

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2251

2007 SENATE NATURAL RESOURCES

SB 2251

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2251

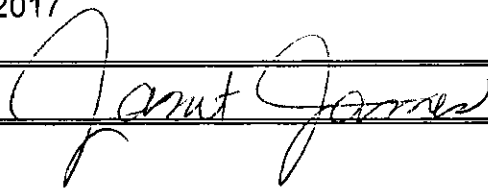
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: # 2017

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2251, relating to a wild turkey hunting license raffle and auction.

All members of the committee were present.

Senator Joel Heitkamp of District 26 prime sponsor of SB 2251 introduced the bill stating it would empower the governor as he "may" make available to the National Wild Turkey Federation two licenses per year to hunt wild turkeys in the spring in the manner he describes. The bill also describes the percentage of money that goes back into the resource and of course there is money needed to conduct the raffle. The question has been raised as to when do the raffles stop and answered that they will stop when there is a cause that is not a good cause, but this is a good cause and should be allowed. It will support a good cause and inspire some interest in wild turkey hunting.

Senator Lyson asked if he would consider an amendment to exclude non-residents.

Senator Heitkamp answered that the success of obtaining a turkey permit is reasonably high so if it is limited to just residents the enticement might go away and the purpose of raising money would be defeated.

Roger Collins a retired biologist testified in support of SB 2251 stating that every year the National Wild Turkey Federation National Convention many hunting, fishing, etc. trips are auctioned off. Participants of the convention take great pride in harvesting a turkey in every state in the nation or every subspecies of turkey in the county. In North Dakota there are two subspecies and we are the only state in the nation that does not provide nonresidents the opportunity to apply for spring turkey licenses, therefore a North Dakota license would be very coveted. He predicted a North Dakota spring turkey license would raise several thousands of dollars and 90% of these funds would be returned to North Dakota to be used for turkey management, habitat improvements, youth education and scholarships, woman in the outdoors program, wheel and sportsman program for the disabled and other turkey projects. He further suggested an amendment on line 7, after the word raffle, add the words "or auction" which is consistent with the language further in the propose bill.

Senator Lyson asked for testimony in opposition to SB 2251.

Dennis Daniel testified in opposition to SB 2251 for one reason and that was to strike the word "auction" in order to give an equal chance for all instead of the big bucks buying these licenses. Remove auction from the bill and just have a raffle.

Senator Lyson commented the reason for these auctions or raffles was to raise money.

Foster Hager representing the Cass County Wildlife Club testified in opposition of SB 2251 stating that every legislative session there are more and more that want a permit and it has to stop. Some other means should be used to raise money.

Dennis Daniel commented that the intent of SB 2250 that was previously heard was to get the youth involved and a youth certainly cannot get involved in an auction. In North Dakota we say game belongs to the people not the person with the biggest bucks.

Senator Lyson asked for further testimony in opposition to SB 2251 and then asked for testimony in a neutral position and hearing none closed the hearing on SB 2251.

Senator Heitkamp asked if the intern could ask the Legislative Council why the word "auction" was left out of the title of the bill when it is referred to many times throughout the bill.

This will be done before action is taken on SB 2251

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2251

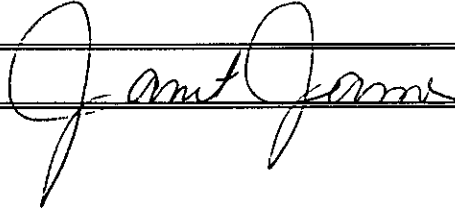
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: # 3218

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened committee work on SB 2251.

All members of the committee were present.

Senator Lyson told the committee SB 2251 was held over because the word "auction" was not consistent through out the bill and further explained in conferring with the legislative council it was not necessary to do so.

Senator Layton Freborg commented he had "nonresident" circled in his bill of the copy.

Senator Joel Heitkamp assured the committee this was something they had wanted in the bill.

Senator Herbert Urlacher made a motion for a Do Pass of SB 2251.

Senator Ben Tollefson second the motion.

A roll call vote for a Do Pass of SB 2215 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

Senator Freborg will carry SB 2251.

FISCAL NOTE

Requested by Legislative Council

03/13/2007

Amendment to: SB 2251

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

One spring turkey hunting license to be provided to the National Wild Turkey Federation for raffle or auction each year. Ninety percent of the net revenue is to go to the national wild turkey federation for wild turkey management and related projects in North Dakota.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No fiscal impact.

