

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2377

2001 SENATE NATURAL RESOURCES

SB 2377

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2377

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 2-9-01

Tape Number	Side A	Side B	Meter #
1	X		29.0 - end
2-15-01	X		5.0 - 5.9
Committee Clerk Signature <i>Janet Janus</i>			

Minutes:

SENATOR FISCHER opened the hearing on SB 2377.

SENATOR AARON KRAUTER, of District 53 introduced SB 2377, A BILL RELATING TO THE APPOINTMENT AND CONFIRMATION OF THE DIRECTOR OF THE GAME AND FISH DEPARTMENT. He presented information in regards to gubernatorial appointments and fiscal information of the Game & Fish Dept. (See attached testimony). The constitution does not require confirmation hearings, but has been set up in statute and developed over time for certain agencies. These hearing processes has given the people's branch of government an understanding of the direction of those who have received appointments and then can decide on those appointments. SB 2277 directs this choice of the Game & Fish director because this agency is very valuable to the entire state. Looking at the appropriations of this agency, it is a special funds agency, no general funds and should be looked at closely. The thought process and objectives of its director should be understood and voted upon by the 49 members of the senate.

Page 2

Senate Natural Resources Committee

Bill/Resolution Number SB 2377

Hearing Date 2-9-01

SENATOR CHRISTMANN: asked about the timing of the appointment and confirmation.

SENATOR KRAUTER the process is the same as any other confirmation hearing. It is in code that by a certain date appointment and confirmation.

BILL PFIEFER, representing the North Dakota Chapter of the Wildlife Society, testified in a neutral position but wanted to be on record that it very important that the candidate who is appointed have a biological background along with business and management.

There was no testimony in opposition of SB 2377.

SENATOR TOLLEFSON closed the hearing on SB 2377.

FEBRUARY 15, 2001

SENATOR FISCHER reopened discussion on SB 2377.

SENATOR FREBORG made a motion for a "DO PASS" of SB 2377.

SENATOR EVERY second the motion.

SENATOR FISCHER called for a roll vote of SB 2377. The vote indicated 6 YAYS, 0 NAYS AND 1 ABSENT.

SENATOR FREBORG will carry SB 2377.

Date: 2-15-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2377

Senate	NATURAL RESOURCES	Committee
--------	-------------------	-----------

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number Do P

Action Taken Do Press

Motion Made By Freborg Seconded By Eren

[illegible]

Total (Yes) 6 No 0

Absent 1

Floor Assignment Freborg

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

REPORT OF STANDING COMMITTEE (410)
February 15, 2001 2:01 p.m.

Module No: SR-28-3541
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2377: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2377 was placed on the
Eleventh order on the calendar.

2001 HOUSE NATURAL RESOURCES

SB 2377

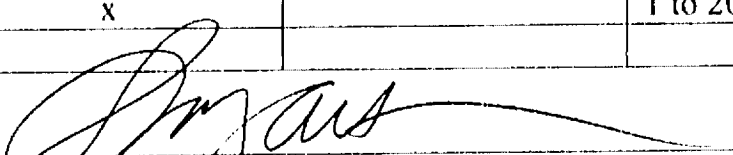
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2377

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1		x	3915 to end
2	x		1 to 2000
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on SB 2377.

Sen. Krauter - District 35: Before you is a piece of legislation that I think is very, very sincere and very, very serious. It is a process that happens in the ND Legislature whereby individuals who are appointed to a position are then confirmed by the Senate. In looking at the face of this I need to let you know, the intent here is very serious and very sincere. Hunting and fishing and all issues related to that are very protected in this state and we want to uphold them and honor them and make sure we can keep that type of environment out there. What the intent is to bring the peoples branch of the government into the confirmation process. Whereby the Governor makes

an appointment and then the people's branch of government can say yes, this is a good appointment. The peoples branch of government is the one that is elected across the entire state. 49 legislative districts then have the ability to sit down and make a vote that says yes, or no. What I have handed out to you is the history of appointments and confirmations in the state. I want to go through that with you. (see testimony and fiscal note). There is nothing devious behind this, it is a process where we can get the people's branch of the government behind appointments. If you look at what we need in a Game and Fish Commissioner in the State of ND, we need someone who has a good understanding of those issues in the state. What better way to make it not political as it is currently as an appointment by the Governor. Let's spread it out so it is broad based so that we have the legislative approach to the commission. That is the intent, I will stand for any questions.

