

**FISCAL NOTE**  
**Requested by Legislative Council**  
**04/23/2019**

Amendment to: SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    | \$0         | \$0                | \$1,806,145 | \$0                | \$1,635,409 |
| <b>Expenditures</b>   |                    | \$15,000    | \$0                | \$1,284,870 | \$0                | \$1,691,300 |
| <b>Appropriations</b> |                    | \$467,100   | \$0                | \$1,500,000 | \$0                | \$1,691,300 |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates & enacts a new section relating to the creation of the aquatic nuisance species program fund & surcharges for fishing, combination and waterfowl licenses & requires ANS fees for motorboats. To provide a penalty; an approp.; a transfer; an exemption; effective date & emerg. 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 proposed amendment authorizes 2 FTE. Appropriates money out of game and fish fund for ANS and provide a transfer out of ANS fund to repay game and fish fund. An emergency clause for Sect. 6&7.  
 Adds a surcharge of \$2 on each resident fishing license and combination license except for the resident sixty-five years of age or older license, permanently or totally disabled license, or a disabled veteran license as defined in subsection 6 of section 20.1-03-12; and a surcharge of \$3 on each nonresident fishing license and each nonresident waterfowl hunting license issued under section 20.1-03-12.  
 Adds a \$15 fee for motorboats licensed in this state valid concurrent with motorboat licensure. Adds an annual \$15 fee for motorboats operated on waters of this state and not licensed in this state for the calendar year in which it is paid. Adds a penalty for failure to pay the ANS motorboat sticker fee.

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.*

The amendment of the bill will result in estimated revenue from a motorboat ANS sticker fee of \$1,091,500 (Out of state \$248k, In state \$844k). The sticker fee will be implemented Jan. 1, 2020. The amendment of the bill will result in estimated revenue of \$714k (Resident fishing and combination surcharge of \$406k and Nonresident fishing and waterfowl of \$308k). The fishing and combination surcharge will begin April 1, 2020. Total revenue approx. for 19-21 is \$1,806,145.  
 Revenue for 21-23 approx. \$1,635,409. Revenue for 21-23 is less because it is the 3rd year of a 3 year boat cycle and thus fewer boats will be registered.  
 The revenue will be deposited in the aquatic nuisance species program fund.

- 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.*

In 17-19 hire temps or contract for 1 ANS inspection team and contract for all veliger analysis for \$15,000. Estimated one-time IT programming costs of \$30K in 19-21 biennium.

Purchase of ANS stickers \$4,500 in 19-21 and \$7,000 in 21-23. Salaries, benefits and operating costs for 2 FTE of \$352,850 hired 2019 and 2020 and \$467,100 in 21-23. Other expenditures (hire temps or contract for ANS inspections teams, contract all veliger analysis, hire licensing temps, postage, educational information, conversion of fish grinders, wash stations, etc.) approx. \$897,520 in 19-21 and \$1,217,200 in 21-23.

Total: 17-19 \$15,000; 19-21 \$1,284,870; 21-23 \$1,691,300

- 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.*

Section 6 - For 17-19, appropriate out of game and fish fund \$467,100 for ANS as an emergency clause and requires the ANS fund to pay back the game and fish fund.

Section 7 includes appropriation for 2 FTE and expenses and declared an emergency. The 19-21 appropriation is \$1,500,000 and 21-23 is \$1,691,300.

**Name:** Kim Kary

**Agency:** Game & Fish

**Telephone:** 701-328-6605

**Date Prepared:** 04/23/2019



**FISCAL NOTE**  
**Requested by Legislative Council**  
**04/19/2019**

Amendment to: Engrossed SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    | \$0         | \$0                | \$1,806,145 | \$0                | \$1,635,409 |
| <b>Expenditures</b>   |                    | \$15,000    | \$0                | \$1,284,870 | \$0                | \$1,691,300 |
| <b>Appropriations</b> |                    | \$467,100   | \$0                | \$1,500,000 | \$0                | \$1,691,300 |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates & enacts a new section relating to the creation of the aquatic nuisance species program fund & surcharges for fishing, combination and waterfowl licenses & requires ANS fees for motorboats. To provide a penalty; an appropriation; a transfer; an exemption & effective date.

