

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2294

2005 SENATE NATURAL RESOURCES

SB 2294

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2294

Senate Natural Resources Committee

Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
1	X		25.0 -52.4
		X	0.0 - 2.0
Committee Clerk Signature <i>Janet Jarner</i>			

Minutes:

Senator Stanley Lyson Chairman of the Senate Natural Resources Committee opened the hearing on SB 2294 relating to license fee for nonresident wholesale bait vendor licenses and regulation and licensing of wholesale bait vendors.

All members of the committee were present.

Senator Joel Heitkamp of District 26, cosponsor of SB 2294 introduced the bill stating as he calls it the "minnow bill". This bill is the product of a number of outdoorsmen from his area, who got together and saw a vendor who was coming into North Dakota and taking an estimated \$7500.00 worth of bait a week. There is presently no method of tracking, controlling or licensing to know what is going on. There are no tools for the North Dakota State Game and Fish Department they need to keep an eye on this problem. Tracking this harvesting would be done by tagging the traps. The other process needed is for the nonresident vendor to be treated the same as we are in their state. A nonresident license to sale live bait is increased to \$500.00 and

the resident license to \$50.00. Under that license fee the vendor will be given 10 tags to mark their traps with additional tags at \$5.00 each. With the Class B license the bill as written did not include the ability to export the live bait, therefore the amendments proposed would correct that error. SB 2294, if enacted properly, would encourage a vendor to hang out a shingle in North Dakota.

Representative John Wall, of District 25 cosponsor of SB 2294 testified in support of the bill stating it's passage would have a positive effect on one area of law enforcement in southeastern North Dakota. The problem is the unscrupulous trapping conducted by vendors who trap in waters that contain game fish which is off limits. Game wardens find traps in restricted waters and can not do anything under the present laws. Through the tagged traps, the warden could take action against those who are violating the law. The bill establishes a new class of license, increases the price of the licenses and sets the price of each trap tag.

Terry Steinwand, (34.6) Chief of the Fisheries Division of North Dakota State Game and Fish Department testified in support of SB 2294 (See attached testimony). He further stated that overall income in North Dakota ranges from \$4 to \$8 million per year from the bait industry and the nonresident export range from \$400,000 to \$775,000 per year.

Senator Lyson asked if the same problem is happening in the northwestern part of the state.

Terry Steinwand stated this not necessarily so as there are not the number of pot holes that are productive for minnows.

Senator John Traynor inquired if there is a danger that these nonresident traps could introduce an aquatic nuisance into the state.

Terry Steinwand answered that is an absolute possibility and is a real concern. SB 2294 will be another vehicle to help prevent movement of these aquatic diseases.

Senator Rich Wardner asked what the differences were between the two classes of licenses and if there is any compensation from those who take the bait out of state.

Terry Steinwand explained the Class A license is exactly the same except for the increase in fee. The Class B would only allow import and export of bait with no trapping allowed. To answer the second question basically if the trapper is caught he pays and if not they get it free.

Senator Layton Freborg asked if a resident is allowed to trap for his own use.

Terry Steinwand answered that with a fishing license, a fisherman may trap bait for their own use and would not need to tag their traps.

Duaine Ash 40.7) representing the North Dakota Sportfishing Congress testified in support of SB 2294 (See attached testimony).

Chuck House a resident and landowner in Richland County testified in support of SB 2294 giving stories of commercial minnow trappers. SB 2294 will create a check and balance system and thinks the North Dakota State Game and Fish Department should ask for even higher fees. He presented letters of support of SB 2294 from Gary Gabbert, President of the Richland County Wildlife Club and Louie Gaukler, Secretary-Treasurer of the Southeast Area Sportsmen (See attached).

Don Dathe a resident of Sargent County testified in support of SB 2294 reported of his problems with a trapper crossing his property and not receiving any compensation for damages because this trapper is very evasive.

Tape 1, Side B, 0.0 - 2.0

Page 4
Senate Natural Resources Committee
Bill/Resolution Number SB 2294
Hearing Date 1-27-05

Discussion was held about the laws to stake for hunting or fishing proposes on private land.

Written testimony in support of SB 2294 from **Curtis Blohm** representing the North Dakota Outdoor Heritage Coalition (See attached) was distributed to the committee.

Senator Lyson asked for opposing testimony of SB 2294 and hearing non closed the hearing on SB 2294.

Senator Wardner made a motion for adoption of Amendment 50672.0101.