Rep. Nottestad: We are saying to start out with that the people are certainly interested in this. But I cite to you that the Director of Highways, people are interested in that - Human Services, people are affected all over by that. Why not encompass all of these? That way, you would have then input from all the people on all of these. I certainly feel that our Game and Fish Commissioners that have been appointed are very strong. For the most part very well supported by the public. So why not include all of these then? Have them all get Senate approval?

Sen. Krauter: If that is your direction with this legislation you can do amendments all you want. I think with the cosponsors, it was the direction of adding another one to the confirmation hearings. With the treacheries we see with some of these issues to bring the legislative branch into the process is the direction of this piece of legislation. There is no intent to add more.

Rep. Keiser: As I listen to your argument I agree with many of the points you made. The ones I disagree with most is I can't think of any appointed official who is less political. Although it is a

political appointment, of all the people now the Senate confirms, whether it is the Gaming Commissioner or the Securities Commissioner, how many investors talk directly to the Securities Commissioner, for example. The Game and Fish Director, who ever that person may be, they may have one of the tougher jobs in the state. They are constantly in the field, going to Ducks Unlimited dinners, or Pheasants Forever, or this local group or that local group. I think it is one of our success stories. The stake holders of our state, our citizens, our constituents, they are the ones that are directly talking to him. If they have a problem with any Game and Fish Commissioner and it is a significant one, there will be statements made to their elected officials and their Governor. That person would be gone, I think. I just see putting the Senate or any political party in between the Governor and this individual who is so responsive to the citizens of our state really does politicize this act. Do you agree or not?

Sen. Krauter: No, I do not agree.

Rep. Porter: Was there any discussion on the Senate side as this bill was put together regarding how the dates of this particular appointment works since the Governor starts in December, the Game and Fish Commissioner's term expires in July and that would actually be a year and half before a Senate confirmation could be heard on a new appointee. Was there any consideration given to changing that term of office to coincide with the rest of the cabinet? So that the person wouldn't be in the job for a year and half and then all of a sudden be up for a confirmation hearing?

Sen. Krauter: No, there was no discussion on that, but the comments were made from the standpoint of that is how those scenarios happen today. That happens with the appointments of Higher Ed, the Banking Commissioner and to all the existing appointments. The appointments are made and as soon as the legislature is in place, that is when we make the confirmation.

Rep. Porter: On the other appointments, other than the part time job of Higher Ed, the appointments coincide directly with the expiration of the term of the Governor so that December 15 when the new Governor takes over, so goes the Commissioner of Banking, etc. Then the Senate is meeting in January, so the person is on the job for fifteen days and has a confirmation hearing. In this case the person is on the job for a year and one half before they would even know if they had the job and have the confirmation hearing.

Sen. Krauter: That is correct.

Rep. Porter: You don't see a problem with that?

Sen. Krauter: That is the process we have been working under for many years. I think now is the time to make some of those changes. If you're a proponent of annual sessions, that is your prerogative.

Rep. Porter: It doesn't have anything with whether you want an annual session or not, it has to do with whether or not you want to have someone in the position for a year and a half before you have the confirmation hearing. That is what I am wondering? Either the term of the Commissioner needs to change to coincide with the term of the Governor, if we are going to go to a confirmation hearing, or not go to a confirmation hearing at all. Because it is a year and one half after a person is appointed to the confirmation hearing.

Vice Chair Nelson: Of the six areas that are subject to Senate confirmation now, let's take the State Board of Higher Education out because it is a part time position, has the Senate ever denied a confirmation applicant?

Sen. Krauter: During my 11 years now, we have not denied any. But there are times it has happened.

Rep. Galvin: I wonder, how does the same system work, like a mid term termination of a position. How would that work?

Sen. Krauter: I apologize for not explaining this in detail, that is probably my fault, for being a Senator and having experienced confirmation hearings and set them up versus not having that type of thing. When appointments are made, they are made according to these and they are appointments until they are finally confirmed. We have had two confirmation hearings this session. The first two we appointed, they were appointed two years ago, so the when the next legislature meets we make the confirmation hearings. We do not call ourselves in, it happens the next time we meet. So if there is a vacancy and there is an appointment, that appointment is made and then when the Senate is in session that is when the confirmation is made.

