

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2293

Introduced by

Senators Oehlke, Kreun, J. Roers

Representatives Jones, Mock, Porter

1 A BILL for an Act to create and enact a new section to chapter 20.1-02 and ~~a new section to~~  
2 ~~chapter 20.1-03~~ a new section to chapter 20.1-13 of the North Dakota Century Code, relating to  
3 the creation of the aquatic nuisance species program fund and ~~surecharges for fishing and~~  
4 ~~waterfowl licenses~~ requiring aquatic nuisance species fees for motorboats; to amend and  
5 reenact ~~section~~ sections 20.1-02-16.1 and 20.1-03-12 of the North Dakota Century Code,  
6 relating to the investment of the state game and fish fund and aquatic nuisance species fees for  
7 motorboats; and to provide a penalty; to provide ~~a continuing~~ an appropriation; to provide for a  
8 transfer; to provide an exemption; and to declare an emergency.

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

10 **SECTION 1.** A new section to chapter 20.1-02 of the North Dakota Century Code is created  
11 and enacted as follows:

12 **Aquatic nuisance species program fund--Continuing appropriation.**

13 There is created in the state treasury a special fund known as the aquatic nuisance species  
14 program fund. The fund consists of transfers and deposits made in accordance with sections 2-  
15 and 3 section 20.1-02-16.1 and section 4 of this Act. All moneys in the fund are appropriated to  
16 the game and fish department for use in aquatic nuisance species education, inspection, and  
17 monitoring programs under chapter 20.1-17.

18 **SECTION 2. AMENDMENT.** Section 20.1-02-16.1 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.**

21 1.—All income of the state game and fish department deposited by the director with the  
22 state treasurer must be credited to the state game and fish fund and the fund may be  
23 used only by the department. All money derived from the investment of the fund,  
24 special accounts, or portions of the fund ~~must~~ may be credited to the game and fish

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

5 ~~2. Investment of the fifteen million dollar balance in this section may be made under the~~  
6 ~~supervision of the state investment board. The moneys must be invested by the~~  
7 ~~investing authority according to the laws relating to state investments. The department~~  
8 ~~shall notify the state investment board of the amount available for investment. The~~  
9 ~~investment is exempt from section 6-09-07. The investment income may be deposited~~  
10 ~~into the aquatic nuisance species program fund for use in aquatic nuisance species~~  
11 ~~education, inspection, and monitoring programs.~~

12 **SECTION 3. AMENDMENT.** Section 20.1-03-12 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **20.1-03-12. Schedule of fees for licenses and permits.**

15 The fees collected under this section for licenses and permits must be deposited with the  
16 state treasurer and credited to the game and fish fund, except aquatic nuisance species fees  
17 must be deposited with the state treasurer and credited to the aquatic nuisance species  
18 program fund. Forty-five dollars of each nonresident big game hunting license fee must be used  
19 for the private land initiative. The various license and permit fees are as follows:

- 20 1. For a resident, age sixteen and over, small game hunting license, ten dollars.
- 21 2. For a nonresident small game hunting license, one hundred dollars.
- 22 3. For a resident big game hunting license, thirty dollars, except the fee for a licensee  
23 under age sixteen is ten dollars, except as provided in a gubernatorial proclamation  
24 issued pursuant to section 20.1-08-04.1.
- 25 4. Except for a nonresident who participates on the same basis as a resident in a lottery  
26 for deer licenses remaining after the second lottery for residents under subsection 4 of  
27 section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty  
28 dollars, and for a nonresident bow license, two hundred fifty dollars, and a  
29 nonrefundable five dollar application fee must accompany any lottery license fee under  
30 this subsection, except as provided in a gubernatorial proclamation issued pursuant to  
31 section 20.1-08-04.1. For a nonresident who participates on the same basis as a

- 1 resident in a lottery for deer licenses remaining after the second lottery for residents,  
2 fifty dollars.
- 3 5. For a resident fur-bearer license, fifteen dollars.
- 4 6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years  
5 or over, a resident totally or permanently disabled, or a resident disabled veteran who  
6 has a fifty percent service-connected disability as determined by the department of  
7 veterans' affairs or has an extra-schedular rating to include individual unemployability  
8 that brings the veteran's total disability ratio to fifty percent, the license fee is five  
9 dollars.
- 10 7. For a nonresident fishing license, forty-five dollars.
- 11 8. For a resident husband and wife fishing license, twenty-two dollars.
- 12 9. For a nonresident nongame hunting license, fifteen dollars.
- 13 10. For a resident wild turkey permit, fifteen dollars.
- 14 11. For an annual general game license, three dollars.
- 15 12. For a license to a nonresident buyer or shipper of green furs, or that person's agent,  
16 the amount that the nonresident buyer or shipper of green furs would pay for a  
17 nonresident buyer or shipper of green furs license or comparable license in that  
18 person's state of residence, or fifty dollars, whichever is greater.
- 19 13. For a license to a resident buyer or shipper of green furs, eight dollars for each place  
20 of business maintained by that person within this state.
- 21 14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty  
22 dollars.
- 23 15. For an annual license to practice taxidermy, twenty-five dollars.
- 24 16. For a permit to ship, by a person having a resident hunting license, during the  
25 respective open seasons, not to exceed in any one season twenty-five game birds, to  
26 points within this state other than that person's home or to points outside this state,  
27 three dollars.
- 28 17. For a permit to make collections of protected birds and animals for scientific purposes,  
29 ten dollars.
- 30 18. For a motorboat certificate of number and license: Each motorboat under sixteen feet  
31 [4.88 meters] in length, and all canoes, regardless of length, powered by a motor,

