

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**ENGROSSED HOUSE BILL NO. 1018**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish  
2 department; to amend and reenact sections 20.1-02-16.1 and 20.1-04-15 of the North Dakota  
3 Century Code, relating to the game and fish fund and establishing a youth pheasant hunting  
4 season; to provide statements of legislative intent; to provide an expiration date; and to declare  
5 an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
8 section represent the base level funding component appropriated to the game and fish  
9 department in section 3 of this Act as follows:

10 Salaries and wages	\$15,373,582
11 Operating expenses	9,491,219
12 Capital assets	2,259,944
13 Grants	3,602,050
14 Land habitat and deer depredation	10,181,415
15 Noxious weed control	300,000
16 Grants, gifts, and donations	150,000
17 Nongame wildlife conservation	120,000
18 Lonetree reservoir	1,337,553
19 Wildlife services	<u>550,000</u>
20 Total special funds - Base level	\$43,365,763

21 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
22 amounts identified in this section represent the funding adjustments or enhancements to the  
23 base funding level for the game and fish department which are included in the appropriation in  
24 section 3 of this Act as follows:

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1	Salaries and wages	\$1,414,443
2	Operating expenses	245,216
3	Capital assets	701,172
4	Grants	2,562,072
5	Land habitat and deer depredation	46,564
6	Noxious weed control	50,000
7	Grants, gifts, and donations	550,000
8	Lonetree reservoir	190,854
9	Wildlife services	130,000
10	Ramp improvements and marina development	<u>800,000</u>
11	Total special funds - Adjustments/enhancements	\$6,690,321

12           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
13 funds as may be necessary, are appropriated out of any moneys in the game and fish fund in  
14 the state treasury, not otherwise appropriated, and from special funds derived from federal  
15 funds and other income, to the game and fish department for the purpose of defraying the  
16 expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007,  
17 as follows:

18	Salaries and wages	\$16,788,025
19	Operating expenses	9,736,435
20	Capital assets	2,961,116
21	Grants	6,164,122
22	Land habitat and deer depredation	10,227,979
23	Noxious weed control	350,000
24	Grants, gifts, and donations	700,000
25	Nongame wildlife conservation	120,000
26	Lonetree reservoir	1,528,407
27	Wildlife services	680,000
28	Ramp improvements and marina development	<u>800,000</u>
29	Total special funds appropriation	\$50,056,084

30           **SECTION 4. PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT.** The sum of  
31 \$3,500,000, or so much of the sum as may be necessary, included in the land habitat and deer

1    depredation line item in section 3 of this Act, is from the private land habitat and access  
2    improvement fund and must be used by the game and fish department for the private land  
3    habitat and access improvement program, as provided in section 20.1-02-05, for the biennium  
4    beginning July 1, 2005, and ending June 30, 2007.

5           **SECTION 5. NONGAME WILDLIFE.** The sum of \$35,000, or so much of the sum as  
6    may be necessary, included in the nongame wildlife conservation line item in section 3 of this  
7    Act, is from the nongame wildlife fund and must be used by the game and fish department for  
8    the purposes provided in section 20.1-02-16.2, for the biennium beginning July 1, 2005, and  
9    ending June 30, 2007.

10          **SECTION 6. WILDLIFE SERVICES - AGRICULTURE COMMISSIONER.** The sum of  
11    \$680,000, or so much of the sum as may be necessary, included in the wildlife services line  
12    item in section 3 of this Act, is from the game and fish department operating fund and must be  
13    provided to the agriculture commissioner to pay for services provided by the United States  
14    department of agriculture wildlife services agency to alleviate wildlife depredation and damage  
15    in North Dakota. The director of the game and fish department must approve projects,  
16    contracts, and agreements relating to the expenditure of these moneys.

17          **SECTION 7. LEGISLATIVE INTENT - GRANTS, GIFTS, AND DONATIONS LINE**  
18    **ITEM - UNDERDAHL GIFT.** The grants, gifts, and donations line item in section 3 of this Act  
19    includes up to \$500,000 provided as a gift to the game and fish department from the estate of  
20    Rodney Underdahl. It is the intent of the fifty-ninth legislative assembly to approve the  
21    unrestricted receipt of this gift by the game and fish department.

22          **SECTION 8. LEGISLATIVE INTENT - GRAHAMS ISLAND ROAD.** It is the intent of  
23    the fifty-ninth legislative assembly that if the bids for the Grahams Island road construction  
24    project are less than the amount budgeted, then \$350,000 of the \$750,000 grant provided by  
25    the game and fish department for the road project must be returned to the game and fish fund.

26          **SECTION 9. AMENDMENT.** Section 20.1-02-16.1 of the North Dakota Century Code  
27    is amended and reenacted as follows:

28          **20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section**  
29    **approval.** All income of the state game and fish department deposited by the director with the  
30    state treasurer must be credited to the state game and fish fund and the fund may be used only  
31    by the department. All money derived from the investment of the fund or portions of the fund

1 must be credited to the game and fish department private land habitat and access improvement  
2 fund. The department shall spend moneys in the game and fish fund within the limits of  
3 legislative appropriations, only to the extent the balance of the fund is not reduced below ~~ten~~  
4 fifteen million dollars, unless otherwise authorized by the budget section.

5 **SECTION 10. AMENDMENT.** Section 20.1-04-15 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **20.1-04-15. Pheasant season - Opening.** The open or lawful season on pheasant  
8 and the open or lawful season on duck may not commence on the same weekend. ~~The~~ Except  
9 as otherwise provided in this section for the opening of pheasant season for youth, the open or  
10 lawful season on pheasant may not open earlier than one-half hour before sunrise and the  
11 season may not commence earlier than the first Saturday of October of any given year. The  
12 governor, in the governor's proclamation, may provide a pheasant hunting season for youth  
13 ages twelve through sixteen on the Saturday and Sunday preceding the opening of the regular  
14 pheasant season.

15 **SECTION 11. EXPIRATION DATE.** Section 10 of this Act is effective through July 31,  
16 2007, and after that date is ineffective.

17 **SECTION 12. EMERGENCY.** The ramp improvements and marina development line  
18 item contained in section 3 of this Act is declared to be an emergency measure.