- 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 proposed amendment authorizes 2 FTE. Appropriates money out of game and fish fund for ANS and provide a transfer out of ANS fund to repay game and fish fund.

Adds a surcharge of \$2 on each resident fishing license and combination license except for a resident who is sixty-five years of age or older, permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section 20.1-03-12; and a surcharge of \$3 on each nonresident fishing license and each nonresident waterfowl hunting license issued under section 20.1-03-12.

Adds a \$15 fee for motorboats licensed in this state valid concurrent with motorboat licensure. Adds an annual \$15 fee for motorboats operated on waters of this state and not licensed in this state for the calendar year in which it is paid. Adds a penalty for failure to pay the ANS motorboat sticker fee.

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.*

The amendment of the bill will result in estimated revenue from a motorboat ANS sticker fee of \$1,091,500 (Out of state \$248k, In state \$844k). The sticker fee will be implemented Jan. 1, 2020. The amendment of the bill will result in estimated revenue of \$714k (Resident fishing and combination surcharge of \$406k and Nonresident fishing and waterfowl of \$308k). The fishing and combination surcharge will begin April 1, 2020. Total revenue approx. for 19-21 is \$1,806,145.

Revenue for 21-23 approx. \$1,635,409. Revenue for 21-23 is less because it is the 3rd year of a 3 year boat cycle and thus fewer boats will be registered.

The revenue will be deposited in the aquatic nuisance species program fund.

- 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.*

In 17-19 hire temps or contract for 1 ANS inspection team and contract for all veliger analysis for \$15,000. Estimated one-time IT programming costs of \$30K in 19-21 biennium  
Purchase of ANS stickers \$4,500 in 19-21 and \$7,000 in 21-23. Salaries, benefits and operating costs for 2 FTE of \$352,850 hired Jan. 2020 in 19-21 and \$467,100 in 21-23. Other expenditures (hire temps or contract for ANS inspections teams, contract all veliger analysis, hire licensing temps, postage, educational information, conversion of fish grinders, wash stations, etc.) approx. \$897,520 in 19-21 and \$1,217,200 in 21-23.  
Total: 17-19 \$15,000; 19-21 \$1,284,870; 21-23 \$1,691,300

- 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.*

For 17-19, appropriate out of game and fish fund \$467,100. Section 6 includes appropriation for 2 FTE and expenses. The 19-21 appropriation is \$1,500,000 and 21-23 is \$1,691,300.

**Name:** Kim Kary

**Agency:** Game & Fish

**Telephone:** 701-328-6605

**Date Prepared:** 04/22/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**04/09/2019**

Amendment to: Engrossed SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    | \$0         | \$0                | \$1,309,000 | \$0                | \$1,023,000 |
| <b>Expenditures</b>   |                    | \$15,000    | \$0                | \$1,284,870 | \$0                | \$1,691,300 |
| <b>Appropriations</b> |                    | \$467,100   | \$0                | \$1,300,000 | \$0                | \$1,691,300 |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates an aquatic nuisance species program fund and a fee for a motorboat ANS sticker; a new section to chapter 20.1-13 for motorboat ANS sticker and penalty; to provide an appropriation; to provide a transfer; to provide an exemption; and to declare an emergency.

- 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 proposed amendment would remove continuing appropriation and establish an appropriation with an emergency clause. Authorizes 2 FTE. Appropriate money out of game and fish fund for ANS and provide a transfer out of ANS fund to repay game and fish fund.

Adds a \$15 fee for motorboats licensed in this state to be paid every 3 years. Adds an annual \$15 fee for motorboats operated on waters of this state and not licensed in this state. Adds a penalty for failure to pay the ANS motorboat sticker fee.

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.*

The amendment of the bill will result in estimated revenue from a motorboat ANS sticker fee for 19-21 of \$1,309,000 (Residents \$844K and Nonres. \$465K). The sticker fee will be implemented Jan. 2020. Revenue for 21-23 approx. \$1,023,000. Revenue for 21-23 is less because it is the 3rd year of a 3 year boat cycle and thus fewer boats will be registered.

The revenue will be deposited in the aquatic nuisance species program fund.

