 is not guaranteed but is the maximum and sometimes there is matching money offered. A lot more can be accomplished with matching \$9,200 then \$2,500. No matter which way this bill goes the Game and Fish department will still have the responsibility to maintain these areas to acceptable standards. That takes money, will the average fisherman have to take on this burden if not enough funds are generated?

Another point being made is local communities would be able to take in extra funds generated from these tournaments. Once again that would be making money off of our natural resources. If hosting these tournaments is that valuable is 10% too much to ask to help maintain what we have? If the tournament officials do not want to pay the conservation fee maybe these communities could work with them to come up with the money?

The conservation fee has been in place for about forty years. A 2021 survey showed that 92% of the fishermen who do not participate in tournaments, 68% of the fishermen who compete in tournaments, and 60% percent of the tournament sponsors are satisfied with how things are being handled in regards to the conservation fee so why is this bill even being considered?

A look at the submitted testimonials in favor of this bill shows multiple non residents weighing in supporting this bill. Is it proper to have non residents trying to influence our legislative process?

We would like to thank you for your time and consideration,

Sincerely,  
Sheldon Cieslak,  
President, Hazen Sportsmen

March 15, 2023

In 2015, in partnership with the Red River Valley Catfish Club, I started the Scheels Boundary Catfish Tournament on the Red River at Grand Forks, ND/East Grand Forks, MN. This is a unique event because it is based half in North Dakota and half in Minnesota. This means that instead of one tournament permit I must secure two. The tournament is limited to 50 boats (100 anglers) with an entry fee of \$230.

I admit that because only half of the tournament is in North Dakota that I have negotiated that I must pay a conservation fee of 5% instead of the required 10%. Here is the sticky point of the permits. Even paying half, the 5% fee is \$550 (when sold out at 50 boats) while the Minnesota permit cost just \$70. This points out a drastic difference for just one event.

In 2017, I took over the direction of the Rod and Reel Rally at Drayton for the Chamber of Commerce. At the time it was a cheap big fish derby but since has become the Catfish Capital Challenge, a two-day event. This event is 100% in North Dakota and comes with a \$300 entry fee. The conservation fee costs the Drayton Chamber of Commerce \$1,800 (when the tournament is sold out). With the 75% required payback that leaves \$2,700 for expenses and profit after the dust settles.

When I decided to start what is now the Moorhead Catfish Tournament in 2022, I explored both Fargo and Moorhead's access points and while not the sole reason, Moorhead, Minnesota was chosen because the permit is a \$70 permit fee meaning there would be more operating funds to start the event even with an 80% payback.

Sure, the claim is that the "conservation fees" can go back to fisheries projects for the betterment which is great. Over the years I have earmarked thousands to extend the north boat landing in Grand Forks. The money is sitting there waiting for the project to actually happen. The "conservation fee" and the work required to collect the small amount of money and turn it back seems like an inefficiency for the Game and Fish Department.

Drayton being the small town that it is, just realized that they had the tournament money coming to them. Had the chamber been able to keep the "conservation fee" it could have been used for community promotion or things to promote their Catfish Capital of the North or even walk a check down the block and give it directly to the City of Drayton for ramp maintenance. This would save multiple administrative steps and expenses to achieve the same goal.

It is because of the history of these events and understanding that in relation to neighboring states is very expensive I am in support of the passage of bill HB1538 and would like to recommend DO PASS. Because these events are operated by Non-Profits the fees would be cut substantially and be more in line with our neighbor, Minnesota where we also operate events. This would allow us to produce better events and raise more money for our projects while not cutting any paybacks to anglers.

I do think the \$2,500 fee for a for profit event is unfair for small tournaments such as mine should for some reason we not be able to fall under non-profit even with our nonprofit partners. There should be criteria established for smaller events perhaps with 50 or less boats and/or \$300 entry fees. (Hopefully that is dealt with at the administrative level. Should either of my events be classified to require \$2,500 fees we will see a quick death of the tournaments or in our case be moving exclusively to Minnesota leading to the potential tourism and income losses to the communities involved.

Now to change gears a bit. I am also very involved with the Red River Valley Catfish Club and the Wednesday Night Catfish League that we operate in the summer appears to be falling through a crack here.

I would like to request an amendment or at least point out a potential problem that will have to be addressed during the administrative phase should this bill pass.

Currently, when the river permits, we are scheduled to run 12 weeks, six in North Dakota and six in Minnesota. We average around 30 boats each week. The entry fee to participate in a league night is \$15 per boat and we pay back 80%. Our current North Dakota fees are 10% which amounts to \$30-\$45 per time versus Minnesota where our entry fee is considered too low and we DO NOT require a permit at all.

The league really is not about winning the money which is never more that about \$150 for first place and Big Fish of the night. The league is popular with anglers who do not play softball, golf or other to get out and fish one evening per week. The real prize that everyone is after is the "Angler of the Year" title and jacket presented to the angler or team that collects the most points throughout the season. We do not charge for this.

*The way HB 1538 is worded "fishing contests," as defined in the legislation, would be limited to events offering a prize or cash for catching fish in public waters. That would include big-money tagged fish contests, fishing tournaments, biggest fish contests, contests awarding prizes for the largest number or weight of fish and fishing leagues or tournaments comprising multiple fishing events with a cumulative fee of \$50 or more per event.*

*Events would not be considered a tournament or required to pay an entry fee if they charge less than \$50, have fewer than 50 participants and fewer than 15 boats.*

Using these definitions, our league does not charge \$50 but rather \$15. Because we have about 60 participants and 30 boats it would make us a tournament. Our fees would then under this definition for non-profit go from \$45 to \$75 for each event we have in North Dakota leaving nothing to cover the cost of the jackets and other supplies for the league. I think instead of 15 boats, something to protect us should be considered. I realize that we have a very unique situation to be as big as we are with as low dollars as we do.

Even though we feel as this is written it would be detrimental to our catfish league, overall, we still support HB 1538 because it could be very beneficial to the tournaments that we partner with. We would like DO PASS.

Sincerely,

Captain Brad Durick

Tournament Director- Scheels Boundary Battle Catfish Tournament, Catfish Capital Challenge- Drayton, Moorhead Catfish Tournament  
Board Member- Red River Valley Catfish Club/League

## 2023 HB 1538 Testimony

Authored by: Tim Sandstrom

Dear Committee:

I submitted testimony to the House committee noting they (NDGF but more-so those who persuade them) should have left well enough alone where for decades the North Dakota Game and Fish (NDGF) operated under administrative code 30-03-05 where a fishing tournament was required to submit a conservation fee of up to 10% of tournament entry fees or up to a max of \$5,000.

And for decades chambers, non-charitable organizations and other entities held tournaments and fishermen executed and fished them with acceptance. Then the NDGF made a change where the max was removed and increased already high tournament fees compared to nearly all states in the nation to a fee unheard of. In some cases, tournaments in the state paid 10 to 20s of thousands of dollars just to have a charitable and economic impact event for the community.

Today, the amended compromise of HB 1538 establishes a tournament fee be capped at \$2,500. While an improvement, this is still an exponential fee compared to nearly every state in the nation and I cannot fully commit to this yet because as written does NOT deliver equitable representation or application. **Hence, I support HB 1538's intent to hold the NDGF accountable for developing an equally represented rule or law and have it be equally applied.**

Many have asked me why the NDGF made the change they made. In my conversations with the NDGF it was clear motivated mostly non-tournament angler minded entities injected concern of ecosystem damage to the fisheries and inconveniences to fishery access points.

This is supported by the NDGF's own summary as it altered the administrative code in October 2020 stating, "disagreements between some tournament and non-tournament anglers have occasionally led to bad blood between these two groups where one group believes money should not be made off a natural resource while the other believes fishing can be about economic development." I could go on, but words must be conserved.

Their belief was 10% served as a means of giving back and for some a means of punishment for participating in such an event. Or we can call it a tax! I can appreciate the giving back notion and I suppose that's why the old code was accepted as long as it was. But the reality is, money doesn't fix anything intangible and if it does, it's a false perception. **In addition, as we've navigated through discussion for this bill, we've learned how unequitable the current and past NDGF administrative rule has been applied.** You will hear examples in other's testimony so allow me to pivot toward the identity of a tournament angler.

It can be argued tournament anglers give back proportionally more than the non-tournament anglers. For instance, non-tournament anglers are not asked to foot the bill for improvements like that of tournament anglers just to add some competition to a day's worth of fishing (while promoting charity I should add).

There's always potentially a bad apple in the bunch but I'll speak in absolutes where most tournament anglers are the most conservative minded anglers. We practice self-conservation including selective catch and release, we pay millions of dollars in equipment bolstering taxes directly sponsoring conservation, we are vocal on fighting aquatic nuisance species, we are promoters nurturing the youth toward the outdoors, stewards of our access and facilities and often the core organizers and charitable enablers.

We believe the NDGF has a pivotal role in protecting our resources and embracing the partnership. The NDGF doesn't close our fishing season to protect the spawn, they state slot limits are not needed in North Dakota and regulate fish catch limits. HB 1538 does not take any of their control away. In fact, as part of internal discussions with tournament anglers one can argue we've been vocal on doing what the NDGF does not and require boundaries on fishing

tournaments. If the NDGF and those who share concern of ecosystem or other local impact to specific area, then it only makes sense to administer boundaries to control impact.

Back to the 10% fee and as the NDGF additionally stated in their October 2020 statement, “the combination of the 10% fishery conservation project coupled with the Department’s efforts to apply various tournament protocol (e.g. spread tournaments about, non-tournament anglers have precedent at the ramp, etc.) has helped lessen the conflict between the two groups considerably in the past 15 years.”

When I approached the NDGF and used freedom of information request protocol as a means to obtain documented evidence of how the 10% fee has eased non-tournament angler’s minds and how various tournament protocols aided the same, I received essentially none. Not that there was a means to deceive, there just wasn’t any actual documented literature available to provide! It was all obtained through, “phone calls” and “meetings.”

Where I’m going with this is in addition to my HB 1538 support, I’d recommended the NDGF bolster or renew its attempts to establish a committee to obtain and document grievances from the public, chambers and others. As I noted, a blanket statement of money has fixed the issue good enough and isn’t good enough! I agree there are still idiot anglers (both tourney and non-tourney I might add) who drive a boat like a maniac or have no respect, we could do better to build relationships with the facility or access point, we can create agreed compromise on boundaries, we can come up with collaborative efforts to give back to the area and we can certainly build consequence to fishing event organizers AND individual tournament anglers who are bad actors! **To mention again, build equal representation with equal application of the rule/law!**

I’m going to close with what I feel is a fair representation of a large fishing event such as the North Dakota Governor’s Cup. It’s a large event and often very family and friend oriented whereas it’s seen as a week’s vacation on the lake. Why this example I’m about to give? It’s because some perceive tourney anglers as fish takers, but you might find it interesting to see some simple scenario math tell you a different story!