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.*

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	03/13/2007

FISCAL NOTE

Requested by Legislative Council

01/16/2007

Bill/Resolution No.: SB 2251

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$5,000		\$5,000
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Two spring turkey hunting licenses are to be provided to the National Wild Turkey Federation for raffle or auction each year. Ninety percent of the net revenue is to go to the Game and Fish Fund for wild turkey management and related projects.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

It is estimated that \$2,000 to \$3,000 will be raised for the Game and Fish fund each year.

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.*

The total raised per biennium would be about \$5,000.

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/17/2007

REPORT OF STANDING COMMITTEE (410)
February 8, 2007 4:09 p.m.

Module No: SR-27-2606
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2251: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the
Eleventh order on the calendar.

2007 HOUSE NATURAL RESOURCES

SB 2251

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2251

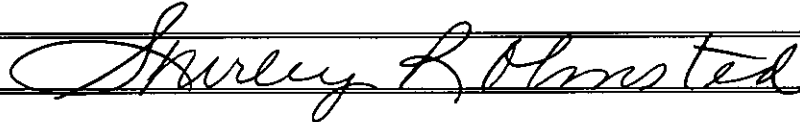
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4267

Committee Clerk Signature



Minutes:

Chairman Porter opened the hearing on SB 2251 and asked the clerk to read the title.

Senator Heitkamp came forward as a sponsor of SB 2251. This bill is about raising some money and what is happening nationwide. There is a big emphasis is on these people who are enthusiasts when it comes to this sport and how they can raise some money. If you look at the breakout of allowing that, it is the auction to the highest bidder. Through this association you will see how this money gets used. I think this is a pretty good bill. No more than 10% of the gross proceeds of the raffle will be used to promote the raffle. Ten percent of the proceeds of the raffle will be retained by the local, state or national turkey federation who will be conducting the raffle. All the rest will be deposited in the Game and Fish fund and will be used for turkey management or other related projects in the state. What it really comes down to is what you think of the National Wildlife Turkey Federation. Obviously you know what I think of the National Wildlife Turkey Federation or I wouldn't have put the bill in. What you have is a couple of licenses here and a couple of permits and I think you could make the argument that it isn't always going to stay in the home town but if it brings someone into the state I am happy.

Representative Charging said she carried the bill last time and there was a lot of concern to letting non residents hunt in the spring turkey season.

Senator Heitkamp said he didn't see the flood gates opening but it is the prize. There is no question about that. This is what they are looking for and it is the early spring license.

Representative Hunskor asked how many turkey licenses are available and are there units that these come out of.

Senator Heitkamp said Game and Fish will have the numbers for you. They will predict the numbers on how many young people will take advantage of this.

Mr. Roger Collins came forward in support of SB 2251. Please see written testimony marked as Item #1. In North Dakota there are 20 chapters and they are all volunteers just like the members of Pheasants Forever and The Rocky Mountain Elk Foundation. The main that we raise money is through our membership banquets but this is another opportunity. The participants have these national conventions and they take great pride in harvesting a bird in every state in the country or every species of turkeys. North Dakota has two species of turkeys. What is important here is that North Dakota is the only state in the union that does not allow non residents to apply for a turkey license in the spring. Therefore a North Dakota license is a coveted license. I would expect on my experience at the national convention that licenses auctioned off or raffled at this convention would probably bring seven thousand dollars each. As the bill states, 90% of these funds would come back to state to be used in wild turkey management, habitat improvements, scholarship programs, Women in the Outdoor programs, and our youth program. In fact, our youth program is the largest youth conservation group in the nation. We have over 500,000 youth involved in that program. One thing that I would like to recommend the committee consider is on line 18 & 19 of the bill where it references that the money would go to the game and fish fund. I would propose that this language would be deleted and the word North Dakota NWTF Superfund account. The reason for this is as follow:
I have coordinated with the ND Game and Fish Department and we believe that the language

that I am proposing is consistent with the legislative language on bills in previous years for which you have accepted. Those included no specific language that the funds be directed to the department but did reference coordination with the department on use of the funds. To transfer the funds directly to the department would cause undo accounting actions on the part of the department. The North Dakota NWTF superfund account provides the necessary accountability for use of the funds and requires coordination with the Game and Fish Department's technical committee biologist who has to review and also approve any of the use of funds here in the state. I think that supplies the accountability and credibility to the program and reduces the burdensome process on the department. It is consistent with previous legislation. I would urge you to consider this amendment.

