

FISCAL NOTE
Requested by Legislative Council
03/03/2017

Amendment to: Engrossed SB 2239

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2015-2017 Biennium | | 2017-2019 Biennium | | 2019-2021 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | \$(620) | | \$(1,244) | | \$(1,120) |
| Expenditures | | \$0 | | \$0 | | \$0 |
| Appropriations | | \$0 | | \$0 | | \$0 |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2015-2017 Biennium | 2017-2019 Biennium | 2019-2021 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill removes NDCC 20.1-03-12 (19) relating to licensing fees to operate a watercraft used for hire. The bill has an emergency clause.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill would decrease revenue.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill will have a decrease in revenue. The license fee to operate a watercraft used for hire is for three years. The fee is based on the number of adults the craft is capable of carrying. Based on the registrations for the last three years the department would see a decrease in revenue approximately as follows: \$620 for 2015-17; \$1,244 for 2017-19; and \$1,120 for 2019-21.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No affect.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

No affect.

Name: Kim Kary

Agency: ND Game and Fish

Telephone: 328-6605

Date Prepared: 03/06/2017

2017 SENATE TRANSPORTATION

SB 2239

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2239
1/26/2017
27439

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to annual inspections for watercraft for hire.

Minutes:

Attachments #1-2

Chairman Laffen: Opened the hearing on SB 2239. Welcome Senator Oehlke.

Senator Oehlke: SB 2239 deals with watercraft for hire. Essence of the bill is that we are trying to get rid of the annual inspections on boats for hire as now all the safety requirements are built on them. You only have to worry if you have all the life jackets and gas in the tank.

Chairman Laffen: So now all boats for hire are inspected every year and this bill says it won't have to be done every year.

Senator Oehlke: Correct.

Senator Rust: I am trying to think about the guide boats. I am sure they have to be properly insured.

Senator Oehlke: Definitely they need insurance but we just don't feel that this yearly inspection is a necessity.

Senator Rust: Once you start charging money for something you become liable for a lot of stuff.

Senator Oehlke: Well they are in a hazard business.

Chairman Laffen: Further questions for Senator Oehlke? None. Testimony for SB 2239?

Kyle Blanchfield: I am the owner of Woodland Resort on Devils Lake and I am here to testify in support of SB 2239 with amendments please. I have to license all my boats every year and have them inspected every year which we all feel is a waste of time. The people I checked with had never seen a boat inspection turned down and they do not see a downside of eliminating this bill. We are not asking to eliminate any rules, like life jackets, fire

extinguishers, horns, etc. just the annual inspection part of it. I also ask that we eliminate that whole section of law in its' entirety. Testimony: See attachment #1.

Chairman Laffen: You would like to get rid of the licensing fees as well right?

Kyle Blanchfield: Correct.

Senator Casper: Can you describe an inspection for me?

Kyle Blanchfield: They ask about three questions and look boat over once and that's it.

Senator Nelson: Do they check for mussels?

Kyle Blanchfield: No. We offer our guests coming in from out of state a free boat wash token as we are concerned about that.

Senator Casper: Is that what they are inspecting the boats for? Coming in from different lakes.

Kyle Blanchfield: The annual inspections are primarily a safety inspection to make sure the boat is seaworthy and that it has the safety features.

Chairman Laffen: Further questions for Mr. Blanchfield? None.

Senator Casper: You as a business owner have every incentive to operate a safe, above board operation, correct? I am sure your insurance company keeps track of your safety records and it will just be more cost for you if you're not right?

Kyle Blanchfield: Correct.

Chairman Laffen: Questions? None. Further testimony for SB 2239.

(14:41) Scott Winkelman, investigations Supervisor of the North Dakota Game and Fish Department: I am testifying in support of SB 2239. See Attachment #2

Chairman Laffen: Questions? None. Further testimony. In favor? None. Opposed to SB 2239? Neutral? Mr. Director, any comment on getting rid of the boat fees entirely?

Terry Steinwand, Director of Game and Fish Department: We absolutely support this bill. Thank you to Scott and Kyle for very accurately reporting.

Chairman Laffen: Did Kyle state that you want to do away with all boat fees?

Terry Steinwand: No just the fees on boats for hire. Also to answer Senator Nelson's question about bacteria, we do inspect the boats very carefully if they come from over East, particularly the Red River to the east.

Senator Nelson: On those licenses, the boats for hire would still have the regular licenses just not the extra one?

Terry Steinwand: Correct.

Senator Rust: What was your opinion on the boat registration fees?

Terry Steinwand: We have the regular boat registration fees depending on the size of the boat. What Kyle is referring to get rid of is the \$6.00 inspection fee.

Chairman Laffen: Any further questions for Director Steinwand? None. Thank you. Any further testimony on SB 2239? **Closed the hearing on SB 2239.**

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2239
2/2/2017
27800

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Meunder

Explanation or reason for introduction of bill/resolution:

Relating to annual inspections for watercraft for hire.

Minutes:

Chairman Laffen: Reopened hearing on SB 2239. Watercraft Inspection.

Senator Rust: Motion to Do Pass.

Senator Casper: Seconded.

Chairman Laffen: Discussion? This bill was presented by Senator Oehlke on behalf of Devils Lake's resorts. They had to have Game and Fish come out yearly to inspect all boats for hire and it took a lot of time and seemed to accomplish nothing.

Senator Rust: To the best of their knowledge there hasn't been one to fail the inspection and they requested a do pass.

Senator Nelson: He also said they collect no fees so it just costs Game and Fish to go do the inspection.

Chairman Laffen: Discussion? None.

Roll Call Taken. Yeas-6, Nays-0, Absent-0.

Motion carried.

Senator Casper will carry the bill.

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." 2239**

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Rust Seconded By Casper

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|------------------------|-----|----|
| Chairman Lonnie J. Laffen | ✓ | | Senator Carolyn Nelson | ✓ | |
| Senator Tom Campbell | ✓ | | | | |
| Senator David Rust | ✓ | | | | |
| Senator David Clemens | ✓ | | | | |
| Vice Chairman Jonathan Casper | ✓ | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Casper

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2239: Transportation Committee (Sen. Laffen, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2239 was placed on the
Eleventh order on the calendar.