Figure 1 – Tourney versus Non-Tourney Fish Catch Scenario

Angler scenario over 1 week of fishing <i>Tournament day is bold blue</i>	Fish Taken								Ttl	Note
	Mon	Tue	Wed	Thu	<b>Fri</b>	<b>Sat</b>	Sun			
Tourney Anglers (2 anglers per boat) - Keep 8 fish per day tournament	0	0	0	0	7	7	0	<b>14</b>	<ul style="list-style-type: none"> <li>- Two anglers who'd normally be in their own boat with other anglers are together in one boat for the tourney</li> <li>- Tourney anglers rarely keep fish during pre-fish days, who wants to clean fish after a long day!</li> <li>- Many tournaments do not allow normal NDGF daily limit and anglers leave a slot or even two open for big fish!</li> <li>- Generally most tournament anglers have had enough and don't fish on Sunday!</li> </ul>	
Non Tourney Anglers (2 anglers per boat) - On vacation same week of tournament - Can keep 10 for 2 man limit in ND	8	8	8	8	8	8	8	<b>56</b>	<ul style="list-style-type: none"> <li>- Non-tourney anglers enjoying a week of vacation, most likely they will be out to get a limit every day!</li> <li>- They should catch 10 but being conservative and they only got 8!</li> </ul>	
2 "tourney" anglers on normal weekend equaling 4 total anglers - Tourney Angler 1 (2 anglers in their boat) - Tourney Angler 2 (2 anglers in their boat)	12	12	12	12	12	12	12	<b>84</b>	<ul style="list-style-type: none"> <li>- On a normal weekend, the two tournament anglers would be in their own boats</li> <li>- When in their own boats they'd have others with them (family, etc)</li> <li>- Just because they fish tournaments doesn't mean they are a better angler, they only got 8 per day per angler too :-)! <b>- Point being, in this example on a tournament week we'd reduce impact to the fishery by 2 anglers or 70 fish!</b></li> </ul>	
<b>Summary:</b> When anglers fish a tourney they actually take less fish than NOT fishing a tourney!									<ul style="list-style-type: none"> <li>- 2 tourney anglers on a tourney week caught and kept <b>14</b> fish</li> <li>- 2 non-tourney anglers in 1 boat over same tourney weekend caught and kept <b>56</b> fish</li> <li>- if the 2 tourney anglers were not fishing a tourney but instead for fun that same week they'd have caught and kept <b>84</b></li> <li><b>- Lets not forget catch and release tournaments like AIM or Van Hook Classic, 0 fish caught and kept!</b></li> </ul>	

Chairman Dale Patton, Vice Chairman Jeffery J. Magnum, and respected Senators:

As a lifetime resident of district 4B, current tournament chair and multi-year tournament fisherman, I respectfully ask that you support HB 1538 with a do-pass out of committee.

I took over as co-chair for a small, 40 team, fishing tournament held on Lake Sakakawea in 2020. In permitting our tournament for that year, as well as the following years of 2021 and 2022, I became accustomed to the process needed to ensure a fair balance of angler's vs fishing pressure vs access location pressure. I believe that the permit process is a necessary feature to ensure all of the above components of a fishing tournament can be done with respect to all parties involved, whether directly or indirectly. With that said, I want to emphasize that my only issue with HB1538 stands with the conservation fee.

When the permit process changed in regard to the elimination of the cap in fee's for the 2021 tournament season, it left me wondering what the fuss was about. The fees to run the small 40 team tournament I am a part of stayed the same but the stand-out words as to the reasoning for the elimination of the "cap" were always "it makes it fair across the board". It left me trying to understand how if 10% was already being charged to all tournaments, why it should be so grossly expanded with the lack of the cap. At some point, our leaders felt that there should be a cap so as not to make it so abhorrent, and as I will explain, rightfully so. To make it "fair" meant that we became the only state in the union to grossly punish our tournament fisherman as the sole funding for this conservation fee, and not by just a small dollar amount, we took it to a level that was nearly a crime compared to other states. I have however, continued to follow policy, and have earmarked our tournament conservation fees to go to the location that supports us for our event. This conservation fee money is removed from the payout structure for the hard working, blue collar, industry individuals who fish this tournament as a way to get together with old and new friends, spend time around a campfire or a good grilled steak, and yes, put a little skin in the game for some good natured ribbing over who caught the biggest, or most fish in the event. These men and women give their hearts to the backbones of our state infrastructure in the best and worst of conditions, just to have 10% of their entry fee get given to the state for trying to take a break from life for a long weekend in a beautiful ND destination. Yet somehow other events in the outdoors of our beautiful state get left untouched by the conservation fee even though they are waging money against our resources as well. Our big buck, big doe, pheasant tail and coyote events stand largely untouched and I'm sure there are other events that could be drawn out as well!

As a tournament fisherman, I have spent the last decade of my life honing my skills trying to feed the strengthening desire to compete in walleye tournaments against some of the best in the field. My desire to do this shouldn't come at a cost that is any different to any other sports in the world, whether it be basketball, football, golf or even chess. I spend my hard-earned money on the equipment needed to compete, much the same as a basketball player buys his shoes, or a golfer does on his clubs. These expenditures never seem to stop with the advancements in tackle, lures, rods, electronics and even gas and boats themselves. My dollars spent on these items over the course of a year are in the thousands



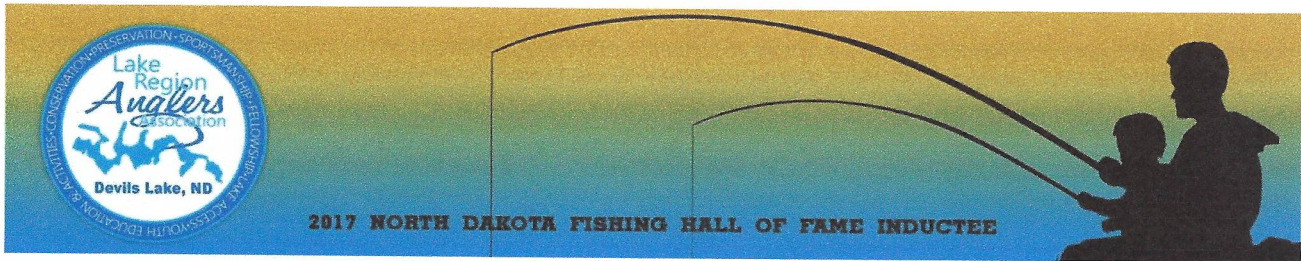
and these dollars go to support the small rural locations in which I fish. These recreational dollars provide a significant, unplanned boost to the local economy in the areas I frequent, and that is just one person making a small difference. I have traveled for my tournaments, spending time at resorts or motels, buying bait or tackle at many different locations. Now if you take that 1 person, and you make a full field of tournament fisherman out of him, those dollars now become exponentially substantial. A large tournament moving into a community for a week to 10 days while pre-fishing (practicing as they say) and fishing the tournament now has made a difference for businesses in that community. It was dollars that they didn't have the ability to budget for, as when they were planning their income around current events for the next fiscal year, they didn't know that at the same time, a tournament was in the permit process with the ND Game and Fish to be able to come to their location. It isn't until late spring, when these tournaments release their schedules for the coming year that they find out that they are the lucky recipients of this "boost". One often missed fact of these boosts, is that it often impacts locations that don't benefit from other events in the community, it is often the "off main street" businesses that get a chance at their piece of the pie that they have missed out on from a "main street" event held earlier in the year.

I want to end this with a small paragraph making this bill about me. The friends I have met in tournament fishing, as well as the knowledge I have gained from participating in national events is priceless to me. These are major boosters of confidence and knowledge that can't otherwise be replicated. Since the elimination of the fee cap, these events have avoided our state thus depriving me of the ability to test my skills at an elevated level. It has taken my drive away from me because I don't feel that it is fair that when Mr. Powers says on record that "it's not about the money" while referring to the conservation fees, I get punished fiscally and mentally on my ability to represent my home in my own backyard.

Thank you for your time and consideration towards a do pass on HB1538

Jarett Bauer

Garrison ND



Submitted on behalf of the members of the Lake Region Anglers Association

Jay Hagen, President

March 14th, 2023

Dear members of the Senate Energy and Natural Resources Committee

Senator Dale Patten (Chairman); Senator Jeffery J. Magrum (Vice-Chairman);  
Committee Members, Senator Todd Beard; Senator Keith Boehm; Senator Jordon L.  
Kannianen; Senator Greg Kessel

The Lake Region Anglers Association's (LRAA) Executive Officers and Board of Directors, by a vote of 11 to 0 asks the Senate Energy and Natural Resources Committee to give House Bill 1538 a "Do Not Pass" recommendation.

We would like to share a bit about our organization the Lake Region Anglers Association. We were established in 1975 based on six founding principles;

1) Conservation, 2) Preservation, 3) Fellowship, 4) Sportsmanship, 5) Lake Access, 6) Youth Education and Activities.

First in relation to HB 1538 let us say we fully support any changes that benefit our Youth, Veterans and Non-Profit organizations. What we are not in support of is the elimination of the conservation fees generated by what tournaments pay as a percentage of their entry fees and replacing this fee with a tournament application fee. The current rules allow for 100% of the conservation dollars to be returned back to the local entities and communities where the fishing tournaments are held. Installing a fishing tournament application fee in place of a conservation fee as HB 1538 does not allow for funds to be returned back to the communities that host these fishing tournaments which hamper our ability to support the resources in the future.

Our organization the Lake Region Anglers Association has been a beneficiary of the conservation dollars generated from tournaments held in the Lake Region.

We feel it important to share with you how the conservation dollars we receive are generated, how we attempt to maximize those conservation dollars, and lastly, how we have spent the Conservation Dollars we receive.

How conservation dollars we receive are generated;

The Lake Region Anglers Association holds five (5) member fishing tournaments each year and our members are comfortable in knowing that a portion of the entry fees from our tournaments goes towards a conservation fee that in turn is used to support our local resources. In doing so we are able to honor two (2) of the principles that we were founded on, the Conservation of and Preservation of the resources we utilize.

The Lake Region Anglers have also been fortunate in that when many other entities who hold fishing tournaments within the Lake Region file their fishing tournament applications, they often designate our organization as the beneficiary of the conservation dollars generated. It has been expressed to us that they choose to do so as they are comfortable in knowing that our organization will spend those dollars wisely for the benefit of the resource they are utilizing.

How we attempt to maximize conservation Dollars;

When our organization receives one (\$1) conservation dollar we often are able to generate up to four (\$4) dollars of benefit in support of our resources and facilities. We are able to do this working with the North Dakota Game and Fish Department on a 75% (ND Game & Fish) 25% (LRAA) cost share basis. Our organization has been fortunate to receive conservation dollars averaging in the neighborhood of around \$2,000 to \$2,500 on an annual basis. If our designated project in working with the North Dakota Game and Fish Department qualifies for the 75% / 25% cost sharing program, our \$2,000 worth of conservation dollars can become up to \$8,000, funds all of which are used for resource and facility improvements.

Here are some recent and past projects that LRAA has spent conservation dollars on;

1) on the installation and maintenance of Four (4) Handicap Fishing Ramps providing Lake Access to provide fishing opportunities for the disabled,

- 2) on a Stairs project over the rocks / rip-rap off of North Dakota State Highway 57 in support of Lake Access to provide fishing opportunities for shore fisherpersons,
- 3) on Lake Access Ramp projects at Lakewood Landing, at Henagar Landing, at East Bay Landing and at 6 Mile Bay Landing,
- 4) on the purchase of docks, the spring installation, fall removal of docks and the ongoing maintenance of the docks at these Lake Access sites,
- 5) in support of area Fish Cleaning Stations, namely the All-Season Station facility, the Lakewood Landing facility, the Henagar Landing facility, and the Six Mile Bay Landing facility,
- 6) a) in support of Youth Education and Activities Youth Exploratory Days with students from Central Middle School in Devils Lake,
  - b) with on the water outings involving area Cub and Boy Scout groups,
  - c) with the Lure Em' for Life Summer Youth Camp in educating and taking the youth attending the camp out on an on the water fishing experience
  - d) through our support of the Annual Angler Young Angler (AYA) Fishing Tournament a tournament that since its inception in 2008 has exposed a total of 1114 youthful anglers to the sport of fishing over its (14) year history,
- 8) in support of Veterans groups like the Wounded Warriors organization,

All of the projects, activities mentioned above have benefitted through dollars generated from our fund-raising projects and through the use of conservation dollars provided to our organization.

