

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1189

2005 HOUSE NATURAL RESOURCES

HB 1189

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1189

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 14, 2005

Tape Number	Side A	Side B	Meter #
1	x		1204-end - Tape quit; BLANK tape
1		x	0-2908

Committee Clerk Signature

Karen Bonnet

Minutes: Chr. Porter opened the hearing on HB 1189. Roll taken; all present. Bill was read aloud.

Rep. Porter: HB 1189 comes to you after much deliberation regarding hunting access problems in rural ND. Major strides in access... One thing I heard from small rural communities is that they are unable to draw resident or non resident hunters into the area due to guided fee hunting. They feel a need to promote downtown business and advertise hunting availability. Main street needs have a vested interest in the program for additional access. They talked about a 50/50 match, see as a local community need for agreement for access to somebody's land, work with Game & Fish, see that it's workable habitat then enter an agreement. It takes the landowner off the hook. Could say not entered in this piece of the program but am interested in another piece of the program, trees, etc., then look at the whole portfolio. It was heard that the first week of the season, plots of land were not open to non-resident hunters. Locals could have a say about blue

and yellow signage, each for a different use. Community would also have a say, not to open to non residents for a particular week, for example the first week of season. Sportsman don't like this use of what they see as their dollar. Feel there should not be any restrictions such as staying local, using coupons, etc.

Chr. Nelson: Questions of Rep. Porter?

Rep. Drovdal: That's an interesting concept. How best to come up with rules, regulations and oversight of both local and state money?

Rep. Porter: I didn't want to get into management of the program. You can listen to the tape and hear the intent.

Rep. DeKrey: I couldn't help but notice that the Game & Fish does so under it's Administrative Rule.

Rep. Porter: I don't know.

Rep. Kelsh: There is no fiscal note on this bill.

Rep. Porter: Correct. I don't know if it was an oversight of the Game & Fish. Hope it goes to appropriations.

Rep. Solberg: (Unknown)

Rep. Porter: Exactly. If prime habitat could be leased, the owner would get \$5/A. The locals pay \$2, Game & Fish pay \$3 and make it a partnership.

Chr. Nelson: Questions of Rep. Porter? Further testimony in favor of HB 1189?

Greg Link, ND Game & Fish Dept.: Supports Do Pass. (WRITTEN TESTIMONY ATTACHED.)

Chr. Nelson: Because the community would come to you with the project, will you have a scoring priority for application? Or will you let the community know what your criteria is or will you use the same criteria as used in the Plots Program?

Link: It would probably be structured similarly to the Plots Program which would make a good situation for communities and landowners financially. They could do first come, first serve or lose hunting privileges, or actually have a signup period and look at all community proposals and rank them.

Chr. Nelson: If a community had multiple use of the land in their perspective, for example they want birdwatching in the summer, would that multi-use plan score higher?

Link: We would definitely encourage multi-use as long as it didn't infringe on hunting seasons.

Rep. Hanson: You should spell out on the bill who will be the lead agency; you could get stuck with management.

Link: We've learned that by experience, and foresee using their manpower, resources and oversight.

Rep. Hanson: Should we put it in the bill that you would be managing it or not?

Link: I suppose that would be o.k.

Nottestad: Do you envision this as an annual program or biannual?

Link: Porter sees it as a short term pilot project. It would give a chance to try some things rather than tie into a long-term commitment.

Rep. Nottestad: I can see a community getting gungho the first year then watch the matching funds dry up. How do you plan to respond to that?

Link: Those who sign up in communities would expire say after a two-year commitment. It would say such in the agreement if there is funding.

Nottestad: That would strengthen your department having a lead and reduce the local pressure.

Link: If agreements need to be terminated, we would know how they would fit and absorb into existing programs. Communities would know the landowners.

Rep. Kelsh: I read it as having a \$1 million cap.

Link: We saw it as \$1 million from the Game & Fish. Other manpower comes from current resources. It's what we do.

Rep. Kelsh: Do you see it as a sum of \$1 million or a cap?

Link: We saw it as a cap.

Rep. Kelsh: When you spend the \$1 million, is that from appropriated funds?

Link: Yes, it comes out of appropriated funds.

Rep. Kelsh: Why is there no fiscal note?

Link: We assumed that was clear.

Rep. Kelsh: There are local monies invested...

Chr. Nelson: It will need a fiscal note, Mr. Link.

Rep. DeKrey: As it's written, it should say how it will be funded.

Link: I was under the impression it was added on to our current appropriations, ... would suffer.

DeKrey: If we put this in place, competing with the Plots Program, would some fall off the program? ...talking \$500,000 per year? Need to find...

Link: That's how we view it; if we need to take from the current program we deal with the existing...

Rep. Porter: The new money from Game & Fish is already there. They raised \$2 million last year by the sale of additional licenses which went into the trust funds for Game & Fish.

Chr. Nelson: As co-sponsor, it is also my understanding that you look differently at the \$25 million balance. State law requires that you hold \$10 million in reserve. I think we should hold a public discussion and make a case to the Legislature. \$10 million is a cushion as I see it; you have \$15 million. If it is in conflict with your department, you would come to us with a bill to raise the limit in reserve.

Rep. Nottestad: Sen. DeKrey, you said \$500,000 a bit ago. Was that ...?

Rep. DeKrey: ...

Rep. Hunsakor: Should we set a fee?

Link: The current program has various mechanics, each with different year's, payments, rights, temporary acquired. Some hunting access has management authority regarding the habitat and grass we plant. Those have a lower payment because of local payment for access to encourage habitat. The habitat program is paying \$15/A. Payments differ depending on the program. We would need to talk to communities to learn their needs, and structure accordingly.

Chr. Nelson: Any questions? Further testimony in favor of HB 1189?

NOTE: Above minutes have been transcribed in nebulous manner because the tape for that section quit taping, unbeknownst to me, until the day was over. Below, Tape 1, Side B worked:

Dean Hildebrand, ND Game & Fish: We just discussed this with the appropriation committee. I get a little nervous, the reason for that is because that system can hiccup very quickly. We're spending a tremendous amount of money on CRP and other obligations that we've got in the state of North Dakota. All of a sudden, a senator talked to me the other day about hunting for

\$2,325,000 for the build-up of the ... road leading to Devils Lake. I have requests in excess of millions of dollars for additional boat ramps that are going to be happening. There's a number of bills in the hopper right now that are looking at significant amounts of money that are going to be taken out of the reserve fund, so to speak. I look at it from my perspective that if chronic wasting disease hit our deer herd, or we go into an abnormally dry season or we have some other catastrophic event take place like a long drought where we really do lose numbers of licenses, which is our main driving factor, we're gonna have to have, in my estimation, considerably more than that \$10 million in reserve. I would welcome increasing that number perhaps. I do want to appreciate what the Legislature has done for us by virtue of the fact that we can come to the Emergency Commission, which we have done repeatedly in the last year, and ask for these dollars. It's a real cushion to have them there because you don't know what's going to happen up at Devils Lake, you don't know what's going to happen on the big water. All I know is that when people say that we need boat ramps up there and everybody's ringing my phone and banging on my desk, including legislators, to get these things in place, it's a comfortable feeling to say, "Yes, we can do something about that. Would you support us on doing these things?" I feel it's necessary to have a pretty healthy balance there and I don't look at that as being strictly a fund that we come in and tap. But we do it consistently and many times I don't see it. When chronic wasting disease (first) happened a few years ago, I had never even heard of it. I encourage not dipping into that fund too far.

Chr. Nelson: Dean, when was the \$10 million put into Code? Do you?

Hildebrand: I think it was about three sessions ago, maybe four. I think Rep. Carlson was here.

Chr. Nelson: I don't necessarily disagree with your comment, I just think that we need to come closer in state law than the policy of your department because there is a conflict there in that the spread is too wide. I think we should get closer. It makes your job easier and ours as well. With the current situation legislators and citizens alike who look at that reserve as money that can easily be tapped and I agree that the demands of your department have increased and I would agree that it should be raised. Finding that magic figure is what should be done and put in state law.