Senator Every second the motion.

Roll call vote # 1 was taken by voice vote indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Wardner made a motion for a Do Pass as Amended of SB 2294.

Senator Every second the motion.

Roll call vote #2 for a Do Pass as Amended of SB 2294 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Heitkamp carry SB 2294.

FISCAL NOTE
 Requested by Legislative Council
 03/08/2005

Amendment to: Engrossed
 SB 2294

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				\$4,600		\$4,600
Expenditures						
Appropriations						

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 increases the fee for resident wholesale bait licenses from \$30 to \$50. It establishes Class A and Class B nonresident wholesale bait vender licenses. The Class A license allows the nonresident to trap bait in North Dakota. The Class B license allows importation of bait but does not allow trapping of bait in North Dakota. A tagging system for the equipment used by Class A license holders is also established.

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.*

It is estimated that seven nonresident Class A wholesale bait vender licenses and four Class B licenses will be issued annually. About thirty resident wholesale bait licenses are issued annually. The revenue increase from the changes in this bill is estimated to be \$2,300 per year.

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.*

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.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	03/09/2005

FISCAL NOTE
Requested by Legislative Council
01/31/2005

Amendment to: SB 2294

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				\$4,600		\$4,600
Expenditures						
Appropriations						

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 increases the fee for resident wholesale bait licenses from \$30 to \$50. It establishes Class A and Class B nonresident wholesale bait vender licenses. The Class A license allows the nonresident to trap bait in North Dakota. The Class B license allows importation of bait but does not allow trapping of bait in North Dakota. A tagging system for the equipment used by Class A license holders is also established.

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.*

It is estimated that seven nonresident Class A wholesale bait vender licenses and four Class B licenses will be issued annually. About thirty resident wholesale bait licenses are issued annually. The revenue increase from the changes in this bill is estimated to be \$2,300 per year.

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.*

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.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	02/01/2005

FISCAL NOTE
Requested by Legislative Council
01/18/2005

Bill/Resolution No.: SB 2294

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				\$4,600		\$4,600
Expenditures						
Appropriations						

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 increases the fee for resident wholesale bait licenses from \$30 to \$50. It establishes Class A and Class B nonresident wholesale bait vender licenses. The Class A license allows the nonresident to trap bait in North Dakota. The Class B license allows importation of bait but does not allow trapping of bait in North Dakota. A tagging system for the equipment used by Class A license holders is also established.

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.*

It is estimated that seven nonresident Class A wholesale bait vender licenses and four Class B licenses will be issued annually. About thirty resident wholesale bait licenses are issued annually. The revenue increase from the changes in this bill is estimated to be \$2,300 per year.

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.*

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.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/19/2005

50672.0101
Title.

Prepared by the Legislative Council staff for
Senator Heitkamp
January 25, 2005

PROPOSED AMENDMENTS TO SENATE BILL NO. 2294

Page 2, line 10, after "import" insert "or export"

Page 2, line 12, remove "or export"

Renumber accordingly

Date: 1-27-05
 Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2294

Senate Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amend. 50672.0.101

Motion Made By Wardner 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					

VOICE VOTE

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date:
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2294

Senate Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By _____ Seconded By _____

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 0

Floor Assignment Sen Heitkamp

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

REPORT OF STANDING COMMITTEE

SB 2294: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2294 was placed on the Sixth order on the calendar.

Page 2, line 10, after "import" insert "or export"

Page 2, line 12, remove "or export"

Renumber accordingly

2005 HOUSE NATURAL RESOURCES

SB 2294

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2294**

House Natural Resources Committee

Conference Committee

Hearing Date **February 25, 2005**

Tape Number	Side A	Side B	Meter #
1		x	51-1228
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

Chr. Nelson: I will open the hearing on SB 2294 and ask the clerk to call the roll. All members present. Bill was read aloud.

Rep. John Wall, Dist. 25: The passage of this bill will have a positive effect on law enforcement in much of southeastern ND, and in my district. The problem is that currently, we have a few out-of-state bait vendors who harvest large numbers of minnows to export to other states. In itself, it's not a problem. The primary problem is unscrupulous trapping by even fewer bait vendors on both private and public property. Waters containing game fish are off limits for trapping. However, the game warden in our district occasionally finds traps in restricted waters. He now confiscates the traps but can take no action against the minnow trapper because the warden does not know who owns the traps. For obvious reasons, the trapper does not come forth to claim the traps. This bill would identify the trap or traps' owners through a required tag which would be attached to each trap. This bill would require that identity tags be attached to all traps.