We have read all of the testimony provided from those "In Opposition" to and from those "In Favor" of HB 1538. We have read numerous comments from those submitting testimony "In Favor" of HB 1538 relating to the how neighboring states have no or a lower fee for tournaments than the state of North Dakota does. In response to these comments, what we can say that members of our organization and community hear time and time again from out of state anglers on how impressed they are with our fishing opportunities, with our supporting facilities, (namely our Lake Access points, our Boat Ramps, our Fish Cleaning Stations) and how they wish that their states had such facilities. We do not know if the other states lack of or reduced fees are the reason why our resource and facilities are the envy of those out of state anglers but it is our belief based on what we have been able to

accomplish in developing, improving and maintaining these facilities that this may be part of the reason why.

We as an organization are not against fishing tournaments, as shared in our testimony we hold five (5) of our own fishing tournaments annually. We do wish to ask the larger out of state fishing tournaments, their organizers and anglers to view how through the use of conservation fees the resource and facilities have benefitted.

We at the Lake Region Anglers Association support the maintaining of a conservation fee for tournaments, but equally it is our objective to work to restore the cap of \$5,000 per event for the conservation fee, as it was prior to the October of 2020 administrative rule change. This proposal would benefit everyone, which we believe was proven out as there was little to no prior opposition from any of the in-state or out of state fishing tournaments, their organizers or the anglers when the conservation fee was in place and had the \$5,000 capped amount.

The passage of HB 1538 will adversely affect and limit the good that Non-Profit organizations like the Lake Region Anglers Association are able to do for our resources and communities if the conservation fee is eliminated. All anglers, recreational and tournament anglers alike all wish to come to a location that provides them a quality fishing experience and locations that have the resources and facilities in place to accommodate their needs. It has long been an objective of the Lake Region Anglers Association to provide such a venue.

In closing there are three (3) points that we wish to emphasize;

1) We agree there is a need to address any inequities as related to fishing opportunities for Youth events, for Veteran's groups and for Non-Profit entities,

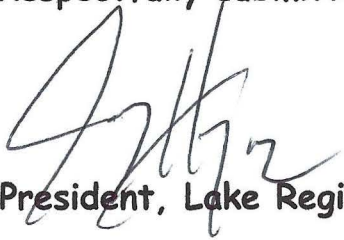
2) We wish to express that the regulation of fishing tournaments is best addressed as it has been in the past, through the North Dakota Game and Fish Department under its Administrative Code and Rule's process versus enacting new legislation via HB 1538 that would become a part of the North Dakota Century Code. As noted previously the Administrative Code and Rules process has worked since its inception absent one issue, the October 2020 administrative rule change that eliminated the cap of the \$5,000 conservation fee amount which adversely affected the high dollar entry fee, larger fishing tournaments.

3) It is our opinion that the issues raised in HB 1538 are easily fixable by establishing a committee to work with the North Dakota Game and Fish Department through their Administrative Code and Rules process. Our group the Lake Region

Anglers Association along side of the North Dakota Sportfishing Congress (a group that represents the majority of the fishing clubs in North Dakota), would commit to be a part of a committee to work with North Dakota Game Fish personnel, with the North Dakota Chamber of Commerce and Tourism Boards, and with a group of individuals and businesses from those who submitted testimony "In Favor" of HB 1538 to resolve the issues in question, all without the need for any new legislation. This can be done in a manner that is workable for all of the affected groups.

The Lake Region Anglers Association asks that Senate Energy and Natural Resources Committee votes a "Do Not Pass" recommendation on HB 1538 for the following reasons; 1) we are against the elimination of the conservation fee for tournaments and 2) our belief that all of the issues brought forth in HB 1538 can be resolved in manner that does not require new legislation.

Respectfully submitted,



President, Lake Region Anglers Association

LRAA - Executive Officers - President Jay Hagen; Vice President Cory Everson; Secretary Jamie Lehmann; Treasurer Vince Bechtold; Past President Edward Dosch

LRAA - Members of the Board of Directors - Shelby Vasichek; Bryan Lang; Chad Estenson; Kyle Reimer; Kraig Gellner; Jason Albert

Testimony support for HB1538

Dear Senate Energy and Natural Resources Committee

I am in support of this bill after the committee worked to develop a reasonable compromise with the Game and Fish and all vested stakeholders regarding this issue. Please vote yes on HB1538.

Thank you for your time and consideration,

Matt Williamson  
Minot, ND

Date: 3/15/2023

Submitted by: Jack Sannes

Address: 524 Main Ave, Washburn, ND 58577

To: Senator Patton and Members of the North Dakota Senate Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

In my opinion the financial burden the current legislation on tournaments and tournament fees has placed on tournaments that are held within our state is much too restrictive. The result has been that the major tournament organizations have chosen to hold their events in other surrounding states that have much less restrictive fee structures. The loss of tournaments in our state affects our local communities with loss of tourism revenues.

I got my interests in fishing by being able to fish with an individual that fishes these national tournaments. Because I was able to fish with this individual I have started fishing more and enjoying the lakes and rivers North Dakota has to offer. With the loss of these major tournaments, it worries me that individuals like me won't get the chance to enjoy a lifelong sport/hobby of fishing.

It is for these reasons that I overwhelmingly support Bill 1538. This Bill revising the language in the current legislation is important to the local communities in which these events are held and to the future of the sport that means so much to me personally. Thank you for your consideration!

Sincerely,

**Jack Sannes**

Jack Sannes



Testimony in support of: North Dakota House Bill 1538-A Bill for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code

Date: 3/15/2023

Submitted by: Steve Axtman

Address: 5582 HWY 3 South

Rugby ND 58368

To: Senator Patton and Members of the North Dakota Senate Energy and Natural Resources Committee

As an avid angler and outdoorsman, I am writing to voice my support for your House Bill 1538.

I am writing this to express that with the burden placed on the fishing tournaments for the conservation fee by the ND Game and fish is hindering the National tournaments to hold them in ND. I have attended these events in other states as a tourist in those states it was very evident that the local areas were happy and excited to have them held at their locations.

After seeing all the national attention placed on these tournaments with TV coverage and the impact received from the additional coverages nationally has been nothing but a great show case of what are great state has to offer. Which must be a great impact economically for are great state.

It is for these reasons that I overwhelmingly support Bill 1538.

Sincerely,

**Steve Axtman**

Steve Axtman

Chairman Patten, Vice Chair Magrum and members of the Senate Energy and Natural Resource Committee,

My name is Cory Meyer and I am the Assistant Chief of the Devils Lake Fire Department and one of four co-chairs of the Devils Lake Volunteer Fire Department Ice Fishing Tournament.

I am here today to encourage you to vote yes on HB 1538 in its current version.

The 39th Annual Devils Lake Volunteer Fire Department Ice Fishing Tournament and Raffle is held the last Saturday of January each year. It is the largest ice fishing tournament in North Dakota and is the largest Tourney/Raffle of its kind in the region. While there are larger ice fishing events where you must fish to win prizes, this is the largest ticket selling event.

The tournament and raffle is a profitable fundraiser for our department, our community, and other local, small town organizations, offering an economic impact of nearly \$2 million a year. Each year we donate just over \$10,000 to small organizations, contribute to local conservation through this fee, and spend over \$325,000 on prizes, much of that going to local businesses. While the benefits outweigh the costs, we have seen our bottom line gradually shrinking away. Expenses to run the tournament and the cost of prizes have greatly increased over the last few years, and the change in how the conservation fee is figured has also taken its toll.

Some may ask the question, "Why don't you raise the price of the fishing ticket or offer more tickets?" Currently the Tickets sell for \$25 and the breakdown of the ticket is \$21 for the raffle side and \$4 is the fishing part of the ticket. Since most of the fees are based on percentages, a moderate increase will have minimal impact on our bottom line. We also have to take into consideration those that buy the tickets. Will supporters be willing to pay more for the same ticket? Will we be able to sell more tickets?

Since 2013, including the 2023 Tourney, the Ice Fishing Tourney has paid \$85,096 in Conservation Fees to the ND Game and Fish. While we understand and appreciate what the fees are used for, each dollar paid for conservation is a dollar we are unable to use towards purchasing and maintaining life saving equipment within our department. To put things in perspective, the cost to outfit a firefighter in turnout gear, boots, helmet, hood, gloves, and with a breathing apparatus is roughly \$10,000. That doesn't include all the tools and equipment attached to our trucks. These items all come at an expense and are necessary in meeting the goal of our department, ensuring the safety of our community and as well as our department members.

As stated previously, we are very interested in contributing to groups within our community. The elimination of the conservation fee will give us local control in where our money goes. We would like to see more money go to the groups that help us make the tournament happen. The rules set by the Game and Fish leave very little options to donate money to the local girl scouts who help us with parking during the tournament, or some of our local public school booster clubs whose kids and parents come out to help us drill holes or set up the concessions on the lake. Yes, the organizations we recommend each year to receive the conservation money are worthy causes, but they also have little to do with this community based event. Wouldn't it be great if we could get them to come out each year and have them earn a bit of the money we give them? We are always short of help and maybe incentivising the effort will lead to more people willing to help.

I would like to thank you all for the opportunity to speak with you today and encourage you to vote YES on HB 1538. It could make all the difference to our tournament, fire department, and community!



March 14, 2023

Submitted by: Dave Wasness, President of F-M Walleyes Unlimited

Chairman Patten, Vice Chair Magrum and members of the Senate Energy and Natural Resources Committee

On behalf of the F-M Walleyes Unlimited we ask the Senate Energy and Natural Resources Committee give House Bill 1538 a 'do pass' recommendation.

F-M Walleyes Unlimited is a fishing club that represents over 300 anglers in the greater Fargo-Moorhead area. Our club has served the F-M community for over 45 years and is dedicated to promoting conservation, sportsmanship, and education regarding walleye fishing.

F-M Walleyes supports HB 1538 and the changes to the definition of fishing contests. These changes will better serve high school fishing leagues and other youth fishing events. We also support the elimination of the onerous conservation fees that discourage local, regional & national events that represent significant economic benefits to North Dakota communities. Current rules also penalize local first responders from retaining the fishing event earnings they would otherwise use to support their response to emergencies.

Please note that the position the North Dakota Sportfishing Congress does NOT represent F-M Walleyes Unlimited.

Respectfully Submitted,

Dave

Dave Wasness  
President, FM Walleyes Unlimited  
[dave.wasness@fmwalleyes.com](mailto:dave.wasness@fmwalleyes.com)  
[www.fmwalleyes.com](http://www.fmwalleyes.com)



Senator Patten and Senate Energy and Natural Resources Committee Members,

I would like you to vote to pass HB 1538. The current fee structure has had a negative impact on our state. National level tournaments will no longer come to North Dakota. HB 1538 will allow local non-profit organizations to hold tournaments while retaining a larger amount of the proceeds for their organizations. For these reasons I ask that you vote due pass on HB 1538.

Thank you.

March 16, 2023

Senator Patten and Senate Energy and Natural Resources Committee Members,

Dear Chairman Patten,

What is a Tournament Angler?

There's a question I had never given any thought to asking until the North Dakota House hearing held February 3, 2023. What is a tournament angler? Not sure if it was because I already knew the answer or the fact that I really had never given it any thought. Either way, a survey was brought up during the opposition testimony for House Bill 1538 dealing with the inconsistent and harmful "conservation fees" being charged to North Dakota fishing tournaments. Here is an excerpt from the Hearing:

*"In a 2021 survey of all licensed resident anglers, 92% of the non tournament anglers in the state and 68% of the tournament anglers themselves supported the current 10% minimum fee over a reduction in the fee," Fisheries Division Chief, Gregory Power.*

Until Mr. Power made this statement I realized I have never really thought about the question "What is a tournament angler?" More importantly for this discussion, I realized I had never even thought about making the distinction. But now that the question is out there, I have spent the last month doing some research and here are some of the interesting numbers that I've found. Much of this research has been done with images of spreadsheets provided by the North Dakota Game and Fish, so I've rounded down in most instances to be fair.