2017 HOUSE TRANSPORTATION

SB 2239

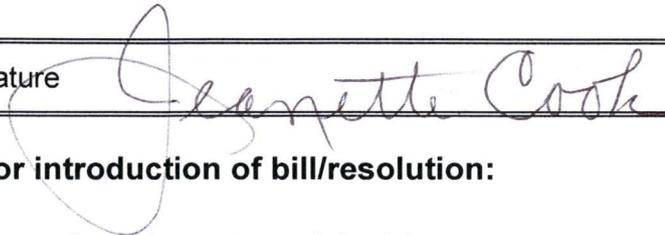
2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2239
3/2/2017
#28617

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to annual inspections for watercraft for hire.

Minutes:

Attachment #1, pages 1-3

Chairman Ruby opened the hearing on SB 2239.

Senator Oehlke, District 15 in Devils Lake, spoke to introduce SB 2239.

Senator Oehlke: One of the local guides contacted me. He explained that he has a lot of boats that are new. He rents them, and his guides use them for fishing and hunting activities. Every year Game and Fish is required to inspect these boats. When they come out they tell him that they could be better spending their time doing other things. When this century code was put into place, there were probably people that had old boats, and they needed inspection. Today most of the watercraft that are being used by guides and outfitters are very new. They come with all the required equipment, which are not more than basic things. It is a \$6.00 charge to do the inspection on the boats. Game and Fish understands that they would better be using their time elsewhere. Game and Fish have amendments that they are going to propose.

Scott Winkelman, Investigations Supervisor of the North Dakota Game and Fish Department, spoke to support SB 2239 and provided written testimony and proposed amendments. See attachments #1, pages 1-3. The preferred amendment is Attachment 1, page 2.

Scott Winkelman: If you choose not to adopt our first amendment (Attachment 1, page 2), we have an alternative proposal. See attachment #1, page 3.

Vice Chairman Rick C. Becker: How many man hours are expended in this endeavor?

Scott Winkelman: I can't give you an exact number. It will depend on how far the staff has to travel, and it is done differently in different areas. I would be comfortable saying that an hour per inspection is not unreasonable.

Vice Chairman Rick C. Becker: How many total inspections in the state?

Scott Winkelman: As of December 31, 2016 there were 400 boats for hire in the state that would need inspection on a yearly basis.

Vice Chairman Rick C. Becker: I thought that maybe you could drop and FTE, but it is not as much as I expected.

Chairman Ruby: Attachment #1 that is set up like a bill, is that actually an amendment that would hog house the original bill and replace it?

Scott Winkelman: Correct.

Discussion relating to Lake Metigoshe.

Representative Paur: How are you going to charge for the fees and licenses, if we delete this section?

Scott Winkelman: There would be no watercraft for hire licenses issued; they wouldn't be required anymore. They would still be required to have the regular boat registration.

Review of amendments.

Representative Dobervich: If we were to repeal the entire section, is there assurance for consumers that the boats would be safe in North Dakota?

Scott Winkelman: I believe there is. Guides and outfitters are required by law to have general liability insurance. They have to submit a certificate of insurance to our Department before we will issue the license to them. In addition to that under the guide and outfitter laws the Director has the ability to suspend, revoke, or deny a license if a guide or outfitter substantially misrepresents his equipment to the public.

Chairman Ruby: Do guides and outfitters still need to register as a guide or outfitter?

Scott Winkelman: For those who are a fishing outfitter or hunting outfitter who use a boat for hunting, they still would be required to get a license.

There was no further support for SB 2239.

There was no opposition to SB 2239.

The hearing was closed on SB 2239.

Representative Owens moved the Attachment #1, (p. 2) amendment.
Vice Chairman Rick C. Becker seconded the motion.

A voice vote was taken. The motion carried.

House Transportation Committee

SB 2239

3-2-17

Page 3

**Representative Weisz moved a DO PASS as amended on SB 2239.
Representative Westlind seconded the motion.**

**A roll call vote was taken: Aye 13 Nay 0 Absent 1
The motion carried.**

Representative Westlind will carry SB 2239.

March 2, 2017

ONE
3/2/17
18

PROPOSED AMENDMENTS TO SENATE BILL NO. 2239

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to fees charged for watercraft for hire; to repeal section 20.1-13-04 of the North Dakota Century Code, relating to annual inspections for watercraft for hire; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. For a resident, age sixteen and over, small game hunting license, ten dollars.
2. For a nonresident small game hunting license, one hundred dollars.
3. For a resident big game hunting license, thirty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty dollars, and for a nonresident bow license, two hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, fifteen dollars.
6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to fifty percent, the license fee is five dollars.
7. For a nonresident fishing license, forty-five dollars.

2024

8. For a resident husband and wife fishing license, twenty-two dollars.
9. For a nonresident nongame hunting license, fifteen dollars.
10. For a resident wild turkey permit, fifteen dollars.
11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, twenty-five dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five dollars.
19. ~~To operate watercraft used for hire, the following license fees apply for three years:~~
 - ~~Class 1. Each craft capable of carrying two adults of average weight, six dollars.~~
 - ~~Class 2. Each craft capable of carrying three adults of average weight, six dollars.~~
 - ~~Class 3. Each craft capable of carrying four adults of average weight, six dollars.~~
 - ~~Class 4. Each craft capable of carrying five adults of average weight, six dollars.~~
 - ~~Class 5. Each craft capable of carrying up to eight adults of average weight, nine dollars.~~

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~~Class 6. Each craft capable of carrying up to ten adults of average weight, twelve dollars.~~

~~Class 7. Each craft capable of carrying up to fifteen adults of average weight, twenty-four dollars.~~

~~Class 8. Each craft capable of carrying sixteen or more adults of average weight, thirty dollars.~~