When the investigating officer locates a tagged trap in restricted waters, that being public waters with game fish, or private property where they did not have permission to trap, the game warden could then confiscate the bait trapping equipment and bring action against the trapper who violated the law. This bill, under Section 2, also establishes a new trapping category, that being a Class A license, and raises the cost of the license at all levels to help defray the cost of the tags. I believe passage of this bill will stop the wanton disregard for current law, which regulates bait vendors. I urge your support of SB 2294.

Chr. Nelson: Any questions for Rep. Wall? Seeing none, thank you for your testimony.

Sen. Heitkamp: In the SE corner of the state, we have a vendor coming in from Minnesota. He goes anywhere he wants to, driving over wheat fields, doing pretty much anything he wants to do, setting stakes in ground without even asking anybody. Everybody knows the waters are public, but the land next to it isn't. Our game warden, who does a very good job, has no tools in place to let him go after this guy. That's what this bill does. It sets up a process so that traps will be tagged. If you go to Walmart or KMart and buy a little minnow trap this bill doesn't affect you. This affects *commercial* trapping. The biggest thing is to get that tag on the trap. The gentleman that I'm referencing is pulling, by Game & Fish's estimate, *\$7,500 worth of minnows a week* out of ND waters. The least he could do is hang out a shingle in ND. We're not trying to build walls here, but we're certainly trying to make sure that we can enforce what's going on. I've heard from farmers down there who have had wheat and soybean fields driven over. It's a situation where they're (bait trappers) doing as they please. This bill fixes that. I hope you can give it your favorable consideration. It comes to you at the request of those three different

sportsmen's groups, the Sargent County Wildlife Club, the Richland County Wildlife Club, and the Red River Valley Sportsmen's Club. Rep. Wall represents many of those groups, too.

Chr. Nelson: Isn't driving over crops a trespass violation?

Heitkamp: Yes, but they can't catch them. They set the traps, but if you don't catch them with a trap (you can't prosecute). Often, when you get to the trap, it isn't tagged. The game warden knows what's going on. He asks the guy if it's his trap and the man denies it. (With this bill), it will be his trap, or else they're all gone.

Chr. Nelson: Further questions for Sen. Heitkamp?

Rep. Charging: We heard HB 1137 regarding wholesale and retail bait licenses. I wonder whether these bills can be tied together.

Heitkamp: I think that bill has already moved it's way to the Senate. That was a separate issue.

Chr. Nelson: Further questions of Sen. Heitkamp? Seeing none, thank you. Is there further testimony in support of SB 2294?

Terry Steinwand, Chief of Fisheries, ND Game & Fish: Rep. Wall and Sen. Heitkamp did an excellent job of bringing this forward. **(Written testimony attached)** Let me clarify "substantial." In 1995, we had four non-resident wholesale bait vendors. In 2004, we had 11. Just last week I received three additional applications from South Dakota for non-resident wholesale bait vendor licenses which we are in the process of reviewing.

Chr. Nelson: Are there questions of Mr. Steinwand?

Rep. Porter: A ND resident in this business cannot be licensed or permitted to (trap) in Minnesota the same as he can here?

Steinwand: That is correct. Even residents of Minnesota that Sen. Heitkamp referenced, can only legally keep the minnows he catches and transports from ND for 24 hours. He cannot sell them for bait in Minnesota, and cannot use them to feed a private fish hatchery, i.e., walleye raising. A North Dakotan cannot even *sell* minnows in Minnesota, even if they're brought from ND.

Porter: What would he be doing with them? Does he get rid of them that fast?

Steinwand: That's speculation on our part, but they say they're moving them out. There is quite a business in Illinois, Wisconsin and further southeast in the U.S. where they allegedly take these minnows. We don't quite believe that is absolutely occurring but we can't prove it.

Chr. Nelson: Further questions for Mr. Steinwand?

Rep. Nottestad: I'm not sure this is even possible, but the way the bill is written now, wouldn't it have been prudent to put an emergency clause in this bill so it could take effect during the next fishing season? As it is now, it would be August 1.

Steinwand: We considered that, but since these licenses are issued on a calendar-year basis, if passed, this probably wouldn't go into effect until January 1, 2006 anyway. It makes our job a little tougher, but we're keeping track of (them/him) and putting a little pressure on. They are getting better but we'd still like to see them leave something in ND rather than just tire tracks.