Looking at the data from the 2022 fishing tournament reports, around 50% of participants fished open water and the other 50% fished ice events. This is based on the actual anglers that showed up for the events. The reason I make the distinction is that over 19,000 people purchased tickets for one event that never showed up to fish. Are they tournament anglers? They paid the entry fee and the event sponsor paid the conservation fee for these people.

Another interesting observation is that roughly 40% of events that were held in 2022 had 50 participants or less. Many of these events are local leagues and clubs, employee outings, family reunions and 1 national ice fishing circuit that had 18 participants.

Of the top 5 events accounting for 401+ participants in North Dakota, in 2022, only the Governor's Cup is held on open water. That means that 4 of the 5 biggest tournaments in North Dakota are all ice fishing tournaments. I may be wrong but if I had to answer a trivia question I would say that the Governor's Cup is the longest running tournament in North Dakota.

When it comes to the "conservation fee" or permit fee to hold a fishing tournament, there are some interesting things to look at as well. Around 10% of tournaments in North Dakota in 2022 had 101-150 participants. These events included a military service, 120 kids learning how to fish, sport clubs, the American Legion, a couple city chamber events and a Casino Cup Event. For these events with the same amount of participants fishing there is just over a \$6,000 difference in permit fees.

Over the last ten years, a rough average of 19% of fishing tournament conservation fees were paid by North Dakota Fire Departments and EMS. In 2022, that number was \$19,924. That's over \$120,000 in the last 10 years that didn't stay in the local community to pay for the desperately needed equipment for our first responders.

This leads back to the question at hand “What is a tournament angler?” Is it only the 16,000+ people that showed up to an event in 2022? Is it the 35,000+ people that paid for an entry in an event, of which 19,000+ people most likely bought a ticket thinking they were supporting a good cause and had no intention of ever fishing??

I’ve been working in and around the fishing industry for over a decade now and I know only a handful of people who make their entire income solely in the fishing industry. None of them make their full income from fishing tournaments. The reality is tournament anglers are just that, anglers that fish tournaments. Not just the big events with jerseys and wrapped boats, but the angler who takes the time to support good causes, teach some kids how to fish or compete with their buddies on a weeknight. Tournament anglers come from every walk of life and every vocation. So when it’s all said and done, the more pressing question is “what is a non-tournament angler?”

Now getting back to the 2021 survey I started with. Only 7,000 people were sent the survey and of that number only 1,273 people responded. In 2021 there were, according to the ND Game & Fish website, 84,140 (54,077 individual, 14,609 married, 15,225 senior, and 229 disabled) fishing licenses sold in North Dakota. That means the 1,273 people who actually responded to that survey are 1.5% of license sales and 1.3% of licensed anglers when you consider married licenses in 2021. Maybe it’s just me, but that’s a pretty bad sample size to pit two groups of people against each other.

House Bill 1538 passed the ND House with a vote of 90-2-2 because it’s not about a “10% conservation fee”. It’s about letting parents and kids learn to fish together in a student angling activity. It’s about sport clubs being able to raise money for conservation and education without having to pay a tax. It’s about charities being able to raise money without having to give 85% of those monies away. It’s about keeping money local and not trying to force communities on the water to pay up to \$45,000+ to bring in an event like the National Walleye Tour with a full field for economic benefit to their residents.

The next step for House Bill 1538 is the North Dakota Senate Energy and Natural Resources Committee.

You see, the current system is meant to restrict “tournament anglers” but the reality is, it’s hurting Main Street North Dakota. The same people who fish a tournament or support those who do.

Respectfully,

Jeremy Olson



## TESTIMONY OF

**Mike Jensen, Outdoor Promotions Manager Tourism and Marketing Division  
North Dakota Department of Commerce**

Chairman Patten and members of the Senate Energy and Natural Resources Committee, my name is Mike Jensen. I am the Outdoor Promotions Manager for the Tourism & Marketing Division of the North Dakota Department of Commerce.

I am to provide background information that may be helpful for HB 1538 that addresses fishing tournament fees.

### **Tourism Background of Conservation Fee**

- In 1984 North Dakota Game and Fish Department began charging fishing contests 10% of tournament entry fees as a conservation fee. This fee has been a part of the application to hold a tournament in North Dakota for the past 39 years.
- In the late 1990's when fishing was very good, the state was being overlooked as a host location for major national tournaments because the conservation fee was deemed too costly for tournament organizers.
- In 2000 the conservation fee was capped at \$5,000 to allow the state to be considered by larger national tournaments and gain the media attention we deserved local tourism organizations worked to attract national fishing contests.
- For the past 20 years, the conservation fee was tolerated, but has been burdensome for destination marketing organizations and the communities that would host these tournaments. In certain instances, the \$5,000 sponsorship would be paid to the tournament organizers, then they would pay the conservation sponsorship media coverage.
- In 2020 the Game & Fish Department removed the cap via an administrative rule hearing and the new rule went into effect in October of that year. This doubled or tripled the conservation fee into the \$10,000-20,000 range for the largest tournaments, including the ones that created national media attention for North Dakota.

### **Tourism Involvement**

In the fall of 2020, the Tourism & Marketing division began receiving comments and concerns from resident tournament anglers and complaints from nonresident traveling anglers claiming state policy was increasingly negative toward them.

- We were sent press releases calling for travel bans from angling organizations like the National Walleye Federation.
- National tournaments circuits removed North Dakota from consideration and canceled North Dakota events from their insurance policies.
- We were asked by traveling anglers why our tournament fee is so far out of alignment with any other state's tournament fees.
- We received messages from the National Professional Anglers Association saying that their members were viewing the state as greedy and unwelcoming.

### **Working with Game & Fish to Solve the Problem**

The negative response to the fee change led our agency and a group of tourism stakeholders to engage in discussions and meetings with the North Dakota Game & Fish Department to see what could be done to address the fee change. It is unfortunate this did not happen prior to the rules change. This began two years of meetings and discussions to attempt to resolve the issue and bring an alternate fee structure to an administrative rules hearing. All the options the tourism working group brought to NDGF were rejected.

Because no solution was found, a mediation session between the tourism group and anglers that support the 10% fee with no cap was organized and sponsored by former Game & Fish Department Director Terry Steinwand. The outcome of mediation proposed a \$7,500 maximum (cap) on the existing 10% conservation fee. North Dakota Game & Fish decided to take no action and left the uncapped 10% conservation fee in place. This has limited our opportunity to host certain tournaments.

### **Tourism Impacts of the Fee Change**

- There have been no large national tournaments in the state since 2019. Prior to the rule change the state hosted six National Walleye Tour (NWT) tournaments and seven Masters Walleye Circuit (MWC) tournaments between 2010 and 2019.
- North Dakota fisheries have not received the media coverage or added impressions that come with large national tournaments, especially the ones with television shows and media outlets.
- Simultaneously, fishing license sales dropped last year with 6,391 fewer nonresident licenses sold by the end of the open water season. There were 12,898 total fewer fishing licenses sold (including resident, nonresident, and combination) by the end of October, a drop of 6.7%.
- Tourism and hospitality businesses have lost business because of the lack of national tournaments.

## **Tourism Support of Tournament Anglers**

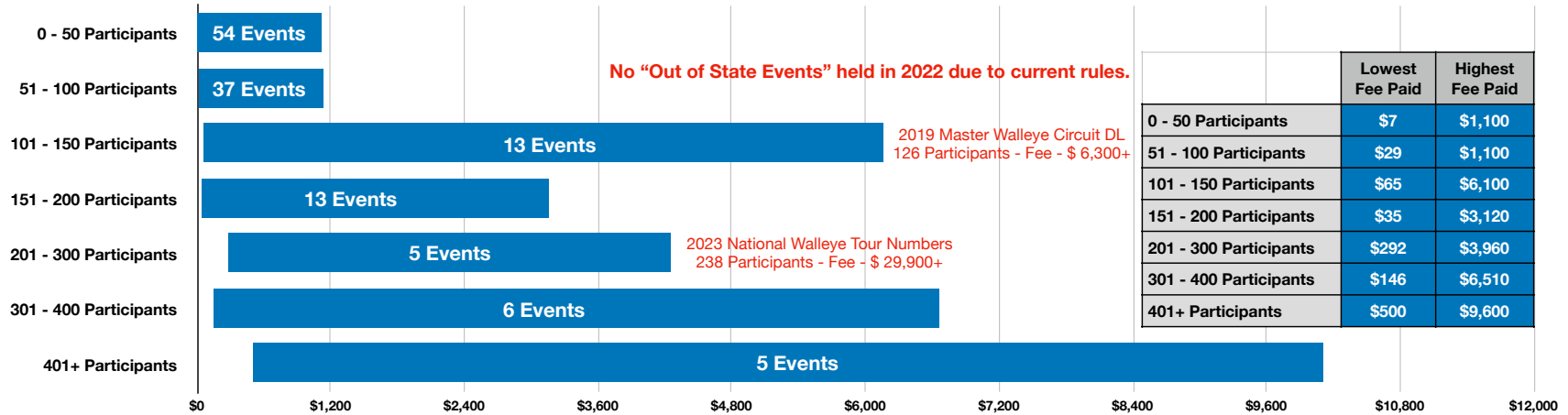
We have great tournament anglers from North Dakota who have been advocates for us. They have carried our story and messaging across the country, they have been public spokespeople that promote responsible fishing practices, they often promote anti-poaching efforts like report all poachers and our ANS messaging (clean, drain, dry, every surface, every time.) Tourism supports all anglers, both individual and tournament. The majority of tourism information requests come from non-tournament individual anglers.

We believe the current rule has impacted the state's ability to attract new anglers and has hurt our state's image as a premier fishing destination. Hosting national tournaments is a promotion tool our communities can no longer afford.

I would also like to address the idea that Commerce/Tourism should pay these fees for our communities. This is not possible with our limited budget as we would then need to subsidize other promotion programs for communities across the state working in various niches for promotion.

Thank you.

## Discrepancies in Tournament Fees by Event Size 2022



**Answering the questions of:**

**“You Have to Pay to Play” & “It’s Only Fair”**

**In North Dakota between 6-11% of boaters are asked to pay the “Conservation Fee” for all 73,000+ registered boaters.**

**In North Dakota roughly 17% of anglers are asked to pay the “Conservation Fee” for all 98,000+ licensed anglers.**

**In North Dakota 7 Fire & 1 EMS organization paid 21% of all the “Conservation Fee” in 2022.**

## HB 1538 - Fishing Permits Fees By State

State	Permit fee	Permit App	Notes
Alabama	\$0	Online	
Alaska	NA		No Regulations
Arizona	NA		No Regulations
Arkansas	\$0 - \$75		
California	\$100		
Colorado	\$30		
Connecticut	\$0		
Delaware	\$0	Online	
Florida	\$0	Online	
Georgia	\$0	Online	
Hawaii	NA		By County/Land Management Agency - Waived for non profits
Idaho	\$23.50 - \$29.50		
Illinois	Pending		
Indiana	\$0	Online	
Iowa	\$25		
Kansas	Up to \$200		
Kentucky	\$25 - \$150	Online	
Louisiana	NA		By County/Land Management Agency
Maine	\$12 - \$52		Discount for Catch Record Release events
Maryland	\$0		
Massachusetts			
Michigan	\$0	Online	
Minnesota	Up to \$250		
Mississippi	NA		No Regulations
Missouri	\$0	Online	Land Use By County/Land Management Agency
Montana	\$3/ if 30+ boats		
Nebraska	\$0		
Nevada	\$25		
New Hampshire	\$10 - \$49		Discount for Catch Record Release events
New Jersey	\$5		Discount for Catch Record Release events
New Mexico	NA		
New York	NA		Land Use By County/Land Management Agency
North Carolina	\$0	Online	
North Dakota	\$0 - \$45,000+		Master Walleye Circuit - \$ 6,300+ NWT - \$29,900+
Ohio	\$0	Online	Following Michigan's Process
Oklahoma	\$0 - \$75		By Land Management Agency
Oregon	\$122		Walleye & Bass are free
Pennsylvania	\$0		
Rhode Island			
South Carolina	\$0		
South Dakota	\$0		
Tennessee	\$0	Online	Following Michigan's Process
Texas	NA		By County
Utah	\$20 - \$250		
Vermont	\$50		Waived for youth
Virginia	NA		By County
Washington	\$75 - \$300		By Land Management Agency
West Virginia	\$0		
Wisconsin	\$25	Online	
Wyoming	\$0		

