

Introduced by

Senators Oehlke, Kreun, J. Roers

Representatives Jones, Mock, Porter

1 A BILL for an Act to create and enact three new sections to chapter 20.1-02 and a new section
2 to chapter 20.1-03 of the North Dakota Century Code, relating to the creation of the aquatic
3 nuisance species program fund and surcharges for fishing and waterfowl licenses; and to
4 amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the
5 investment of the state game and fish fund.

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

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

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

10 There is created in the state treasury a special fund known as the aquatic nuisance species
11 program fund. The fund consists of transfers made in accordance with sections 2, 3, 4, and 5 of
12 this Act. All moneys in the fund are appropriated to the game and fish department for use in
13 aquatic nuisance species education, inspection, and monitoring programs under chapter
14 20.1-17.

15 **SECTION 2.** A new section to chapter 20.1-02 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Distribution of motor vehicle fuels tax collected for use in watercraft.**

18 The state treasurer shall transfer annually from the highway tax distribution fund to the
19 aquatic nuisance species program fund an amount generated by taxes paid by registered
20 watercraft for motor vehicle fuels in the previous fiscal year, not to exceed seven hundred fifty
21 thousand dollars. The amount transferred annually must be calculated by multiplying sixty-four
22 by the per gallon fuel tax imposed on motor vehicle fuels under chapter 57-43.1-02, which then
23 must be multiplied by the total number of watercraft registered with the department under
24 chapter 20.1-13 in the prior fiscal year.

1 **SECTION 3.** A new section to chapter 20.1-02 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Distribution of sales tax collected on watercraft purchases.**

4 The state treasurer shall transfer annually from the general fund to the aquatic nuisance
5 species program fund an amount equal to five-tenths of one percent of the value of the previous
6 year's reported retail sales of boats and watercraft collected under section 57-39.2-02.1, except
7 a transfer may not be made in an amount that would result in the balance of the aquatic
8 nuisance species program fund exceeding five million dollars.

9 **SECTION 4. AMENDMENT.** Section 20.1-02-16.1 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.**

12 1. All income of the state game and fish department deposited by the director with the
13 state treasurer must be credited to the state game and fish fund and the fund may be
14 used only by the department. All money derived from the investment of the fund,
15 special accounts, or portions of the fund must be credited to the game and fish
16 department private land habitat and access improvement fund. The department shall
17 spend moneys in the game and fish fund within the limits of legislative appropriations,
18 only to the extent the balance of the fund is not reduced below fifteen million dollars,
19 unless otherwise authorized by the budget section.

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

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

1 **Fishing and waterfowl license surcharge.**

2 The director shall establish a surcharge of three dollars on each fishing and waterfowl
3 hunting license issued under section 20.1-03-12. The collected surcharge fees must be
4 deposited with the state treasurer and credited to the aquatic nuisance species program fund.