- 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.*

In 17-19 hire temps or contract for 1 ANS inspection team and contract for all veliger analysis for \$15,000. Estimated one-time IT programming costs of \$30K in 19-21 biennium  
Purchase of ANS stickers \$4,500 in 19-21 and \$7,000 in 21-23. Salaries, benefits and operating costs for 2 FTE of \$352,850 hired Jan. 2020 in 19-21 and \$467,100 in 21-23. Other expenditures (hire temps or contract for ANS inspections teams, contract all veliger analysis, hire licensing temps, postage, educational information, conversion of fish grinders, wash stations, etc.) approx. \$897,520 in 19-21 and \$1,217,200 in 21-23.  
Total: 17-19 \$15,000; 19-21 \$1,284,870; 21-23 \$1,691,300

- 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.*

For 17-19, appropriate out of game and fish fund \$467,100 with an emergency clause. Unspent appropriation will continue into the 19-21 biennium. Includes appropriation for 2 FTE and expenses. The 19-21 estimated expenditures are \$1,284,870 and 21-23 are \$1,691,300.

**Name:** Kim Kary

**Agency:** Game & Fish

**Telephone:** 701-328-6605

**Date Prepared:** 04/10/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**03/21/2019**

Amendment to: Engrossed SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    | \$382,000   | \$0                | \$2,686,000 | \$0                | \$2,686,000 |
| <b>Expenditures</b>   |                    | \$25,000    | \$0                | \$773,870   | \$0                | \$1,356,300 |
| <b>Appropriations</b> |                    | \$467,100   | \$0                | \$773,870   | \$0                | \$1,356,300 |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates an aquatic nuisance species program fund and surcharges on fishing and waterfowl licenses; a new section to chapter 20.1-13 for motorboat ANS sticker and penalty; to provide an appropriation; to provide a transfer; to provide an exemption; and to declare an emergency.

- 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 proposed amendment would remove continuing appropriation and establish an appropriation with an emergency clause. Authorizes 2 FTE.  
 Adds a \$15 fee for motorboats licensed in this state to be paid every 3 years. Adds an annual \$15 fee for motorboats operated on waters of this state and not licensed in this state. Adds a penalty for failure to pay the ANS motorboat sticker fee.  
 Revises Section 5 by adding the words 'combination license' to the fishing and waterfowl license surcharge. The amount of the combination license was included in the prior fiscal note but wasn't included in the bill language.

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.*

The amendment of the emergency clause will result in approx. \$382,000 for fishing license surcharge in 17-19. The motorboat ANS sticker fee will not be implemented until Jan. 2020.  
 The amendment would result in revenue from the \$3 and \$6 surcharge of approx. \$1,694,000 per biennium.  
 Revenue from motorboat ANS sticker approx. \$992,000 per biennium.  
 The revenue will be deposited in the aquatic nuisance species program fund.

- 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.*

The Game and Fish Department estimates one-time IT programming costs of \$10K in 17-19 and \$30K in 19-21 biennium. In 17-19 hire temps or contract for 1 ANS inspection team and contract for all veliger analysis for \$15,000. Purchase of ANS stickers \$4,500 in 19-21 and \$7,000 in 21-23. Salaries, benefits and operating costs for 2 FTE of \$352,850 hired Jan. 2020 in 19-21 and \$467,100 in 21-23. Other expenditures (hire temps or contract for ANS inspections teams, contract all veliger analysis, hire licensing temps, postage, educational information, conversion of fish grinders, etc.) approx. \$386,520 in 19-21 and \$882,200 in 21-23.

- 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.*

Appropriate out of game and fish fund \$467,100 with an emergency clause. Unspent appropriation will continue into the 19-21 biennium. Includes appropriation for 2 FTE and expenses.

**Name:** Kim Kary

**Agency:** Game & Fish

**Telephone:** 701.328-6605

**Date Prepared:** 03/22/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/15/2019**

Revised  
 Amendment to: Engrossed SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    |             | \$0                | \$2,114,000 | \$0                | \$2,114,000 |
| <b>Expenditures</b>   |                    |             | \$0                | \$10,000    | \$0                | \$0         |
| <b>Appropriations</b> |                    |             | \$0                | \$10,000    | \$0                | \$0         |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates an aquatic nuisance species program fund and transfers revenue into this new fund. The bill also imposes a surcharge on fishing and hunting licenses.