Hildrebrand: Incidentally, the Landowner/Sportsmen's Council last year had the same idea as the sponsors of that legislation, to have communities participate. They actually sent a letter to every Chamber of Commerce or municipality suggesting the very thing that's done in this bill. I compliment you on it. I think it's a good thing to do. My understanding is that those dollars would be in addition to what we've asked for in our appropriations.

Chr. Nelson: Further testimony in favor of HB 1189?

Mike Donahue, ND Wildlife Federation and United Sportsmen of ND: Urge Do Pass.

(WRITTEN TESTIMONY ATTACHED)

Chr. Nelson: Any questions of Mr. Donahue?

Rep. DeKrey: Is your group talking about funding it in the future? It looks like a \$1 million budget right now, but have you kicked around any ideas?

Donahue: We didn't look past this first step.

Chr. Nelson: One question I should have asked the department, I understand the concerns over what happens if we have a bad year and licenses drop. If we continue to add access acres and in this case let communities advertise this fact, isn't there a chance that there would be more

licenses, whether resident or non-resident, sold and people would begin to quit hunting because of the access issue? Isn't there a chance that we could start bringing people back and draw new people in and actually increase licenses?

Donahue: Mr. Chairrman, I would agree with that. As people see that access is growing and a more cooperative effort is going on to create that access, it may also get into more multiple use of things in those programs.

Chr. Nelson: I think that's the driving force behind this proposal, that it isn't just a million dollar draw on the department, that there may be some benefits. I would make the case that the reason we now carry \$25 million in (the overall) reserve in the department is because ND has an abundant resource and it's been realized from across the nation, not just locally, and that's why license fees have increased in numbers and in cost to allow that reserve. I don't think we should ever forget that.

Donahue: I agree with you. For example, I have friends from California who come every year to hunt. When the price had gone up, he said no problem, it was worth it.

Chr. Nelson: Any further questions? Further testimony in favor of HB 1189?

Kyle Blanchfield, Devils Lake Chamber of Commerce: Urges Do Pass. (WRITTEN TESTIMONY ATTACHED) Devils Lake has a long history of supporting access. Currently, we maintain 35 miles of plowed trails on Devils Lake, we put a lot of money into boat ramps and facilities, we are not in the hunting game but we do a ton of work. Our park board, our county and our city contribute \$5,000 each to help maintenance of our boat ramp facilities. The community is very pro sports, we're with you on this. We just ask that if we are going to be involved in the program such as this that we have the ability to give input. If you compare a

community like Mott that needs grass and turf for pheasants and Devils Lake where we need pot holes and possibly waterfall rest areas or things that match our community, that we have the ability to give our input and help decide where those dollars are spent. It needs to be landowner friendly, and I believe we have a great opportunity for public and private money to put this thing together and make it work. One concern we have is, let's say we get a little aggressive with this and it becomes a big deal for our area, will that lessen the Game & Fish involvement in other programs? We don't want to lose the programs that we have; if we put more money into this program, will G & F say that we have our area covered and work more in areas that don't have money?

Chr. Nelson: I think the Legislative intent has been fairly clearly stated in this testimony. If G & F is under the purview of the Administrative Rules process that legislative intent would be one of the six points that that committee looks at.

Rep. Nottestad: I don't probably agree with you on the 20/80 part, but that's not the point here. You made the statement it will be a hardship with some of the small rural communities which I agree with. We've been hearing from organizations like the Grand Forks Wildlife Club and Cass County Wildlife Club who for years have been crying about the losing ability to get on (to Hunt). Here, we have the opportunity for these clubs where the people live, and the hunters are there, to be able to make contributions into these small communities so that this type of program can really fly. I'd like to hear your comments on that.

Blanchfield: I agree with you. However this program works out, I think this is a great opportunity. In the past we've never had a formal way for communities to get involved with

public access. This is the tool for that. I think we can get the synergy of the entities to work together.

Nottestad: I don't consider Devils Lake a small community. I deer hunt at Kulm. There we're talking about a small community. This is the type of small community that I'm talking about that will need the help to make this think really work.

Blanchfield: I agree with you. Devils Lake is not a small community like Wolford, etc. I think we should put the money together. Communities like Devils Lake are already spending enormous amounts of money, for example on a boat ramp and lake facility access infrastructure which as you all know has been a huge challenge for our community over the last ten years. Our county, park board, our city, our chamber have put tons of money into lake access and we have a source of income. If we can piggyback the private with public money plus get fundraising through our wildlife clubs we can really do something good.

Rep. Drovdal: Since we're putting legislative intent into this, I want to commend you and hope that it's concerning the local person \$2/A. that they will pay. The local landowner can say \$2 is the going rate, I will take \$1.50/A. to be credited in lieu of the local community, so they can give back to their community.

Blanchfield: The idea behind that is that there are people out there that realize how important access is to their community and would like to help. I'm hoping there will be landowners who will be willing to do it for free. To work, communities have to be involved to make this work. Our tourism committee or whatever is going to have to assist Game & Fish to develop the relationships with those landowners. Even though there may not be money involved, there would be a ton of time, and that would be in lieu of payment.

Chr. Nelson: I think that would be a nightmare to try to administrate. It would be incumbent that if they enter into the agreement, the community better plan to write the check. That seems to me the way it would work the best. We can discuss that. Are there further questions of Mr. Blanchfield?

Rep. Charging: This is a fantastic opportunity for small communities and I agree with the idea of maybe doing a sliding scale so that is built into it for whoever is going to administer it. Then all could participate.

Chr. Nelson: I think we can discuss those aspects of the bill when we get to committee discussion. Your're offering that as an amendment?

Blanchfield: I'm offering that as a discussion consideration for the committee.

Chr. Nelson: Further questions for Mr. Blanchfield?

Blanchfield: A comment I would like to make is that there is one downside that we should all consider. We're seeing this in other parts of the state. For example, within ten miles of Devils Lake, there are a lot of posters in that country and we need to work on that. If you go up to Chr. Nelson's turf at Wolford there is not much posted. It's a rich waterfowl hunting area and about 10% of the land is posted. Wolford has a great community club and a great wildlife club. The down side is that if we start in areas that don't really have an access problem, and we start paying farmers for access, will that encourage others to post it to get in on the gravy train?

Chr. Nelson: Further questions? Seeing none, thanks, Kyle. Is there further testimony in favor of HB 1189?

Brian Kramer, ND Farmer Bureau: We do support the bill but we do have some concerns.

The idea of getting rural communities involved and we're supportive of recognizing the

landowners right to own and control his property. I think that's what this does. It is an access issue and we know our rural communities and hunters are clamoring about access to more hunting. From that standpoint I think it is very good. We have heard over the years with the Plots Program, that we need to make sure that is included in this, to make sure the rules are followed that are there for the Game & Fish and for us as forestmen. Hunting too close to buildings: some of these plots lands have been put out right next to occupied buildings. They aren't occupied by people that are compensated for that, they are owned by someone else. The signs come right up next to his buildings. The other thing is hunting on unharvested plots. I think a more concerted effort to make the sportsmen aware of those kinds of things would certainly help this program. We support plots and we support this program but have those concerns.

Rep. Porter: Mr. Kramer, you brought up an interesting point regarding hunting too close to occupied buildings. Being a property rights group, how you take a position like that when you're trying to control someone else's property rights within a program. If I say that law is not intended to stop someone from hunting my land and my land butts up against someone else's house that law doesn't stop me from hunting or stop me from allowing someone to hunt on my land no matter how close I am to them. I'm confused on *my* property rights, now.

Kramer: Your point is well taken, however, when it comes to the safety of my family that is more important a concern than whether or not you can come near that property. The law does say 440 yards from an occupied building. Let's follow the law. It's a safety issue.

Porter: There's another sentence in that law that you didn't mention. You didn't say the whole law. I think that no matter where you are nor what you are doing, there is still the understanding

of responsibility. The hunter carrying a gun close to occupied buildings needs to be responsible for their actions and the safety of others. I don't know how you'd legislate that kind of responsibility in a state law.

Kramer: It's a difficult situation.

Chr. Nelson: In this case, Brian, wouldn't you agree it is mentioned in state code, it refers to hunting close to buildings, and your other point of unharvested crops is mentioned in code as well. I don't know how redundant we have to be to make people aware of that.

Kramer: I would agree with that.