Rep. Galvin: What I was getting at is how do you terminate somebody? There should be some reason you have to end this job?

Sen. Krauter: The Senate only confirms them, if it is an appointment by the Governor and the person is not doing their job and the Governor terminates them, that is the Governors responsibility.

Rep. Galvin: He can do that?

Rep. Nottestad: Going back to the comments that Rep. Porter brought up about the differentiation in time, most of these other positions are within the state. Not too many are appointed out of state. Game and Fish Commissioner is done with nation wide searches. You feel that someone coming in knowing that they have to be confirmed a year and a half later is going to affect finding the better and the best?

Sen. Krauter: Confirmation hearings are held in other states also. If a person is accepting the job or interviewing for the job they may understand what the requirements are. That is the process.

Chairman Rennerfeldt: Any further questions of the committee? Anyone else here to speak in favor of SB 2377? Opposed?

Bob Harms - Council to Governor Hoeven: I will speak briefly on SB 2377. The Governor does oppose the bill and I will give you several reasons why. First of all, the bill infringes upon the Governor's discretion with respect to appointments. Right now the Game and Fish Director, per law, provides that it is a four year term. It begins July 1 and the Commissioner cannot be removed except for cause by the Governor. Adding an additional layer of steps, further impedes upon the Governor's discretion making that appointment. Number 2, it is really unnecessary. I don't think there has been a case made as to why additional steps should be imposed upon the appointment process thus far. I have been here, five sessions, and to my knowledge, of all the appointments that Sen. Krauter mentioned that are confirmed by the Senate, none during the Schaffer Administration have been rejected by the Senate. It is not necessary in that regard and has not had an affect on the appointment process since I have been in this position. The other thing I would add is on Higher Ed appointments specifically, and how it works in terms of appointments because the Senate may not be in session for 18 months following the appointments. On Higher Ed appointments, by the Constitution and Title 15, that is expressly provided for in the law that the appointment is made continues to be effective until considered by the Senate. It is expressly provided for in the Constitution. The other thing the bill does is reduces accountability. Right now, I will give you four or five examples.....adding an additional confirmation to this list actually reduces the Governor's ability to influence his cabinet and reduces his accountability to the tax payers. The precedent we are looking at is also a concern. Yes, Game and Fish is a 35 million dollar budget, but the Department of Human Services is a 300 million dollar budget. Game and Fish is special funds, yes, that is true, so is Workers Comp -

so is ND Job Service. So the precedence this begins to set is also a concern to the Governor. My last point is this, it does create uncertainty with respect to the Commissioner himself. For example when the Governor takes office December 15, then he already inherits a Game and Fish Director from a prior administration. Director Hildebrand is really a Schaffer appointee. His term expires six months from now, if he is replaced then a new Game and Fish Director will begin July 1, 2001, but he won't have actual Senate confirmation until January 2003. I think Rep. Nottestad made a good point, if we do a national search, how likely is it to attract some person whether they are from Milwaukee or Minot, to take a job that they may only have for 18 months. That creates a problem, but even more so, this position is a tough job and for a period of about 18 months they have this period of uncertainty, they don't know if they are going to make a Senator from Williston angry or if they are going to make a Senator from Towner angry. It reduces decisiveness that we need in the Game and Fish Commission. The last thing I have to say is this, I have worked with three Game and Fish Commissioners since I have been in this position and I think all of them have done good jobs. In short, I don't think the process is broken and the Governor asks that the committee issue a Do Not Pass.

Rep. Hanson: Did this sneak through the Senate or did you go to the Senate?

Harms: No, it didn't sneak through the Senate, we have been keeping an eye on it thinking that it might get a little rougher treatment over there, but it didn't.

Rep. Hanson: Is this bill a candidate for a veto?

Harms: I haven't spoken to the Governor specifically about that, but I will recommend a veto, yes.

Rep. Keiser: As I listened to Sen. Krauters arguments, that by having the Senate confirm it, it would give the people a little more of a voice, it occurred to me. If his argument has merit, it

might suggest that we should amend this, taking out the Game and Fish Director and transferring these other appointments to the House for confirmation.

Harms: I think that is a great idea.

