

2019 SENATE ENERGY AND NATURAL RESOURCES

SB 2058

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2058
1/17/2019
Job Number 30966

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to nonresident waterfowl hunting licenses.

Minutes:

2 Attachments

Chair Unruh: Opened the hearing, all committee members were present.

Senator Howard Anderson, District 8 (1:00-1:58) introduced the bill. This bill allows an expansion in what sort of artificial light they can use, mostly for hunting coyotes. I think they did a good job in the background, working with interested parties, at least getting their acquiescence to the way it was written. I like to disclose both sides of an argument when I testify on a bill, several Senators and Representatives have informed me that last weekend when they were home, there were quite a few coyotes howling their oppositions to this bill.

Rick Tischaefter, President North Dakota Fur Hunters and Trappers Association (2:30-3:20) Testified in favor, please see attachment #1.

Chair Unruh: Would these options listed be widely used by folks?

Rick Tischaefter: They are currently unavailable, because they are considered illegal. This basically codifies the equipment, advances our century code and marries it with the current technology available.

Senator Cook: With the lights listed here, how far can you see?

Rick Tischaefter: With good nighttime conditions, 150-200 yards. As light travels, it gets absorbed but things. Terrain is an issue, trees, rocks, grass, those types of things. If you have a clear view of things, like a cattle pasture, you might advance that several hundred yards. It depends on what's being shown.

Senator Cook: The bullet you're using will travel father than that.

Rick Tischaefter: Yes, depending on the caliber, certainly.

Vice Chair Kreun: Is there an abundance of these furbearers that are a nuisance at this time to precipitate the use of artificial light?

Rick Tischaefter: North Dakota is blessed with an abundance of furbearers, especially the foxes and coyotes. We have an excellent habitat, they do very well in North Dakota, as far as abundance goes, it varies with terrain.

Senator Roers: Is night time hunting of coyotes and furbearers a normal practice, is that done frequently?

Rick Tischaefter: Yes, in the past, we were allowed only by moonlight. Which required some special conditions; moonlight, snow on the ground, wintertime. It depended on the conditions as to how many folks participated in that. A few years ago, with the allowance of thermal and night vision equipment, that increased the amount of folks interested in going out and night hunting. Because you don't have to rely on the weather or the moon to be shining to use this advanced technology these days. There is an increased level of participation, as a result.

Senator Roers: The safety issue is my concern. How safe is it going to be if we have people out there with infrared light hunting in less than desirable conditions?

Rick Tischaefter: The basic premise behind this bill is human safety. It's providing that ability to use light, a night vision scope by itself has very little effect on being able to see, because it relies on starlight. So you need open sky in order for it to work properly. The infrared illuminator attached to that acts as a flashlight for that scope so you can see very well in lower light or cloud cover conditions. The individual lights that are described in there, the red, green, or amber filter lights are used to not only traverse the ground and get into those hunting spots, but be able to see what's in front of you, identify your target properly, clear any malfunctions with your weapon, adjust your equipment, know where your hunting partner is, and things like that. The basic premise of all this is to add a measure of safety to this. Because of exactly what you brought up, if you take a thermal device or night vision that's scope mounted out there, you will have to continually look through your scope, which means the weapon is at your shoulder, in order to walk somewhere, so you don't get a stick in your eye or to see what your targets, or the potential targets would be. This light and that infrared illuminator, for folks that use that particular night vision technology, it's going to be helpful, it will provide that measure of safety for them.

Pete Hanebutt, North Dakota Farm Bureau (8:35) testified in favor. Years ago we put policy into our book, that says 'We support the use of artificial light for enhanced predator control.' It was talked about how we are blessed with a great coyote population in this state, I can tell you that our cattle people notice it when they lose calves. It is a problem in rural parts of the state. We see this as an opportunity to kill vermin, which is good for us. We support this wholeheartedly. If I take off my Farm Bureau hat, as a hunter I see this as a public safety enhancement, not a detraction. I grew up in a state where we used artificial lights for coyotes and foxes, it makes things safer when you can see what you're looking at. In my view, that's not my expertise.

Senator Dale Patten, District 39 (9:45) Testified in favor. There's been some questions as to why you hunt at night; that is when the coyotes and the foxes hunt as well. So they're

out invisible. During the day they're holed us and unavailable, that is one of the reasons it's much easier to be successful when you're hunting.

Douglas Dixon, Hunter (10:30) Testified in favor. The question of safety came up. In my work life I was a safety director, safety has been high on my list of things while I was working, now that I'm retired, I also hunt coyotes at night. I have an infrared scope, because of the present law, I can't use the infrared attachment. It still gives me a vision at night. When I first bought it, I was amazed at how well you could see. I have turned on the infrared light to see the enhancement, it does provide quite the difference, which to me only improves the safety factor. I haven't used the amber or green, but from the infrared standpoint, I see it as a huge enhancement to safety.

Scott Peters, Deputy Director, North Dakota Game and Fish Department (12:22) Provided neutral agency testimony. Mr. Tischafer worked closely with our department and Senator Anderson and Representative Longmuir to draft this bill; we had ample opportunity to review the bill draft, we can live with this. I sent an email the other day about a suggested amendment. On the last sentence of the bill draft, we would suggest that we insert somewhere in the last sentence, the three words 'while hunting afoot,' while that suggested amendment would not change the context of the bill, we feel it adds a little consistency because in subsection 20.1-01-08 line 16, we do have that wording in there. It would add some consistency and at the same time, eliminate any opportunity for someone to interpret this as being an allowable activity in or on a motor vehicle. We wanted to suggest that.

Senator Cook: I can't get my arms around this. You've got a light that goes 150 yards, so you can see what it is you want to shoot at, but you've got ammunition that's going to go a lot farther. You can't see what's standing behind that target. How is that a safety improvement?

Scott Peters: A little history, we already allow night hunting for fox and coyote for quite some time, 15 to 20 years. About 3 years ago at the instance of a then-legislator, we took that a step further and allow thermal imaging and night vision for use hunting fox and coyote at night, initially we did get some push back; since that time, we've received very minimal complaints about the safety factor. I'm told the infrared light enhances the safety feature of the night vision. As to how you identify a target, the ability to use infrared illuminators in a scope they already have will be beneficial. I know there's legitimate safety concerns out there, but we're told by the industry that this will improve that. Allow you to identify your target better.

Chair Unruh: Closed the hearing.

Attachment #2 was submitted via email, Julie Ellingson, North Dakota Stockman's Association, stand in support.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2058
1/24/2019
Job Number 31379

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to use of infrared, red, green, or amber artificial light while hunting coyote and fox.