Chr. Nelson: Further questions of Mr. Kramer? Seeing none, thanks Brian. Is there further testimony in favor of HB 1189? Is there testimony in opposition to HB 1189?

Harold Neameyer, Cass County Wildlife Club: I'm actually neutral. The Cass County Wildlife club is very supportive of this effort to make more land accessible to hunting. However, we have a couple of questions and I think they've been answered through all of the testimony.

One: Does the Game & Fish need to set aside \$1 million in their operating funds and not use just in case the matching would come in and therefore put a strain on their other other operations? If I understand the answer, it would come out of the trust fund. The other question is what unforeseen strings might be attached when matching funds are requested? I can't even think of all the unforeseen things that might happen. I guess we'll have to trust the Game & Fish and the people who come in to make those decisions.

Chr. Nelson: Any further questions for Harold? In days past, land owners interest in the Cass County Wildlife interests haven't always seen eye to eye on issues. Do you see this program as a possibility where the Cass County Wildlife Club could commit some funds to the local share to

communities where they hunt or would like to use the natural resource abundance that we have and start to bridge that gap in relationship building?

Neameyer: I don't know that I'm in a position to answer that on their behalf. However, since they are so strongly in favor of efforts to get access to more private land, should this bill pass, I'm sure they may be a community that would be coming with a proposal.

Chr. Nelson: That's the kind of buy-in that we've looked for in this committee certainly since the last session and this could be one of those programs that could bring groups that have opposed each other to start to work together and create more access in a friendly manner. Is there further testimony in favor of HB 1189? In opposition?

Paul Overby, Wolford: I oppose HB 1189 due to a number of the concerns raised. Although many of those have been addressed in the form of legislative intent this morning, I would still oppose the bill at least as it has currently been presented. The bill has some admirable goals in an attempt to provide more access to land for hunting for all people regardless of their station in life or the ability to pay for such access. I like the focus of combining efforts of ND Game & Fish with the local entities. But I do have some concerns. The mission statement of the ND Game & Fish on their website is to "protect, conserve and enhance fish and wildlife populations and their habitat for sustained public use." The key phrase there is "public use." We seem to have an emphasis only on the hunting and fishing portion of "sustained public use." I've just spent the last couple of days at Marketplace and listened to all kinds of presentations on nature and tourism and that is a growing focus in several areas of the state of ND. It should be evident to me that the work of fish & wildlife populations that they conserve are being accessed by a growing group of nature lovers and observers in addition to hunters and that these interests, too,

would seem to me to fit into the mission of the ND Game & Fish Dept. The first concern I raise is opening more private land only for *hunting* access as is currently contained in this bill. For instance, last fall I attended a photo shoot opportunity in the Pembina Gorge. One of the issues there is there is a lot of public land in the gorge already, but it's bordered by a lot of private land. As nature lovers come and want to take their pictures they're already starting to generate concerns of trespassing on private lands. I think that the Game & Fish funds, particularly a million dollar appropriation, should be consistent with it's overall mission statement and not just hunting. The other issues that I have, the bill doesn't define manner(?) turn to process for the leases that have been discussed this morning. After the process the ND Game & Fish Dept. used in 2003 to create hunting zones in the state, to "transfer that sole authority over to the ND Game & Fish Dept. without passing the Administrative Rules bill" to quote Rep. DeKrey. I think that is important for how Game & Fish goes about implementing all of the loose ends that have been left in this very condensed version of legislation. Search of local funds is not very well defined, leaving open the question of these taxing entities, local nonprofit organizations, landowner associations, and I wouldn't be too wild about the Cass County Wildlife Club renting land in Pierce County. That, to me, is not a willful organization. I see the Cass County Wildlife Club renting land in Cass county. That would make sense. I also have the same concerns about referencing the ND Game & Fish being left with the sole authority to develop all the rules. The other issues left open-ended is access to resident and non residents, not defined in this bill. That would be subject, I presume, also to interpretation of the ND Game & Fish Dept. or negotiated as part of the lease. The power of designation of such land we've heard some discussion of that this morning but in the bill it's left undesignated. While the bill has a noble goal, I maintain it will

do little in the long run to enhance a more necessary process of improving landowner and hunter relationships. Anonymous hunters accessing *my* land because of cash and a sign saying they can hunt is not a relationship. My personal choice has always been statewide No Trespass legislation to force hunters to access land by asking for permission. While this bill has some good intentions and goals I believe it needs some work to get it there and we also need to start recognizing in the state of ND that the role of ND Game & Fish is to enhance fish and wildlife resources for all the residents of ND.

Chr. Nelson: Are there any questions for Mr. Overby? Seeing none, thanks, Paul. Is there further testimony on HB 1189? Seeing none, I will close the hearing on HB 1189.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1189

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 4, 2005

Tape Number	Side A	Side B	Meter #
2	x		1011-1488

Committee Clerk Signature

Karen Bonnet

Minutes:

Chr. Nelson: I will reopen the Hearing on HB 1189. An amendment has been distributed.

Rep. Porter: After the hearing on this, we had a lot of ideas passed around and I asked the (Game & Fish) Department to do some work on this bill. Rep. Drovdal had some concerns, along with others. The Department came back with the proposed amendment with a new Section 2...(Written proposed amendment attached). It basically says the Department will use the current established criteria and payment system. In working with locals, if they want to keep a piece of ground open to public hunting, they can add that. If we have a local wildlife club that wants to throw in \$1,000 to this person, we will add to the incentive package that's offered by the Game & Fish. They'll work with the regional biologists that we put in place last legislative session. PLOTS signs will be placed on the land. The community sticker signs can be added to the PLOT. The land will also be open to public hunting/public access, and will listed in the PLOTS Guide. Along with that, with the incentives part, the local community can also decide

whether or not they want it open to residents only during those restrictions that are currently law.

If they decide to keep it to the regular PLOTS Program, then it's closed for the first week of pheasant season. If they don't, then it's open during the first week of pheasant season and the Department will mark it as such. **I will move the amendment.**

Rep. DeKrey: Second

Chr. Nelson: Rep. Porter moves the amendment and Rep. DeKrey seconded it.

Rep. Hanson: Is this still a 50/50 match?

Porter: No, it would not be. It would be more of an incentive program where if the local community found some pieces of property that they wanted to have access to, Game & Fish would come in with their normal program, at their normal rates, and talk with the landowner. If there wasn't enough money under the normal program, then the local community could add the incentive and gain back some control over the land.

Chr. Nelson: Further committee discussion? Seeing none, I'll call for a voice vote on the proposed amendment. All those in favor, signify by saying aye. Opposed? Motion carried. What's the committee's wishes?

Rep. Charging: I move a Do Pass as Amended and Rerefer to Appropriations.

Chr. Nelson: Rep. Charging moves a Do Pass as Amended and Rerefer to Appropriations. Is there a second?

DeKrey: Second.

Chr. Nelson: Second by Rep. DeKrey. Committee discussion?

Rep. Johnson: I admire what the sponsor is trying to do here, but I can't help but think that they're wanting the program to move forward and drive that ... and more posting. Even though it

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House Natural Resources Committee

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may free up some more land for this type of hunt, the land in that area that isn't part of this will get posted.

Chr. Nelson: Further discussion? Seeing none, I'll ask the clerk to call the roll on a

Do Pass as Amended Motion and Rerefer to Appropriations.

Vote: 11-Ayes; 1-Nay; 2-Absent; CARRIER: Porter

FISCAL NOTE
Requested by Legislative Council
02/07/2005

Amendment to: HB 1189

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues					
Expenditures			\$1,000,000		
Appropriations			\$1,000,000		

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

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

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill establishes a new private land access program for the North Dakota Game and Fish Department that uses Game and Fish funds and is supplemented with local funds. The amount of local funds is not determined in this bill.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

\$1,000,000 would be provided for private land access program leases that are administered by the ND Game and Fish Department.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

\$1,000,000 is appropriated for private land access program leases. This is in addition to funding provided the the ND Game and Fish Department's appropriation bill, HB 1018.