Mike Donahue - ND Wildlife Federation and United Sportsmen: We do not support this bill one bit. We ask that you give it a unanimous Do Not Pass. We did not testify on the Senate side because we really wondered what is broken, what needs to be fixed? What is the objective? We feel the Governor will do a good job with appointments to his cabinet. Is there a fiscal concern, 34 million dollars, peanuts compared to other departments. We are saying, okay you are giving us answers, you're not. We were told it is because it is a department that touches all four corners of the state, we know that because they used the Highway Department to get there. So if you ponder all that then you can conclude that all these other departments don't touch all four corners, we are led to that. We see this as a move to politicize the department and we strongly oppose it. We see it as more government, not less.

Jim Nagel - ND Sportfishing Congress: We would like to encourage a do not pass on SB 2377. I think Rep. Keiser summed it up best, our system works, if something is not broke don't fix it. More politics would tend to dilute the qualified candidate seeking that position. I ask for a Do Not Pass.

Kevin Lech - ND Bowhunters Association: I am here representing our association and urging a Do Not Pass. (See written testimony).

Bill Pfeifer - ND Chapter Wildlife Society: The society strongly opposed SB 2377. (See written testimony).

Page 9
House Natural Resources Committee
Bill/Resolution Number SB 2377
Hearing Date March 8, 2001

Lloyd Jones - former Director ND Game and Fish: (see written testimony). If it is not broke, why are we trying to fix it? And to take the risk of creating all these other problems. So I would stand before you and ask that 2377 come out of here with a Do Not Pass recommendation.

Chairman Rennerfeldt: Any questions?

Rep. Weiler: You mentioned that - if you would have known when you were up for the job that you would have to be confirmed would you have been interested in the job?

Jones: I can tell you clearly, no.

Chairman Rennerfeldt: If there is not further opposition, I will close the hearing on SB 2377.

COMMITTEE WORK

Rep. Keiser: I move a Do Not Pass.

Rep. Nottestad: I second.

Chairman Rennerfeldt: I have a motion for a Do Not Pass. Is there any further discussion. If not call the roll.

MOTION FOR A DO NOT PASS

YES, 13 NO, 0

2 ABSENT AND NOT VOTING

CARRIED BY REP. KEISER

Date: 3/8/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2377

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DON'T PASS

Motion Made By Rep. Keiser Seconded By Rep. Nottestad

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey			Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin	✓				
George Keiser	✓				
Frank Klein					
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 13 No _____

Absent 2

Floor Assignment Rep. Keiser

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 12:41 p.m.

Module No: HR-40-5118
Carrier: Kelser
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2377: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2377 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2377

GUBERNATORIAL APPOINTMENTS - SENATE CONFIRMATION

This memorandum identifies those gubernatorial appointments that are subject to Senate confirmation, the legal authority for Senate confirmation, and the qualifications for the appointment.

BACKGROUND

Historically, the policy requiring Senate confirmation of gubernatorial appointments in a state legislature likely originated with requirements for Senate approval for presidential appointments in the United States Constitution. The United States Constitution, Article 2, Section 2, provides, in part:

(H)e shall nominate and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.

APPOINTMENTS SUBJECT TO SENATE CONFIRMATION

The appointments subject to Senate confirmation in North Dakota are:

1. State Board of Higher Education.
2. Commissioner of Banking and Financial Institutions.
3. Securities Commissioner.
4. Director of Administrative Hearings.
5. Gaming Commission.
6. Southwestern Low-level Radioactive Waste Compact Commission.

State Board of Higher Education

Under the Constitution of North Dakota Article VIII, Section 6(2), the Governor is to appoint seven members who are qualified electors and taxpayers of the state and who have resided in this state for not less than five years immediately preceding their appointment to the State Board of Higher Education. The seven appointments are subject to confirmation by the Senate. Except for the student member who is appointed as an eighth member of the board by the Governor, no more than one person holding a bachelor's degree from a particular institution under the jurisdiction of the State Board of Higher Education

may serve on the board at any one time. Except for the student member, no person employed by any institution under the control of the board may serve as a member of the board, and no employee of any such institution may be eligible for membership on the board for a period of two years following termination of employment. The Governor is to nominate from a list of three names for each position, selected by action of four of five persons--the President of the North Dakota Education Association, the Chief Justice of the Supreme Court, the Superintendent of Public Instruction, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. A member may not be appointed to serve for more than two terms, and if a member is appointed to fill a vacancy and serves two or more years of that term, the member is deemed to have served one full term. The term of office is four years. The Senate confirmation requirement was in the original amendment to the constitution which established the State Board of Higher Education in 1938.