Minutes:

No attachments

Chair Unruh: Opened committee action

Chair Unruh: This bill has to do with the use of infrared light while hunting coyote and fox, and we did not receive any testimony in opposition.

Senator Schaible: I move moved a Do Pass

Senator Piepkorn: I second.

A roll call vote was taken
Motion passes 5-0-1.

Senator Schaible will carry.

Date: 1/24
Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2052**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Sen. Schaible Seconded By Sen. Piepkorn

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh	X		Senator Jim Roers		
Senator Curt Kreun	X		Senator Merrill Piepkorn	X	
Senator Donald Schaible	X				
Senator Dwight Cook	X				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Schaible

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

REPORT OF STANDING COMMITTEE

SB 2058: Energy and Natural Resources Committee (Sen. Unruh, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2058 was placed on the Eleventh order on the calendar.

2019 HOUSE ENERGY AND NATURAL RESOURCES

SB 2058

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2058
2/28/2019
33014

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to use of infrared, red, green, or amber artificial light while hunting coyote and fox

Minutes:

Attachment 1

Chairman Porter: Opened the hearing on SB 2058.

Sen. Howard Anderson, Dist. 8, introduced the bill. He has a constituent in the Furtakers Association and asked to add these, a little extra light in hunting coyote and fox.

Rep. Longmuir, Dist. 2: presented **Attachment 1** which included an amendment.

Chairman Porter: questions? Further testimony in support?

John Bradley, Executive director of the ND Wildlife Association: here to stand in support of the bill.

Pete Hanebutt, ND Farm Bureau: In support for predator control.

Chairman Porter: questions? Support? Opposition? closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2058

3/21/2019

34091

Subcommittee

Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to use of infrared, red, green, or amber artificial light while hunting coyote and fox

Minutes:

Attachment 1

Vice Chairman Damschen: Opened the hearing on SB 2058.

Rep. Anderson: presented Attachment 1 which is Amendment 19.0501.01003. I basically went to the G&F and we're going to have a small habitat program for some spots around tree farmsteads and other areas to provide nesting cover and winter cover, and food plots for wildlife. G&F will probably work with USDA NRCS because they have programs there. We intend on getting some money, \$2 million from the ND Outdoor Heritage Fund and Access Improvement Fund. This is for a 2 year period. We also are going to take \$500,000 out of the Heritage Fund for a special roads fund for access around Lake Sakakawea. The G&F is going to take \$500,000 out of their private land habitat and access improvement fund. We're going to declare this an emergency measure to get these food plots and habitat improvements in place for this year.

Rep Bosch: This seems outside the scope of the Heritage Funds?

Rep. Anderson: I don't think we have. Currently there's about \$9 million in the outdoor heritage fund and we anticipate another \$15 million. With the possibility of the no trespassing bill passing I think we need more habitat for wildlife and provide more hunting opportunities. In 2014 they had the wildlife incentive program through the USDA NRCS and that kind of went by the wayside. In my case, I have some abandoned farmsteads for food for the wildlife. In the winter that's where they end up. People say it's going to be a small area but if you can keep a population, like pheasants, alive in the winter, they will move out in the spring and provide more hunting opportunities.

Rep. Roers Jones: The concern is we're giving government money to private land owners to improve habitat on their property but unlike the PLOTS this does not require to leave the land open for hunting. The landowners can improve their own property and keep that closed for their own private use. I'm wondering if this is going to compete with our PLOTS program.

Rep. Anderson: I know that's been a concern. I thought in order to get the landowners to participate, I'd leave it up to them whether or not they would allow hunting. My whole idea here is basically if you start out the year with 100 pheasants and you get your population down below 30, you start to lose population for hunting. I thought if we could have some areas where there would be a chance for the wildlife to better survive the winter, that when spring came and fall there'd be spillover. Those birds aren't going to stay in that small area. I think it will improve hunting for everyone.

Rep. Roers Jones: the program we're looking at funding, how long has this been in existence? If I understand correctly, the program is partially federal dollars and we're looking to make up the portion that would otherwise be paid for by the landowner? Is that correct?

Rep. Anderson: the only federal dollars are an excise tax on running the G&F. There's an excise tax on hunting and fishing equipment. Otherwise it's basically the Heritage Fund. There are some add-ons that you could do through USDA NRCS.

Rep. Zubke: you talk about management plans in deer depredation in F and G. I know the G&F does some fencing now around hay yards. One of my concerns would be fencing everyone's hay yard in western ND because of the elk and deer?

8:26

Rep. Anderson: Section 2 is pretty much already in Century Code. Most of the language I have that's new is on the last page. I probably didn't answer your questions.

9:00

Rep. Zubke: The question I have is appropriating more money for it. Is that going to increase the prevalence of doing that fencing. Maybe we're doing a lot already. I know there are instances where we are.

Rep. Anderson: I would think that would make things better because these plots won't be fenced. It'll probably keep the deer away from some being in someone's hay.

Rep. Roers Jones: in Section 6, the transfer to the roads funds. Can you tell us about that and what that's for?

Rep. Anderson: That was a request to fund some access roads around Lake Sakakawea.

Rep. Mitskog: I'm looking at what we can use those Heritage Funds for, it says we can't use for any paving project for a road. Do you know the details of the road project?

Rep. Anderson: No I do not. It was a request made when I went to the appropriations process.

Rep. Eidson: is it common for us to allocate funds from the outdoor heritage fund to projects we want to do? From what I understand, I'm looking up to make sure, this is to provide grants to state agencies, tribal governments, political subdivisions and non-profit organizations with particular priorities. Is it common for us to pass legislation that allocates that money that has already been allocated for these purposes?

Rep. Anderson: no it is not, this is probably a new concept. They're sitting there with \$9,000,000 and I know hunting is huge in the state of ND. I'm just trying to provide some funds for habitat. There's a pot of money there and I think we should be using it.

Rep. Eidson: I absolutely agree. I do know during outdoor day recently, I spoke with every organization that had a booth and different organizations apply for funds and get down because of lack of funds. From what I understand these have a particular purpose; while there may be some in there now there are plenty of projects that are vying for those different projects. Personally I don't want to see us step in and allocate that money that other organizations that are mentioned here are trying to get that money for.

Rep. Anderson: I know you have concerns about that but there's \$9 million in there now and there'll be another \$15 million in there. If they're holding money over I think we should try to use it. This is a 2-year program. I do think down the road the Outdoor Heritage Fund will be adding more money to the PLOTS program because we need more cover for the wildlife.