- ~~20.~~ For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
- ~~21-20.~~ For a resident paddlefish tag annual license, ten dollars per tag.
- ~~22-21.~~ For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
- ~~23-22.~~ For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
- ~~24-23.~~ For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
- ~~25-24.~~ For an annual license to operate a private fish hatchery, seventy-five dollars.
- ~~26-25.~~ For a resident commercial frog license, fifty dollars.
- ~~27-26.~~ For a nonresident commercial frog license, two hundred dollars.
- ~~28-27.~~ For a resident frog license, three dollars.
- ~~29-28.~~ For a resident husband and wife frog license, five dollars.
- ~~30-29.~~ For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
- ~~31-30.~~ For a nonresident waterfowl hunting license, one hundred dollars.
- ~~32-31.~~ For a nonresident husband and wife fishing license, sixty dollars.
- ~~33-32.~~ For a nonresident short-term three-day fishing license, twenty-five dollars.
- ~~34-33.~~ For a nonresident fur-bearer and nongame hunting license, forty dollars.
- ~~35-34.~~ For a combination license, fifty dollars.
- ~~36-35.~~ For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
- ~~37-36.~~ For a resident swan license, ten dollars.
- ~~38-37.~~ For a nonresident swan license, thirty dollars.
- ~~39-38.~~ For a resident sandhill crane license, ten dollars.

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- 40.39. For a nonresident sandhill crane license, thirty dollars.
- 41.40. For a resident commercial clam license, one hundred dollars.
- 42.41. For a nonresident commercial clam license, one thousand dollars.
- 43.42. For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
- 44.43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
- 45.44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 46.45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
- 47.46. For a nonresident spring white goose license, fifty dollars.
- 48.47. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
- 49.48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
- 50.49. For a nonresident wild turkey permit, eighty dollars.
- 51.50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- 52.51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
- 53.52. For a resident early Canada goose season license, five dollars.
- 54.53. For a nonresident early Canada goose season license, fifty dollars.
- 55.54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.

~~The fees for these licenses and permits must be deposited with the state treasurer and credited to the game and fish fund. Forty five dollars of each nonresident big game hunting license fee must be used for the private land initiative.~~

SECTION 2. REPEAL. Section 20.1-13-04 of the North Dakota Century Code is repealed.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3-2-17
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2239

House Transportation Committee

Subcommittee

Amendment LC# or Description: 17.0877.01002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Owens Seconded By Becker

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------------|-----|----|-------------------------|-----|----|
| Chairman Dan Ruby | | | Rep. Gretchen Dobervich | | |
| Vice Chair. Rick C. Becker | | | Rep. Marvin Nelson | | |
| Rep. Bert Anderson | | | | | |
| Rep. Jim Grueneich | | | | | |
| Rep. Terry Jones | | | | | |
| Rep. Emily O'Brien | | | | | |
| Rep. Mark Owens | | | | | |
| Rep. Gary Paur | | | | | |
| Rep. Randy Schobinger | | | | | |
| Rep. Gary Sukut | | | | | |
| Rep. Robin Weisz | | | | | |
| Rep. Greg Westlind | | | | | |
| | | | | | |
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Voice Vote
Motion Carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Attachment #1

Date: 3-2-17
Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2239**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Weisz Seconded By Westlind

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------------|-----|----|-------------------------|-----|----|
| Chairman Dan Ruby | ✓ | | Rep. Gretchen Dobervich | ✓ | |
| Vice Chair. Rick C. Becker | ✓ | | Rep. Marvin Nelson | ✓ | |
| Rep. Bert Anderson | ✓ | | | | |
| Rep. Jim Grueneich | ✓ | | | | |
| Rep. Terry Jones | ✓ | | | | |
| Rep. Emily O'Brien | A | | | | |
| Rep. Mark Owens | ✓ | | | | |
| Rep. Gary Paur | ✓ | | | | |
| Rep. Randy Schobinger | ✓ | | | | |
| Rep. Gary Sukut | ✓ | | | | |
| Rep. Robin Weisz | ✓ | | | | |
| Rep. Greg Westlind | ✓ | | | | |
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Total (Yes) 13 No 0

Absent 1

Floor Assignment Westlind

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2239: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2239 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to fees charged for watercraft for hire; to repeal section 20.1-13-04 of the North Dakota Century Code, relating to annual inspections for watercraft for hire; and to declare an emergency.

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1. For a resident, age sixteen and over, small game hunting license, ten dollars.
2. For a nonresident small game hunting license, one hundred dollars.
3. For a resident big game hunting license, thirty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty dollars, and for a nonresident bow license, two hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, fifteen dollars.
6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to fifty percent, the license fee is five dollars.
7. For a nonresident fishing license, forty-five dollars.
8. For a resident husband and wife fishing license, twenty-two dollars.
9. For a nonresident nongame hunting license, fifteen dollars.
10. For a resident wild turkey permit, fifteen dollars.

11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, twenty-five dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five dollars.
19. ~~To operate watercraft used for hire, the following license fees apply for three years:~~
 - ~~Class 1. Each craft capable of carrying two adults of average weight, six dollars.~~
 - ~~Class 2. Each craft capable of carrying three adults of average weight, six dollars.~~
 - ~~Class 3. Each craft capable of carrying four adults of average weight, six dollars.~~
 - ~~Class 4. Each craft capable of carrying five adults of average weight, six dollars.~~
 - ~~Class 5. Each craft capable of carrying up to eight adults of average weight, nine dollars.~~
 - ~~Class 6. Each craft capable of carrying up to ten adults of average weight, twelve dollars.~~
 - ~~Class 7. Each craft capable of carrying up to fifteen adults of average weight, twenty four dollars.~~
 - ~~Class 8. Each craft capable of carrying sixteen or more adults of average weight, thirty dollars.~~
20. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.