North Dakota Century Code (NDCC) Section 15-10-02 provides that the State Board of Higher Education consists of eight members appointed by the Governor in accordance with Section 6 of Article VIII of the Constitution of North Dakota.

Commissioner of Banking and Financial Institutions

Under NDCC Section 6-01-08, the Commissioner of Banking and Financial Institutions is appointed by the Governor and confirmed by the Senate. The term of office is four years and until a successor has been appointed, confirmed by the Senate, and has qualified. The commissioner must be a skilled accountant, and may not be an incumbent of any other public office in the state or in any county, municipality, or public institution thereof, and may not own, hold, or control any stocks, capital, or bonds, or hold the office of trustee, assignee, officer, agent, or employee of any financial institution under the commissioner's jurisdiction, or of any corporation engaged in the business of guarantying or ensuring the fidelity or faithful performance of the duties or the solvency of public officers or of public depositaries. This office has been subject to Senate confirmation since it was established in 1893.

Securities Commissioner

Under NDCC Section 10-04-03, the Securities Commissioner must be appointed by the Governor and confirmed by the Senate. The term of office is

four years and continues until a successor has been appointed, confirmed by the Senate, and has qualified. The commissioner must be skilled in securities and may not be an incumbent of any other public office in the state. The commissioner may not own or control any security required to be registered under the securities laws chapter and may not be an officer, director, or employee of any dealer, salesman, investment adviser, or investment adviser representative required to be registered under the securities laws chapter. The commissioner has been subject to Senate confirmation since the office was created in 1951. When created, the Banking Commissioner was ex officio the Securities Commissioner. In 1959 the law was changed to authorize the Banking Commissioner to appoint a special deputy as ex officio Commissioner of Securities, and in 1961 that special deputy provision was eliminated and the Securities Commissioner was established as separate from the banking department with qualifications similar to that of the Banking Commissioner.

Director of Administrative Hearings

Under NDCC Section 54-57-01, the Office of Administrative Hearings is under the direction of the Director of Administrative Hearings, who is appointed by the Governor and confirmed by the Senate. The term of office is six years. The director must be free of any association that would impair the director's ability to function officially in a fair and objective manner. The director must be an attorney-at-law in good standing, admitted to the Bar in this state, and currently licensed by the State Bar Board. This office has been subject to Senate confirmation since the office was established in 1991.

A review of the legislative history of Senate Bill No. 2234 (1991), which created the Office of Administrative Hearings, did not reveal any rationale for requiring the director of the office to be appointed by the Governor and confirmed by the Senate.

Gaming Commission

Under NDCC Section 53-06.1-01.1, the Gaming Commission consists of the chairman and four other members appointed by the Governor, with the consent of the Senate. The term of office of each member is three years and until a successor is appointed and qualified. A person is ineligible for appointment to the commission if that person has not been a resident of this state for at least two years before the date of appointment; if that person is not of such character and reputation as to promote public confidence in the administration of gaming in this state; if that person has been convicted of a felony criminal offense or has plead guilty or been found guilty of any violation of Chapter 12.1-06, 12.1-08, 12.1-09, 12.1-10, 12.1-11, 12.1-12, 12.1-22, 12.1-23, 12.1-24, 12.1-28, 53-06.1,

or 53-06.2, or has plead guilty or been found guilty any violation of Section 6-08-16 or 6-08-16.2, or has plead guilty or been found guilty of any offense violation that has a direct bearing on that person's fitness to be involved in gaming, or who has committed an equivalent offense or violation of the laws of another state or of the United States; or if the person has a financial interest in gaming. Commission members have been subject to Senate confirmation since the commission was established in 1991.