Vice Chairman Damschen turned the meeting back over to Chairman Porter:

Vice Chairman Damschen: I'm wondering; it's been alluded to there's a process to getting that money from the Outdoor Heritage Fund. Can we appropriate it without going through that process? Are we assuming something here that isn't going to happen?

Chairman Porter: I do believe because those are not restricted funds, they are allocated in the flow of the bucket, that they can be appropriated.

Rep. Anderson: I would like to move the amendment for .01003.

Rep Heinert: second.

Chairman Porter: We have a motion and a second to adopt 19.0501.01003. Discussion? This is going to a pilot project for private land to be used in addition to NRCS granting program for habitat to do the private landowner match.

Rep. Bosch: I'm not going to support the amendment. I think this is outside the scope of the Heritage Fund. There's plenty of applications that don't get approved. I think if we're trying to think outside the box, that's great, I don't think this is a good idea. I'm not going to support the amendment.

Rep. Mitskog: My earlier question was regarding Sec.6, the transfer to the special roads fund from the outdoor heritage fund. I have a question whether or not that can be done under Chap.54-17.08, the Outdoor Heritage Fund, and it says what these funds can and can't be used for. Under No.3 it says the commission or grantee may not use grant funds for a paving project for a road. I have questions if we can do this.

Rep. Anderson: I don't think it's going to be used for paving, more for access around Lake Sakakawea to some of the areas. You wouldn't pave very much with \$500,000.

Rep. Eidson: I also want to echo what Rep. Bosch said and what I eluded to earlier. I appreciate the intent of this, it's a good thing, we're thinking outside the box but I think there's other funds we can look to. I think the Outdoor Heritage Fund has a very particular purpose geared towards organizations outside of this legislative body, to name a couple, Pheasants Forever, Ducks Unlimited, etc. There are plenty of organizations that could use this money. As I said, I talked to them when we had Outdoor Day; they have plenty of projects, some get passed, some don't. I think if we have extra money in there that means we should make that known to those organizations so we can get some of those other projects that weren't funded this last time, funded this go round. I will not be supporting the amendment.

Rep Heinert: I second the amendment. I think this is important. We're talking about individual landowners here who see something on their property that they think they can help out with keeping our critters alive during the winter months. I think it's important because I think these other organizations mentioned today are looking at bigger projects and more significant projects. I think these little projects then go by the wayside and we leave it up to the individual landowners and I think we need to support them. If they want to keep critters running around out there, they're going to help support us, utilize this money and help develop something like Rep. Anderson has been talking about.

Rep. Anderson: I know there's a lot of good comments developing large areas. If you know anything about wildlife, they basically survive in small pockets. They need escape cover. As far as putting in a huge area designated wildlife, I don't think it does as much good as small confined areas where the wildlife can move about. If you go out in the winter, you watch wildlife go from one cover area to another. That's the way it's always been. You can see wildlife move from one shelterbelt to another where they can get food. The less exposure the greater the survivor ability.

Chairman Porter: in the past we have done many projects with ND G&F to be the cost share vehicle for soil conservation projects, for tree planting, for nesting cover, all sorts of different project. When we use the hunters dollars, we've always said the land is then open to public hunting because we've used the hunters dollars. This project is using oil revenue out of a bucket to go to G&F, to do the same thing as those PLOTS projects without the caveat that the land is open for public access. So if there's a group of people that really want to do something to enhance wildlife, they also have a way to do that. The reason it's going to G&F is that's where the biologists work at the G&F. The argument that the land should be open to the public hunting is the difference between the 2 project types. The one important thing to realize is that if you have someone with a really good habitat, that game is going to have that as ground zero for their nesting and survival, and during the seasons the opportunities are going to be in the square miles of area where you will see the difference in those seasons. I applaud what the project is trying to accomplish. Are we going to use Outdoor Heritage Fund money that's flowing down through the bucket in order to do a really good project?

Rep. Roers Jones: the program we're looking at is already in operation?

Chairman Porter: kind of. The dollars would enhance programs inside of the Soil Conservation out of USDA, wildlife tree plantings, dense cover tree plantings, water ways, various grass plantings for wildlife. Typically, they come with 75-80% match. The landowner has to come up with 20-25% in order to do the project. When G&F is a partner with the landowner on a project, then they're entering that through PLOTS. That's where access comes in. I can get the program without any cost share and pay for it myself. If I want G&F dollars from the hunters, then that pulls me into the PLOTS program where I give up access. This would be managed by G&F without an access component. They would still be going after federal dollars, this would be the landowner match, they'd still be signing the contract and sign a contract with the government.

Rep. Roers Jones: the parameters for how the money is awarded and what must be done, how do they choose who gets access to funds through G&F where it has to be open to hunters, how do they chose who gets the funds through this new program where they don't have to provide access to the land and how do we determine what parts of the state are being augmented.

Chairman Porter: each county puts in for their share of conservation dollars available through the farm bill each federal cycle. They take the application. The application is through Soil Conservation. Then they would have the knowledge of the PLOTS program and this would be another program available to them and get the match. Landowners have the ability to pay for it themselves. There's limited federal dollars in that program. It's not every project that wants or can be funded. Same as putting in water systems, cross fencing.

Rep. Anderson: this is just going to provide a little more incentive. I have a lot of landlords that have spots that should be left for wildlife. They say why don't you farm it so I at least get enough money to pay the taxes in those cases. A lot of this should be left for wildlife. If they could get enough so they're satisfied, you'd be able to provide habitat for wildlife. As far as access to hunting, I'm not as concerned as I am cover for the wildlife. I'm just trying to keep the survivability at a higher rate. They need protection and food.

Rep. Keiser: I support the general concept suggested, the use of Heritage Fund dollars I'm totally opposed to. As a brief history, the Heritage Fund dollars were put on the ballot, and we really neutralized that effort because we developed the Heritage Fund in this committee and put the dollars into it for those organizations. The \$9 million is not a lack of applications but the downturn in oil, now it's rebounded. A couple years ago a lot of applications were rejected. Find a different source of funding.

Roll call vote: 7 yes, 7 no 0 absent. Motion failed.

Chairman Porter: Rep. Anderson, the other option is to propose the amendment with a general fund appropriation and then take it to appropriations.

Rep. Anderson: Move amendment 01003 and to replace the Outdoor Heritage Fund with the general fund dollars in the amendment.

Rep. Keiser: second.

Chairman Porter: We have a motion and a second to adopt amendment 01003 and to replace the Outdoor Heritage Fund with the general fund dollars in the amendment. Discussion? Voice vote, motion carried.

Rep. Keiser: move a Do Pass as further Amended and rerefer to Appropriations.

Rep. Eidson: second.

Chairman Porter: we have a motion and a second for a Do Pass as further Amended and rerefer to Appropriations. Discussion?