HB 1538 Numbers to Consider	Estimated conservation fees collected by year	Amount of conservation dollars per administrative dollars spent	Fire/EMS conservation fees per year	Percentage of conservation fees paid by Fire/EMS	Amount of dollars required to be paid out/not allowed to be kept	Devils Lake Fire conservation fees per year	Percentage of conservation fees paid by Devils Lake Fire	Devils Lake Fire amount of dollars required to be paid out/not allowed to be kept
2003	\$40,500.00	\$1.01						
2004	\$50,000.00	\$1.25						
2005	\$49,000.00	\$1.23						
2006	\$81,000.00	\$2.03						
2007	\$42,500.00	\$1.06						
2008	\$49,000.00	\$1.23						
2009	\$60,000.00	\$1.50						
2010	\$56,000.00	\$1.40						
2011	\$46,000.00	\$1.15						
2012	\$51,500.00	\$1.29						
2013	\$67,000.00	\$1.68	\$7,280.00	11%	\$54,600.00	\$7,200.00	11%	\$54,000.00
2014	\$53,500.00	\$1.34	\$7,580.00	14%	\$56,850.00	\$7,500.00	14%	\$56,250.00
2015	\$84,250.00	\$2.11	\$7,958.20	9%	\$59,686.50	\$7,200.00	9%	\$54,000.00
2016	\$84,000.00	\$2.10	\$9,814.90	12%	\$73,611.75	\$8,000.00	10%	\$60,000.00
2017	\$91,000.00	\$2.28	\$10,061.40	11%	\$75,460.50	\$8,000.00	9%	\$60,000.00
2018	\$89,500.00	\$2.24	\$16,561.50	19%	\$124,211.25	\$9,000.00	10%	\$67,500.00
2019	\$133,000.00	\$3.33	\$15,915.10	12%	\$119,363.25	\$5,000.00	4%	\$67,500.00
2020	\$63,500.00	\$1.59	\$9,569.90	15%	\$71,774.25	\$5,000.00	8%	\$67,500.00
2021	\$98,000.00	\$2.45	\$17,892.80	18%	\$134,196.00	\$9,000.00	9%	\$67,500.00
2022	\$94,500.00	\$2.36	\$19,924.20	21%	\$149,431.50	\$9,600.00	10%	\$72,000.00
	<b>Average</b>	<b>Average</b>	<b>Total</b>	<b>Average</b>	<b>Total</b>	<b>Total</b>	<b>Average</b>	<b>Total</b>
<b>Total or Average</b>	<b>\$69,187.50</b>	<b>\$1.73</b>	<b>\$122,558.00</b>	<b>14%</b>	<b>\$919,185.00</b>	<b>\$75,500.00</b>	<b>9%</b>	<b>\$626,250.00</b>

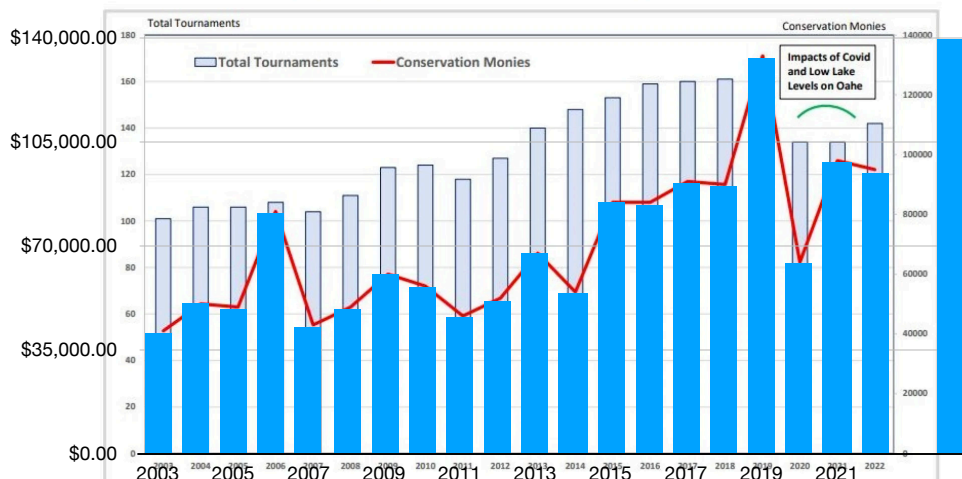
**Currently 75% of funds are required to be paid out. This is true even if prizes could be donated. An organizer is only allowed to retain 15%.**

**The Red Numbers Indicate Money Required To Be Payout And Not Put Towards Mission of Organization.**

**Data taken from NDGF provided information. Conservations fees collected are estimates based on provided charts. Annual administrative cost of estimated \$40,000 per year stated by Fisheries Director.**

Best 10 Year Average	Worst 10 Year Average	Last 10 Year Average
<b>\$88,575</b>	<b>\$49,800</b>	<b>\$85,825</b>
<b>20 Year Total</b>		
<b>\$1,383,750</b>		

**Permitted Fishing Tournaments and Conservation Project Monies Trends**



March 14, 2023

Submitted by: Jared Pokrzywinski

Chairman Patten, Vice Chair Magrum and members of the Senate Energy and Natural Resources Committee

I respectfully ask the Senate Energy and Natural Resources Committee give House Bill 1538 a “do pass” recommendation.

As a lifelong resident of North Dakota and someone who is compensated to promote our great state of North Dakota and our amazing community of Devils Lake, I support HB 1538 and the changes to the definition of fishing contests. These changes not only better serve high school fishing leagues and other youth fishing events, but they also support every single person in our great state by promoting tourism. I also support the elimination of the onerous conservation fees that discourage local, regional & national events that represent significant economic benefits to North Dakota. Current rules also penalize first responder organizations from retaining the fishing event earnings they would otherwise use to support their response to local emergencies. Some might argue that these changes could be better addressed through the administrative rule process. Unfortunately, the ND Game & Fish Department has been engaged in addressing these issues for several years and to date has refused to make any of the requested changes.

Please give HB 1538 a “do pass” recommendation.

Best Regards,

Jared Pokrzywinski

Devils Lake, ND

701-230-4950

[P12football@gmail.com](mailto:P12football@gmail.com)



## NORTH DAKOTA WILDLIFE FEDERATION

**Testimony of John Bradley**  
**North Dakota Wildlife Federation**  
**House Bill 1538**  
**Senate Energy and Natural Resources Committee**  
**March 3, 2023**

Chairman Patten and members of the Senate Energy and Natural Resources Committee:

For the record, I am John Bradley, executive director of the North Dakota Wildlife Federation. I'm here today representing our thousands of members in 15 affiliated wildlife and sportsmen's clubs across North Dakota that make up the North Dakota Wildlife Federation.

NDWF opposes HB 1538. The Wildlife Federation has a strong track record of working to protect North Dakota's world class fishery. NDWF worked on SB 2293 in 2019 which created the ANS Fund. Most recently, NDWF held a fundraising raffle with the profits from the raffle to help fund mobile ANS cleaning stations in the state.

We believe that HB 1538 would be detrimental to the long-term prosperity of North Dakota's fisheries. Our biggest concern with the bill, besides poking a bear that had finally fallen asleep after years of stakeholder meetings, is the removal of the conservation fee. NDWF believes that the conservation fee requirement should be in place for all future for-profit fishing tournaments in the state. North Dakota non-tournament resident anglers believe the same. Over 90% of those non-tournament anglers surveyed overwhelmingly support the 10% minimum conservation fee with no exceptions\*.

We truly believe that North Dakota resident anglers are happy enough to share our cherished resources with tournament anglers and other user groups, as long as the resource is being looked after and those users give back to the resource and facilities. The money from conservation fees go to boat ramp maintenance, fishing cleaning stations, and other local projects that make our lakes and rivers more accessible and enjoyable to the residents of North Dakota.

As proud supporters of youth outdoor activities, NDWF welcomes a discussion on how we can bring youth fishing leagues to the state. We believe that the law as currently written gives Game & Fish the tools to allow these types of events that bring more youth into fishing, but we would be supportive of codifying exemptions for youth leagues and tournaments in statute.

We urge a Do Not Pass on HB 1538.

\*Results based on responses from 1468 individuals surveyed by the North Dakota Game & Fish Department





## Senate Energy and Natural Resources Committee Testimony on HB 1538

North Dakota Game and Fish Department  
Greg Power, Fisheries Division Chief  
March 16, 2023

Chairman Patten and members of the Senate Energy and Natural Resources Committee, my name is Greg Power, Fisheries Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in opposition of HB 1538.

The Department continues to support the fisheries conservation fee for most tournaments versus an application fee as provided in this bill. The tournament conservation fee has existed for nearly 40 years (since 1984) with strong public support. Fees generated from tournaments have provided some funding assistance for local entities throughout the state which they reinvest into improving their respective local fishing resources. And the mere existence of a conservation fee has resulted in overall goodwill, lessening conflicts between tournament and non-tournament anglers.

Although the Department believes there is common ground on some issues, we continue to support the inclusion of the conservation project fee.

The Department has permitted well over 3000 fishing tournaments since 1984. Except for a few high entry fee, high payout tournaments, the Department has received essentially no negative, unsolicited comments about the conservation fees.

Boat ramps, courtesy docks, fish cleaning stations and other infrastructure have been enhanced considerably over four decades using tournament conservation fees. In addition to boat ramp infrastructure, youth fishing and education events have also benefitted.

It must be re-stated that all (100%) monies collected from fishing tournaments go back to a North Dakota fishery resource. No tournament conservation monies are used by the Department to administer fishing tournaments or other programs.

Lastly, the Department reiterates the need for all fishing events that have 15 or more boats OR 50 or more participants to be permitted. This requirement costs the tournament nothing, but a simple permitting process greatly reduces complaints and conflicts between non-tournament and tournament anglers (especially after traveling great

distances to a given lake/boat ramp only to find a non-permitted tournament ongoing). The permitting process greatly improves the communication lines between all, as every permitted tournament can be found on the Department website. This site is widely used (more than 5000 hits annually) by both tournament and non-tournament anglers for planning of their respective fishing outings.

This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.