The legislation establishing the Gaming Commission was Senate Bill No. 2001 (1991), which was in appropriations bill for elected officials. The provisions providing for the commission were added to the bill conference committee on April 11, 1991. The provisions basically were the provisions of Senate Bill No. 2065, which failed to pass the Senate on April 1991. Senate Bill No. 2065 was recommended by the Legislative Council as the result of a study of charitable gaming laws and rules by the Interim Judiciary Committee. The minutes of the Interim Judiciary Committee reveal the bill draft establishing the Gaming Commission was based on the law establishing the Racing Commission, NDCC Section 53-06.2-02. At that time, the Racing Commission consisted of the chairman and four other members appointed by the Governor, with the consent of the Senate. The Interim committee minutes do not reveal any other discussion relating to Senate confirmation of Gaming Commission members. (In 1991 the Legislative Assembly approved Senate Bill No. 2105, introduced at the request of the Governor, which eliminated the requirement of Senate confirmation of Racing Commission members.)

The only statements found in the standing committee minutes concerning Senate Bill No. 20 which relate to Senate confirmation are from the House Judiciary Committee meeting on March 6:

Ken Karls, Cystic Fibrosis Association . . . We do not have a concern with the make up of the commission. If the commission becomes political it won't serve anyone. It sounds good in theory but we endorse a do not pass.

Rep. Miller: You are upset with the way the members would be appointed. Do you have a suggestion as to what you would rather see?

Ken Karls: I don't have a specific suggestion. I know that there are other commissions for example where the senate approves appointments.

Rep. Miller: But it says here, with the consent of the senate. Do you feel that is a safeguard?

Ken Karls: I think that is somewhat of a safeguard.

Southwestern Low-level Radioactive Waste Disposal Compact Commission

Under NDCC Section 23-20.6-01, which adopts the Southwestern Low-level Radioactive Waste Disposal Compact, a Southwestern Low-level Radioactive Waste Commission is established which consists of one voting member from each party state to be

appointed by the Governor and confirmed by the Senate of that party state. The commission member has been subject to Senate confirmation since the compact was adopted in 1989. The last Senate confirmation of an appointee to this commission was in 1991, and it appears the commission is inactive.

REQUEST / RECOMMENDATION COMPARISON SUMMARY

720 GAME & FISH DEPARTMENT

Biennium: 2001-2003

Bill#: HB1019

Date: 1/10/2001

Time: 12:34:33

Description	Expenditures Prev Biennium 1997-1999	Present Budget 1999-2001	2001-2003 Requested		Requested Budget 2001-2003	2001-2003 Recommended		Executive Recommendation 2001-2003
			Incr(Decr)	% Chg		Incr(Decr)	% Chg	
BY MAJOR PROGRAM								
FISHERIES	4,478,336	5,262,008	262,405	5.0%	5,524,413	1,391,524	26.4%	6,653,532
ENFORCEMENT	3,576,540	3,835,352	196,457	5.1%	4,031,809	576,252	15.0%	4,411,604
WILDLIFE	9,141,638	9,817,392	(393,542)	-4.0%	9,423,850	1,097,698	11.2%	10,915,090
CONSERVATION AND COMMUNICATIONS	2,873,815	3,125,613	131,574	4.2%	3,257,187	219,135	7.0%	3,344,748
ADMINISTRATIVE SERVICES	6,191,125	8,715,751	(1,521,608)	-15.2%	7,394,143	878,916	10.1%	9,594,667
TOTAL MAJOR PROGRAMS	26,261,454	30,756,116	(1,124,714)	-3.7%	29,631,402	4,163,525	13.5%	34,919,641
BY LINE ITEM								
SALARIES & WAGES	10,920,176	12,290,977	648,334	5.3%	12,939,311	1,598,082	13.0%	13,889,059
OPERATING EXPENSES	6,504,600	7,779,014	0	0%	7,779,014	541,700	7.0%	8,320,714
EQUIPMENT	622,901	771,505	0	0%	771,505	22,000	2.9%	793,505
CAPITAL IMPROVEMENTS	954,758	1,779,486	(1,135,000)	-63.8%	644,486	(520,000)	-29.2%	1,259,486
GRANTS-GAME AND FISH	2,390,827	3,397,050	0	0%	3,397,050	181,000	5.3%	3,578,050
LAND HABITAT & DEER DEPREDATION	3,059,909	2,703,224	(223,188)	-8.3%	2,480,036	2,035,252	75.3%	4,738,476
NOXIOUS WEED CONTROL	200,000	200,000	0	0%	200,000	50,000	25.0%	250,000
GRANT-GIFT-DONATION	64,344	100,000	0	0%	100,000	50,000	50.0%	150,000
NONGAME WILDLIFE CONSERVATION	61,078	120,000	0	0%	120,000	0	0%	120,000
WATERBANK PROGRAM	493,739	200,000	(200,000)	-100.0%	0	0	0%	200,000
LONETREE RESERVOIR	989,122	1,314,860	(114,860)	-8.7%	1,200,000	(94,509)	-7.2%	1,220,351
WILDLIFE SERVICES	0	100,000	(100,000)	-100.0%	0	300,000	300.0%	400,000
TOTAL LINE ITEMS	26,261,454	30,756,116	(1,124,714)	-3.7%	29,631,402	4,163,525	13.5%	34,919,641
BY FUNDING SOURCE								
GENERAL FUND	0	0	0	0%	0	0	0%	0
FEDERAL FUNDS	11,682,381	12,724,639	(7,050)	-1%	12,717,589	278,177	2.2%	13,002,816
SPECIAL FUNDS	14,579,073	18,031,477	(1,117,664)	-6.2%	16,913,813	3,885,348	21.5%	21,916,825
TOTAL FUNDING SOURCE	26,261,454	30,756,116	(1,124,714)	-3.7%	29,631,402	4,163,525	13.5%	34,919,641
TOTAL FTE								
	128.00	131.00	.00	0%	131.00	5.00	3.8%	136.00