Roll call vote: 14 yes, 0 no, 0 absent. Rep. Anderson is carrier.

Rep. Ruby: Going back to the bill I carried, bills dealing with the same section of code, one passed before the other so we had to do that whole arrangement. Here we have a bill dealing with artificial light. So if it passes in the Senate and this happens to die on the floor, does that mean we can't use that light?

Chairman Porter: No, we amended the HB in the Senate with the corrections that were asked for. So there will only be one bill that deals with artificial light. That bill passed.

Rep. Ruby: We didn't move the artificial light in this one did we?

Chairman Porter: no that was hoghoused out. All that's left is what Rep. Anderson asked for.

Rep. Ruby: where does it say that? It just adds the second section. It's not amended out. I think the last one passed takes precedence.

Chairman Porter: In your amendment when you talked to council, this was to replace and remove the section 1 in SB 2058 wasn't it?

Rep. Ruby: I would move to reconsider our actions on SB 2058.

Rep. Devlin: second.

Chairman Porter: voice vote. Motion carried.

Rep. Ruby: move that we further amend SB 2058 to remove Sec. 1 and 2 from the bill.

Rep. Keiser: second.

Chairman Porter: We have a motion and a second to further amend and remove Sections 1 and 2 from SB 2058 from 01000. Voice vote, motion carried.

Rep. Marschall: when we say remove Sections 1 and 2, we amended the bill and added Section 2.

Chairman Porter: We said we removed Section 1 and 2 from version 01000.

Rep. Keiser: move a Do Pass as further Amended to SB 2058 and rerefer to Appropriations.

Rep. Bosch: Second.

Chairman Porter: discussion? Roll call vote: 14 yes, 0 no, 0 absent. Rep. Anderson is carrier.

Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2058
3/28/2019
34326

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to use of infrared, red, green, or amber artificial light while hunting coyote and fox

Minutes:

Attachment 1

Chairman Porter: Opened the hearing on SB 2058 to reconsider.

Rep. Ruby: so moved.

Rep. Anderson: second.

Chairman Porter: we have a motion and a second to reconsider our actions whereby we passed out SB 2058. Discussion? Voice vote, motion carried.

Rep. Anderson: presented Attachment 1, Amendment 19.0501.01005. That Section 4 wasn't put in on the amendment so the G&F was going to put \$500,000 in from their private land and habitat access improvement fund. This is putting that section back in.

Chairman Porter: that was in the original motion and it was in the original discussion it was an error when we signed it and sent it on. We thought we could just change the report and legislative counsel said it has to come back and be reconsidered, fix, and sent back.

Rep. Anderson: move the adoption of the amendment.

Rep. Keiser: second.

Chairman Porter: We have a motion and a second to move 1005. Discussion? Voice vote, motion carried.

Rep. Anderson: move a Do Pass as Amended and rerefer to Appropriations.

Rep. Keiser: second.

Chairman Porter: We have a motion and a second for a Do Pass as Amended and refer to Appropriations. Discussion?

Roll call vote: 11 yes, 2 no, 1 absent. Rep. Anderson is carrier.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, after "20.1-01-08" insert ", subsection 17 of section 20.1-02-05,"

Page 1, line 1, after the second "and" insert "section"

Page 1, line 2, after "to" insert "the powers of the director of the game and fish department and the"

Page 1, line 3, after "fox" insert "; to provide an appropriation; to provide for a transfer; and to declare an emergency"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation

caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.

- i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat."

Page 2, after line 12, insert:

"SECTION 4. TRANSFER - NORTH DAKOTA OUTDOOR HERITAGE FUND TO GAME AND FISH DEPARTMENT. The office of management and budget shall transfer the sum of \$2,000,000 from the North Dakota outdoor heritage fund to the private land habitat and access improvement fund for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the private land habitat and access improvement fund, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021. This appropriation is a one-time funding item.

SECTION 6. TRANSFER - NORTH DAKOTA OUTDOOR HERITAGE FUND TO SPECIAL ROADS FUND. The office of management and budget shall transfer the sum of \$500,000 from the North Dakota outdoor heritage fund to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the special roads fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021. This appropriation is a one-time funding item.

SECTION 8. APPROPRIATION. There is appropriated out of any moneys in the private land habitat and access improvement fund, the sum of \$500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of implementing the private land habitat and access improvement program to assist interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021. This appropriation is a one-time funding item.

SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate deprecations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section

DP 3/24/19
2 of 2

54-44.1-11 and may be carried forward for expenditure in future bienniums.

- i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat.

SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER - PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.

- 1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, which the director of the office of management and budget shall transfer to the private land habitat and access improvement fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
- 2. There is appropriated out of any moneys in the private land habitat and access improvement fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS FUND - DEPARTMENT OF TRANSPORTATION.

- 1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the director of the office of management and the budget shall transfer to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
- 2. There is appropriated out of any moneys in the special roads fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

In lieu of the amendments as printed on pages 1285-1287 of the House Journal, Senate Bill No. 2058 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this

subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.

- i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat.

SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER - PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, which the director of the office of management and budget shall transfer to the private land habitat and access improvement fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the private land habitat and access improvement fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS FUND - DEPARTMENT OF TRANSPORTATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the director of the office of management and the budget shall transfer to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the special roads fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the private land habitat and access improvement fund, the sum of \$500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of implementing the private land habitat and access improvement program to assist interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021. This appropriation is a one-time funding item.

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

Renumber accordingly

PA 3/28/11
3 of 3

Date: 3-21-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0501.01003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Anderson Seconded By Heinert

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall		✓
Rep. Anderson	✓		Rep. Roers Jones		✓
Rep. Bosch		✓	Rep. Ruby		✓
Rep. Devlin		✓	Rep. Zubke	✓	
Rep. Heinert	✓		Rep. Mitskog	✓	
Rep. Keiser		✓	Rep. Eidson		✓

Total (Yes) 7 No 7

Absent _____

Floor Assignment motion failed.

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

Date: 3-21-19
Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0501.01003 with changes below

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Anderson Seconded By Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote. Motion carried

If the vote is on an amendment, briefly indicate intent:
replace outdoor heritage fund.
with general fund of ND

Date: 3-21-19
 Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Keiser Seconded By Eidson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Zubke	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Eidson	✓	

Total (Yes) 14 No 0

Absent 0

Floor Assignment Anderson

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

Date: 3-21-19
Roll Call Vote #: 4

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Ruby Seconded By Devlin

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote, Motion carried

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

Date: 3-21-19
Roll Call Vote #: 5

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: further amend 01000 - remove Sec 1+2

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider

Motion Made By Ruby Seconded By Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice vote. Motion carried.