Name: Paul Schadewald
Phone Number: 328-6328

Agency: ND Game and Fish Department
Date Prepared: 02/07/2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1189

Page 1, line 9, replace "matched equally" with "incentified"

Page 1, after line 11, insert:

"SECTION 2. In the implementation of this program, the department will develop hunter-access partnerships with communities under the following guidelines:

1. Use current department hunter-access improvement programs, agreements, and payment rates.
2. The department will pay 100 percent of the standard program payment.
3. The community shall offer additional incentive payments based on their negotiations with potential landowner cooperators to attract and influence additional interest and signups in their selective areas.
4. Hunter-access tracts obtained through community partnerships must meet minimum department habitat criteria and standards.
5. Land must be open to public access and posted as such by the department to include community sticker if so desired.
6. Land must be designated in department annual PLOTS Guide.
7. Local communities may decide if the land is open to nonresidents during normally closed times."

Renumber accordingly

50353.0101
Title.0200

Adopted by the Natural Resources
Committee

February 4, 2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1189

Page 1, line 9, replace "matched equally" with "supplemented"

Page 1, after line 11, insert:

"SECTION 2. In the implementation of this program, the department shall develop hunter-access partnerships with communities under the following guidelines:

1. Use current department hunter-access improvement programs, agreements, and payment rates.
2. The department will pay one hundred percent of the standard program payment.
3. The community shall offer additional incentive payments based on its negotiations with potential landowner cooperators to attract and influence additional interest and signups in its selective areas.
4. Hunter-access tracts obtained through community partnerships must meet minimum department habitat criteria and standards.
5. Land must be open to public access and posted as such by the department to include community sticker if so desired.
6. Land must be designated in department annual PLOTS Guide.
7. Local communities may decide if the land is open to nonresidents during normally closed times."

Renumber accordingly

February 4, 2005

House Amendments to HB 1189 - Natural Resources Committee 02/04/2005

Page 1, line 1, after "20.1-02-05" insert "and a new section to chapter 20.1-02"

Page 1, line 9, replace "matched equally" with "supplemented"

Page 1, after line 11, insert:

"SECTION 2. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Private land access program - Guidelines.

1. In the implementation of the private land access program provided for under section 1 of this Act, the department shall develop hunter-access partnerships with communities under the following guidelines:
 - a. Use current department hunter-access improvement programs, agreements, and payment rates.
 - b. Pay one hundred percent of the standard program payment.
 - c. Hunter-access tracts obtained through community partnerships must meet minimum department habitat criteria and standards.
 - d. Land must be open to public access and posted as open by the department and may include information identifying the community partner.
 - e. Land must be identified in the annual private land open to sportsmen guide.
 - f. Local communities may decide if the land is open to nonresidents during normally closed times.
2. The community shall offer additional incentive payments based on the community's negotiations with potential landowner cooperators to attract and influence additional interest and signups in areas selected by the community."

Renumber accordingly

2/4/05 2:50 pm left at LC =
bill + amend.

Date: 2/4/05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1189 Est. private land access,
appropriation + expiration

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do Pass as Amended + Referred to Appropriations

Motion Made By : ~~Porter~~ Charging Seconded By : DeKrey

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

Total (Yes) 11 No 1

Absent 2

Floor Assignment Porter

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

REPORT OF STANDING COMMITTEE

HB 1189: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Sixth order on the calendar.

Page 1, line 1, after "20.1-02-05" insert "and a new section to chapter 20.1-02"

Page 1, line 9, replace "matched equally" with "supplemented"

Page 1, after line 11, insert:

"SECTION 2. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Private land access program - Guidelines.

1. In the implementation of the private land access program provided for under section 1 of this Act, the department shall develop hunter-access partnerships with communities under the following guidelines:
 - a. Use current department hunter-access improvement programs, agreements, and payment rates.
 - b. Pay one hundred percent of the standard program payment.
 - c. Hunter-access tracts obtained through community partnerships must meet minimum department habitat criteria and standards.
 - d. Land must be open to public access and posted as open by the department and may include information identifying the community partner.
 - e. Land must be identified in the annual private land open to sportsmen guide.
 - f. Local communities may decide if the land is open to nonresidents during normally closed times.
2. The community shall offer additional incentive payments based on the community's negotiations with potential landowner cooperators to attract and influence additional interest and signups in areas selected by the community."

Renumber accordingly

2005 HOUSE APPROPRIATIONS

HB 1189

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1189
Private Land Access Program

House Appropriations Full Committee

☐ Conference Committee

Hearing Date February 9, 2005

Tape Number
1

Side A

Side B
X

Meter #
#24.3 - #49.0

Committee Clerk Signature



Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1189

Rep. Jon Nelson from the Natural Resources Committee introduced the bill by saying that there is \$1 million appropriation out of the Reserve fund in Game and Fish. This bill will allow communities to assist in the private land program that Game and Fish is implementing. What this bill intends is if a community or group has a project that fits into the scope of the Private Lands Initiative, that they can enhance what the Game and Fish now provides, as incentives to the program to enroll more lands in private lands. The point is to increase access to more sportsmen across the state. An example would be if Pheasants Forever would provide more funding for an additional plot and then they would have some ownership on how that plot was managed within the state laws guiding hunting. The \$1 million dollars is directly out of the reserve fund so they are asking for no more funding.

Rep. Ken Svedjan, Chairman summarizes by saying that there is a \$1 million appropriation in this bill that would come directly out of the reserve fund in Game and Fish and the status of this fund is sufficient to sustain this appropriation.

Rep. Jon Nelson answered that this is correct and the reserve fund is currently at approximately \$25 million. It will be drawn down to some degree but not enough to jeopardize the fund.

Rep. Mike Timm, Vice Chairman asked if this is in addition to the ongoing plot program that Game and Fish is doing right now.

Rep. Jon Nelson answered that this was correct. This would be another aspect of the Private Lands program but the appropriation would be an addition to the ongoing expenses in private lands.

Rep. Mike Timm, Vice Chairman asked if this would turn out to be a private type club who would hunt their own lands.

Rep. Jon Nelson answered no, that Game and Fish would not enter an agreement with any group that would not meet their basic criteria. The major provision in all private lands across the state is that it has to allow for public access.

Rep. Mike Timm, Vice Chairman asked for an explanation of the agreements between private groups and Game and Fish.

Rep. Jon Nelson answered that Game and Fish is striving for more public access to lands, not less so every agreement they make is with this intent. (meter Tape #1, side B, #30.0)

Rep. Ole Aarsvold noted lines 2-3 on page 2 where communities decide if lands are open to nonresidents during normally closed times and asked how this would be accomplished..

Rep. Jon Nelson answered that being able to provide for provisions on the use of the land is an incentive for groups to participate in this program and these provisions could be as simple as there is not a plot program in a particular part of the state and they just want one to be there but that they are not adding any provisions for the use of the land there.

Rep. Ole Aarsvold commented that the all encompassing language in the bill such as "normally closed times" could be construed as being outside the hunting season.

Rep. Jon Nelson answered that all of these provisions would follow within the guidelines of the state laws already in place.

Rep. Francis J. Wald asked how long these leases would last.

Rep. Jon Nelson answered that these would be short term leases. The best case scenario would be to provide diverse programs so more communities can find a fit for their community. Our hope is that this fund would continue to be drawn down for the sake of these programs.

Rep. Ken Svedjan, Chairman reminded the committee to look at the money in this bill, and assume that the committee has done a good job on this bill.

Rep. Earl Rennerfeldt asked if these were yearly leases and all of them would end by the sunset clause in the bill..

Rep. Jon Nelson answered that the expiration date was put on this because we have always given some funding mechanisms along with the programs we start, but this does not and we're going to see if the license fees work to support this first before we do any other programs this way.

Rep. Joe Kroeber asked if the dollar to dollar match had been changed and why. (meter Tape #1, side B, #35.9)

Rep. Jon Nelson answered that the department did not believe that the communities could match at the one to one level. And Game and Fish will still go through their deliberations regarding whether the project meets their requirements. The committee didn't want the communities to think that if they matched dollar for dollar they would get whatever they wanted regardless of it meeting the requirements of Game and Fish.

Rep. Ron Carlisle commented that HB1018, the budget bill for Game and Fish, will have the authority for this program in it. Our committee thinks this is a great program.