SPECIAL FUND STATEMENTS - PART I

720 GAME & FISH DEPARTMENT

Version: 2001-720-B-01

Page: 1 of 2

Date: 10/23/200

Time: 4:25:58

	222 GAME & FISH DEPARTMENT FUND 720F	488 HABITAT AND DEPREDEATION FUND 720F	216 NON-GAME WILDLIFE FUND 720F	255 WETLANDS REPLACEMENT FUND 720F		
Balance June 30, 1999	16,563,854	2,112,959	30,560	31	0	0
Estimated 1999-01 Revenues and Transfers:						
Revenue - Interest	0	1,500,000	0	0	0	0
Revenue - Habitat Stamp	0	1,200,000	0	0	0	0
Revenue - Licenses/Misc.	15,600,000	0	35,000	0	0	0
Total	15,600,000	2,700,000	35,000	0	0	0
Estimated 1999-01 Expenditures and Transfers:						
Expenditures	15,471,477	0	60,000	31	0	0
Expenditures-Private Land	0	2,700,000	0	0	0	0
Total	15,471,477	2,700,000	60,000	31	0	0
Estimated Balance June 30, 2001	16,692,377	2,112,959	5,560	0	0	0

SPECIAL STATEMENTS - PART I
720 GAME & FISH DEPARTMENT
 Version: 2001-720-B-01

Page: 2 of 2
 Date: 10/23/2003
 Time: 4:25:58

	222 GAME & FISH DEPARTMENT FUND 720F	488 HABITAT AND DEPREDEATION FUND 720F	216 NON-GAME WILDLIFE FUND 720F	255 WETLANDS REPLACEMENT FUND 720F			
Estimated Balance June 30, 2001	16,692,377	2,112,969	5,560	0	0	0	0

Estimated 2001-3 Revenues and Transfers:

Revenue - Habitat Stamp	0	1,200,000	0	0	0	0	0
Revenue - License/Misc.	15,675,000	0	75,000	0	0	0	0
Revenue - Interest	0	1,500,000	0	0	0	0	0
Total	15,675,000	2,700,000	75,000	0	0	0	0

Estimated 2001-3 Expenditures and Transfers:

Expenditures	14,554,735	2,280,036	79,042	0	0	0	0
Total	14,554,735	2,280,036	79,042	0	0	0	0
Estimated Balance June 30, 2003	17,812,642	2,532,923	1,518	0	0	0	0

My name is Lloyd Jones, former Director of the Game and Fish Department. I appear before you today in total opposition to SB 2377. This bill is unneeded, unwarranted and brings politics into hunting and fishing where it will do irreparable harm.

*** What is the justification for this legislation?**

- have sportsmen asked for this; clearly not.
- is there a problem that needs fixing; no one has identified one.
- is this an attempt to create more government, exert more political influence, or take a shot at the executive branch; it certainly appears so.