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

remove Sec. 1+2 from .01000

Date: 3-21-19
 Roll Call Vote #: 6

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended further Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Keiser Seconded By Bosch

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Zubke	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Eidson	✓	

Total (Yes) 14 No 0

Absent 0

Floor Assignment D. Anderson

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

Date: 3-28-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep Ruby Seconded By Rep Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote. Motion carried.

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

Date: 3-28-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2058

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0501.01005

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep Anderson Seconded By Rep Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep Bosch			Rep. Ruby		
Rep. Devlin			Rep. Zubke		
Rep. Helnert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote. Motion carried.

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

Date: 3-28-19
 Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2058**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep Anderson Seconded By Rep Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones		✓
Rep. Bosch	✓		Rep. Ruby		✓
Rep. Devlin	✓		Rep. Zubke	✓	
Rep. Heinert	AB				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Eidson	✓	

Total (Yes) 11 No 2

Absent 1

Floor Assignment Rep Anderson

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

REPORT OF STANDING COMMITTEE

SB 2058: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.
 - i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter

feed. These food plots are not subject to public access considerations.

- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat.

SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER - PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, which the director of the office of management and budget shall transfer to the private land habitat and access improvement fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the private land habitat and access improvement fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS FUND - DEPARTMENT OF TRANSPORTATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the director of the office of management and the budget shall transfer to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the special roads fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2058: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1285-1287 of the House Journal, Senate Bill No. 2058 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.

- i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat.

SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER - PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, which the director of the office of management and budget shall transfer to the private land habitat and access improvement fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the private land habitat and access improvement fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS FUND - DEPARTMENT OF TRANSPORTATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the director of the office of management and the budget shall transfer to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the special roads fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the private land habitat and access improvement fund, the sum of \$500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of implementing the private land habitat and access improvement program to assist interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021. This appropriation is a one-time funding item.

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

Renumber accordingly

2019 HOUSE APPROPRIATIONS

SB 2058

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2058
4/2/2019
34456

- Subcommittee
 Conference Committee

Committee Clerk: Risa Bergquist by Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

Minutes:

A

Chairman Delzer: Out of energy and natural resources.

Representative D. Anderson: The bill number is 2058. SB2058 originally started out as a hunting bill, and the original language in this bill went into HB1412. But today I am here to talk about the amendment.

Chairman Delzer: I think you should go in and talk about 03000, the last version.

Representative D. Anderson: After the language from 2058 went onto 1412, we went in and tried to make a habitat bill to add some cost share for food plots or nesting cover in the prairie. If farmers had a spot that they thought they could put a food plot or habitat for the pheasants that's what we went into. We tried to come up with a program, we worked with the game and fish. We were originally going to take \$200,000 from the general fund and give that to the game and fish. The game and fish was going to put \$500,000 from their budget into this program, and also put \$500,000 into the special award fund. The committee didn't agree with the use the heritage fund so they voted to use the general fund. Now all the language in that is gone and we are going to the amendment. The amendment is section 1 line 6 (**see attachment A**).

Chairman Delzer: This is a bill that went out of the house earlier, the senate is trying to change it for the board makeup of the heritage fund, this is something that should be handled itself and that other issue will be dealt with when the house bill comes back across. I did visit with Senator Anderson who was a prime sponsor who had no problem with it.

5:20 Representative Schmidt: This last summer, I was working with a couple of soil conservation districts on an effort to make a proposals and application to the outdoor heritage fund to do some dense nesting on the seeps. I met with the director of the game and fish, and I was told that that request of the outdoor heritage fund folks was

made twice and has been declined twice. To me that practice is soil health, it's water quality, and wildlife habitat and they have declined it. I see on line 15, item J, on page 2 talks that, which is exactly what it is with land owners, and it was declined by heritage, is this to make that up?

Representative D. Anderson: The way it was originally we planned to take the money out of the heritage fund but the committee didn't approve it. If you look under the initial directives under the heritage fund advisory board, they are all dealing with public land for the sportsman, and I think in directive B it has language about saline and improving and maintaining water quality and soil. I think that this fits right in with the heritage fund and that is why we went this route.

Chairman Delzer: The natural resources committee didn't support taking the money out of the heritage fund. I think if we try to change that back and take it out, we would have quite a bite on that floor. I think we should just consider the amendment and keep these 2 separate as far as if you want to change the duties of the heritage fund, I think that should be in a different bill.

Representative D. Anderson: I think this is going to be a discussion that is going to be held in the future because there is 9 million in there and there will be another 15 million. And if you look at the century code there is...

Chairman Delzer: There is guideline to what they are supposed to do and what they aren't, and I believe that is what that other bill is. There are also some mitigation questions on the other mitigation bills. Do we want to start another private lands fund with the general fund? So we either kill it the way it sits or we consider the amendment. This is an issue during the interim where the committee tied 6 to 6, and the industrial commission didn't know whether or not to take it.

Representative D. Anderson: I looked at the minutes for the last heritage fund meeting and they did have 15 people there, but with only 7 or 8 of them showing up, it can make the recommendation without the majority of the board.

Chairman Delzer: If they have a quorum the way it is right now, they could do it with $\frac{3}{4}$ less than the majority of the members on the committee.

Representative Schmidt: I believe that the soil health, water quality, and wildlife habitat is served by seeding dense nesting covered species into these saline areas, and we are getting more and more saline areas in ND. And for the outdoor heritage fund to reject it two times with the soil conservation districts and then turn around and try to get it covered with general funds, I don't think that it's fair, I think that it should be back in the outdoor heritage fund and be a priority.

Meeting closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2058
4/2/2019
34459

- Subcommittee
 Conference Committee

Committee Clerk: Risa Bergquist by Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

Minutes:

Chairman Delzer: Called the meeting back to order for SB 2058. Section 2 of it appropriates 2 million to that and section 3 appropriates 500,000 to the special roads fund and paragraph 4 appropriates 500,000 to lands. So we decided not to put the amendment on the bill. The amendment that was proposed is a hog house amendment and it would make it the same as that section and it would change the number of individuals on the board. It doesn't change anything else about the board.

Representative Brandenburg: I will move the amendment 01007

Representative Meier: Second

Voice vote. Motion carries.

Chairman Delzer: We have the amended bill before us.

Representative Meier: Do pass as amended.

Representative Beadle: Second.

A Roll Call vote was taken. Yea: 12 Nay: 6 Absent: 3. Motion carries.

Flood assignment: **Representative Bert Anderson**

Meeting closed.