- 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 proposed amendment would remove transfers of motor fuels tax revenue collected for use in watercraft. It also removed transfers of sales tax revenue from watercraft purchases.

Revised Section 2 - Invests \$15 million of the game and fish fund with the state investment board, the investment income from which may be deposited into the aquatic nuisance species program fund. The amount of this investment income transfer is estimated to be \$210,000 per year.

Revised Section 3 imposes a surcharge of \$3 on each resident fishing license except for a resident who is sixty-five years of age or older, permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section 20.1-03-12 and a surcharge of \$6 on each nonresident fishing and each nonresident waterfowl hunting license.

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.*

The proposed amendment would result in a transfer of anticipated additional investment income to the game and fish fund from the state investment board of approx. \$420,000 per biennium.

The proposed amendment would result in revenue from the \$3 and \$6 surcharge of approx. \$1,694,000 per biennium. The revenue will be deposited in the aquatic nuisance species program fund.

- 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.*

The Game and Fish Department estimates one-time IT programming costs of \$10K in the 19-21 biennium.

- 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.*

Operating line would be increased by \$10K for estimated one-time IT programming costs in the 19-21 biennium.

**Name:** Kim Kary

**Agency:** Game & Fish

**Telephone:** 701.328-6605

**Date Prepared:** 02/19/2019



**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/15/2019**

Amendment to: Engrossed SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    |             | \$0                | \$1,694,000 | \$0                | \$1,694,000 |
| <b>Expenditures</b>   |                    |             | \$0                | \$10,000    | \$0                | \$0         |
| <b>Appropriations</b> |                    |             | \$0                | \$10,000    | \$0                | \$0         |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates an aquatic nuisance species program fund and transfers revenue into this new fund. The bill also imposes a surcharge on fishing and hunting licenses.

- 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 proposed amendment would remove transfers of motor fuels tax revenue collected for use in watercraft. It also removed transfers of sales tax revenue from watercraft purchases.

Revised Section 2 - Invests \$15 million of the game and fish fund with the state investment board, the investment income from which may be deposited into the aquatic nuisance species program fund. The amount of this investment income transfer is estimated to be \$210,000 per year.

Revised Section 3 imposes a surcharge of \$3 on each resident fishing license except for a resident who is sixty-five years of age or older, permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section 20.1-03-12 and a surcharge of \$6 on each nonresident fishing and each nonresident waterfowl hunting license.

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.*

The proposed amendment would result in a transfer of investment income of the game and fish fund from the state investment board of approx. \$420,000 per biennium.

The proposed amendment would result in revenue from the \$3 and \$6 surcharge of approx. \$1,694,000 per biennium. The revenue will be deposited in the aquatic nuisance species program fund.

- 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.*

The Game and Fish Department estimates one-time IT programming costs of \$10K in the 19-21 biennium.

- 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.*

Operating line would be increased by \$10K for estimated one-time IT programming costs in the 19-21 biennium.

**Name:** Kim Kary

**Agency:** Game & Fish

**Telephone:** 701.328-6605

**Date Prepared:** 02/15/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2019**

Revised  
 Bill/Resolution No.: SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    |             | \$(500,000)        | \$1,917,000 |                    |             |
| <b>Expenditures</b>   |                    |             |                    | \$10,000    |                    |             |
| <b>Appropriations</b> |                    |             |                    |             |                    |             |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates an aquatic nuisance species program fund and transfers revenue into this new fund. The bill also imposes a surcharge on fishing and hunting licenses.

- 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.*

Section 2 of SB 2293 transfers motor fuels tax revenue from the highway tax distribution fund to the aquatic nuisance species program fund based on a specified formula for each registered watercraft. The bill limits this transfer to \$750,000 per year, an amount that will likely be met through the application of the formula.