Chairman Porter asked to date how much money has the Wild Turkey Federation spent in North Dakota doing habitat or other type projects.

Mr. Collins said off hand I don't have that figure. We started 11 years ago in this state. The first year we had two chapters. A couple years later it went up to 4 and as recently as three years ago we only had 10 chapters. As you might suspect in the early years of a chapter, they are not making a whole lot of money. However, over the years I would expect that the total in North Dakota would have raised and been spending constantly \$200,000.00. That is a ballpark figure. That is through our banquets that we generate. For example the Bismarck banquet will generate approximately fifteen to twenty thousand dollars.

Chairman Porter asked if he could enlighten them on some of the projects that you are aware of that have been done.

Mr. Collins said they have a wide variety of projects. Women in the Outdoors Program are one of our projects and in the northeast part of the state they have been doing an event every year for the past 5 to 6 years. This provides an opportunity for women that may not have the

opportunity to get out for a day and experience conservation orientated type activities. Our JAKES Program which stands for Juniors Acquiring Knowledge Ethics and Sportsmanship. This is the same type of program but it is geared towards youth 17 years old and under. Here locally at the Long Lake National Wildlife Refuge we hold a JAKES event every year. We have over 100 kids that come out to that event. It is a coordinated event. We have Pheasants Forever, The Outdoors Waterfowl has been involved with this, Ducks Unlimited, and we have different stations where the kids are introduced to things like turkey hunting, trapping, canoeing, dog training and so forth. Relative to scholarships, every chapter in this state is providing the opportunity to award a scholarship to a local high school student that is intending to go to college the next year. We also have a state scholarship. The winner of the state scholarship is entered into our national scholarship program and competes for ten thousand dollars for their college education. Relative to habitat work, we do a lot of things related to riparian which is a corridor along a stream or river where we might fence out riparian areas for nesting habitat. We have food plots and fencing program. We also have deprivation programs where in the past we have provided oat hay bales to ranchers to try to get the turkeys that are depreddating to use those oat bales instead of being in their farmyard area. We now work with the game and fish department to provide money for netting to net their bales. This seems to work a lot better and is a more sustainable approach than buying oat bales. We have also been involved with purchases at the confluence of the Missouri River and the Yellowstone River. There was an effort a few years ago to purchase the property to transfer to the Game and Fish Department so that all citizens of the state of ND would have an opportunity to use that very unique area. We have also worked with the Rocky Mt. Elk Foundation to acquire prime elk and turkey habitat in the northeast part of the state. I think that gives you a flavor of some of the activities we have done.

Representative Meyer said you mentioned the eastern and meridian turkeys. Do they commingle or are they separate in parts of the state.

Mr. Collins said here in the state when they transplanted turkeys and brought them in back in the 50's, at that time we had what we called the marionms, the eastern and the Rio Grande. For all practical purposes we no longer have the Rio Grande. The habitat wasn't suitable for them. Now we have the eastern and the marionms and in the badlands where you find those species, yes they do at time commingle and interbreed.

Representative Hofstad said you mentioned very briefly that you have projects on riparian land where you fenced out areas for habitat. Was that in cooperation with the adjacent land owners or was that just because of the sovereign land?

Mr. Collins said these are individual projects with an individual land owner. Often times our projects are partnered with other groups like the U.S. Fish and Wildlife Service, Pheasants Forever, the National Wildlife Turkey Federation or the private landowner who all partner together to get a bigger bang for our dollar when we do things like that. The riparian habitats that I referenced for example on the Heart River in Morton County, we have done some projects down there. We have been working with a private landowner who wanted to improve the wildlife habitat because of grazing. His bottomlands were beat out and he wanted to fence off some areas and have better habitat for wild turkeys. When you are looking at doing projects like this, it just doesn't benefit the turkeys because the pheasants, the white tail deer and numerous species like songbirds reap the benefits as well.

Chairman Porter asked for further testimony in SB 2251. Hearing none, he asked for opposition to SB 2251.

