

HOUSE BILL NO. 1214

Introduced by

Representatives Kerzman, Devlin, Froelich, Kempenich, Weisz

Senators Andrist, Heitkamp

1 A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota
2 Century Code, relating to use of hunting license fees; and to amend and reenact sections
3 20.1-02-16.1, 20.1-03-12, 20.1-03-17, 20.1-03-30, and 20.1-06-16 of the North Dakota Century
4 Code, relating to deposit of hunting license fees in the game and fish fund.

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

6 **SECTION 1. AMENDMENT.** Section 20.1-02-16.1 of the North Dakota Century Code
7 is amended and reenacted as follows:

8 **20.1-02-16.1. Use of game and fish fund.** All Except as provided in section 5 of this
9 Act, all income of the state game and fish department, deposited by the director with the state
10 treasurer must be credited to the state game and fish fund and the fund may be used only by
11 the department. All money derived from the investment of the fund or portions thereof must be
12 credited to the fund.

13 **SECTION 2. AMENDMENT.** Section 20.1-03-12 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **20.1-03-12. Schedule of fees for licenses and permits.** The various license and
16 permit fees are as follows:

- 17 1. For a resident, age sixteen and over, small game hunting license, six dollars.
- 18 2. For a nonresident small game hunting license, seventy-five dollars.
- 19 3. For a resident big game hunting license, twenty dollars, except the fee for a
20 licensee under age sixteen is ten dollars, except as provided in a gubernatorial
21 proclamation issued pursuant to section 20.1-08-04.1.
- 22 4. For a nonresident big game hunting license, one hundred fifty-five dollars, and for a
23 nonresident bow license, one hundred fifty-five dollars, and a nonrefundable five
24 dollar application fee must accompany any lottery license fee under this

- 1 subsection, except as provided in a gubernatorial proclamation issued pursuant to
2 section 20.1-08-04.1.
- 3 5. For a resident fur-bearer license, seven dollars.
- 4 6. For a resident fishing license, ten dollars, except that for a resident sixty-five years
5 or over or a resident totally or permanently disabled, the license fee is three
6 dollars.
- 7 7. For a nonresident fishing license, twenty-five dollars.
- 8 8. For a nonresident short-term seven-day fishing license, fifteen dollars.
- 9 9. For a resident husband and wife fishing license, fourteen dollars.
- 10 10. For a nonresident nongame hunting license, fifteen dollars.
- 11 11. For a wild turkey permit, eight dollars.
- 12 12. For an annual general game license, three dollars.
- 13 13. For a permit to propagate, domesticate, or possess protected wildlife, five dollars.
- 14 14. For a license to a nonresident buyer or shipper of green furs, or that person's
15 agent, the amount that the nonresident buyer or shipper of green furs would pay for
16 a nonresident buyer or shipper of green furs license or comparable license in that
17 person's state of residence, or fifty dollars, whichever is greater.
- 18 15. For a license to a resident buyer or shipper of green furs, eight dollars for each
19 place of business maintained by that person within this state.
- 20 16. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty
21 dollars.
- 22 17. For an annual license to practice taxidermy, twenty-five dollars.
- 23 18. For a permit to ship, by a person having a resident hunting license, during the
24 respective open seasons, not to exceed in any one season twenty-five game birds,
25 to points within this state other than that person's home or to points outside this
26 state, three dollars. For a resident certificate fee, one dollar, and for a nonresident
27 certificate fee, two dollars. An agent may not charge a service fee for issuing a
28 resident or nonresident certificate fee.
- 29 19. For a permit to make collections of protected birds and animals for scientific
30 purposes, ten dollars.