- 1           eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but  
2           shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars.  
3           Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five  
4           dollars.
- 5       19. For the taking of undesirable fish from the waters of this state pursuant to section  
6           20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine  
7           of fifty feet [15.24 meters] or any fraction thereof.
- 8       20. For a resident paddlefish tag annual license, ten dollars per tag.
- 9       21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per  
10          tag.
- 11      22. For an annual resident license to sell minnows or other live bait at wholesale, fifty  
12          dollars.
- 13      23. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except  
14          the fee is seventy-five dollars if white suckers are sold.
- 15      24. For an annual license to operate a private fish hatchery, seventy-five dollars.
- 16      25. For a resident commercial frog license, fifty dollars.
- 17      26. For a nonresident commercial frog license, two hundred dollars.
- 18      27. For a resident frog license, three dollars.
- 19      28. For a resident husband and wife frog license, five dollars.
- 20      29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per  
21          acre [.40 hectare] for each acre [.40 hectare].
- 22      30. For a nonresident waterfowl hunting license, one hundred dollars.
- 23      31. For a nonresident husband and wife fishing license, sixty dollars.
- 24      32. For a nonresident short-term three-day fishing license, twenty-five dollars.
- 25      33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
- 26      34. For a combination license, fifty dollars.
- 27      35. For a white-tailed deer license sold to certified guides or outfitters and provided by  
28          them to nonresidents, two hundred fifty dollars.
- 29      36. For a resident swan license, ten dollars.
- 30      37. For a nonresident swan license, thirty dollars.
- 31      38. For a resident sandhill crane license, ten dollars.

- 1 39. For a nonresident sandhill crane license, thirty dollars.
- 2 40. For a resident commercial clam license, one hundred dollars.
- 3 41. For a nonresident commercial clam license, one thousand dollars.
- 4 42. For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant  
5 shall submit to the director a surety bond in the sum of two thousand dollars.
- 6 43. For an annual class B nonresident license to sell minnows or other live bait at  
7 wholesale, two hundred fifty dollars.
- 8 44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 9 45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
- 10 46. For a nonresident spring white goose license, fifty dollars.
- 11 47. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two  
12 dollars. An agent may not charge a service fee for issuing a resident or nonresident  
13 certificate fee.
- 14 48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
- 15 49. For a nonresident wild turkey permit, eighty dollars.
- 16 50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- 17 51. For an annual class A nonresident license to sell minnows or other live bait at  
18 wholesale, five hundred dollars.
- 19 52. For a resident early Canada goose season license, five dollars.
- 20 53. For a nonresident early Canada goose season license, fifty dollars.
- 21 54. For a resident disabled veteran combined general game, habitat stamp, small game,  
22 and fur-bearer license, three dollars.
- 23 55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen  
24 dollars valid concurrent with motorboat licensure.
- 25 56. For each motorboat operated on waters of this state and not licensed in this state, an  
26 aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

27 ~~—SECTION 4. A new section to chapter 20.1-03 of the North Dakota Century Code is created~~  
28 ~~and enacted as follows:~~

29 ~~— Fishing and waterfowl license surcharge.~~

30 ~~— The director shall establish a surcharge of three dollars on each resident fishing license~~

31 ~~except for a resident who is sixty five years of age or older, permanently or totally disabled, or a~~

~~disabled veteran as defined in subsection 6 of section 20.1-03-12. The director also shall  
establish a surcharge of six dollars on each nonresident fishing license and each nonresident  
waterfowl hunting license issued under section 20.1-03-12. The collected surcharge fees must  
be deposited with the state treasurer and credited to the aquatic nuisance species program  
fund.~~

**SECTION 4.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

**Operation of motorboat without payment of aquatic nuisance species fee prohibited - Penalty.**

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.

a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.

b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.

2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.

3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 5. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. The game and fish department shall transfer moneys deposited in the aquatic

1 nuisance species program fund to the state game and fish fund to repay any moneys expended  
2 from the state game and fish fund under this section.

3 **SECTION 6. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND.**

4 There is appropriated out of any moneys in the aquatic nuisance species program fund in the  
5 state treasury, not otherwise appropriated, the sum of \$1,300,000, or so much of the sum as  
6 may be necessary, to the game and fish department for use in aquatic nuisance species  
7 education, inspection, and monitoring programs under chapter 20.1-17, for the biennium  
8 beginning July 1, 2019, and ending June 30, 2021.

9 **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.