- ~~21-20.~~ For a resident paddlefish tag annual license, ten dollars per tag.
- ~~22-21.~~ For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
- ~~23-22.~~ For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
- ~~24-23.~~ For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
- ~~25-24.~~ For an annual license to operate a private fish hatchery, seventy-five dollars.
- ~~26-25.~~ For a resident commercial frog license, fifty dollars.
- ~~27-26.~~ For a nonresident commercial frog license, two hundred dollars.
- ~~28-27.~~ For a resident frog license, three dollars.
- ~~29-28.~~ For a resident husband and wife frog license, five dollars.
- ~~30-29.~~ For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
- ~~31-30.~~ For a nonresident waterfowl hunting license, one hundred dollars.
- ~~32-31.~~ For a nonresident husband and wife fishing license, sixty dollars.
- ~~33-32.~~ For a nonresident short-term three-day fishing license, twenty-five dollars.
- ~~34-33.~~ For a nonresident fur-bearer and nongame hunting license, forty dollars.
- ~~35-34.~~ For a combination license, fifty dollars.
- ~~36-35.~~ For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
- ~~37-36.~~ For a resident swan license, ten dollars.
- ~~38-37.~~ For a nonresident swan license, thirty dollars.
- ~~39-38.~~ For a resident sandhill crane license, ten dollars.
- ~~40-39.~~ For a nonresident sandhill crane license, thirty dollars.
- ~~41-40.~~ For a resident commercial clam license, one hundred dollars.
- ~~42-41.~~ For a nonresident commercial clam license, one thousand dollars.
- ~~43-42.~~ For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
- ~~44-43.~~ For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
- ~~45-44.~~ For a bighorn sheep license issued to a nonresident, five hundred dollars.

- ~~46-45.~~ For a nonresident reciprocal trapping license, three hundred fifty dollars.
- ~~47-46.~~ For a nonresident spring white goose license, fifty dollars.
- ~~48-47.~~ For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
- ~~49-48.~~ For a nonresident short-term ten-day fishing license, thirty-five dollars.
- ~~50-49.~~ For a nonresident wild turkey permit, eighty dollars.
- ~~51-50.~~ For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- ~~52-51.~~ For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
- ~~53-52.~~ For a resident early Canada goose season license, five dollars.
- ~~54-53.~~ For a nonresident early Canada goose season license, fifty dollars.
- ~~55-54.~~ For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.

~~The fees for these licenses and permits must be deposited with the state treasurer and credited to the game and fish fund. Forty five dollars of each nonresident big game hunting license fee must be used for the private land initiative.~~

SECTION 2. REPEAL. Section 20.1-13-04 of the North Dakota Century Code is repealed.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2017 CONFERENCE COMMITTEE

SB 2239

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2239
4/4/2017
29916

- Subcommittee
 Conference Committee

Committee Clerk Signature *Mary Munder*

Explanation or reason for introduction of bill/resolution:

Relating to annual inspections for watercraft for hire.

Minutes:

Chairman Casper: Welcomed the House members and opened the hearing on SB 2239. Attendance taken with all present. This bill is for watercraft operated by a guide not to have annual inspection which seemed to be unnecessary and didn't make a whole lot of sense to perform. We passed it in the Senate and it went to your side and it looks like we have some amendments. I asked the Game and Fish to be here and they will give us an overview of the amendment for the benefit of the Senators and a reminder for the House members. I think what you have done here seems to be in the same tone and vein of what we were trying to accomplish, but just extending it a little further. So hearing from Game and Fish please give us an overview of the amendment.

Scott Winkleman, Investigator Supervisor for the Game and Fish: I did testify in both hearings and what you are seeing is the amendment we asked for in the House hearing. What it will do is it will repeal the water craft for hire license section. That will include guide boats and rental boats. Essentially it just gets rid of all water craft for hire inspections and licenses.

Chairman Casper: Talking about boats for hire, right now it has to be a licensed boat, whether it is a guide boat or I rent a boat to take you out fishing and it has to be inspected annually.

Scott: Yes, the inspection is so basic and it is to make sure there are life jackets, fire extinguisher, etc. We have never had a boat that has not passed inspection.

Chairman Casper: What other boats are for hire? Boats on resorts or is there more categories? Do you have any idea how many there are of each?

Scott: Essentially in N.D. all boats for hire will be owned and operated by guides or rental boats for resorts, there is a business in Bismarck that rents kayaks. Those would be the only boats that are required to have that license and be inspected. At the end of the period there

were 400 licensed boats for hire in the state. I would say around 300 of those are fishing or hunting guides. Roughly 100 are rentals and there might be 10-15 businesses in the state that have rentals.

Rep. Westlind: I carried this bill and there are 154 businesses that are in this group that includes 400 boats so it is a very extensive thing for our game wardens to go out and inspect and try to run everybody down. No boat has ever failed inspection in ND. We find it is totally unnecessary and we would like to keep it that way where we don't have to inspect these boats every year.

Senator Nelson: The difference I see is that you will be losing money when you won't be charging any fees and I am wondering what this fiscal note is with this addition.

Scott: You are correct as we would be losing some minimal, very minimal license fees for the water craft for hire. The fee structure as it is written currently is so minimal that it does not cover our time and our administrative division chief did do a fiscal note on this amendment and I don't know the number off the top of my head, but it was under a \$1000.00.

Rep. Westlind: What it does is it frees up law enforcement to be better utilized so they can be doing their job instead of going out and inspecting boats.

Senator Nelson: When it was over here, we thought it was a waste of their time as they didn't find anything wrong with the boats anyway. If it is under a \$1000. I am not going to the wall for it.

Senator Nelson; I move we accede to House Amendment.

Senator Campbell: Seconded.

Chairman Casper: We have a motion by Senator Nelson to accede to the amendments from the House of Representatives on SB 2239 and a second by Senator Campbell.

Roll Call taken: Yeas-6, Nays-0, Absent-0. Motion carried.

Senator Casper is Senate carrier and Representative Westlind is House carrier.

Chairman Casper: We will adjourn the conference committee on SB 2239. Thank you.