CM
1 of 1
4/3/19

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

In lieu of the amendments adopted by the House as printed on pages 1403-1404 of the House Journal, Senate Bill No. 2058 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 6 of section 54-17.8-06 of the North Dakota Century Code, relating to the North Dakota outdoor heritage advisory board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 54-17.8-06 of the North Dakota Century Code is amended and reenacted as follows:

6. The advisory board ~~shall recommend~~ may not forward a grant application to the commission unless the approval of grants application is for funding activities that fulfill the purposes of this chapter and the application receives a favorable recommendation from a majority of the advisory board members.

Renumber accordingly

Date: 4/2/2019
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2058**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: 19.0501.01007

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Representative Brandenburg Seconded By Representative Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer					
Representative Kempenich					
Representative Anderson			Representative Schobinger		
Representative Beadle			Representative Vigesaa		
Representative Bellew					
Representative Brandenburg					
Representative Howe			Representative Boe		
Representative Kreidt			Representative Holman		
Representative Martinson			Representative Mock		
Representative Meier					
Representative Monson					
Representative Nathe					
Representative J. Nelson					
Representative Sanford					
Representative Schatz					
Representative Schmidt					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

Voice Vote/Motion Carries

Date: 4/2/2019
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2058**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Representative Meier Seconded By Representative Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X				
Representative Kempenich	A				
Representative Anderson	X		Representative Schobinger	X	
Representative Beadle	X		Representative Vigesaa	X	
Representative Bellew	X				
Representative Brandenburg		X			
Representative Howe		X	Representative Boe	A	
Representative Kreidt	X		Representative Holman	X	
Representative Martinson	X		Representative Mock	X	
Representative Meier	X				
Representative Monson		X			
Representative Nathe	X				
Representative J. Nelson		x			
Representative Sanford		X			
Representative Schatz		X			
Representative Schmidt	A				

Total (Yes) 12 No 6

Absent 3

Floor Assignment Representative D. Anderson

Motion Carries

REPORT OF STANDING COMMITTEE

SB 2058, as amended: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING). SB 2058, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1403-1404 of the House Journal, Senate Bill No. 2058 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 6 of section 54-17.8-06 of the North Dakota Century Code, relating to the North Dakota outdoor heritage advisory board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 54-17.8-06 of the North Dakota Century Code is amended and reenacted as follows:

6. The advisory board ~~shall recommend~~ may not forward a grant application to the commission unless the approval of grants application is for funding activities that fulfill the purposes of this chapter and the application receives a favorable recommendation from a majority of the advisory board members.

Renumber accordingly

2019 TESTIMONY

SB 2058

Senate Bill 2058

A BILL for an Act to amend and reenact chapter 20.1-01-08 and 20.1-05-04 of the North Dakota Century Code, relating to use of infrared, red, green, or amber artificial light while hunting coyote and fox.

<https://www.legis.nd.gov/assembly/66-2019/documents/19-0501-01000.pdf>

Prepared by Rick Tischaefter, President of the North Dakota Fur Hunters and Trappers Association PO Box 334, Butte North Dakota 58723

January 2019

Purpose - Amend Century Code 20.1-01-08 to allow include infrared, state the artificial light must produce a red, green, or amber color and include coyote and fox; and amend Century Code 20.1-05-04 to include coyote and fox.

Why this legislation is needed – Safety, human and otherwise. Many tasks including (and not limited to) walking, sitting, or observing; determining objects, targets, and distances; attending to personal equipment; hunting with a partner; and safely hunting afoot present significant challenges while night hunting coyote and fox. In earlier sessions, legislators recognized these identical challenges and needs for safely night hunting raccoon and beaver and proactively included red or amber filtered artificial light in the Century Code.

North Dakota Century Codes 20.1-01-08 and 20.1-05-04 exist and allow provisions and equipment for night hunting raccoon and beaver. This legislation simply improves and amends the Century Code to include allowing infrared, the color green, and add coyote and fox. Moreover, reducing the potential for harm that exists with the aforementioned safety challenges are achieved by allowing the use of artificial light (infrared, red, green, or amber) while hunting coyote, fox, raccoon, and beaver.

Background – Hunting coyote and fox at night in North Dakota is a challenging and rewarding outdoor activity. Most night hunters employ daytime predator calling techniques such as utilizing mouth blown or electronic predator calls; calling across or upwind to remain undetected by smell; using warm camouflage clothing that blends with the terrain; laying, sitting, or standing near or against terrain features to hide a human silhouette; and choosing an appropriate weapon – except all are done at night. Keys to being successful include scouting or having previous knowledge of the area; good marksmanship skills with practice shooting at night; reliable equipment that functions in extreme temperatures; practiced operation of all equipment while in the dark; being physically fit; and working with a partner or two. A mouth blown or electronic predator call is used to entice a coyote or fox close enough for identification and safe and accurate shot placement. An average predator calling session from one location (referred to as a “stand”) is 30 minutes. Factors such as weather, temperature, and available time determine the amount of stands a person may have in one night. Night hunting coyote and fox in North Dakota begins on the day after the close of the deer season until March 15. This season includes most of the harshest weather we experience in North Dakota.

Night hunting in North Dakota is an important part of our furbearer hunting heritage. Many North Dakotans cherish, plan, and participate in this regulated outdoor activity. It is challenging; provides a connection with nature and our landscape; and provides benefits as a regulated harvest season for these species. Our night hunting heritage mirrors other hunting activities as participation includes family or friends, not only to share in the experience, but provide a measure of safety while hunting at night.

Century Code 20.1-01-08 allows a red or amber filtered artificial light while night hunting afoot for raccoon and beaver and Century Code 20.1-05-04 allows the use of a flashlight with a power source of no greater than six volts. This type of light is used (not limited to these) to passively illuminate the terrain, hazards, rocks, trees, branches; for attention to

personal equipment; identify a hunting partners location; and assist in safely hunting afoot.

Night hunting raccoon and beaver with red or amber filtered artificial light has requirements. Filtered artificial light prohibits the use of a white light (although white is solely permitted at the point of kill for raccoon while night hunting); a power source less than six volts prohibits the use of larger capacity spotlights common with 12 volt power sources; and while afoot prohibits hunting from a vehicle or boat which may provide easy access to a 12 volt power source.

Technological advances have created light emitting diode (LED) devices that emit visible light when electric current passes through it. Commonly known as LED lights, more and more applications exist due to enhanced clarity, various color applications, greater efficiency, and lower cost. Flashlights and headlamps are currently available with green and red colored LED lights, foregoing the need to use a red, green, or amber filter over a white light.