- 1 20. For a motorboat certificate of number and license: Each motorboat under sixteen
2 feet [4.88 meters] in length, and all canoes, regardless of length, powered by a
3 motor, twelve dollars. Each motorboat sixteen feet [4.88 meters] in length and over
4 but shorter than twenty feet [6.1 meters] in length, excluding canoes, twenty-four
5 dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding
6 canoes, thirty-three dollars.
- 7 21. To operate watercraft used for hire, the following license fees apply for three years:
8 Class 1. Each craft capable of carrying two adults of average weight,
9 six dollars.
10 Class 2. Each craft capable of carrying three adults of average weight,
11 six dollars.
12 Class 3. Each craft capable of carrying four adults of average weight,
13 six dollars.
14 Class 4. Each craft capable of carrying five adults of average weight,
15 six dollars.
16 Class 5. Each craft capable of carrying up to eight adults of average weight,
17 nine dollars.
18 Class 6. Each craft capable of carrying up to ten adults of average weight,
19 twelve dollars.
20 Class 7. Each craft capable of carrying up to fifteen adults of average weight,
21 twenty-four dollars.
22 Class 8. Each craft capable of carrying sixteen or more adults of average weight,
23 thirty dollars.
- 24 22. For the taking of undesirable fish from the waters of this state pursuant to section
25 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each
26 seine of fifty feet [15.24 meters] or any fraction thereof.
- 27 23. For a license to erect, have, and maintain on the ice in this state a fishhouse used
28 or to be used to protect one while ice fishing or a dark house used or to be used for
29 spearfishing, ten dollars for each unit.
- 30 24. For a resident paddlefish tag annual license, three dollars per tag.

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- 1 25. For a nonresident paddlefish tag annual license, seven dollars and fifty cents per
- 2 tag.
- 3 26. For an annual resident license to sell minnows or other live bait at wholesale, thirty
- 4 dollars.
- 5 27. For an annual license to sell minnows or other live bait at retail, fifteen dollars,
- 6 except the fee is seventy-five dollars if white suckers are sold.
- 7 28. For an annual license to operate a private fish hatchery, seventy-five dollars.
- 8 29. For a resident commercial frog license, fifty dollars.
- 9 30. For a nonresident commercial frog license, two hundred dollars.
- 10 31. For a resident frog license, three dollars.
- 11 32. For a resident husband and wife frog license, five dollars.
- 12 33. For a shooting preserve operating permit:
- 13 a. One hundred dollars, if the shooting preserve consists of an area of six
- 14 hundred forty acres [259 hectares] or less; or
- 15 b. One hundred dollars, if the shooting preserve consists of an area of more than
- 16 six hundred forty acres [259 hectares], plus fifty cents per acre [.40 hectare]
- 17 for each acre [.40 hectare] over six hundred forty acres [259 hectares].
- 18 34. For an annual license to guide for both hunting and fishing, one hundred fifty
- 19 dollars.
- 20 35. For an annual license to guide only for hunting, one hundred dollars.
- 21 36. For an annual license to guide only for fishing, one hundred dollars.
- 22 37. For a nonresident waterfowl hunting license, ten dollars.
- 23 38. For a nonresident husband and wife fishing license, thirty-five dollars.
- 24 39. For a nonresident short-term three-day fishing license, ten dollars.
- 25 40. For a nonresident fur-bearer and nongame hunting license, twenty-five dollars.
- 26 41. For a combination license, twenty-seven dollars.
- 27 42. For a white-tailed deer license sold to guides or outfitters and provided by them to
- 28 nonresidents, two hundred fifty dollars.
- 29 43. For a resident swan license, five dollars.
- 30 44. For a nonresident swan license, twenty-five dollars.
- 31 45. For a resident and nonresident sandhill crane license, five dollars.

- 1 46. For a resident commercial clam license, one hundred dollars.
- 2 47. For a nonresident commercial clam license, one thousand dollars.
- 3 48. For a commercial clam dealer's permit, two thousand dollars. In addition, the
4 applicant shall submit to the director a surety bond in the sum of two thousand
5 dollars.
- 6 49. For an annual nonresident license to sell minnows or other live bait at wholesale,
7 two hundred dollars.
- 8 50. For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 9 51. For a nonresident reciprocal trapping license, two hundred fifty dollars.
- 10 ~~The~~ Except as provided in section 5 of this Act, the fees for these licenses and permits, except
11 for motorboat license fees, must be deposited with the state treasurer and credited to the game
12 and fish fund.