Date: 4/4/17
 Roll Call Vote #: 1

**2017 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2239 as (re) engrossed

Senate Transportation Committee

- Action Taken** **SENATE accede to House Amendments**
 SENATE accede to House Amendments and further amend
 HOUSE recede from House amendments
 HOUSE recede from House amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Nelson Seconded by: Senator Campbell

| Senators | 4/4 | Yes | No | Representatives | 4/4 | Yes | No |
|---------------------------|-----|-----|----|-------------------------|-----|-----|----|
| Chairman Jonathan Casper | ✓ | ✓ | | Rep. Greg Westlind | ✓ | ✓ | |
| Senator Tom Campbell | ✓ | ✓ | | Rep. Bert Anderson | ✓ | ✓ | |
| Senator Carolyn C. Nelson | ✓ | ✓ | | Rep. Gretchen Dobervich | ✓ | ✓ | |
| | | | | | | | |
| | | | | | | | |
| Total Senate Vote | | 3 | | Total Rep. Vote | | 3 | |

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator Casper House Carrier Representative Westlind

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2239: Your conference committee (Sens. Casper, Campbell, Nelson and Reps. Westlind, B. Anderson, Dobervich) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 695 and place SB 2239 on the Seventh order.

SB 2239 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

SB 2239

SB 2239 1-26-17

Attachment #, pg. 1

To: Senate Transportation Chairman Lonnie Laffen and committee members

From Kyle Blanchfield

Date: 1/26/2017

Subject: SB 2239

My name is Kyle Blanchfield. I am the owner of Woodland Resort, a lakeside resort on Devils Lake, ND. I am here today to testify in support SB 2239 with amendments.

The intention of the overall laws regarding boats for hire was to establish a system of licensing watercraft for hire and to maintain a level of safety. For some reason, annual inspections by area Game Wardens was included to the law.

The reason I am here is to point out the negative consequences that has resulted. Every year we waste Wardens time inspecting each guide boat, boat and pontoon rentals, kayaks and other boats for hire. This consumes hundreds of staff hours to inspect watercraft instead of patrolling our waterways. Local wardens and Game and Fish officials agree that this is unnecessary.

When asking officials if they can see any down side of deleting this portion of the law the reply was zero. When asking officials if any person has ever been denied a license for hire after being inspected they replied there were none that they were aware of.

Duplication in Government. We have the US Coast Guard that certifies all modern watercraft, current law, besides this section, requires personal floatation devices per occupant on all boats, fire extinguishers signal devices (horns and whistles) and emergency shutoff devices.

When our area game warden comes to inspect our 8-rental craft it generally goes like this. 1. Horn work, check, fire extingwasher, check, got life jackets, check. Etc. They give the boat a quick look and we're good to go. These check items are already a law to have operational and in all boats on the water. This is a redundant provision is a waste of money and valuable time

Wardens are not trained to certify general seaworthiness of boats and other vessels. So, having them inspect for this is unfair to them and unnecessary since they have been certified by the Coast Guard.

License fees are very low so the consequences of licensing and inspecting boats are a revenue negative for the department. My 8 rental boats and pontoons cost \$145 for 3 years. Base cost of licensing start at vessels that have a 2-person capacity. Kayaks are a one-person boat so they must be inspected yet Game and Fish get zero license fee revenue.

To summarize, SB 2239 is a great start to reduce costs. I would ask you to amend this to eliminate 20.1-13-04 in its entirety and end a costly, unnecessary law. I would also ask you to consider deleting the license registration and fees as well (20.1-03-12 section 3). Even if we eliminate the inspection section Officials tell me that the cost to license boats for hire cost more than the revenue generated.

Thank you for your time today.

Kyle Blanchfield

20.1-03-11.2. Hunting outfitters - White-tailed deer licenses - Fees.

The governor shall make one-half of the antlered white-tailed deer licenses and permits allocated to nonresidents under subsection 4 of section 20.1-03-11, up to a maximum of one hundred licenses, available to hunting outfitters licensed in this state. A hunting outfitter may not purchase or obtain more than five white-tailed deer licenses under this section in any one year. A hunting outfitter shall pay the fee required for a white-tailed deer license sold to outfitters and provided by them to nonresidents for each license purchased under this section. A hunting outfitter may provide to nonresidents, for compensation, big game guiding and outfitting services and one white-tailed deer license per nonresident as provided in this section to hunt white-tailed deer in the manner, at the places, and during the times the governor prescribes by proclamation.

20.1-03-11.3. Early Canada goose season.

A resident or nonresident may purchase an early Canada goose license to hunt geese during an early season as determined by the governor by proclamation. The governor by proclamation may specify the number of licenses that may be issued and the manner in which the licenses are issued. A nonresident is not required to purchase any other license to hunt Canada geese during an early Canada goose season. A nonresident is not entitled to more than one nonresident early Canada goose season license and still may obtain a nonresident waterfowl hunting license under section 20.1-03-07.1.

20.1-03-11.4. Deer lottery license refund to private land open to sportsmen option.

The director shall provide that each application for a deer lottery license contain the option for an applicant to donate the refund to which an unsuccessful applicant would be entitled to the private land open to sportsmen program. All moneys collected under this section must be placed in the game and fish private land habitat and access improvement fund and allocated to the private land open to sportsmen program.

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

The various license and permit fees are as follows:

1. For a resident, age sixteen and over, small game hunting license, ten dollars.
2. For a nonresident small game hunting license, one hundred dollars.
3. For a resident big game hunting license, thirty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty dollars, and for a nonresident bow license, two hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, fifteen dollars.
6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to fifty percent, the license fee is five dollars.
7. For a nonresident fishing license, forty-five dollars.
8. For a resident husband and wife fishing license, twenty-two dollars.
9. For a nonresident nongame hunting license, fifteen dollars.
10. For a resident wild turkey permit, fifteen dollars.