Red or amber filtered artificial light undeniably provides a great measure of safety while night hunting raccoon and beaver. It allows for accurate identification of raccoon and beaver as red or amber filtered artificial light is almost unrecognizable to nocturnal mammals. Mammal eyes have cones and rods that assist with seeing the spectrum of color. Unlike human eyes, nocturnal mammals do not visualize the red, green, or amber spectrum of color. Nocturnal mammal eyes also have a special surface in the back of the eye that when shown with red, green, or amber artificial light, causes a reflective eye shine. This is beneficial in locating and identifying the nocturnal mammal.

Prior to 2016, night hunting coyote and fox was only allowed with the use of natural light (starlight or moonlight). In 2016, the North Dakota Game and Fish Department allowed night hunting coyote and fox with thermal and night vision equipment. A season was established in conjunction with this opportunity – beginning the day after the close of the deer gun season until March 15. Unlike other hunting seasons, prescribed daily hunting hours do not exist. The exception is the beginning - 0001 hours on the beginning date; and the end - 2400 hours on March 15. Although thermal and night vision equipment is permitted, the use of artificial light is not. Thermal and night vision equipment is allowed by Governor's Proclamation, whereas allowing artificial light requires amending the Century Code.. Artificial light is needed (not limited to these) to passively illuminate terrain, hazards, rocks, trees, branches; for attention to personal equipment; identify a hunting partners location; and assist in safely hunting afoot. Human safety is severely compromised without extending the same artificial light permissible for night hunting raccoon and beaver to night hunting coyote and fox.

Thermal and night vision equipment is configured in monocular, binocular, or tubular scope optics. In this context, thermal and night vision equipment is used for night hunting, but that is where similarities end. For night hunting nocturnal mammals, thermal equipment processes a heat signature to visualize the mammal and can be used in complete and total darkness. Conversely, night vision equipment uses available light from the stars or moon to visualize the mammal. Night vision equipment includes a built in flashlight to enhance what is observed through the optic because available light is

always a limiting factor. This flashlight is called an infrared illuminator. The red artificial light produced by an infrared illuminator is observed by casting the light against a reflective surface (like white paper) or by looking at the fore end of the illuminator from a slight angle (straight on is not recommended).

Infrared, red, green, or amber artificial light must remain as options for personal choice. Green artificial light serves the same purpose as red or amber artificial light. The spectrum of green artificial light, like red or amber artificial light, provides the same reflective eye shine while not clearly identifiable by nocturnal mammals. Green artificial light, like red or amber artificial light, is passive and commonly used with hand-held and headlamp flashlights in other hunting related activities. It is a useful light for setting up decoys, getting equipment into a blind, traversing terrain to get to a stand, camp chores during darkness, recovering game, and many other outdoor tasks. Depending on the surfaces, red artificial light may appear to be absorbed in what it contacts more than green artificial light. Green artificial light provides a measure of additional clarity and depth in what it contacts. The benefits of green artificial light while night hunting surfaced in recent years while used with feral hog applications, and may now be preferred by some over the red or amber artificial light.

The amendment to Century Code 20.1-01-08 adds “, including infrared,” and provides that “The artificial light must produce a red, green, or amber color when used in the hunting of coyote, fox, raccoon or beaver, except when taking a raccoon treed or at bay.” will allow using both filtered artificial light (a red, green, or amber filter over a white light), infrared, or existing light technology whereby the bulb itself produces the red, green or amber color.

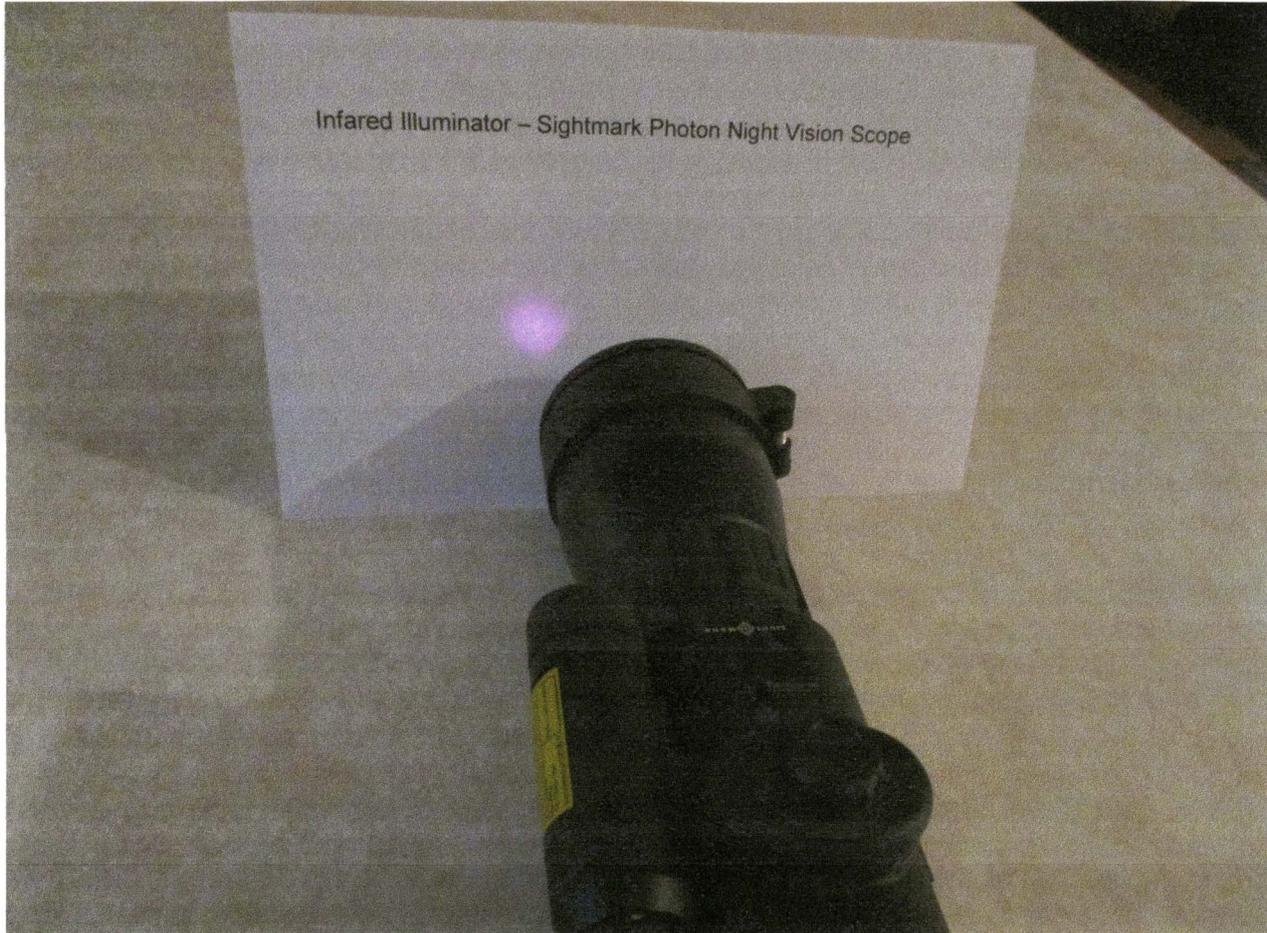
Funding – No fiscal appropriation is required for this legislation.