Rep. Francis J. Wald moved a Do Not Pass motion on HB1189. Motion failed for lack of a second.

Rep. Ron Carlisle moved a Do Pass motion on HB1189.

Rep. Joe Kroeber seconded.

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass motion for HB1189. Motion carried with a vote of 17 yeas, 3 nays, and 3 absences. Rep Porter will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1189.

Date: **February 9, 2005**
Roll Call Vote #: **1**

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1189

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken **DO PASS**

Motion Made By **Rep Carlisle**

Seconded By **Rep Kroeber**

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol		X
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	AB	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald		X	Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Guleson	AB		Rep. James Kerzman		X
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	AB				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes **17** No **3**

Absent **3**

Floor Assignment **Rep Porter (Human Services)**

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2005 4:03 p.m.

Module No: HR-26-2349
Carrier: Porter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1189, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **DO PASS** (17 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING).
Engrossed HB 1189 was placed on the Eleventh order on the calendar.

2005 SENATE NATURAL RESOURCES

HB 1189

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1189

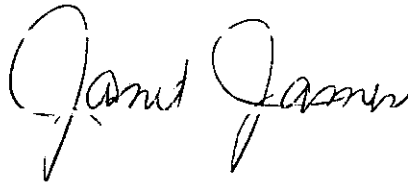
Senate Natural Resources Committee

☐ Conference Committee

Hearing Date March 3, 2005

Tape Number	Side A	Side B	Meter #
1		X	18.5 - 42.8
2		X	1.8 - 16.5

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1189 relating to establishing a private land access program: to provide an appropriation; and to provide an expiration date.

All members of the committee were present.

Curtis Blohm representing the North Dakota Outdoor Heritage Coalition in support of HB 1189 was distributed to the committee (see attached testimony).

Representative Todd Porter of District 34 prime sponsor of HB 1189 introduced the bill stating it created new program within the Private Lands Initiative. Last session the committee increased the fees for upland game and waterfowl licenses that was used to increase the number of private acres enrolled in the PLOTS program. There are areas in the state that do not have acreage in the PLOTS program and it would be nice if it was allowed for local groups like the Chamber of Commerce, wildlife groups, hotels to help underwrite the contracts. If the current incentives from

the North Dakota State Game and Fish Department is not enough for the landowner, the local community could subsidize the price. It needs to be a meaningful contribution to the contract offer and suggested of a mandate of a 25% match by the community organization. It was also changed in the House in Section 2 to further describe the program so that it is 100 % of the standard program so that the game and fish department did not have to create a new wheel and just get the local input. On Page 2, it gives the investing group the right to open or keep closed the first week of opening pheasant season for nonresident hunters on the contracted land. The community will have control over this land and can advertise to help promote their community. Finally the fiscal note has a \$1,000,000.00 appropriations and if the community is set at a matching 50%, there would be \$1,500,000.00. He further stated because this is a pilot program there is an expiration date in two years. It will then be looked at in two years and get the report from the biologists and find out that the program is working and if it is actively participated in.

Senator John Traynor asked if the program would include waterfowl hunting.

Representative Porter answered this`4 would include any program that is currently included in the PLOTS program including the waterfowl component.

Senator Traynor asked if this would provide access to lakes and ponds.

Representative Porter confirmed this.

Senator Michael Every asked how areas needing the PLOTS program would be decided and how can a community decide what should happen on land located 10 miles from a city.

Representative Porter stated the department would have the money available for a first come/first serve basis to whatever community wants to make a match. The department would be working all over the state working the private lands programs and would assist the communities

with the program. A different colored sign could be used to mark the lands that might have the first week opener for nonresident hunters.

Greg Link, (29.2) Assistant Chief of the Wildlife Division the North Dakota State Game and Fish Department testified in support of HB 1189 (See attached testimony).

Senator Lyson asked if there are PLOTS program throughout the state and how would communities become aware of the program.

Greg Link answered there are targeted areas and they let communities know of their programs and taylor the incentives according to the needs of the department.

Senator Ben Tollefson asked if it might be possible that a landowner could become so competitive that he might resist the PLOTS program unless it is subsidized by the community or that it might become a bidding war.

Greg Link stated it is not seen as a problem and maybe a bidding war will help the PLOTS program get into areas where they could not compete prior to the help of the community.

Senator Every asked if it was a dollar for dollar match.

Greg Link stated the bill started out that way but has been amended to a 25% minimum match.

Senator Every asked if two years was enough time to get anything accomplished.

Greg Link answered that there is a variety of programs and the most flexible short term two year working lands program would be used.

Mike Donahue, representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota testified in support of HB 1189 stating they support the concept, although there are details needed to be worked out.

Senator Lyson asked for testimony in opposition of HB 1189.

Harold Neameyer representing the Cass County Wildlife Club testified in opposition of HB 1189 (see attached testimony).

Senator Lyson closed the hearing on HB 1189.

Tape 1, Side B, 1.8 - 16.5

Senator Stanley Lyson opened the committee work on HB 1189.

All members of the committee were present.

Discussion was held that the members did like the concept of the bill and some felt there might be a problem with gray areas of the bill for implementation, administration and the time frame.

The committee felt Section F of the bill was too broad and might cause alot of rife between hunting groups. It could also put a large burden on these small communities.

Senator John Traynor stated that under the bill, a community that is involved with property that is next to a lake could elect to have the one week earlier opener, a dock facility could be open and therefore the entire lake would be accessible.

Senator Layton Freborg asked if North Dakota State Game and Fish Department bought access to so many acres, could a local community find additional acres of access instead of monetary match.

Senator Joel Heitkamp stated that is why this bill is not specific so a deal could be considered on a case by case basis.

Senator Freborg again stated he wanted to know if the community could match their share with a land or acreage match.

Senator Heitkamp answered that is what is presently happening with the PLOTS program

Page 5

Senate Natural Resources Committee

Bill/Resolution Number HB 1189

Hearing Date 3-305

The committee had further discussion as to the interpretation of the bill.

Senator Heitkamp made a motion fro an amendment to exempt Section F of HB 1189.

Senator Freborg second the motion.

Senator Ben Tollefson stated this bill might create a bidding contest.

Senator Heitkamp commented the bidding war would be with the outfitters.

Roll call vote #1 to adopt the amendment was taken indicating 4 YEAS, 3 NAYS AND 0

ABSENT OR NOT VOTING.

Senator Heitkamp made a motion for a Do Pass as Amended of HB 1189.

Senator Every second the motion.

Roll call vote #2 for a Do Pass as Amended of HB 1189 was taken indicating 7 YEAS, 0 NAYS

AND 0 ABSENT OR NOT VOTING.

Senator Heitkamp will carry HB 1189.

Note: HB 1189 was rereferred to Appropriations.

50353.0201
Title.0300

Adopted by the Natural Resources
Committee

March 3, 2005

JB
3-3-5

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1189

Page 2, remove lines 2 and 3

Renumber accordingly

Date: 3-3-15
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1189

Senate Senate Natural Resources

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Amend. to new strike Section F Line 2+3

Motion Made By Heitkamp Seconded By Freckling

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

Total (Yes) 4 No 3

Absent 0

Floor Assignment

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

Date: 3-3-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1189

Senate Senate Natural Resources

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as Amended & Referred

Motion Made By Heitkamp Seconded By Every

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

Total (Yes)

7

No

0

Absent

Floor Assignment

Heitkamp

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

REPORT OF STANDING COMMITTEE (410)
March 4, 2005 9:07 a.m.

Module No: SR-40-4146
Carrier: Heitkamp
Insert LC: 50353.0201 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1189, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS,
0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1189 was placed on the
Sixth order on the calendar.

Page 2, remove lines 2 and 3

Renumber accordingly

2005 SENATE APPROPRIATIONS

HB 1189

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1189

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 15, 2005

Tape Number	Side A	Side B	Meter #
1		b	1,254

Committee Clerk Signature



Minutes:

Vice Chairman Grindberg opened the hearing on HB 1189.

Representative Todd Porter, District 34, Mandan testified in support of HB 1189 indicating this comes to this committee after much discussion in the House and Senate Policies Committees.