Nottestad: Reference was made by Sen. Heitkamp about the trespassing on private property. I realize that there are provisions in the law for this. Has there been any attempt to prosecute this individual for trespass, or do the owners welcome him into their private water ponds?

Steinwand: I wouldn't say the landowners welcome him. I think Sen. Heitkamp did a very good of explaining that you have to capture them first and actually see them driving across the

land. From the landowner reports in the southeast part of the state, when they do catch him, he'll then offer them some money to allow him to trespass across their land to access those waters.

Unfortunately, our game wardens aren't sitting there on a 24-hour basis.

Chr. Nelson: Further questions? Seeing none, thanks, Terry, for your testimony. Is there further support for SB 2294?

Duaine Ash, ND Sportfishing Congress: (Written testimony attached)

Chr. Nelson: Are there questions of Mr. Ash? Seeing none, thank you for your testimony. Is there further support for SB 2294? Seeing none, is there any opposition? Seeing none, I will close the hearing on SB 2294.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2294

House Natural Resources Committee

Conference Committee

Hearing Date March 3, 2005

Tape Number	Side A	Side B	Meter #
2	x		440-990
Committee Clerk Signature <i>Loren Bonnet</i>			

Minutes:

Chr. Nelson: Let's take up HB 2294. Rep. Porter has an amendment to propose.

Rep. Porter: I worked with the bill sponsor and the Game & Fish Dept. on this amendment.

One of the things that the bill sponsors was keenly interested in was not having enough season go by where this could happen. By placing the emergency clause on this particular measure and then allowing the (Game & Fish) Department to issue prorated licenses in 2005, would help cover that so that this section of law would go into place right away. The other thing, on Pg. 1, Line 16, in dealing with a Class A nonresident license, it came to our attention that our surrounding states do not allow a nonresident to hold this type of license in their state. It creates an unfair, competitive advantage to individuals in ND that are doing this for a business. So we inserted the same language as we used in the code before in regards to spear fishing that had, "a nonresident may hold this license if their resident state allows the same reciprocity back to a resident of ND." Basically, what we're saying is that if we're good enough to allow you to come

and operate this Class A license, then you should be good enough to allow our residents in the same business to come in and do the same thing. With that, Mr. Chairman, **I would move the amendment.** (Proposed amendment attached.)

Rep. Nottestad: Second.

Chr. Nelson: Motion for the proposed amendment has been moved by Rep. Porter and seconded by Rep. Nottestad. Is there committee discussion?

Porter: I did discuss the language with the bill sponsor and they were fine with it being inserted.

Chr. Nelson: The question has come up, Rep. Porter, although the situation where this bill came to us from was a situation where a nonresident was coming into ND and taking bait out of the state, in past history there has been a number of times in dryer conditions where we have actually gone into other states and needed that bait to continue the sport fishery business industry that we have in this state. Would the change on Line 16 compromise that ability in the state if we don't have that reciprocity?

Porter: Mr. Steinwand was involved in drafting this amendment to make sure that it would not. That's why it is specific to the Class A license and no other license. Game and Fish said this amendment would work for those problems.

Chr. Nelson: Any further questions or comments on the proposed amendment?

Rep. Charging: Would you define a Class A license?

Chr. Nelson: A Class A license, on Line 15, is a \$500 commercial license.

Rep. Charging: (Unintelligible)

Chr. Nelson: That was the problem. There was no tags on the traps and they had no way to identify the individual who was doing the trapping.

Rep. Charging: There will be a penalty for non licensure?

Chr. Nelson: What as the infraction?

Rep. Norland: Can't they take the traps now and they couldn't take it before because it was an untagged trap. Now they can take the trap.

Rep. Charging: Is it possible to pursue legal activity?

Chr. Nelson: Paul (Schadewald), what is it? Is it an infraction?

Paul Schadewald, NDG& F: It's a Class B misdemeanor.

Chr. Nelson: It is a misdemeanor. O.K. Is there further questions on the proposed amendment?

Seeing none, I'll call for a voice vote on the amendments. All those in favor of the amendments signify by saying aye. Opposed, same sign. Motion carried. (Unanimous) What's the committee's wishes?

Rep. DeKrey: Move Do Pass as Amended.

Rep. Kelsh: Second.

Chr. Nelson: Motion by Rep. DeKrey and second by Kelsh. Discussion? Seeing none, call the roll.

