

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

SENATE BILL NO. 2294
(Senators Heitkamp, Erbele, Thane)
(Representatives Gullekson, Wall, Williams)

AN ACT to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to license fees for nonresident wholesale bait vendor licenses; to amend and reenact subsections 25 and 45 of section 20.1-03-12 and section 20.1-06-14 of the North Dakota Century Code, relating to the regulation and licensing of wholesale bait vendors; to provide for transition; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 25 and 45 of section 20.1-03-12 of the North Dakota Century Code are amended and reenacted as follows:

25. For an annual resident license to sell minnows or other live bait at wholesale, ~~thirty~~ fifty dollars.
45. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.

SECTION 2. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.

SECTION 3. AMENDMENT. Section 20.1-06-14 of the North Dakota Century Code is amended and reenacted as follows:

20.1-06-14. Minnow bait wholesalers and retailers - License. The director shall adopt rules to control and supervise the operations of minnow or other live bait wholesalers. The director shall issue a license to each wholesaler when the wholesaler has complied with the director's rules and has paid the appropriate annual license fee. The director ~~shall~~ shall also shall issue a minnow or other live bait retailer's license to any person upon payment of the appropriate license fee. ~~No~~ A person may not sell minnows or other live bait at wholesale or retail without first obtaining the appropriate license. The director may require each retailer or wholesaler to submit reports as the director may ~~deem~~ determine necessary. Licenses for wholesalers issued under this section authorize the following:

1. The annual resident license to sell minnows or other live bait at wholesale entitles the licensee to ten tags to mark bait-trapping equipment. A tag must be affixed to each trap used by the licensee. Upon request, the director shall issue additional tags to a licensee at a cost of five dollars per tag. A licensee may not import or export bait without first obtaining a permit from the director.
2. The annual class B nonresident license to sell minnows or other live bait at wholesale entitles a nonresident to import or export bait. A nonresident holding an annual class B nonresident license to sell minnows or other live bait at wholesale may not trap bait.
3. The annual class A nonresident license to sell minnows or other live bait at wholesale entitles the licensee to ten tags to mark bait-trapping equipment. A tag must be affixed to each trap used by the licensee. Upon request, the director shall issue additional tags to a licensee at a cost of five dollars per tag. The annual class A nonresident license to sell

minnows or other live bait at wholesale entitles the licensee to trap in state waters with the permission of the director and permits the import and export of approved bait with the permission of the director. A nonresident may hold a class A license under this section if the nonresident's state of residence provides the same privilege for residents of North Dakota.

SECTION 4. TRANSITION. The department may issue a license under this Act for the remainder of 2005 at a prorated fee.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2294 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

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

Vote: Yeas 77 Nays 13 Absent 4

Speaker of the House

Chief Clerk of the House

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