1-26-17 SB 1239

11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, twenty-five dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five dollars.
19. To operate watercraft used for hire, the following license fees apply for three years:
 - Class 1. Each craft capable of carrying two adults of average weight, six dollars.
 - Class 2. Each craft capable of carrying three adults of average weight, six dollars.
 - Class 3. Each craft capable of carrying four adults of average weight, six dollars.
 - Class 4. Each craft capable of carrying five adults of average weight, six dollars.
 - Class 5. Each craft capable of carrying up to eight adults of average weight, nine dollars.
 - Class 6. Each craft capable of carrying up to ten adults of average weight, twelve dollars.
 - Class 7. Each craft capable of carrying up to fifteen adults of average weight, twenty-four dollars.
 - Class 8. Each craft capable of carrying sixteen or more adults of average weight, thirty dollars.
20. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
21. For a resident paddlefish tag annual license, ten dollars per tag.
22. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
23. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
24. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
25. For an annual license to operate a private fish hatchery, seventy-five dollars.
26. For a resident commercial frog license, fifty dollars.
27. For a nonresident commercial frog license, two hundred dollars.
28. For a resident frog license, three dollars.
29. For a resident husband and wife frog license, five dollars.
30. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
31. For a nonresident waterfowl hunting license, one hundred dollars.
32. For a nonresident husband and wife fishing license, sixty dollars.
33. For a nonresident short-term three-day fishing license, twenty-five dollars.
34. For a nonresident fur-bearer and nongame hunting license, forty dollars.

**CHAPTER 30-05-02
WATERCRAFT FOR HIRE**

| | |
|-------------|----------------------------|
| Section | |
| 30-05-02-01 | Safety Equipment |
| 30-05-02-02 | Construction |
| 30-05-02-03 | Operation |
| 30-05-02-04 | Violations are Noncriminal |

30-05-02-01. Safety equipment.

Every watercraft for hire shall be equipped in compliance with section 30-05-01-02.

General Authority: NDCC 20.1-13-04

Law Implemented: NDCC 20.1-13-04

30-05-02-02. Construction.

Every watercraft for hire shall be so constructed as to be able to safely carry a load as prescribed by the North Dakota game and fish department formula. (Formula: Length times width divided by fifteen. Both dimensions are in feet and tenths of feet. Metric measurements require the following formula: Length times width divided by one and four tenths. Dimensions are in meters and tenths of meters.)

The capacity of boats for hire in number of persons shall be painted or permanently attached to each side of the stern of the boat as far back as possible and near the gunwale.

General Authority: NDCC 20.1-13-04

Law Implemented: NDCC 20.1-13-04

30-05-02-03. Operation.

No watercraft for hire shall be operated: (1) in violation of any law or rule issued thereunder; (2) with a load greater than that for which it is licensed; and (3) in an area which is distinguished as a swimming or bathing area, either by markers or by presence of swimmers or bathers in the area.

Any person who operates, permits the operation, or maintains for hire any watercraft subject to this chapter and such watercraft is operated in a manner or equipped or constructed in violation of this chapter shall be construed as operating a watercraft for hire without the proper license and in addition to the penalty prescribed by law, shall forfeit any license issued under North Dakota Century Code section 20.1-13-04.

General Authority: NDCC 20.1-13-04

Law Implemented: NDCC 20.1-13-04

30-05-02-04. Violations are noncriminal.

Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-02-05(24)

Law Implemented: NDCC 20.1-02-05(24)

17.0877.01000

Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2239

Attachment # 1 pg. 5

1-26-17 SB2239

Introduced by

Senator Oehlke

1 A BILL for an Act to amend and reenact section 20.1-13-04 of the North Dakota Century Code,
2 relating to annual inspections for watercraft for hire.

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

4 **SECTION 1. AMENDMENT.** Section 20.1-13-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **20.1-13-04. Rules - Licensing watercraft for hire - Annual inspection - Penalty.**

7 The director, to promote the public safety, shall adopt rules to license watercraft used for
8 hire, or furnished with cottages let for hire, and to prescribe the safety equipment, construction,
9 and manner of operation of the craft. ~~The~~Except for a watercraft owned and operated by a
10 guide, the director shall provide for annual inspection of all watercraft used for hire to determine
11 if rules governing the watercraft have been complied with and may issue licenses to operate the
12 watercraft. The director shall issue, along with each license, some evidence that the craft has
13 been inspected and conforms to the standards governing the craft. ~~No person~~An individual may
14 not operate watercraft used for hire or furnished with cottages let for hire without a current
15 year's license. ~~Any person who violates~~A violation of this section is ~~guilty~~ of a class 2
16 noncriminal offense.

CHAPTER 20.1-13
BOATING REGULATION

Attachment #1 pg. 4
1-26-17 SB 2239

20.1-13-01. General penalty.

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

20.1-13-02. Operation of unnumbered and unlicensed motorboats prohibited - Penalty.

Every motorboat propelled by a motor on the waters of this state must be numbered and licensed as prescribed in this chapter. No person may operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and licensed in accordance with this chapter, with applicable federal law, or with a federally approved numbering system of another state, and unless:

1. The certificate of number awarded to such motorboat is in full force and effect.
2. The identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

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

20.1-13-03. Identification number and license - Penalty.

1. The owner of each motorboat shall file an application for number and license with the department on forms approved by it. The application must be signed by the owner of the motorboat and must be accompanied by the appropriate fee. Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue the applicant a certificate of number and license stating the number awarded to the motorboat and the name and address of the owner. When an identification number has previously been issued by the department, the same application procedure and fee apply for the issuance of a current license. The department shall pay all funds collected hereunder to the state treasurer who shall credit such funds to the state game and fish fund to pay for the costs of administering this chapter. The owner shall attach to each side of the bow of the motorboat the identification number and current license of such type and in such manner as may be prescribed by rules of the department in order that they may be clearly visible. The number and license must be maintained in legible condition. The certificate of number must be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.
2. The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state may operate the motorboat on the waters of this state for the ninety-day reciprocity period provided for in section 20.1-13-06. After the ninety-day reciprocity period has expired, such motorboats are subject to the numbering and licensing provisions of subsection 1.
3. Should the ownership of a motorboat change, a new application form, with the license fee prorated on a yearly basis, must be filed with the department and a new certificate of number and license must be awarded in the same manner as provided for in an original award of number and license.
4. In the event that an agency of the United States government has in force an overall system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this chapter by the department must be in conformity therewith.
5. The department may award any certificate of number or license directly or may authorize any person to act as agent for the awarding thereof. In the event that a person accepts such authorization, that person may be assigned a block of numbers, certificates, and licenses which upon award, in conformity with this chapter and with any rules of the department, are valid as if awarded directly by the department.