Mr. Dennis Daniels came forward in opposition to SB 2251. He said he was not so much opposed to the end result of this bill but there were several things in there that he was opposed

to. He referred to lines 8 & 9, and lines 13 to 15. It says that if you are lucky enough to receive a lottery or raffle license, you are not eligible to apply for a wild turkey license though the Game and Fish Department that year. To me that makes absolutely no sense because we have two separate drawings anyway. If this is a license that is going to be raffled off or auctioned we don't do this with other licenses. If I can go to a Wild Turkey Federation Banquet and I buy a raffle ticket and I was lucky enough to receive this, I could not apply for the fall season the way this is written. That needs to be addressed. I think it should be a raffle and not a lottery. I just received the Montana Outdoors and they have what they call a Super Tag. They raffle them off for \$5.00. This could bring in a lot more money than an auction. They made three hundred twenty five thousand dollars on this in the first year. The other part of this bill that I don't like is that there is no provision saying that the non-resident is required to have hunter safety certification. We require every resident to have one and I think you need to clean up this bill. You should make this a bill that addresses some of these problems.

Mr. David Munch came forward in opposition to SB 2251. It seems like every session there is an auction or a raffle for wildlife. The purpose of the Game and Fish and the purpose of the Pittman Robinson Act was to promote the wildlife. The main function of this is to grow wildlife and not to send people to school. We have enough nonprofit organizations around here that do this. If we are going to have all these raffles every session, why don't we set something up with the gaming commission and put so many tags in there and whatever is left over, you can take all of these 10% deals and use that to fund the Attorney General portion of it and have these groups submit what they need and you can promote this.

Mr. Terry Steinwand came to the podium.

Representative Hanson said we give out an elk, a moose, a sheep and a mule deer license and some of this money comes back. I know the game warden museum at the Peace Garden

gets most of it but some of it comes back to the department for habitat or whatever. How do you use that money?

Mr. Steinwand said that goes to the Rocky Mountain Elk Foundation except for the 10% for the promotional aspect of it. As Mr. Collins mentioned, we do have oversight on those projects and they have been very helpful.

Representative Hanson asked if the museum still gets money.

Mr. Steinwand said the moose and elk raffle have been combined and one half of that goes to the Game Warden's Museum at the Peace Gardens and half goes to the Rocky Mountain Elk Foundation.

Representative Hanson asked if any came back to the department.

Mr. Steinwand said no.

Representative Hanson asked about the funds from the mule deer.

Mr. Steinwand said he thought that was handled the same way. He thought it went to the mule deer foundation. He said he was not as sure about this as he was about the elk and moose.

Representative Hanson said he thought some came back to the department for habitat but it as a rather small number. He asked what his thoughts were on the turkey raffle with all the funds going to the turkey foundation.

Mr. Steinwand said that he thought Mr. Collins represented it very accurately. It would probably be more of an administrative cost to the department to take the money and put it back out rather than have the oversight to the upland games supervisor to have a say in how those monies are spent.

Representative Meyer asked if everyone was eligible to get a turkey license in the spring and in the fall.

Mr. Steinwand said yes. The spring turkey license is absolutely the most coveted one for sure. We just had out spring turkey license drawing and it is very rare that we have any of those left.

Chairman Porter asked for any further testimony in opposition of SB 2251. Hearing none, he closed the hearing on SB 2251.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2251

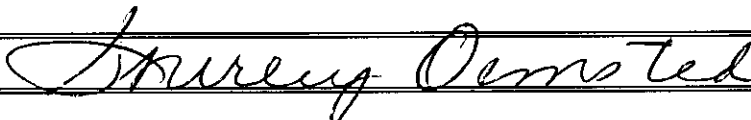
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4630

Committee Clerk Signature



Minutes:

Chairman Porter asked the committee to consider SB 2251. He said there was a proposed amendment on lines 18 and 19, to overstrike Game and Fish fund and replace it with national wild turkey federation superfund accounts.

Representative Meyer made a motion to accept the amendment.

Representative Nottestad seconded the motion.

Chairman Porter asked for discussion.

Representative Nottestad asked what the response was from Game and Fish on this.

Chairman Porter said Game and Fish was in support of this.

Representative Drovdal said he had a problem with this.

Chairman Porter said this language does match the other programs that we do with the Rocky Mountain Elk, the Bighorn Sheep and all of the other allowable things that we set up with raffles that we can do. They put it into their superfund and then work in cooperation with Game and Fish for the projects that happen in this state. Game and Fish are in support of this.