Do Pass as Amended Vote:

13-Yeas; 0-Nays; 1-Absent; CARRIER: Porter

By: Rep. Todd Porter
3/3/05

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2294

Page 1, line 5, after "vendors" insert "; and to declare an emergency"

Page 1, line 16, after "dollars" insert ". A nonresident may hold a class A license under this section if the nonresident's state of residence provides the same privilege for residents of North Dakota."

Page 2, after line 19, insert:

"SECTION 4.

The department may issue a prorated license for 2005.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

3/3/05
4:55 Amend bill
to LC
3/4/05

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

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2294

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number : 50672.0201 Title .0300

Action Taken : Do Pass as Amended

Motion Made By : DeKrey Seconded By : Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	✓		Rep. Bob Hunskor	✓	
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh	✓	
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	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Porter

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

REPORT OF STANDING COMMITTEE

SB 2294, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2294 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 5, after "vendors" insert "; to provide for transition; and to declare an emergency"

Page 2, line 19, after the underscored period insert "A nonresident may hold a class A license under this section if the nonresident's state of residence provides the same privilege for residents of North Dakota."

SECTION 4. TRANSITION. The department may issue a license under this Act for the remainder of 2005 at a prorated fee.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2005 SENATE NATURAL RESOURCES

CONFERENCE COMMITTEE

SB 2294

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2294

Senate Natural Resources Committee

Conference Committee

Hearing Date March 29, 2005

Tape Number	Side A	Side B	Meter #
1	X		7.4 - 12.8
Committee Clerk Signature <i>Jamit James</i>			

Minutes:

Senator Ben Tollefson, Chairman of the Conference Committee opened the meeting on SB 2294 relating to license fee for nonresident wholesale bait vendor licenses and the regulation and licensing of wholesale bait vendors.

Senators Tollefson, Rich Wardner, and Joel Heitkamp and **Representatives Darrell Nottestad, Dennis Johnson** and **Scot Kelsh** were all present.

Senator Tollefson asked the prime sponsor of SB 2294 to relate his views regarding the bill.

Senator Heitkamp relayed to the committee the intent of SB 2294 was to make some type of criteria on non resident bait harvesters. This was new territory and the House made it even more strict and more reciprocal to Minnesota's law. The reason to bring the bill to a conference committee was that in visiting with the North Dakota State Game and Fish Department there is some concern the amended bill might cause problems bringing bait into the state. There is also the concern if this would legally stand. He has asked the North Dakota State Game and Fish

Department to present their view to the committee and wanted the department to be on record to avoid possible problems in the future.

Terry Steinwand, Chief of Fisheries Division of North Dakota State Game and Fish Department stated the department did not negotiate the reciprocate amendment adopted by the House committee. They did recommend the Class B licenses which are for import and export only - with no traffic involved for nonresidents not including the reciprocity. They think this may in fact impact the bait industry in North Dakota and the ability for anglers for procure bait at a reasonable price. Of course the amendments went through that way and the department was in complete agreement at the time. Within a week, messages came into the department from a non resident bait vendor and a number of resident retail bait vendors, saying that there is a bait shortage and this will ruin the industry. The department then asked Senator Heitkamp for time to research if there is a bait shortage and ascertain if there will be an impact. There is a bait shortage at this time, but feeling there will not be an impact, the committee should continue with the bill as amended. He presented to the committee, a report of exports verses imports by nonresident and residents (see attached). In summary, he suggested the committee accept the amendment as written and is completely workable and might create more business for North Dakota.

Representative Nottestad asked if in adding the emergency clause, will the department be able to work on this issue this summer.

Terry Steinwand confirmed that the department will be able to work on this issue this summer and in fact have started already. He admitted it will be a crunch, but are already working on it.

Senator Heitkamp made a motion for the Senate to accede to the House amendments on SB 2256.

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Senate Natural Resources Committee

Bill/Resolution Number SB 2294

Hearing Date 3-29-05

Senator Wardner second the motion.

Roll call vote of SB 2294 was taken indicating 6 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Tollefson will carry SB 2294.

Date: 3-29-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2294

Senate _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate accedes to House amendments

Motion Made By Hulth Seconded By Ward

Senators	Yes	No	Senators Rep	Yes	No
Tollefson	✓		Nottestad	✓	
Wardner	✓		Johnson	✓	
Heitkamp	✓		Kelsh	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Tollefson

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

Insert LC: .

