

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1018  
(Appropriations Committee)  
(At the request of the Governor)

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

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

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

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

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

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

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

Salaries and wages	\$16,788,025
Operating expenses	9,736,435

Capital assets	2,961,116
Grants	6,164,122
Land habitat and deer depredation	10,227,979
Noxious weed control	350,000
Grants, gifts, and donations	700,000
Nongame wildlife conservation	120,000
Lonetree reservoir	1,528,407
Wildlife services	680,000
Ramp improvements and marina development	800,000
Total special funds appropriation	\$50,056,084

**SECTION 4. PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT.** The sum of \$3,500,000, or so much of the sum as may be necessary, included in the land habitat and deer depredation line item in section 3 of this Act, is from the private land habitat and access improvement fund and must be used by the game and fish department for the private land habitat and access improvement program, as provided in section 20.1-02-05, for the biennium beginning July 1, 2005, and ending June 30, 2007.

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

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

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

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

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

**20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.** All income of the state game and fish department deposited by the director with the state treasurer must be credited to the state game and fish fund and the fund may be used only by the department. All money derived from the investment of the fund or portions of the fund must be credited to the game and fish department private land habitat and access improvement fund. The department shall spend moneys in the game and fish fund within the limits of legislative appropriations, only to the extent the balance of the fund is not reduced below ~~ten~~ fifteen million dollars, unless otherwise authorized by the budget section.

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

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

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

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1018 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas        80            Nays        10            Absent      4

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas        47            Nays        0            Absent      0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State