Examples of Red and Green Artificial Light (3 to 4.5 volts - depending on manufacturer)



1. Flashlight with red light
2. Headlamp flashlight with green light
3. Flashlight with red light
4. Headlamp flashlight with red lights

Example of Infrared Artificial Light (3 to 4.5 volts - depending on manufacturer)



Night vision equipment is configured in monocular, binocular, and tubular scope mounted optics that include an infrared illuminator flashlight. This infrared illuminator flashlight (shown) is scope mounted (the part of the scope with the yellow label). The red artificial light produced by an infrared illuminator is observed by casting the light against a reflective surface (like white paper) or by looking at the fore end of the illuminator from a slight angle (straight on is not recommended). The red light is a high frequency and long wavelength light and presents the appearance of being scattered rather than focused. Night vision equipment is designed to operate in low light conditions. This photo was taken in low light so as not to damage the components of the scope while operating, yet provide evidence to the red artificial light produced by the infrared illuminator flashlight.

SB 2058
1.17.19
#2
Pg. 1

NDLA, S NAT - Johnson, Marne

From: Unruh, Jessica K.
Sent: Thursday, January 17, 2019 2:46 PM
To: NDLA, S NAT - Johnson, Marne
Subject: FW: 2058

-----Original Message-----

From: Julie Schaff Ellingson <jellingson@ndstockmen.org>
Sent: Thursday, January 17, 2019 2:26 PM
To: Unruh, Jessica K. <jkunruh@nd.gov>
Subject: 2058

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello. I was unable to attend the hearing this morning on SB 2058 because of a conflicting hearing at the same time. The North Dakota Stockmen's Association supports the bill however. Please record our support as part of the record. We appreciate your consideration of the bill. Thank you for the help!

Regards,
Julie Ellingson
223-2522

Sent from my iPhone



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Donald W. Longmuir

District 2
P.O. Box 1191
Stanley, ND 58784-1191
dlongmuir@nd.gov

COMMITTEES:
Education
Political Subdivisions

February 28, 2019

SB2058

Chairman Porter and members of the House Energy and Natural Resources Committee my name is Don Longmuir and I am a Representative from District 2, which includes Burke County, Divide County, part of Mountrail County and all of Williams County except most of the City of Williston. Thank you for giving me the opportunity to appear before you today to support SB2058.

This past summer I was contacted by a constituent regarding the possibility of adding red or amber filtered light for night hunting of coyote and fox. We contacted the North Dakota Game & Fish Department to see if this was something that could be done administratively through the hunting proclamation. In visiting with the Department it was pointed out that this type of change could not be taken care of administratively or through the proclamation but would require legislative action. During our conversations it was noted that North Dakota Fur Hunters and Trappers Association was also looking to address this issue. It was determined that by working together with the Department a bill could be developed which would meet the needs of all the parties. The result was SB2058.

I have handed out an amendment which everyone who worked on the bill agrees would help meet the goals set by the groups.

Chairman Porter and members of the Committees I would encourage you to read the written testimony submitted by Rick Tischaefter, President of the North Dakota Fur Hunters and Trappers Association. Mr. Tischaefter wanted to be present testify but business obligations did not allow him the opportunity.

Chairman Porter and members of the Committee, thank you again for the opportunity to appear before your committee and I would stand for questions.

19.0501.01001
Title.

Prepared by the Legislative Council staff for
Representative Longmuir
February 26, 2019

SB 2058
2.28.19
Attachment 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

Page 2, line 11, after "volts" insert "while hunting afoot"

Renumber accordingly

March 21, 2019

#1
3.21.19
SB 2058

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

Page 1, line 1, after "A BILL" replace the remainder of the bill with " for an Act to amend and reenact 20.1-02-05 relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section

#1
3.21.19
SB 2058

54-44.1-11 and may be carried forward for expenditure in future bienniums.

- i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat.

SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER- PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.

- 1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, which the director of the office of management and budget shall transfer to the private land habitat and access improvement fund for the period beginning with the effective date of the Act, and ending June 30, 2021.
- 2. There is appropriated out of any moneys in the private land habitat and access improvement fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act and ending June 30, 2021.

SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS FUND - DEPARTMENT OF TRANSPORTATION.

- 1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the director of the office of management and the budget shall transfer to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
- 2. There is appropriated out of any moneys in the special roads fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

#1
3-28-19
SB 2058

19.0501.01005
Title.

Prepared by the Legislative Council staff for
Representative D. Anderson
March 25, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

In lieu of the amendments as printed on pages 1285-1287 of the House Journal, Senate Bill No. 2058 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- 17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this

H1
3-28-19
SB 2058

subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.

- i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat.

SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER - PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.

- 1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, which the director of the office of management and budget shall transfer to the private land habitat and access improvement fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
- 2. There is appropriated out of any moneys in the private land habitat and access improvement fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS FUND - DEPARTMENT OF TRANSPORTATION.

- 1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the director of the office of management and the budget shall transfer to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
- 2. There is appropriated out of any moneys in the special roads fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the private land habitat and access improvement fund, the sum of \$500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of implementing the private land habitat and access improvement program to assist interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021. This appropriation is a one-time funding item.

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

#1
3-28-19
SP 2058

Renumber accordingly

SB2058
4/2/19
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19.0501.01007
Title.

Prepared by the Legislative Council staff for
Representative D. Anderson
April 1, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2058

In lieu of the amendments adopted by the House as printed on pages 1403-1404 of the House Journal, Senate Bill No. 2058 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 6 of section 54-17.8-06 of the North Dakota Century Code, relating to the North Dakota outdoor heritage advisory board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 54-17.8-06 of the North Dakota Century Code is amended and reenacted as follows:

6. The advisory board ~~shall recommend~~ may not forward a grant application to the commission unless the approval of grants application is for funding activities that fulfill the purposes of this chapter and the application receives a favorable recommendation from a majority of the advisory board members.

Renumber accordingly