*** Why is the Game and Fish Department singled out?** Being entirely a sportsmen funded agency, with no tax dollars and one of the smallest, why is just the Game and Fish Director in need of being Senate confirmed? If passed, sportsmen of ND will view this as a direct attempt to take political control of their programs. When we should be moving towards less government, this bill creates more. This may well be the justification for sportsmen to take action to totally remove the legislative or executive branches from control of the Game and Fish budgets, regulations and selection of the Director. Independent studies have concluded that a commission type structure is the best for sportsmen, natural resource protection and the effectiveness of all programs. Maybe its time for ND to go to less political influence, not more and if passed this bill may well be the impetus to do that.

***How does this bill negatively impact the sportsmen and the people of ND?**

- it creates more government and bureaucracy.
- serves as a deterrent for qualified people to be interested in public service jobs. I can give you first hand testimony that this is true.
- provides for more special interest influence into cabinet appointments.
- creates more work for legislators, another consuming and debatable issue to be addressed and another opportunity for more partisan politics all detracting from important issues.

***How does this bill help the sportsmen and the people of ND?**

- it doesn't in any way, shape, or form. How can more government or more politics be good for anyone, any program or any department.

Think carefully if you want to make more government, inject more politics into game and fish management and make public service more difficult than it already is. Some very important and intelligent person with a grasp of politics, economics and human behavior once said, "if it ain't broke you're only going to create more work and problems trying to fix it". I'm confident that is good advise for this legislation.

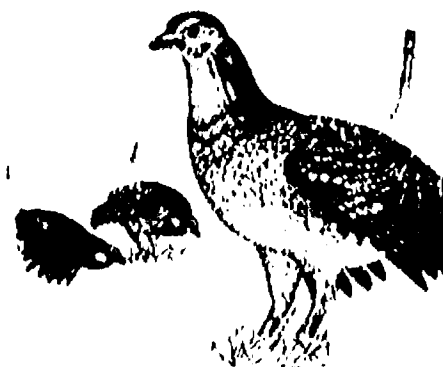
Thank you for this opportunity to oppose SB 2377.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE
ON SB 2377, March 8, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer representing the North Dakota Chapter of The Wildlife Society. The Wildlife Society strongly opposes SB 2377.

This Bill, if passed, would require the Senate to confirm the governor's selection of the Game and Fish director. Presently, the director is appointed, without the need of confirmation, the same as the other agency directors.

Directors are normally selected after a searching process in which candidates are screened by individuals who have training and expertise in judging the knowledge and abilities of the candidate. All candidates must, of course, have a business and personnel management background.

Background knowledge by the individual selected for Game and Fish director position must, however, have thorough knowledge and experience in the natural resource field, with emphasis on biology, zoology, or wildlife management. The governor then makes the selection from a panel recommendation.

Requiring Senate confirmation would result in a political selection, not necessarily a biological selection. Wildlife is controlled by Mother Nature, it is only influenced by wildlife managers. Removing the best natural resource qualified candidate and replacing with a lesser qualified political individual is a

bad decision. Senate confirmation could hardly be made with wildlife management background. The selected director candidate would likely be subjected to making political promises and commitments to help assure confirmation. Don't force the selected candidate to manage our natural resources with one hand tied behind his or her back. Leave well enough alone.

The Game and Fish director must make wildlife management decisions and then be prepared to explain these decisions to the public. Let the professional do the job the person was selected for.

The Wildlife Society requests the selection process remain as presently exists and further requests a DO NOT PASS on SB 2377.

Good Morning. My name is Kevin Lech and for the last 8 years I have been the Government and Conservation Director for the North Dakota Bowhunters Association. Today in North Dakota there are approximately 10,000 bowhunters. During this time our organization has worked closely with three different Game and Fish Directors, Director Loyd Jones, Director K.L. Cool and the current Director Dean Hildebrand. The Game and Fish Department's is totally funded by the the sportsmen and sportswomen purchasing their hunting and fishing licenses. Since there is no tax dollars being used there is no reason to for more politics at the department. During our association with the Game and Fish Department they have done a great job in providing all sportsmen opportunities to enjoy the North Dakota outdoors. We feel that SB 2377 is an attempt to micromanage a agency that's working great today. We strongly urge you to oppose SB2377. Thank you for this opportunity.