We increased the amount of access in the state. The money spent from this bill goes right back to rural ND in form of access dollars. The purpose of this bill is to give local communities the opportunity gain more access around local communities.

Senator Grindberg asked if this aligns with the Game and Fish plot coverage. The response was that the Game and Fish supports this bill.

Senator Mathern asked how this gets dollars to local business. The response was that the local communities would gain access land near the community bringing the hunters and fisherman closer to the community to use community facilities.

Senator Thane asked if there was a particular area of the state that would most likely see this.

The response was the Southwest and Central part or anyplace where they have shortage to access.

Senator Fischer asked that subsection 2 be explained. The response was that a substantial amount still needed to come from the local community to put this together and they need to feel a part of the program.

Senator Fischer indicated that as of now it doesn't state an amount of participation. The response was that is correct, it could be \$1.00.

Senator Krauter asked how finite this is can one community approach an area away from their location to develop this. The response was not finite.

Senator Christmann asked if there is anything prohibiting a chamber approaching a farmer and paying extra to get the farmer to participate. The response no I don't think so.

Senator Christmann asked if the plots land is open only to hunting of other recreation activities. The response was he didn't know.

Senator Andrist asked how you get the small towns to buy into this and would the Game and Fish put the highest amount in the hottest spots. The response was he didn't think this would be the case.

Senator Andrist indicated he likes the concept of flexibility, would you think they may have to specify new policies. The response was they didn't want to develop new policies. Old programs are used and this would just be brought into one of those programs.

Senator Kilzer indicated this comes out like the outfitters are the losers and the community is the winner, why would you want to do this, why not have successful outfitters. The response was

we don't want anyone to be punished in this it allows local communities to participate in getting more access lands.

Senator Kilzer asked how many guides and outfitters are there and are they in state or out of state. The response was we don't have that number but Mr. Shadwell can supply that number.

Paul Shadwell, Chief Administrative Services Division, Game and Fish Department, testified in support of HB 1189. He indicated they welcomed any communities that which to identify public access sites. Some will participate, some won't then there would be money available for next biennium.

Senator Fischer asked how many landowners are involved. The response was over 500 and 775,000 acres.

Senator Mathern asked if we have enough hunters to harvest wildlife. The response was resident and nonresident increasing in recent years; for deer not enough hunters and for pheasant too many hunters.

Senator Tallackson asked what the balance in the fund for this is, and is there enough money to help with the Beaver problem. The response for the Beaver problem is that he felt Game & Fish should not be contributing more then the \$550,000 they are already contributing.

Senator Thane asked if the public access is general public access; if word is out that this is a hot area and who controls the hunters. The response was the landowner.

Senator Lindaas asked about the liability to the landowners. The response was there is always liability concerns, there is nothing that prevents people from suing but as far as a landowner lawsuit, we are not aware of any.

Senator Bowman indicated attitude of the Legislature has a lot bigger bearing on accessibility than anything. If rights are taken away, i.e. Closing schools, raising taxes, all has a bearing on accessibility to the hunter. We can go out after everything else and offer the framer \$1 an acre to have access to their land. It is almost a slap in the face to those people. A bill like this to make amends creates a merry go round of problems. The response was that Game and Fish is doing what they are charged to do and do the best they can.

Vice Chairman Grindberg closed the hearing.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1189

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 03/30/05

Tape Number

1

Side A

x

Side B

Meter #

2100-2514

Committee Clerk Signature



Minutes: **Chairman Holmberg** opened discussion of HB 1189.

A **DO NOT PASS** motion was made by Sen. Grindberg, seconded by Sen. Thane.

Sen. Grindberg: There is no partner from the community for this and I feel the Plots Programs is working well.

Sen. Krauter: I concur with Sen. Grindberg.

A roll call vote was taken, 14 yeas, 1 nay and 0 absent votes were recorded. Sen. Krauter will carry the bill.

Date 3/30/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~SB~~ HB 1189

Senate SENATE APPROPRIATIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do NOT Pass

Motion Made By

G

Seconded By

Thane

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	/		SENATOR KRAUTER	/	
VICE CHAIRMAN BOWMAN	/		SENATOR LINDAAS	/	
VICE CHAIRMAN GRINDBERG	/		SENATOR MATHERN	/	
SENATOR ANDRIST	/		SENATOR ROBINSON	/	
SENATOR CHRISTMANN	/		SEN. TALLACKSON	/	X
SENATOR FISCHER	/				
SENATOR KILZER	/				
SENATOR KRINGSTAD	/				
SENATOR SCHOBINGER	/				
SENATOR THANE	/				

Total (Yes)

14

No

1

Absent

0

Floor Assignment

Krauter

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

REPORT OF STANDING COMMITTEE (410)
March 30, 2005 3:34 p.m.

Module No: SR-58-6711
Carrier: Krauter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1189, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1189, as amended, was placed on the Fourteenth order on the calendar.

2005 HOUSE NATURAL RESOURCES

CONFERENCE COMMITTEE

HB 1189

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1189**

House Natural Resources Committee

☒ Conference Committee

Hearing Date **April 7, 2005**

Tape Number

1

Side A

x

Side B

Meter #

33-2129(End)

Committee Clerk Signature

Karen Bonnet

Minutes:

Chr. Todd Porter: We will open the conference committee on HB 1189. Clerk will call the roll: Sen. Traynor, Sen. Freborg, Sen. Every AND Rep. Porter, Rep. Nelson, Rep. Hanson

Sen. John Traynor: The Senate Natural Resources Committee amended the bill by deleting Lines 2 and 3 on Pg. 2 of the original bill, .0200. The language deleted says, "local communities may decide if land is open to non residents during normally closed times."

Chr. Porter: For the sake of discussion, as we were drafting this legislation on that particular part, we added Section 2 in the House. That was a substantial addition to the bill that wasn't on it when it first appeared when we introduced it. As I was drafting it, I envisioned allowing local communities to have a substantial input into the program in order for that subsection F to kick in. What I wanted to avoid was an end run around the existing PLOTS program by the community throwing a dollar in and saying that now we can open it for non resident hunting during normally closed times. I also felt that it was important that if the local communities had a substantial

financial input into the program, that they have the ability to do that. That was a key piece of it.

I would like to see that part back in the bill, 2 and 3, but I would also like to see the substantial contribution to the program so that it can't be an end run for \$1. In order for this program to be successful so that it outlives the expiration date, it needs to have a substantial local community involvement so that they can advertise that they have 5-6,000 acres and you can come hunt the first week of the season on these acres because we have an investment in this.

Sen. Michael Every: How do you see the jurisdiction of the local community? How does the city of Minnewaukan determine whether or not Brinsmade, Briggen (?) Township, and all those areas can be open to non residents?

Chr. Porter: Two things came up in the House hearing. First, Game & Fish said that it would be very easy to have the same design of a PLOT sign but in a different color that would mark these areas so that the city of Minnewaukan could tell their guests, "Here's the PLOTs map. These are the areas that are open; only go where the "blue" signs are." Game and Fish said it would not be a big deal to mark those areas. The other thing we were looking at during drafting of Section 2, was that if the local communities have a substantial investment into this program, they can decide whether or not they want that land open the first week. They would inform Game & Fish when they sign the contracts with the local landowner, whether to use the blue or the yellow signs. They could run it the same as the regular PLOTS if they didn't care about the first week. That decision would be made after the fact, with the local community or the wildlife club or whomever put the local match in to make that decision.

Sen. Traynor: In our committee, I voted to retain the language because I know in our community there is interest in doing this. Our Chamber of Commerce gets money from the

lodging and restaurant tax so they have ample funds available. I talked to the director today and he said they'd be interested in doing this to increase economic activity and to bring in non residents a week early and to have this land to hunt. I'm sure the communities of our size would be interested. If the hunters are in the area, they'll benefit, and (unintelligible) through the area.

Chr. Porter: One of the biggest issues we've heard over the years has been access issues. When you have guide and outfitting operations leasing up 40-50,000 acres in particular communities, unless the individuals, resident or non resident, coming to that community are signed in with an outfitter, they aren't coming there to hunt anymore. That's what's choking off downtown main street. This type of legislation could enhance what's going on with their main street. That's how it was formulated and why we thought that it would be a good alternative to the PLOTS programs for these communities.