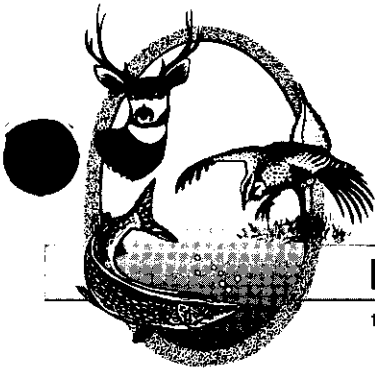
REPORT OF CONFERENCE COMMITTEE

SB 2294, as engrossed: Your conference committee (Sens. Tollefson, Wardner, Heitkamp and Reps. Nottestad, D. Johnson, S. Kelsh) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 787-788 and place SB 2294 on the Seventh order.

Engrossed SB 2294 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

SB 2294



"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

NORTH DAKOTA GAME AND FISH DEPARTMENT SUPPORTS SB 2294

TESTIMONY FOR SB 2294

January 27, 2005

Over the past eight years, there has been a substantial increase in non-resident wholesale bait vendors in North Dakota. This increase was due in large part to winterkill in western Minnesota ponds and the fact that the eastern portion of North Dakota experienced the filling of numerous small lakes where minnow populations have flourished.

The value of bait in the upper Midwest and current fees have made North Dakota an attractive destination for non-resident bait wholesalers and trappers. Current laws allow bait vendors, resident and non-resident alike, to trap state waters except those lakes specifically managed for a recreational fishery. This privilege for non-residents is not afforded in either Minnesota or South Dakota.

In summary, the passage of SB 2294 would increase fees for wholesale bait vendors and provide the ability to more closely monitor those trapping minnows by requiring the attachment of identification tags to each trap.

Mr. Chairman and members of the Committee, I request your favorable consideration of SB 2294.

**TESTIMONY OF DUAINE ASH, LOBBYIST #383,
NORTH DAKOTA SPORTFISHING CONGRESS
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE**

ON

SB 2294
January 26, 2005

Mr. Chairman and member of the committee:

We concur with the ND Game & Fish, we feel this bill would be a useful tool to monitor the taking of bait from the state waters by requiring the vendors to use tags on their traps. We feel it another tool that the G&F can use to ensure that our state's waters remain free of unwanted aquatics species.

In the past, the bait vendors have made huge profits from our states resources and it is about time that we get back some of the revenue that has been lost.

We encourage you to support SB 2294.

Thank you for your time.

**RICHLAND COUNTY WILDLIFE CLUB
9465 WEST RIDGE ROAD
HANKINSON, ND 58041**

Gary Gabbert, Pres. 701-242-7263

To whom it may concern

the Richland Co. Wildlife Club of
Hankinson, N.D. supports Senate Bill 2294
in its present form.

Mary Gabbert-pres.

Gary Gabbert
Pres. R.C.W.C.
9495 Co. Rd 21
Hankinson, N.D. 58041

Dear Sirs

The South East Sportsman's Club consisting of the following clubs: Honkinson Sportsman, Red Rover Sportsman of Wakpeton, Pickland County Pleasants, Senesco Rod & Gun, Sargent Co. Pleasants Forever, Outland Sportsman Club, Cogswell Gun Club, Windy Mound Turkey Fed.

Total members more than 1200 would like to put its support behind Bill number 2594 pertaining to the taking of bait fish.

Thank you
Louie Dankler
Sec, Treasurer
S.E. area sportsman

Senate Bill No. 2294

**Reference: Increases bait vender fees and requires
equipment tags.**

Senate Natural Resources Committee

Hearing Date: January 27, 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 Outdoor Heritage Coalition supports this bill as it
affords the same opportunities to our residents that is now
enjoyed by nonresident vendors.**

Thank You.

**EXPORTS VS. IMPORTS
BY NON-RESIDENTS AND RESIDENTS**

	<u>IMPORTS (Gallons)</u>		<u>EXPORTS (Gallons)</u>	
	<u>Non-Residents</u>	<u>Residents</u>	<u>Non-Residents</u>	<u>Residents</u>
2003	4,713	12	16,592	1,639
2002	4,222	2,056	23,205	6,759
2001	6,866	3,015	48,304	17,868
2000	4,859	2,566	1,234	15,980
1999	4,377	3,600	3,289	3,808
1998	4,132	992	5,175	3,760
Average	4,862 gal. (316,000 doz)	2,040 gal. (132,108 doz)	16,300 gal, (1,059,500 doz)	8,302 gal. (539,630 doz.)