6. All records of the department made or kept pursuant to this section are public records.
7. Every certificate of number and license awarded pursuant to this chapter continues in full force and effect for a period of three years unless sooner terminated or discontinued in accordance with this chapter. Certificates of number and licenses may be renewed by the owner in the same manner provided for in the initial securing of the same.
8. The department shall fix a day and month on which certificates of number and licenses due to expire during the calendar year lapse and are no longer of any force and effect unless renewed pursuant to this chapter.
9. The owner shall furnish the department notice of the transfer of all or any part of the owner's interest other than the creation of a security interest in a motorboat numbered and licensed in this state pursuant to subsections 1 and 2, of the theft or recovery of such motorboat, or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction, or abandonment terminates the certificate of number and license for such motorboat except that, in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer does not terminate the certificate of number and license.
10. Any holder of a certificate of number and license shall notify the department within fifteen days if the holder's address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the department with the holder's new address. The department may provide in its rules for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.
11. No number other than the number and license awarded to a motorboat or granted reciprocity pursuant to this chapter may be painted, attached, or otherwise displayed on either side of the bow of such motorboat.
12. The certificate of number for vessels less than twenty-six feet [7.92 meters] in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or owner's representative at the place from which the vessel departs or returns to the possession of the owner or owner's representative. A vessel which does not have the certificate of number on board must be identified while in use and comply with such other requirements as the department prescribes.
13. Any person who violates this section is guilty of a class 2 noncriminal offense.

20.1-13-03.1. Manufacture and sale of outboard motors.

No outboard motor manufactured after January 1, 1980, may be sold or offered for commercial sale by a dealer in this state unless the motor has permanently engraved thereon by the manufacturer an identifying serial number. The serial mark must be of a permanent nature so as to prevent or discourage the removal, defacing, alteration, or destruction thereof. Any person who violates this section is guilty of a class 2 noncriminal offense.

20.1-13-03.2. Outboard motor - Serial number removed - Penalty.

No person may possess, repair, or sell an outboard motor, acquired after January 1, 1980, from which the serial number has been removed. Any person who violates this section is guilty of a class 2 noncriminal offense.

20.1-13-04. Rules - Licensing watercraft for hire - Annual inspection - Penalty.

* The director, to promote the public safety, shall adopt rules to license watercraft used for hire, or furnished with cottages let for hire, and to prescribe the safety equipment, construction, and manner of operation of the craft. The director shall provide for annual inspection of all watercraft used for hire to determine if rules governing the watercraft have been complied with and may issue licenses to operate the watercraft. The director shall issue, along with each license, some evidence that the craft has been inspected and conforms to the standards

governing the craft. No person may operate watercraft used for hire or furnished with cottages let for hire without a current year's license. Any person who violates this section is guilty of a class 2 noncriminal offense.

20.1-13-05. Equipment - Penalty.

1. Every vessel must have aboard:
 - a. If equipped with a marine toilet or other similar device for the disposition of sewage or other wastes, only that type of marine toilet equipped with a treatment device meeting standards established by the state water pollution control board. The department of health shall furnish a list of the types of treatment devices currently available and considered acceptable for use with marine toilets under this subdivision. No person owning or operating a vessel upon the waters of this state may use, operate, or permit the use or operation of any marine toilet or similar device unless it is approved under this subdivision. No person may discharge into the waters of this state, directly or indirectly from a vessel, any untreated sewage or other wastes. No container of untreated sewage or other wastes may be placed, left, discharged, or caused to be placed, left, or discharged in or near any waters of this state from a vessel in such a manner or quantity as to create a nuisance or health hazard, or pollute such waters.
 - b. Such additional equipment designed to promote the safety of navigation and of persons as the game and fish department may find appropriate and for which it has provided in its rules.
2. No person may operate or give permission for the operation of a vessel that is not equipped as required by this section.
3. Any person who violates this section is guilty of a class 2 noncriminal offense.

20.1-13-06. Exemption from numbering provisions of this chapter.

A motorboat may not be required to be numbered under this chapter if it is:

1. Already covered by a number, in full force and effect, awarded it pursuant to federal law or a federally approved numbering system of another state, provided such motorboat has not been within this state for more than ninety consecutive days.
2. A motorboat from a foreign country temporarily using the waters of this state.
3. A motorboat owned by the United States, a state, or a subdivision thereof.
4. A ship's lifeboat.
5. A motorboat belonging to a class of boats exempted from numbering by the department after said agency has found that the numbering of motorboats of such class will not materially aid in their identification; and, if an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, after the department has further found that the motorboat would also be exempt from numbering if it were subject to the federal law.

20.1-13-07. Prohibited operation - Penalty.

1. No person may operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. Reckless or negligent operation of a motorboat or vessel includes weaving through congested motorboat or vessel traffic, jumping the wake of another motorboat or vessel within one hundred feet [30.48 meters] of the motorboat or vessel, or in any other manner that is not reasonable or prudent.
2. A person may not operate a motorboat or vessel, or manipulate water skis, a surfboard, or similar device if any of the following apply:
 - a. That person has an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of the test within two hours after the operating of a motorboat or vessel.
 - b. That person is under the influence of intoxicating liquor.



Senate Transportation Committee
Testimony on SB 2239

North Dakota Game and Fish Department
Scott Winkelman, Investigations Supervisor
January 26, 2017

Chairman Laffen and members of the Senate Transportation Committee, my name is Scott Winkelman, Investigations Supervisor of the North Dakota Game and Fish Department. I am testifying today in support of SB 2239.