13 **SECTION 3. AMENDMENT.** Section 20.1-03-17 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **20.1-03-17. Issuance of licenses - Who to issue - County auditor may appoint**
16 **agents to receive service fees - Disposition of proceeds.** All hunting, fur-bearer, fishing,
17 and taxidermists' licenses must be issued by county auditors, the director, deputy director, and
18 bonded game wardens. The deputy director and each bonded game warden shall send the
19 director all license fees. For each license the county auditor issues, the county auditor shall
20 collect the authorized charges and record them in the county auditor's record of cash received.
21 The county auditor shall retain, as compensation, twenty-five cents for the issuance of each of
22 the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and
23 fifteen cents for the issuance of each resident hunting, fishing, or fur-bearer license issued in
24 excess of the first one thousand licenses issued each year; one dollar for the issuance of each
25 nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each
26 nonresident fishing license; and ten cents for the issuance of each nonresident general game
27 license.

28 The county auditor may appoint agents to distribute hunting and fishing licenses or
29 stamps. However, a county auditor may not provide hunting licenses to agents located outside
30 this state. The county auditor may require agents to show evidence of adequate financial
31 security before the agents are appointed. Adequate financial security may be evidenced by a

1 letter of credit, cash deposit, or bond. Agents may be bonded through the state bonding fund.
2 The agents may charge purchasers a service fee of fifty cents for each license. Service fees
3 may be retained by the agent. The remainder of the license fees must be returned to the
4 county auditor, for deposit with the county treasurer, at least once each month, and not later
5 than three days after the close of the month. Notwithstanding section 26.1-21-11, if a claim
6 against the state bonding fund is not filed within sixty days of the expiration of the reporting
7 period provided in this section, the claim is waived. Deposits are to be accompanied by a
8 report showing the amounts received from the sale of each type of license, the amount
9 retained, and the net amounts deposited. The county treasurer shall credit the fees so
10 deposited to a separate account and shall hold the fees, subject to warrant for payment thereof
11 drawn by the county auditor in favor of the director. ~~The~~ Except as provided in section 5 of this
12 Act, the director shall deposit all license or stamp fees received with the state treasurer to be
13 credited to the game and fish fund.

14 **SECTION 4. AMENDMENT.** Section 20.1-03-30 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **20.1-03-30. Application for license issued by lottery - Forfeiture of fee if not**
17 **eligible to apply.** The fee remitted by any person who applies for a license issued by lottery
18 when by any law or proclamation that person is ineligible to apply because of any waiting
19 period, is forfeited. The director shall notify the applicant that the applicant is ineligible for this
20 reason and the fee has been forfeited. ~~The~~ Except as provided in section 5 of this Act, the fees
21 received by the department pursuant to this section must be deposited in the state game and
22 fish fund.

23 **SECTION 5.** A new section to chapter 20.1-03 of the North Dakota Century Code is
24 created and enacted as follows:

25 **Hunting license and forfeited lottery application fees - Designation of county -**
26 **Distribution of revenue.** The recipient of each resident or nonresident hunting license for
27 which a fee is charged and the applicant for a license issued by lottery shall designate on the
28 license or application the county in which that person intends to use the license to hunt. A
29 recipient or applicant may only designate one county per license or application. The director
30 shall place twenty percent of the revenue generated from the sale of that license or by the
31 forfeiture of the application fee in a special account in the state treasury. The director shall

1 allocate the revenue based upon the county designation on each license or application. The
2 state treasurer shall distribute the moneys deposited by the director in the special account to
3 each county as determined in the allocation made by the director. Moneys distributed by the
4 state treasurer to a county under this section must be placed in the county's general fund and
5 may be used for general governmental purposes.

6 **SECTION 6. AMENDMENT.** Section 20.1-06-16 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **20.1-06-16. Turtles not to be taken without permit or contract from director.** ~~No~~ A
9 person may not engage in the commercial taking, trapping, or hooking of turtles without
10 obtaining a permit from the director, who may issue the permits at the director's discretion. The
11 director shall designate the form of the permits, the areas or waters in which the permits are
12 valid, and any other restrictions.

13 The director ~~shall have authority to~~ may contract with any person to remove turtles from
14 any waters or areas of this state. ~~Moneys~~ Except as provided in section 5 of this Act, moneys
15 derived from the sale of turtle permits or turtle removal contracts must be credited to the game
16 and fish fund in the same manner as income from sale of fishing licenses.