Year	Tournament	Location	Entry Fee \$	Entrants	Total Entry Fee	Pro	Co	NDGF 2019 Numbers	x 0.10	-5000 Cap	Total Extra Per Team	Extra Per Entrant	Pro	Co
2019	Outdoor Team Works	Devils Lake (3 days)	\$1,500	87 Pro	\$130,500	\$130,500	\$30,450	10% C/F					81.1%	18.9%
	National Walleye Tour (NWT)		\$350	87 Co	\$160,950	\$13,050	\$3,045	\$28,068.00	\$16,095	\$11,095	\$127.53	\$63.76	\$8,995.95	\$2,099.05
2020	Outdoor Team Works	Garrison (2 days)	\$1,500	123 Pro	\$184,500	\$184,500	\$43,050	\$0.00	\$22,755	\$17,755	\$144.35	\$72.17	\$103.40	\$24.13
	National Walleye Tour (NWT)		\$350	123 Co	\$227,550	\$18,450	\$4,305						81.1%	18.9%
													\$14,395.95	\$3,359.05
													\$117.04	\$27.31
2021	Casino Cup	Spirit Lake/Devils Lake	\$350	100	\$35,000			?	\$3,500					
	Estimated from flyer	4 Bears/Lake Sak.	\$350	100	\$35,000			?	\$3,500					
	no actual numbers for previous years.	Prairie Knights/Oahe	\$350	100	\$35,000			?	\$3,500			two	three	
				300/2 or 3 man team	\$105,000				\$10,500	\$5,500	\$18.33	\$9.17	\$6.11	
2019	Williston CVB The Big Show	Lewis and Clark (2 days)	\$1,000	100	\$100,000			\$10,000.00	\$10,000	\$5,000	\$50.00	\$25.00		
2019	Devils Lake Volunteer Fire Dept. Ice Fishing Tour Tournament	Devils Lake (1 day)	\$4	22,500	\$90,000			\$9,000.00	\$9,000	\$4,000		\$0.18		
2019	ND Governor's Cup	Garrison (2 days)	\$300	252	\$75,600			\$7,560.00	\$7,560	\$2,560	\$10.16	\$5.08		
2019	Beulah Chamber of Commerce Dakota Walley Classic	Beulah Bay (2 days)	\$350	180	\$63,000			\$6,300.00	\$6,300	\$1,300	\$7.22	\$3.61		
2019	Williston Rural Fire Association		\$400	130	\$52,000			\$5,200.00	\$5,200	\$200	\$1.54	\$0.77		
				130/2 man										
2019	Angler Insight Marketing, AIM Walleye	New Town (1 day)	\$300	52	\$15,600			\$5,200.00	\$1,560					
		Totten Trail (1 day)	\$300	32	\$9,600				\$960					
		Garrison (1 day)	\$300	44	\$13,200				\$1,320					
		Hazelton (1 day)	\$300	19	\$5,700				\$570					
		Devils Lake (2 day) ?	\$500	23	\$11,500				\$1,150					
	Total for AIM 2019			170	\$55,600				\$5,560	\$560	\$3.29	\$1.65		
				170/2 man										
2020	Angler Insight Marketing, AIM Walleye	Garrison (1 day)	\$300	56	\$16,800			?	\$1,680					
		New Town (1 day)	\$300	71	\$21,300				\$2,130					
		Devils Lake (1 day)	\$300	57	\$17,100				\$1,710					
		Parshall Bay (1 day)	\$300	63	\$18,900				\$1,890					
		Beulah Bay (2 days)	\$500	41	\$20,500				\$2,050					
	Total for AIM 2020			288	\$94,600				\$9,460	\$4,460	\$15.49	\$7.74		
				288/2 man										
2019	Outlaw Walleye Tournament	NOT OVER \$5000 Cap	\$0	0				\$0.00	\$0					

# URGENT CALL TO ACTION Please Read Carefully, Then ACT!

- By WalleyeFederation.com in National News
- October 22, 2020



Walleye Anglers everywhere need to have their voices heard. Let your friends and fishing buddies know, share to social media let's get the word out.

CONTACT THE NORTH DAKOTA STATE OFFICIALS (BELOW) AND LET THEM KNOW YOU DO NOT APPROVE OF THIS MONEY GRAB, THAT YOU DO NOT SUPPORT IT AND WILL NOT SPEND ANOTHER DIME IN NORTH DAKOTA UNTIL THIS NEW RULE IS REMOVED.

## WHAT IS GOING ON?

The Walleye Federation (TWF) as the nation's largest grassroots Fishing, Youth and Conservation organization, works hard to promote fishing, clean water and to work and support DNR's and Fish and Game agencies in their efforts our TWF affiliated walleye clubs across the nation do even more grassroots work than anyone. TWF and our TWF affiliated circuits, member and clubs has donated more cold hard cash to Walleye Conservation projects locally and nationally than any organization there is totaling Millions of dollars and man hours by TWF clubs and members. MWC and its anglers alone have donated more than \$370,000 dollar to walleye conservation.

So it is with great sadness we have to report that North Dakota and the North Dakota Fish and Game has quietly passed new rules with no opportunity for all stakeholder comment or input that will financially prohibit larger tournaments from operating anymore in the state of North Dakota.

For years ND Game and fish has had the very highest (by far) tournament permit fees in the nation bar none. Nearly every state in the US charges \$200 or less for a tournament permit for a large event. However large events and National circuits holding events in North Dakota have been charged up to \$5,000 for a tournament permit by ND Fish and Game in the past.

We have now been told that effective immediately there is no limit on permit fees by North Dakota Fish and Game. NO input, NO discussion, just that North Dakota Game and Fish will demand 10% of gross receipts/entry fees to be paid to ND Fish and Game to hold a tournament. Large events would be forced to pay 10K, 20K, 30K and more (there is no limit) as a fee to host a tournament to be paid to ND Fish and Game.

You read that correctly, the ND Game and Fish will require 10% of gross receipts/entry fees of the tournament prize purse to be paid to them in order to secure the event permit. (For all tournaments of any size) and will include side pots, big fish pots etc. This WILL impact all events but certainly top level events if they were to hold an event in North Dakota in the future. Think about TWF, NTC, MWC, NWT, Governors Cup and many more. For a \$100,000 total payout event that is \$10,000 that has to come out of the pot and there by the anglers and circuits pockets and go to ND Fish and Game for the privilege of bringing in millions in tourism dollars and TV exposure to North Dakota and funding to ND fish and game.

*WHY should we be charged more to catch the same 5 fish anyone else with a fishing licenses can legally catch (and eat) from public waters?*

This is highway robbery and it is purely discriminatory in our opinion.

No other use of public waters, or public land or public streets, to our knowledge is required to pay 10% of gross receipts/entry fees from an event to any other state agency. ONLY tournament fisherman and only in North Dakota.

YOUR fishing licenses sales and boat gas and tackle purchases already fund **Sport Fish Restoration** dollars totaling millions of dollars to the state of North Dakota. For every fishing licenses sold in North Dakota the state gets MORE Sport Fish funding. Anglers are already paying for the Game and Fish and funding most projects that they do.

IN 2020, the North Dakota Game and Fish Department received \$12.8 million as its share of excise taxes paid by America's recreational shooters, hunters, anglers and boaters.

**Sport Fish Restoration** is guided by the Dingell-Johnson **Sport Fish Restoration Act of 1950** and is funded by the collection of excise taxes on sport fishing equipment and electric motors, import duties on fishing tackle and pleasure boats, and a portion of gasoline tax attributable to motorboats and small engines. States use **Sport Fish Restoration Program** funds to stock fish; acquire and improve sport fish habitat; provide aquatic resource education opportunities; conduct fisheries research; and build boat ramps and fishing opportunities and license sales fund the ND Fish and Game.

Additionally organizations like TWF and MWC and walleye clubs and host communities everywhere have donated hundreds of thousands of dollars to walleye conservations over the years, some of that in North Dakota.

TWF and our affiliates have held hooked on fishing not on drugs seminars in North Dakota to train young anglers in ND schools and ND school teachers about getting started in fishing. TWF has donated funds to dock & ramp projects and to fish cleaning stations and fund raisers and conservation projects with local communities that host tournaments in North Dakota. TWF affiliated clubs and members in ND have done even more. We want to do our part and we want to promote and ensure good fishing nationwide.

Every DNR & Game and Fish in most states are primarily (and in many states like ND) fully funded BY ANGLERS, their license sales and their fishing expenses. WE as anglers are already funding the ND fish and game as they received no general fund revenue. WE do our part and them some. So this is targeted and punitive fees in our opinion. It was put into place quietly and without discussion or input from those stakeholders that it impacts.

SO THE WAY TO GET THIER ATTENTION, is buy hitting in the pocket book and reducing their tax base and their tourism dollars to the state BY NOT GOING TO NORTH DAKOTA AND reducing fish and game funding by simply NOT buying any North Dakota hunting or fishing licenses AND by contacting the elected officials there TO GET THIS CHANGED.

This new rule will effectively kill all large tournaments in the state of North Dakota as every major circuit already pays back more than \$100 of entry fees to the anglers each year and cannot afford to pay these excessive fees. Now even after paying THE HIGHEST permit fees in the nation for years to ND Game and Fish they want MORE and we WILL NOT pay it. It is a pure money grab.

Most states recruit tourism and out of state dollars, they want it, most DNR's and fish and game folks WANT people to use the resources, apparently this is no longer the case in North Dakota who simply wants to penalize tournament anglers for the privilege of coming to the state and spending millions each year on tourism. This will negatively impact anglers, communities, tourism both local and state and interstate commerce.

Anglers cannot stand by quietly on this issue, these are public waters. TWF will NOT hold any events in ND in the future and take these kind of funds away from our events and we urge all others NOT to hold any in ND until this new rule is changed. We also ask all of you to CONTACT North Dakota officials and let them know you want it changed.

We ask all TWF members and all clubs, all walleye anglers everywhere, all resort owners and host communities you have every stayed at to contact North Dakota officials, governor's office, state legislators and ND fish and game. Let them know this WILL negatively impact them and let your voices be heard that competitive anglers who spend big dollars to support them are tired of being taken advantage of.

YOU have the same right to go catch your legal limit of fish as anyone else with a license tournament or not. YOU helped pay for those public ramps and parking lots and fish stockings much of which was built with FEDERAL funds as well AND YOU help fund the ND Game and Fish as much as anyone. We all already paying more than our fair share which we are happy to do for our sport, but this is too much.

This could very well impact any or all of you, don't assume that it is not happening in your state YET. If this punitive fee structure is allowed to stand how long before it comes to YOUR state? IF there was ever a issue that should unite anglers everywhere this is it.

**CONTACT THE NORTH DAKOTA STATE OFFICIALS AND LET THEM KNOW YOUR DO NOT APPROVE OF THIS MONEY GRAB AND WILL NOT SUPPORT IT.**

Office of Governor State of North Dakota

600 East Boulevard Avenue, Bismarck ND, 58505-0001

Phone Number: (701) 328-2200, Fax: (701) 328-2205

Contact – <https://www.governor.nd.gov/contact>

CLICK here to go to North Dakota Legislators contact page

**North Dakota Fish & Game,**

100 N. Bismarck Expressway, Bismarck, ND 58501-5095

**Director's Office: 701-328-6305**

email – [ndgf@nd.gov](mailto:ndgf@nd.gov)

- Terry Steinwand, Director
- Fish Chief Greg Powers 701-328-6323

Contact ND Fish and Game here

CLICK HERE TO GO TO NDFG facebook page

The Walleye Federation, Inc.

[www.walleyefederation.com](http://www.walleyefederation.com)

[support@walleyefederation.com](mailto:support@walleyefederation.com)

580-765-9031

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**WalleyeFederation.com**



**SECTION 1. AMENDMENT.** Subsection 20 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

~~20. Adopt rules and issue~~ Issue permits for conducting fishing contests involving public waters of the state in accordance with section 2 of this Act. ~~The director by rule shall define the term "fishing contest" and shall set criteria for which a fishing contest permit is required.~~ The director may deny permits. ~~Ne~~ A person may not conduct a fishing contest on public waters without first receiving a permit issued by the director.

**SECTION 2.** A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

**Fishing contests.**

1. A "fishing contest" means an event at which a prize or cash is given to a contestant for catching fish from waters open to the public. The term includes high-value tag contests, fishing tournaments, biggest fish contests, contests providing a prize for the largest number or weight of fish, and fishing leagues and tournaments comprised of multiple fishing events which have a cumulative fee of fifty dollars or more per event. The term does not include:
  - a. A fishing event for which an entry or participation fee of less than fifty dollars is charged.
  - b. A fishing event with fewer than fifty participants and fewer than fifteen boats.
  - c. An individual big fish promotion for which an entry or participation fee is not charged.
  - d. An organized youth fishing event if participants are under the age of nineteen or enrolled in a high school.