Rep. Jon O. Nelson: I think another aspect, especially from the waterfowl standpoint in areas where Sen. Traynor, Every and myself live, is what Rep. Porter and I talked about last session when we were trying to develop the waterfowl rest area concept again. It's a program that worked quite well. It kept hunters away from water and attracted and retained the birds in an area. It would need a total buy-in for a waterfowl rest area to be identified. With that local community involvement, we would have the group (chamber, lions, clubs) find the spot that identifies an area and begin to cooperate and negotiate with the landowners around the lake to make this happen. I think the concept would work better with a community buy-in.

Sen. Every: I agree with what each of my colleagues from the Lake Region have said. But, I'm concerned about communities getting priced out of the market. Some communities can afford it and some can't. Is there going to be competition? I know from a small-town mayor's

perspective that our city council would not approve spending money for any type of program such as this. Obviously, the city couldn't do it. Perhaps Devils Lake or some of the larger communities could. Is it going to create competition among communities?

Chr. Porter: As in any other grant program, it always creates competition among communities. You have to keep in mind that it still takes the willing private landowner to make the first part of the program work. Two, the money doesn't necessarily have to be coming from a government agency. You could have a sportsmen's club, the local Pheasants Forever chapter, the Ducks Unlimited chapter, any nonprofit organization, dedicate their funds. You could have a raffle to increase access around Minnewaukan. I don't think the intent was ever to go to a county or city commissioner for the money. It was more for the Chamber of Commerce, hunting clubs, lodging tax, and the local community fundraising views to decide whether they want to do it. I don't see the restriction being the matching money, I see it in not having the private landowner that wants to sign his land up into a program.

Sen. Every: I don't think that the Devil's Lake Chamber or Forward Devil's Lake are 501(c)(3)'s, if you're talking (only) non-profits.

Chr. Porter: I don't think it's limited to non-profits.

Sen. Every: O.K. I think that's another avenue of where the funds could come from.

Rep. Nelson: Another positive aspect is that we've been slow to catch on to the PLOTS programs in the waterfowl areas. It's a tough program to administrate with waterfowl, more difficult than with upland game. I think some of the short term leases would come on board faster in this area. The million dollars in this bill could be utilized in waterfowl areas for public hunting. I think this would give us a step forward from a short term standpoint to address the

access problem for waterfowl. Sen. Traynor mentioned a situation in the Devil's Lake region that I think would be utilized here. There are gaming dollars in some of the small towns. We're talking a \$2-3 per acre lease in some areas. There are a number of ways to raise that money in areas that don't have taxing authority, such as gaming and raffles.

Sen. Traynor: You pointed out the expiration date, so it will only be effective for two hunting seasons, 2005 and 2006. Then the legislature could look at it again.

Chr. Porter: There were two reasons why we made it a two-year program. One is so that it could be a test. Also, after last session we wanted more flexibility given to the landowner. Shorter term leases were never promoted as a project. In this situation, this has to be promoted in the short term.

Sen. Every: What would you see for the farmland that's underwater? They are still paying taxes on it, so if anybody wants to buy or lease that land, will it qualify as PLOTS land if it's underwater?

Chr. Porter: Absolutely. It's included in Section 2. It falls in under the Hunter Access Improvement Programs. One of them from last session is a waterfowl resting area program that we put in place. That criteria is already established so if that is what that individual wants to give access to, that's exactly how it would work. (Sen. Hanson arrived - Porter described what has been talked about in this conference committee)

Sen. Layton Freborg: Amendments were offered in the Senate Natural Resources committee.

Chr. Porter: Senator, I didn't offer them as an amendment but I did bring them up in my testimony.

Sen. Freborg: They were not amendments?

Chr. Porter: No.

Sen. Freborg: Do you remember if we had amendments to add, and can someone produce those amendments?

Sen. Every: There were three separate amendments.

Chr. Porter: When I testified, I brought it up but I never offered it as a formal amendment to your committee.

Sen. Every: The reason I asked that, is that I think it's important. First of all, the majority of the committee put the senate amendments on. I don't know if there is a problem with that. That's why we're here to come to some conclusion.

Chr. Porter: If we did have those amendments, putting in the word "substantial," it seems to me we did, but if we did, we defeated those amendments. That isn't part of the difference between the House and the Senate. I don't care, except it makes it a little tough to take it back and get them to accept the amendments. I don't disagree with you that we should add some language speaking to a percentage or something. "Substantial" is great, but who is going to determining what substantial is?

Rep. Nelson: I would move that the Senate recede from their amendments and we would further amend the bill on Pg. 2, Line 3, after times " , if the local match meets 33 1/3 % of the total cost of the contract." We'd basically say 2 for 1, or \$2 for every local dollar as definition of substantial.

Chr. Porter: Is there a second?

Rep. Lyle Hanson: Second.

Chr. Porter: Is there discussion on the motion?

Sen. Freborg: What is the payment now?

Chr. Porter: It really varies depending on which program and individual. I would say somewhere less than \$5 per acre.

Sen. Freborg: Oh, less than \$5.

Chr. Porter: It depends on the terms. If someone enters into the long term 30-year agreement, it could be as much as a one time \$10-\$15,000 fee upfront for the trees and the food plots and the 30-year access.

Chr. Nelson: In the program I was referring to, the waterfowl rest area program, there is no payment. There is just an agreement by all the landowners around a body of water not to allow hunters on the water. What we've talked about as a pilot project to create a zone around a waterfowl area would be paid to the landowners. That would be an area where hunters could go. There would be some payment. Currently, there is no payment in that program.

Sen. Traynor: I have a question on that. As I understand it, you would add on Line 3, if the local match is 33% of the contract?

Chr. Porter: 33 1/3% of the total cost of the contract.

Sen. Traynor: What if the landowner said, "You offered me \$10 an acre. I like the program. I'll contribute \$5 and it'll cost you \$5. "What's the price of the contract, \$5 or \$10?

Chr. Porter: Senator, I would look at it as \$5 because it's not the local match, it's the landowner's making the adjustment.

Sen. Traynor: That was pointed out to me by a fellow from Devil's Lake. He said there were landowners willing to do that.

Chr. Porter: That was brought up. That would be on the landowner's side, not on the local match side so it wouldn't affect the contract.

Rep. Nelson: I would think that the landowner could probably structure that contract any way they want. If they wanted the \$10 to be the cost, then they may donate that money back to the local entity that would be a partner. They would qualify under that.

Chr. Porter: Further discussion?

Sen. Freborg: Question.

Chr. Porter: I'll ask the clerk to call the roll on the motion:

6-Ayes; 0-Nays; 0-Absent; House Carrier: Porter; Senate Carrier: Traynor

Adjourned.

VR
4/7/05

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1189

That the Senate recede from its amendments as printed on page 1526 of the House Journal and page 711 of the Senate Journal and that Engrossed House Bill No. 1189 be amended as follows:

Page 2, line 2, replace "Local" with "If the local match meets one-third of the total cost of the contract, local"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

4/7/05
3:55 pm
delivered bill
& amend to be
4/8

Bill Number) *HB 1189*

(, as (re)engrossed):

Your Conference Committee

NAT RES

VOTE
Y I N

Present

For the Senate:

✓ *Sen. Thayer*
✓ *Sen. Harbo*
✓ *Sen. Every*

Present

For the House:

✓ *Rep. Porter*
✓ *Rep. Nelson*
✓ *Rep. Hanson*

VOTE

Y I N

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

the (Senate/House) amendments on (S/J/HJ) page(s) 1526 - 711

☐ and place
727

on the Seventh order.

☒ adopt (further) amendments as follows, and place

HB 1189 on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged and a new committee be appointed. 690/515

((Re)Engrossed) *1189* was placed on the Seventh order of business on the calendar.