Section 3 of SB 2293 transfers sales tax revenue from the general fund to the aquatic nuisance species program fund. The bill specifies the transfer calculated as one-half of one percent of the value of watercraft sold during the year. Based on recent sales reported by boat dealers, we estimate this transfer could be approximately \$250,000 per year, if interpreted more broadly than defined in the bill. (NOTE: The taxable sales used in this estimate likely include sales other than boats --- marine parts, oil, life jackets, etc. Actual watercraft sales are not distinguishable from other taxable sales reported by the boat dealers. This fiscal impact is based on the entire taxable sales reported by boat dealers.)

Section 4 of SB 2293 invests \$15 million of the game and fish fund with the state investment board, the investment income from which will be deposited into the aquatic nuisance species program fund. The amount of this investment income transfer is estimated to be \$210,000 per year.

Section 5 of SB 2293 imposes a surcharge of \$3 on each fishing and waterfowl hunting license issued.

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.*

SB 2293, if enacted, is likely to result in transfers to the aquatic nuisance species program fund estimated to total \$2,420,000 in the 2019-21 biennium. Of these transfers, \$500,000 is from the state general fund, \$1.5 million is from the highway tax distribution fund, and \$420,000 is from the state investment board.

There will also be additional revenue raised by the surcharge in Section 5. According to statistics provided by the Game and Fish Department, this additional revenue is expected to total \$1.417 million in the 2019-21 biennium, as shown in 1A above. This revenue will be deposited in the aquatic nuisance species program fund.

(The 1/31/2019 revised fiscal note includes a \$500,000 transfer from the SGF to the aquatic species program fund now included in 1A above; however two other transfers are both from other special funds - to a special fund - and result in zero net change to special funds overall.)

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.*

The Game and Fish Department reports they will incur one-time IT programming costs of \$10,000 in the 2019-21 biennium.

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.*

**Name:** Kathryn Strombeck

**Agency:** Office of Tax Commissioner

**Telephone:** 701.328-3402

**Date Prepared:** 01/31/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2019**

Bill/Resolution No.: SB 2293

- 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.*

|                       | 2017-2019 Biennium |             | 2019-2021 Biennium |             | 2021-2023 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    |             |                    | \$1,417,000 |                    |             |
| <b>Expenditures</b>   |                    |             |                    | \$10,000    |                    |             |
| <b>Appropriations</b> |                    |             |                    |             |                    |             |

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

|                         | 2017-2019 Biennium | 2019-2021 Biennium | 2021-2023 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| <b>Counties</b>         |                    |                    |                    |
| <b>Cities</b>           |                    |                    |                    |
| <b>School Districts</b> |                    |                    |                    |
| <b>Townships</b>        |                    |                    |                    |

- 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).*

SB 2293 creates an aquatic nuisance species program fund and transfers revenue into this new fund. The bill also imposes a surcharge on fishing and hunting licenses.

- 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.*

Section 2 of SB 2293 transfers motor fuels tax revenue from the highway tax distribution fund to the aquatic nuisance species program fund based on a specified formula for each registered watercraft. The bill limits this transfer to \$750,000 per year, an amount that will likely be met through the application of the formula.

Section 3 of SB 2293 transfers sales tax revenue from the general fund to the aquatic nuisance species program fund. The bill specifies the transfer calculated as one-half of one percent of the value of watercraft sold during the year. Based on recent sales reported by boat dealers, we estimate this transfer could be approximately \$250,000 per year, if interpreted more broadly than defined in the bill. (NOTE: The taxable sales used in this estimate likely include sales other than boats --- marine parts, oil, life jackets, etc. Actual watercraft sales are not distinguishable from other taxable sales reported by the boat dealers. This fiscal impact is based on the entire taxable sales reported by boat dealers.)

Section 4 of SB 2293 invests \$15 million of the game and fish fund with the state investment board, the investment income from which will be deposited into the aquatic nuisance species program fund. The amount of this investment income transfer is estimated to be \$210,000 per year.

Section 5 of SB 2293 imposes a surcharge of \$3 on each fishing and waterfowl hunting license issued.

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.*

SB 2293, if enacted, is likely to result in transfers to the aquatic nuisance species program fund estimated to total \$2,420,000 in the 2019-21 biennium. Of these transfers, \$500,000 is from the state general fund, \$1.5 million is from the highway tax distribution fund, and \$420,000 is from the state investment board.