- e. An online contest not held on a single body of water.
2. A fishing contest may not include a conservation fee if is held by: A a nonprofit veterans organization, charitable organization, educational organization, religious organization, fraternal organization, civic and service organization, and public-spirited organization, as those organizations are defined in chapter 53-06.1, ~~may retain one hundred percent of the proceeds of a fishing contest.~~  
A membership fee for a club or organization may not be classified as an entry fee or proceeds.
3. An organization desiring to hold a fishing contest shall submit an application to the director at least thirty days before the start of the contest. A ~~permit application- conservation~~ fee must be a minimum of the gross proceeds or ten percent of the entry fees or participation fees up to a maximum of ~~may not exceed~~ two thousand five hundred dollars for an event ~~may be assessed held on a single body of water. A permit application fee may not exceed seventy five dollars for a nonprofit organization listed in subsection 2 or a youth event held on a single body of water.~~
4. The director may deny or revoke a permit if:
  - a. The director believes the fishing contest does not or will not comply with the rules of the department or could be harmful to the fishing resource;
  - b. An agency with jurisdiction deems the public use facilities such as a boat ramp, parking area, campground, or related facilities are inadequate to support the contest; or

- c. The committee or sponsors have failed to submit timely reports.
- 5. A permittee shall submit a report to the director within thirty days after completion of the fishing contest. The report must include the number of contest participants, the quantity and species of fish taken in the contest, the gross and net proceeds for the tournament, and the percentage of the entry fees awarded to the participants as prizes. Failure to submit this report is justification for denial of future fishing contest permits.
- 6. The director may adopt rules to administer this section.

2019 FISHING TOURNAMENTS						
SPONSOR	BOATS	PARTICIPANTS	ENTRY FEE	GROSS PROCEEDS	PARTICIPANTS AND ORGANIZER	10% Cons. Fee with \$5000 cap

Current	Proposed
10% Cons. Fee - no cap	10% Cons. Fee with \$2500 cap

**TOTAL TOURNAMENTS - 160**

**TOTAL MONIES**

**\$1,431,741**

**\$1,324,695**

**\$107,046**

**\$143,174**

**\$83,231**

	87	174	\$1500 Pro/\$350 Co.	\$280,679	\$275,679	\$5,000	\$28,068	\$2,500
****	100	200	\$1,000/team	\$100,000	\$95,000	\$5,000	\$10,000	\$2,500
****	0	2328	\$4.00/person	\$90,000	\$85,000	\$5,000	\$9,000	\$2,500
	252	504	\$300.00/team	\$75,600	\$70,600	\$5,000	\$7,560	\$2,500
****	180	360	\$350.00/team	\$63,000	\$58,000	\$5,000	\$6,300	\$2,500
****	130	260	\$400.00/team	\$52,000	\$47,000	\$5,000	\$5,200	\$2,500
****	63	126	\$650.00/team	\$40,950	\$36,855	\$4,095	\$4,095	\$2,500
	134	402	\$300.00/team	\$40,200	\$36,180	\$4,020	\$4,020	\$2,500
****	132	264	\$300.00/team	\$39,600	\$35,640	\$3,960	\$3,960	\$2,500
	100	261	\$350.00/team	\$35,000	\$31,500	\$3,500	\$3,500	\$2,500
	114	228	\$300.00/team	\$34,200	\$30,780	\$3,420	\$3,420	\$2,500
	65	130	\$500.00/team	\$32,500	\$29,250	\$3,250	\$3,250	\$2,500
	100	300	\$300.00/team	\$30,000	\$27,000	\$3,000	\$3,000	\$2,500
****	100	200	\$300.00/team	\$30,000	\$27,000	\$3,000	\$3,000	\$2,500
	94	244	\$300.00/team	\$28,200	\$25,380	\$2,820	\$2,820	\$2,500
****	110	220	\$250.00/team	\$27,500	\$24,750	\$2,750	\$2,750	\$2,500
	79	200	\$300.00/team	\$23,700	\$21,330	\$2,370	\$2,370	\$2,370
	60	180	\$300/team	\$18,000	\$16,200	\$1,800	\$1,800	\$1,800
****	60	165	\$300.00/team	\$18,000	\$16,200	\$1,800	\$1,800	\$1,800
****	67	160	\$250.00/team	\$16,750	\$15,075	\$1,675	\$1,675	\$1,675
****	0	104	\$300.00/team	\$15,600	\$14,040	\$1,560	\$1,560	\$1,560
	52	104	\$300.00/person	\$15,600	\$14,040	\$1,560	\$1,560	\$1,560
****	93	186	\$160.00/team	\$14,880	\$13,392	\$1,488	\$1,488	\$1,488
	44	88	\$300.00/person	\$13,200	\$11,880	\$1,320	\$1,320	\$1,320
	44	88	\$300.00/team	\$13,200	\$11,880	\$1,320	\$1,320	\$1,320
****	0	181	\$3.00/person	\$11,781	\$10,603	\$1,178	\$1,178	\$1,178
****	50	100	\$230.00/team	\$11,500	\$10,350	\$1,150	\$1,150	\$1,150
			\$500.00/team	\$11,500	\$10,350	\$1,150	\$1,150	\$1,150
			\$300.00/person	\$9,600	\$8,640	\$960	\$960	\$960
			\$150.00/team	\$8,100	\$7,290	\$810	\$810	\$810



Game and Fish



**SECTION 1. AMENDMENT.** Subsection 20 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

~~20. Adopt rules and issue~~ Issue permits for conducting fishing contests involving public waters of the state in accordance with section 2 of this Act. ~~The director by rule shall define the term "fishing contest" and shall set criteria for which a fishing contest permit is required.~~ The director may deny permits. ~~No~~ A person may not conduct a fishing contest on public waters without first receiving a permit issued by the director.

**SECTION 2.** A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

**Fishing contests.**

1. A "fishing contest" means an event at which a prize or cash is given to a contestant for catching fish from waters open to the public. The term includes high-value tag contests, fishing tournaments, biggest fish contests, contests providing a prize for the largest number or weight of fish, and fishing leagues and tournaments comprised of multiple fishing events which have a cumulative fee of fifty dollars or more per event. The term does not include:
  - a. A fishing event for which an entry or participation fee of less than fifty dollars is charged.
  - b. A fishing event with fewer than fifty participants and fewer than fifteen boats.
  - c. An individual big fish promotion for which an entry or participation fee is not charged.
  - d. An organized youth fishing event if participants are under the age of nineteen or enrolled in a high school.

- e. An online contest not held on a single body of water.
2. A fishing contest may not include a conservation fee if it is held by: A a nonprofit veterans organization, charitable organization, educational organization, religious organization, fraternal organization, civic and service organization, and or public-spirited organization, as those organizations are defined in chapter 53-06.1, ~~may retain one hundred percent of the proceeds of a fishing contest.~~ A membership fee for a club or organization may not be classified as an entry fee or proceeds.
3. An organization desiring to hold a fishing contest shall submit an application to the director at least thirty days before the start of the contest. A conservation fee of ten percent of gross proceeds from entry and participation fees, not to exceed two thousand five hundred dollars, shall be paid to the North Dakota game and fish department for an event. ~~A permit application fee may not exceed two thousand five hundred dollars for an event held on a single body of water. A permit application fee may not exceed seventy five dollars for a nonprofit organization listed in subsection 2 or a youth event held on a single body of water.~~
4. The director may deny or revoke a permit if:
  - a. The director believes the fishing contest does not or will not comply with the rules of the department or could be harmful to the fishing resource;

- b. An agency with jurisdiction deems the public use facilities such as a boat ramp, parking area, campground, or related facilities are inadequate to support the contest; or
  - c. The committee or sponsors have failed to submit timely reports.
- 5. A permittee shall submit a report to the director within thirty days after completion of the fishing contest. The report must include the number of contest participants, the quantity and species of fish taken in the contest, the gross and net proceeds for the tournament, and the percentage of the entry fees awarded to the participants as prizes. Failure to submit this report is justification for denial of future fishing contest permits.
- 6. The director may adopt rules to administer this section.

23.1081.03002

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1538

Introduced by

Representative Porter

1 A BILL for an Act to amend and reenact subsection 20 of section 20.1-02-05 of the North  
2 Dakota Century Code, relating to the powers of the director of the game and fish department;  
3 and to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code,  
4 relating to fishing contests.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 20 of section 20.1-02-05 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 20. ~~Adopt rules and issue~~Issue permits for conducting fishing contests involving public  
9 waters of the state in accordance with section 2 of this Act. ~~The director by rule shall~~  
10 ~~define the term "fishing contest" and shall set criteria for which a fishing contest permit~~  
11 ~~is required.~~ The director may deny permits. ~~Ne~~A person may not conduct a fishing  
12 contest on public waters without first receiving a permit issued by the director.

13 **SECTION 2.** A new section to chapter 20.1-02 of the North Dakota Century Code is created  
14 and enacted as follows:

15 **Fishing contests.**

16 1. A "fishing contest" means an event at which a prize or cash is given to a contestant for  
17 catching fish from waters open to the public. The term includes high-value tag  
18 contests, fishing tournaments, biggest fish contests, contests providing a prize for the  
19 largest number or weight of fish, and fishing leagues and tournaments comprised of  
20 multiple fishing events which have a cumulative fee of fifty dollars or more per event.  
21 The term does not include:

- 22 a. A fishing event with fewer than fifty participants or fewer than fifteen boats for  
23 which an entry or participation fee of less than fifty dollars is charged.
- 24 b. ~~A fishing event with fewer than fifty participants and fewer than fifteen boats.~~



- 1 ~~e.~~ An individual big fish promotion for which an entry or participation fee is not  
2 charged.
- 3 ~~d.c.~~ An organized youth fishing event if participants are under the age of nineteen or  
4 enrolled in a high school.
- 5 ~~e.d.~~ An online contest not held on a single body of water.
- 6 2. A fishing contest may not include a conservation fee. ~~A~~ if the fishing contest is held by  
7 a nonprofit veterans organization, charitable organization, educational organization,  
8 religious organization, fraternal organization, civic and service organization, ~~and~~or  
9 public-spirited organization, as those organizations are defined in chapter 53-06.1. ~~It~~  
10 ~~may retain one hundred percent of the proceeds of a fishing contest.~~ A membership  
11 fee for a club or organization may not be classified as an entry fee or proceeds.
- 12 3. An organization desiring to hold a fishing contest shall submit an application to the  
13 director at least thirty days before the start of the contest. ~~A permit application fee may~~  
14 ~~not exceed two thousand five hundred dollars for an event held on a single body of~~  
15 ~~water. A permit application fee may not exceed seventy five dollars for a nonprofit~~  
16 ~~organization listed in subsection 2 or a youth event held on a single body of water.~~ ~~The~~  
17 ~~application must list the recipient of the conservation fee and include a seventy-five~~  
18 ~~dollar application fee. A conservation fee must be negotiated between the organization~~  
19 ~~desiring to hold the fishing contest and a representative of the fishing league or fishing~~  
20 ~~tournament.~~
- 21 4. The director may deny or revoke a permit if:
- 22 a. The director believes the fishing contest does not or will not comply with the rules  
23 of the department or could be harmful to the fishing resource;
- 24 b. An agency with jurisdiction deems the public use facilities such as a boat ramp,  
25 parking area, campground, or related facilities are inadequate to support the  
26 contest; or
- 27 c. The committee or sponsors have failed to submit timely reports.
- 28 5. A permittee shall submit a report to the director within thirty days after completion of  
29 the fishing contest. The report must include the number of contest participants, the  
30 quantity and species of fish taken in the contest, the gross and net proceeds for the  
31 tournament, and the percentage of the entry fees awarded to the participants as

Sixty-eighth  
Legislative Assembly

- 1            prizes. Failure to submit this report is justification for denial of future fishing contest
- 2            permits.
- 3            6. The director may adopt rules to administer this section.