In addition to the regular watercraft registration required for all motorboats, current law requires a boat for hire license and annual inspection for all watercraft used for hire. SB 2239 would exempt watercraft owned and operated by a guide from the mandated annual inspection. There were 154 businesses with 400 boats that were licensed for hire as of December 31, 2016. The majority of these businesses are fishing outfitters. Game Wardens spend a considerable amount of time conducting the mandated annual inspections of these watercraft. Game Wardens already conduct boat safety checks, including watercraft used for hire, as part of their duties while on boat patrol. The safety requirements for boats for hire are the same as all other watercraft and to the best of our knowledge, there has never been one that has failed the inspection. Therefore we believe the mandated annual inspections, for which there is no fee, do not significantly add to boat safety in proportion to the time spent conducting them. Fishing and hunting outfitters are required by law to have a general liability insurance policy covering the business, including the watercraft.

While the Department feels there is no need for mandated annual inspections for watercraft used for hire, SB 2239 bill as written would be a positive change.

The Department respectfully requests a DO PASS on SB 2239.



House Transportation Committee
Testimony on SB 2239

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North Dakota Game and Fish Department
Scott Winkelman, Investigations Supervisor
March 2, 2017

Chairman Ruby and members of the House Transportation Committee, my name is Scott Winkelman, Investigations Supervisor of the North Dakota Game and Fish Department. I am testifying today in support of SB 2239, with requested amendments.

In addition to the regular watercraft registration required for all motorboats, current law requires a boat for hire license and annual inspection for all watercraft used for hire. SB 2239, as written, would exempt watercraft owned and operated by a guide from the mandated annual inspection. There were 154 businesses with 400 boats that were licensed for hire as of December 31, 2016. The majority of these businesses are fishing outfitters. Game Wardens spend a considerable amount of time conducting the mandated annual inspections of these watercraft. Game Wardens already conduct boat safety checks, including watercraft used for hire, as part of their duties while on boat patrol. The safety requirements for boats for hire are the same as all other watercraft and to the best of our knowledge, there has never been one that has failed the inspection. Fishing and hunting outfitters are required by law to have a general liability insurance policy covering the business, including the watercraft. Therefore we believe the mandated annual inspections, for which there is no fee, do not significantly add to boat safety in proportion to the time spent conducting them. In addition, the Department cannot ensure that a boat that passes inspection is maintained in the same condition on future days.

The Department does request that the bill be amended to repeal both N.D.C.C. 20.1-13-04 in its entirety and N.D.C.C. 20.1-03-12 (19), the fee structure for boat for hire licenses, with an emergency declaration (Attachment 1). The Department does not feel that it is necessary to license and inspect any boats for hire, for the same reasons as detailed above. This (2016) is the first year of the three year watercraft license period and all boat for hire licenses will need to be renewed. Most of the licenses will be renewed in early summer and would only be needed for a month or two if the proposed amendment were adopted with no emergency declaration. This would cause confusion and anger for those individuals having to license a boat for hire and pay the associated fee for a license that would only be needed for a short period of time. If the amendment in Attachment 1 is not adopted we request that, in addition to the original language in the bill, N.D.C.C. 20.1-03-12 (19) be amended to change the fee structure for boat for hire licenses (Attachment 2). As currently written, the fee structure is complicated and the minimal fees that are collected for issuing boat for hire licenses do not cover the Department's time required to process the applications and conduct the required annual inspections.

The Department respectfully requests the amendment as suggested is approved with a DO PASS recommendation.

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Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2239

Introduced by

Senator Oehlke

1. A BILL for an Act to repeal sections 20.1-13-04 and 20.1-03-12(19) of the North Dakota Century Code,
2. relating to annual inspections for watercraft for hire; and to declare an emergency.
3. **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**
4. **SECTION 1. AMENDMENT.** Sections 20.1-13-04 and 20.1-03-12(19) of the North Dakota
5. Century Code are repealed.
6. **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

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Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2239

Introduced by

Senator Oehlke

- 1. A BILL for an Act to amend and reenact sections 20.1-13-04 and 20.1-03-12(19) of the North Dakota Century
- 2. Code, relating to annual inspections for watercraft for hire.

3. BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4. **SECTION 1. AMENDMENT.** Section 20.1-13-04 of the North Dakota Century Code is
5. amended and reenacted as follows:

6. **20.1-13-04. Rules - Licensing watercraft for hire - Annual inspection - Penalty.**

7. The director, to promote the public safety, shall adopt rules to license watercraft used for
8. hire, or furnished with cottages let for hire, and to prescribe the safety equipment, construction,
9. and manner of operation of the craft. ~~The~~Except for a watercraft owned and operated by a
10. guide, the director shall provide for annual inspection of all watercraft used for hire to determine
11. if rules governing the watercraft have been complied with and may issue licenses to operate the
12. watercraft. The director shall issue, along with each license, some evidence that the craft has
13. been inspected and conforms to the standards governing the craft. ~~No person~~An individual may
14. not operate watercraft used for hire or furnished with cottages let for hire without a current
15. year's license. ~~Any person who violates~~A violation of this section is guilty of a class 2
16. noncriminal offense.

17. **SECTION 2. AMENDMENT.** Section 20.1-03-12(19) of the North Dakota Century Code is
18. amended and reenacted as follows.

19. **20.1-03-12. Schedule of fees for licenses and permits.**

20. The various license and permit fees are as follows:

21. 19. To operate watercraft used for hire, ~~the following license fees apply~~ thirty-six dollars for three
22. years:

- 23. ~~Class 1. Each craft capable of carrying two adults of average weight, six dollars.~~
- 24. ~~Class 2. Each craft capable of carrying three adults of average weight, six dollars.~~
- 25. ~~Class 3. Each craft capable of carrying four adults of average weight, six dollars.~~
- 26. ~~Class 4. Each craft capable of carrying five adults of average weight, six dollars.~~
- 27. ~~Class 5. Each craft capable of carrying up to eight adults of average weight, nine dollars.~~
- 28. ~~Class 6. Each craft capable of carrying up to ten adults of average weight, twelve dollars.~~
- 29. ~~Class 7. Each craft capable of carrying up to fifteen adults of average weight, twenty-four dollars.~~
- 30. ~~Class 8. Each craft capable of carrying sixteen or more adults of average weight, thirty dollars.~~

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