DATE: 4/7/05

CARRIER: *Rep Porter*

LC NO. *50353* . 0202 of amendment
0400

LC NO. . _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

HB 1189, as engrossed: Your conference committee (Sens. Traynor, Freborg, Every and Reps. Porter, Nelson, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1526, adopt amendments as follows, and place HB 1189 on the Seventh order:

That the Senate recede from its amendments as printed on page 1526 of the House Journal and page 711 of the Senate Journal and that Engrossed House Bill No. 1189 be amended as follows:

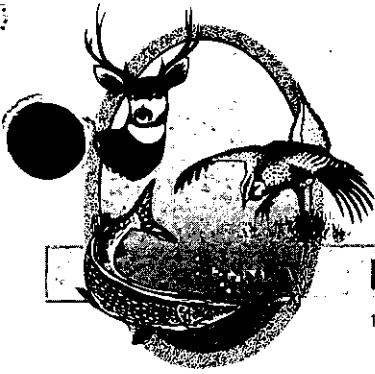
Page 2, line 2, replace "Local" with "If the local match meets one-third of the total cost of the contract, local"

Renumber accordingly

Engrossed HB 1189 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

HB 1189



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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

TESTIMONY RELATED TO HB1189: COMMUNITY-MATCHED PRIVATE LAND ACCESS PROGRAM

House Natural Resource Committee

January 14, 2005

Because of multiple of factors (e.g., fee hunting, guide and outfitting, land purchases for exclusive hunting, high wildlife populations, and increased interest by both resident and non-resident hunters), access to private land in North Dakota has decreased over the last decade (Winkleman survey 2003). The issue has demanded much attention and, consequently, has received significant focus by the governor, the legislature, and the Game and Fish Department.

Providing public access to private land for hunting has become a major priority for the Game and Fish Department and we've invested extensive time, energy, and dollars to address this issue. With increased appropriations of funding and manpower, the Department has embarked on a rigorous campaign, using a diverse set of programs, to secure and sustain one million acres of public access on private property within the next three years. We currently have over 750,000 acres enrolled in PLOTS (Private Land Open To Sportsmen).

We believe there are many positive aspects to a community-matched private land access program and support the concept for the following reasons:

- As more communities make the attraction of nature-based tourism a goal for their area, ensuring a reasonable private land access base is in their best interest. We

welcome the opportunity to work directly with communities in providing public access for hunting.

- Inaccessibility to wildlife resources in an area can frustrate and deter the average hunter, thus affecting associated revenues for local businesses. Inversely, reasonable public access to private land for hunting is an asset and marketing tool for communities to entice hunters to their area.
- A public access program developed with local input, cooperation, and funding provides ownership and pride for the community and serves as a "welcome mat" for hunters coming into the area.
- Communities know and have long-standing relationships with their area landowners while the Department has expertise in assessing landscapes features and habitats for quality hunting and implementing public access programs. By coupling these qualities and pooling resources in a cooperative venture, both parties can benefit in the delivery of an effective and cost-effective program.
- A broad array of programs is necessary to work into the unique operations of individual landowners. Adding a locally-endorsed feature to the diverse menu already provided by the Department will be beneficial to landowners, as well as hunters.

Because we believe this bill to establish a community-matched private land access program would compliment our existing program and would benefit hunters, landowners, and communities, the Department supports a **DO PASS** on HB1189.

North Dakota Wildlife Federation

Abundant wildlife and wildlife habitat, and access to wildlife recreational opportunities

By: Mike Donahue



1/14/2005

HB1189

To: House Natural Resources Committee

The United Sportsmen of North Dakota and the North Dakota Wildlife Federation support HB1189 and ask for a do pass.

We approve of the intent to provide additional hunting access by using cooperative funding between local entities and matching funds by the State.

While we assume there are a number of issues to be worked out, such as prices per acre, life of the lease, suitability of the land offered, etc., we applaud the intent.

Thank you,
Mike Donahue
Lobbyist #275



PO Box 1091 • Bismarck, North Dakota 58502 • E-mail: ndwf@ndwf.org • Fax: 701-223-4645
Office Manager: 701-222-2557 • 1-888-827-2557 • Web: www.ndwf.org

January 14, 2005

RE: HB1189

Presenter: Kyle Blanchfield representing the Devils Lake Chamber of Commerce Chairman Nelson, and members of the House Natural Resources Committee. Thank you for the opportunity to present our views to you today. The Devils Lake Chamber of Commerce is here today to express our support of HB1189 with a suggested change in the way the matching funds are decided. We would suggest the costs be an 80 \ 20 split with The Game and Fish Department.

(80% percent Game and Fish and 20% local matching funds. Example: a lease is signed for a cost of \$5,000. The Game and Fish would provide \$4,000 and a local match of \$1,000 would be needed for the transaction to be completed.)

This would be consistent with the way boat ramps and other joint projects are completed. We would also like to suggest that after the lease has been negotiated with the landowner that the landowner be given the opportunity to give up 20% of the negotiated lease dollars and this would then be the 20% local match.

We feel the 50 \ 50 method would be too costly for most communities and thus the program would not see the complete results that are intended. This is great out of the box thinking and hopefully will provide many more public access acres for all types of hunting opportunities. We wish to thank the bill sponsors for being progressive in their thought process on this difficult issue. Thank you for your time today.

House Bill No. 1189

Reference: Establishes a new private land hunting access program
with local match required.

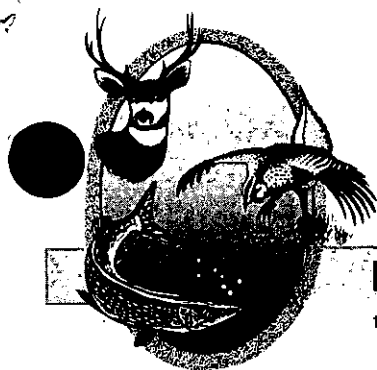
Senate Natural Resources Committee

Hearing Date: March 3, 2005

Good Morning, Mr. Chairman and Committee members. My name is Curtis Blohm. I appear before you today representing the North Dakota Outdoor Heritage Coalition. This coalition was founded out of the need for representation before the legislative committee by North Dakota citizens concerned for the preservation of our unique outdoor recreational heritage.

The NDOHC strongly supports passage of HB1189. We feel this legislation will give communities the opportunity to participate directly in attracting hunter tourism. The bill will give stimulus to those communities to take a fiscal initiative for self development in the tourism industry. NDOHC would like to see not only a local dollar investment in the PLOTS, but also an investment by other ND businesses outside the local trade area that benefit from hunter expenditures. Sportsmen have always been contributors to PLOTS through license fees. Urban and rural businesses have not previously had an opportunity to participate in funding of the PLOTS program which would now be made available by HB1189. NDOHC would also advocate that an in-kind match of acres also qualify for this program. Many community-minded farmers might gladly volunteer a piece of ground as an in-kind match to Game & Fish acres to attract tourism to the community making this program a win-win situation.

Thank You.



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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TESTIMONY RELATED TO HB1189: COMMUNITY-ENHANCED PRIVATE LAND ACCESS PROGRAM

Senate Natural Resource Committee

March 3, 2005

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- A broad array of programs is necessary to work into the unique operations of individual landowners. Adding a locally-endorsed feature to the diverse menu already provided by the Department will be beneficial to landowners, as well as hunters.

Because we believe this bill to establish a community-enhanced private land access program would compliment our existing program and would benefit hunters, landowners, and communities, the Department supports a **DO PASS** on HB1189.

Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE
ON

HB 1189

March 3, 2005

Mr. Chairman and Members of the Committee:



The CCWC supports the concept of this bill that gets communities involved in gaining more hunting access in their areas on private lands. However, the Club is opposed to Item F of Section 2 which allows communities to decide if land is open during closed times. This would create confusion and inconsistency in administration. It creates conflict with Game & Fish policy created last legislative session.

Please oppose.



Fifty-ninth
Legislative Assembly

1

e. Land must be identified in the annual private land open to sportsmen guide.

2

f. Local communities may decide if the land is open to nonresidents during

3

normally closed times, *if the local market meets*
33% of the total
the cost of

4

2. The community shall offer additional incentive payments based on the community's

5

negotiations with potential landowner cooperators to attract and influence

6

additional interest and signups in areas selected by the community.

7

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the game

8

and fish fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so

9

much of the sum as may be necessary, to the game and fish department for the purpose of

10

entering leases with private landowners to provide access for hunting purposes, for the

11

biennium beginning July 1, 2005, and ending June 30, 2007.

12

SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2007, and

13

after that date is ineffective.

OK