Representative Hanson asked if this was just a discussion of the amendment.

Chairman Porter said yes. Hearing no more discussion, a voice vote was taken. The motion carried with 13 yes and 1 no with no one absent.

Representative Hanson said that on line 10 he would like to make a motion that they go from 2 to 1 license so that they would be in line with all the other licenses that have been given to different organizations. If the others only get one, why should this group get two?

Chairman Porter asked if as he looked over this bill, did you find the word 2 any other place.

Representative Hanson said he did not find it any other place.

Chairman Porter said there was a motion on page 1, line 10 to overstrike the word two and insert the word one.

Representative Nottestad seconded the motion.

Chairman Porter asked for discussion. Hearing none, he took a voice vote. The motion carried with 13 yes and 1 no.

Representative Nottestad made a motion for a do pass as amended on SB 2251.

Representative Solberg seconded the motion.

Representative Keiser said he did not have an amendment to this bill. At some point we should think about developing a policy on these types of applications and events. Every session we get a couple more groups coming in asking for permits for something and I think eventually it is going to become a real problem. It would be nice to have a policy to address how these things operate.

Chairman Porter said they could certainly hold off until this afternoon or even next week if you want to do something. This bill does not have to be out.

Representative Keiser said he thinks an interim committee should certainly look at the general issue of permits because as I understand it now every species has a permit. We can't seem to say no to anyone.

Representative DeKrey said he would support the bill and he likes the concept but it really bothers me that the money goes to this national outfit and I understand that it is easier to

administer that way and that it is audited but it bothers me that this national organization can turn on a dime like that and we could get the bad end of the deal and it could be eighteen months before we have another legislative session so that we can come back and fix this. It is kind of a trusting bill but I will support it.

Representative Meyer asked Representative DeKrey what he meant by turning on a bad deal.

Representative DeKrey said the money goes to the national turkey foundation and the projects that we get are funded through this national organization. By a majority vote of their board or whatever all that North Dakota money that came through our ND auction or raffle can leave the state and we will never see any of it.

Representative Meyer said Mr. Collins did make a good case and from a landowner's perspective they have made a great deal of effort to come out when the turkeys ruin the hay. They ruin more hay than you can possibly imagine and they have been very good about coming out and they have invented the net that finally keeps them off. I have a lot of constituents that call me specifically and say we aren't getting any deprivation funds to cure this problem and they stepped up to the plate so I can't see them backing off now. They invented this little netting system and I don't know why it works.

Representative Hunskor said in response to Representative Keiser, he agrees that there has to be a limit but as long as these things that we have been doing for the youth or the raffles, they are contributing to the industry in a positive way. It seems like they are good but we can't keep going down that road too far.

Representative Charging said she this lends to the highest bidder and this can have a negative impact.

Representative Hanson said maybe they could put an amendment on this to about no more than one animal per species shall be offered to whatever organization.

Representative Keiser said these are the kinds of questions like what is happening to the money and should we have guidelines for what happens to the money, should we have limits on the numbers per species, should we allow auctions and/or raffles, and those are just a few of the policy questions that we look at each bill and say this is happening, but should an interim committee look at this issue and study it and come up with recommendations or sound policy.

Chairman Porter said it really wouldn't be too difficult to write a section 2 to this bill based on what you just said.

Representative Hunskor said if you have a blanket policy that covers sheep, pheasant, duck or whatever is the scenario within each of these a little bit different so that one policy that covers all of them is right.

Representative Keiser said that was absolutely right. I don't see it being a comprehensive but a minimal policy. Maybe there shouldn't be one if that is the outcome of the study. All we are doing is passing out licenses without any basis of policy.

Chairman Porter said there is going to be a point as groups come forward that it is going to have a general affect on the raffles from a biology standpoint. The Game and Fish at some point depending on the species is going to have to say that is going take 2 deer out of the general mule deer system to cover this so that we don't overkill. At this point, I don't think that is there but I do agree that at some point we need to take a look at this during the interim because every session a different group comes in and asked for a license for a fundraiser for their cause. Their causes are all good and we typically don't say no.

Representative Meyer said she did not see this to be a snowballing affect. It is so minimal what we have now. This is a tough bunch. Here is the National Turkey Federation and I just