There will also be additional revenue raised by the surcharge in Section 5. According to statistics provided by the Game and Fish Department, this additional revenue is expected to total \$1.417 million in the 2019-21 biennium, as shown in 1A above. This revenue will be deposited in the aquatic nuisance species program fund.

- 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.*

The Game and Fish Department reports they will incur one-time IT programming costs of \$10,000 in the 2019-21 biennium.

- 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.*

**Name:** Kathryn Strombeck

**Agency:** Office of Tax Commissioner

**Telephone:** 701.328-3402

**Date Prepared:** 01/24/2019

**2019 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE**

**SB 2293**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2293  
1/25/2019  
Job Number 31500

- Subcommittee  
 Conference Committee

Committee Clerk: Marne Johnson

### Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; and relating to the investment of the state game and fish fund.

### Minutes:

10 Attachments

**Chair Unruh:** Opened the hearing.

**Senator Dave Oehlke, District 15 (0:20-10:00) Introduced the bill, please see attachment #1 for visual aid.** These are pictures from North Dakota Game and Fish website, detailing aquatic nuisance species (ANS), and the infested waters in North Dakota. If you look at various maps, the first page talks about Curlyleaf Pondweed infestation and how extensive they are in various parts of North Dakota, the map is on the next page. I've been in ponds, rivers, and streams in Minnesota that are so thick with this type of weed, that you can barely pass. I've seen how bad it can get. Carp is an ANS, we work hard keeping it out of Devils Lake, with the help of Game and Fish Department, but it sneaks in through the Red River. It's very close to some major tributaries that drain into Devils Lake. Zebra Mussel is one you hear about a lot about, because of the infestations in Minnesota and the Great Lakes. I have seen a shopping cart retrieved and brought it to Wahpeton to show what it was like, totally encrusted with zebra mussels, that type of thing can be very hazardous to our waters ways. It should be clear that North Dakota Game and Fish does have a ANS program, but it has one employee. That employee is not able to do everything that is necessary. It is incredible how these problems can occur and propagate. In agriculture, palmer amaranth wasn't a word around here 5 years ago, now it's a big deal. Rather than wait until we have to address some of these issues with more aggressive means that will take a lot more expense because it will involve chemicals. These kinds of weeds can affect communities, we're not just talking about fishing, we're talking about issues that happened with water brought into Grand Forks and Fargo out of the river, what happens if the intakes or outtakes are clogged with these nuisance species. We feel the necessity for Game and Fish to do a bigger job, not a better job, what they have right now, a half-million dollar budget on this issue, we need to put together a program to address it more aggressively.

A couple things I'd point out: section 1 establishes a fund. Section 2 does talk about fuels tax. Admittedly we threw several different options in here, hoping that some or all of them



would be used. We came up with this one by taking the number of boats prevalent and registered and multiplying by 64, the average gallons used in a given year, and taking a portion of fuels tax on that number of gallons by x number of boats would give x number of dollars per year. The fiscal note, hard to know for sure how accurate they can be, that's the idea on that part of it. I know that takes money away from other areas, I don't feel it's an enough of an amount to deter the idea from getting some feet here. Section 3 talks about sales tax. Myles Vosberg will talk about that, there are some issues about just how that can be collected. The average boat seller also sells other stuff like life jackets. Do we want that as part of the income for this fund, or would you rather just have boats only? That would be difficult to figure. I don't think that's something that should make that much of a difference to people recreating. The fund itself, in appropriations we learned that Game and Fish invests their money right now, they're required to maintain at least \$15 million in a fund. Right now there's \$29 million in that fund, but only \$15 million is what we're talking about, the other amount has to be used for day to day operations. The \$15 million has been invested at the Bank of North Dakota at a very low interest rate. There's an interest there to have that moved over to the State Investment Board so that the interest on it could be more like what we get from our Legacy Fund dollars. There is one word in that section on line 24, that says 'must' that would have to be changed to 'may'. The Game and Fish will talk about that. It has to do with how we can't tell the feds how to spend their interest money. There is a need out there. The pictures tell, there could be more.