HB 1538  
4/18/23 AM  
Patten

23.1081.03003  
Title.

Prepared by the Legislative Council staff for  
Senator Patten

April 17, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1538

That the Senate recede from its amendments as printed on pages 1620 and 1621 of the House Journal and page 1370 of the Senate Journal and that Engrossed House Bill No. 1538 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees, and the fishing conservation fund; to"

Page 1, line 3, remove "create and enact a new section to chapter 20.1-02 of the North Dakota Century Code,"

Page 1, line 4, replace "relating to fishing contests" with "provide a continuing appropriation"

Page 1, line 22, after "event" insert "with fewer than fifty participants and fewer than fifteen boats"

Page 1, line 24, remove "A fishing event with fewer than fifty participants and fewer than fifteen boats."

Page 2, line 1, remove "c."

Page 2, line 3, replace "d." with "c."

Page 2, line 5, replace "e." with "d."

Page 2, line 6, remove "A nonprofit veterans"

Page 2, remove lines 7 through 9

Page 2, line 10, remove "percent of the proceeds of a fishing contest."

Page 2, line 15, remove "a nonprofit"

Page 2, line 16, replace "organization listed in subsection 2" with "an eligible organization as defined in chapter 53-06.1"

Page 2, line 25, replace the underscored comma with "and"

Page 2, line 26, remove ", the gross and net proceeds for the"

Page 2, remove line 27

Page 2, line 28, remove "prizes"

Page 2, after line 30, insert:

**"SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Nonresident license surcharge - Fishing conservation fund - Continuing appropriation.**

1. Notwithstanding any other provision of law, the director shall establish a surcharge of three dollars on each nonresident fishing license issued

under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the fishing conservation fund.

2. There is created in the state treasury a special fund known as the fishing conservation fund. The fund consists of all money deposited in the fund pursuant to this section. All money deposited in the fund is appropriated as a continuing appropriation to the game and fish department for the purpose of fishery conservation and public access projects. The game and fish department may adopt rules in accordance with chapter 28-32 for the purpose of administering the fishing conservation fund."

Renumber accordingly

HB 1538  
4/18/23 AM  
Porter

23.1081.03003

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1538

Introduced by

Representative Porter

1 A BILL for an Act to create and enact a new section to chapter 20.1-02 and a new section to  
2 chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees,  
3 and the fishing conservation fund; to amend and reenact subsection 20 of section 20.1-02-05 of  
4 the North Dakota Century Code, relating to the powers of the director of the game and fish  
5 department; and to ~~create and enact a new section to chapter 20.1-02 of the North Dakota~~  
6 ~~Century Code, relating to fishing contests~~provide a continuing appropriation.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 SECTION 1. AMENDMENT. Subsection 20 of section 20.1-02-05 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 20. ~~Adopt rules and issue~~Issue permits for conducting fishing contests involving public  
11 waters of the state in accordance with section 2 of this Act. ~~The director by rule shall~~  
12 ~~define the term "fishing contest" and shall set criteria for which a fishing contest permit~~  
13 ~~is required.~~ The director may deny permits. ~~Ne~~A person may not conduct a fishing  
14 contest on public waters without first receiving a permit issued by the director.

15 SECTION 2. A new section to chapter 20.1-02 of the North Dakota Century Code is created  
16 and enacted as follows:

17 **Fishing contests.**

18 1. A "fishing contest" means an event at which a prize or cash is given to a contestant for  
19 catching fish from waters open to the public. The term includes high-value tag  
20 contests, fishing tournaments, biggest fish contests, contests providing a prize for the  
21 largest number or weight of fish, and fishing leagues and tournaments comprised of  
22 multiple fishing events which have a cumulative fee of fifty dollars or more per event.  
23 The term does not include:

- 1           a. A fishing event with fewer than fifty participants and fewer than fifteen boats for  
2           which an entry or participation fee of less than fifty dollars is charged.
- 3           b. ~~A fishing event with fewer than fifty participants and fewer than fifteen boats.~~
- 4           ~~c.~~ An individual big fish promotion for which an entry or participation fee is not  
5           charged.
- 6           ~~d.c.~~ An organized youth fishing event if participants are under the age of nineteen or  
7           enrolled in a high school.
- 8           ~~e.d.~~ An online contest not held on a single body of water.
- 9           2. A fishing contest may not include a conservation fee.~~A nonprofit veterans organization,~~  
10           ~~charitable organization, educational organization, religious organization, fraternal~~  
11           ~~organization, civic and service organization, and public spirited organization, as these~~  
12           ~~organizations are defined in chapter 53-06.1, may retain one hundred percent of the~~  
13           ~~proceeds of a fishing contest.~~ A membership fee for a club or organization may not be  
14           classified as an entry fee or proceeds.
- 15           3. An organization desiring to hold a fishing contest shall submit an application to the  
16           director at least thirty days before the start of the contest. A permit application fee may  
17           not exceed two thousand five hundred dollars for an event held on a single body of  
18           water. A permit application fee may not exceed seventy-five dollars for a nonprofit  
19           ~~organization listed in subsection 2~~an eligible organization as defined in chapter  
20           53-06.1 or a youth event held on a single body of water.
- 21           4. The director may deny or revoke a permit if:
- 22           a. The director believes the fishing contest does not or will not comply with the rules  
23           of the department or could be harmful to the fishing resource;
- 24           b. An agency with jurisdiction deems the public use facilities such as a boat ramp,  
25           parking area, campground, or related facilities are inadequate to support the  
26           contest; or
- 27           c. The committee or sponsors have failed to submit timely reports.
- 28           5. A permittee shall submit a report to the director within thirty days after completion of  
29           the fishing contest. The report must include the number of contest participants; and  
30           the quantity and species of fish taken in the contest.~~the gross and net proceeds for~~  
31           ~~the tournament, and the percentage of the entry fees awarded to the participants as~~

1 prizes. Failure to submit this report is justification for denial of future fishing contest  
2 permits.

3 6. The director may adopt rules to administer this section.

4 **SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Nonresident license surcharge - Fishing conservation fund - Continuing**  
7 **appropriation.**

8 1. Notwithstanding any other provision of law, the director shall establish a surcharge of  
9 three dollars on each nonresident fishing license issued under section 20.1-03-12. The  
10 collected surcharge fees must be deposited with the state treasurer and credited to the  
11 fishing conservation fund.

12 2. There is created in the state treasury a special fund known as the fishing conservation  
13 fund. The fund consists of all money deposited in the fund pursuant to this section. All  
14 money deposited in the fund is appropriated as a continuing appropriation to the game  
15 and fish department for the purpose of fishery conservation and public access  
16 projects. The game and fish department may adopt rules in accordance with chapter  
17 28-32 for the purpose of administering the fishing conservation fund.

23.1081.03004

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1538

Introduced by

Representative Porter

1 | A BILL for an Act to create and enact a new section to chapter 20.1-02 and a new section to  
 2 | chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees,  
 3 | and the fishing conservation fund; to amend and reenact subsection 20 of section 20.1-02-05 of  
 4 | the North Dakota Century Code, relating to the powers of the director of the game and fish  
 5 | department; and to ~~create and enact a new section to chapter 20.1-02 of the North Dakota~~  
 6 | Century Code, relating to fishing contests provide a continuing appropriation.

7 | **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 |       **SECTION 1. AMENDMENT.** Subsection 20 of section 20.1-02-05 of the North Dakota  
 9 | Century Code is amended and reenacted as follows:

10 |       20. ~~Adopt rules and issue~~Issue permits for conducting fishing contests involving public  
 11 | waters of the state in accordance with section 2 of this Act. ~~The director by rule shall~~  
 12 | ~~define the term "fishing contest" and shall set criteria for which a fishing contest permit~~  
 13 | ~~is required.~~ The director may deny permits. ~~Ne~~A person may not conduct a fishing  
 14 | contest on public waters without first receiving a permit issued by the director.

15 |       **SECTION 2.** A new section to chapter 20.1-02 of the North Dakota Century Code is created  
 16 | and enacted as follows:

17 |       **Fishing contests.**

18 |       1. A "fishing contest" means an event at which a prize or cash is given to a contestant for  
 19 | catching fish from waters open to the public. The term includes high-value tag  
 20 | contests, fishing tournaments, biggest fish contests, contests providing a prize for the  
 21 | largest number or weight of fish, and fishing leagues and tournaments comprised of  
 22 | multiple fishing events which have a cumulative fee of fifty dollars or more per event.

23 |       The term does not include:



- 1        a. A fishing event with fewer than fifty participants or fewer than fifteen boats for  
2        which an entry or participation fee of less than fifty dollars is charged.
- 3        b. A fishing event with fewer than fifty participants and fewer than fifteen boats.
- 4        ~~e.~~ An individual big fish promotion for which an entry or participation fee is not  
5        charged.
- 6        ~~d.c.~~ An organized youth fishing event if participants are under the age of nineteen or  
7        enrolled in a high school.
- 8        ~~e.d.~~ An online contest not held on a single body of water.
- 9        2. A fishing contest may not include a conservation fee. A if the fishing contest is held by  
10       a nonprofit veterans organization, charitable organization, educational organization,  
11       religious organization, fraternal organization, civic and service organization, and/or  
12       public-spirited organization, as those organizations are defined in chapter 53-06.1. ~~It~~  
13       may retain one hundred percent of the proceeds of a fishing contest. A membership  
14       fee for a club or organization may not be classified as an entry fee or proceeds.
- 15       3. An organization desiring to hold a fishing contest shall submit an application to the  
16       director at least thirty days before the start of the contest. A permit application fee may  
17       not exceed two thousand five hundred dollars for an event held on a single body of  
18       water. A permit application fee may not exceed seventy five dollars for a nonprofit  
19       organization listed in subsection 2 or a youth event held on a single body of water. The  
20       application must list the recipient of the conservation fee and include a seventy-five  
21       dollar application fee. A conservation fee must be negotiated between the organization  
22       desiring to hold the fishing contest and a representative of the fishing league or fishing  
23       tournament.
- 24       4. The director may deny or revoke a permit if:
- 25       a. The director believes the fishing contest does not or will not comply with the rules  
26       of the department or could be harmful to the fishing resource;
- 27       b. An agency with jurisdiction deems the public use facilities such as a boat ramp,  
28       parking area, campground, or related facilities are inadequate to support the  
29       contest; or
- 30       c. The committee or sponsors have failed to submit timely reports.

1       5. A permittee shall submit a report to the director within thirty days after completion of  
2       the fishing contest. The report must include the number of contest participants, the  
3       quantity and species of fish taken in the contest, ~~the gross and net proceeds for the~~  
4       ~~tournament, and the percentage of the entry fees awarded to the participants as~~  
5       ~~prizes~~ and the total amount and recipient of the conservation fee. Failure to submit this  
6       report is justification for denial of future fishing contest permits.

7       6. The director may adopt rules to administer this section.

8       **SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created  
9       and enacted as follows:

10       **Nonresident license surcharge - Fishing conservation fund - Continuing**  
11       **appropriation.**

12       1. Notwithstanding any other provision of law, the director shall establish a surcharge of  
13       five dollars on each nonresident fishing license issued under section 20.1-03-12. The  
14       collected surcharge fees must be deposited with the state treasurer and credited to the  
15       fishing conservation fund.

16       2. There is created in the state treasury a special fund known as the fishing conservation  
17       fund. The fund consists of all money deposited in the fund pursuant to this section. All  
18       money deposited in the fund is appropriated as a continuing appropriation to the game  
19       and fish department for the purpose of fishery conservation, public access projects,  
20       and grant programs relating to fish and wildlife conservation. The game and fish  
21       department may adopt rules in accordance with chapter 28-32 for the purpose of  
22       administering the fishing conservation fund.