**Senator Roers:** Have you seen any of these species show up in Devils Lake yet?

**Sen Oehlke:** No. One of the reasons we haven't is that most wouldn't like it there, carp would thrive there. It has a higher salinity content than a lot of our river ways and waterways do; you get to the fresher water areas; the James, Red, and Missouri Rivers, those waterways are more likely to be affected than lakes like Devils Lake.

**Rich Brueckner, Devils Lake, President, North Dakota Sport Fishing Congress (11:42-19:50) Testified in favor, please see attachment #2.**

**Chair Unruh:** Could you explain what a watercraft wash station would look like? Would it be mandatory to go through?

**Rich Brueckner:** I don't have the exact parameters, it would be a station manned by three individuals who would then conduct an inspection, do a wash down, which would wash out any live wells, trailer components and interior of a boat. Basically try to decontaminate that unit to make it safe to put in our waters. I don't know the exact details in other wash stations that exist, Colorado and Montana for example, they collect all that wash off so it doesn't end up back in a storm sewer system or back in our rivers or waterways.

**Chair Unruh:** The points listed for areas we could use these have a lot of different entry points, would you want us to consider requiring watercrafts to go through these wash stations before entering a handful of these points or how do you see this working logistically?

**Rich Brueckner:** That would be wonderful if we could mandate it, but as you mentioned, there are too many entry points on many lakes. At this time, with three locations, we would identify a central, high traffic location where most units are coming through, that will depend

on obtaining land and property to set it up on, right now with the current advertising or educational process begin to notify those that receive a license that a wash station is available at that particular location.

**Senator Roers:** In looking through your sources of revenue, I see that you've got fishing licenses both in and out-of-state, but waterfowl license, you don't delineate in-state or out-of-state.

**Rich Brueckner:** When you obtain a fishing license or a general combination license, you are issued a certificate, so you'll have to have that certificate whether it's fishing or fishing and hunting. That \$3 applies to the certificate.

**Michael Gunsch, Chairman, North Dakota Missouri River Advisory Council (23:40-) Testified in favor, please see attachment #3 and #4.** Montana is looking at a potential risk of \$234 million dollars annually. The time is now, waiting only increases the costs that the state will incur at a later date. This is a modest approach to the issue. What we are going to find over time as things are monitored is what level of risk we actually have. We don't have a lot of information from inspections, because we aren't doing that many.

**Senator Piepkorn:** Why would we say, we're doing some, but not as much as our neighboring states. What's the obstacle to not ramping it up?

**Michael Gunsch:** The main obstacle is the funding source. It comes down to this is the initial step. It would be nice to go to a much higher level. Obviously I think there would be some resistance to that higher level. This step is a modest one, it was pointed out that we would gather data working with Game and Fish, if it becomes more serious, we and other organizations will get back and say we need more.

**Senator Piepkorn:** In my opinion, in 2-4 years we're going to be wishing we'd aimed higher.

**Michael Gunsch:** If you want to fund this higher, we would be happy to see that happen. Providing Game and Fish with additional resources would be greatly appreciated.

**Mary Massad, North Dakota Water Users Association (28:20-31:20) Testified in support, please see attachment #5.** Costs are astronomical, prevention is worth a pound of cure and more so. In Idaho, the Operations and Management costs are \$90 million to deal with ANS.

**Chair Unruh:** They seem to be focusing on leveraging user fees to pay for the ANS Program. This is the first testimony on industries really being affected by it. Would there be a way, or would the Water Users Association support a different funding source that would result in a fee for the people that would be affected is this way?

**Mary Massad:** Yes, it would be additional fees, whether prevention or in defense of ANS.

**Jeff Frith, Manger Devils Lake Basin Joint Water Resource Board (33:30-41:00) Testified in favor, please see attachment # 6.**

**Senator Cook:** What do you mean by filter water?

**Jeff Frith:** What they're doing by filtering the water is they're sucking through the water to extract the nutrients from it, the phytoplankton, the bottom of food chain. It greatly inhibits the food chain. It does potentially make the water clearer, allowing light to penetrate further, so you would have growth of aquatic plants further down. It's just one of those scary things, we haven't had a great deal of impacts; there's some in the Red River. These zebra mussels are transported by stream flow and man; we have to inspect, enforce and educate.

**Blair Ihmels, Friends of Lake Sakakawea, ND Aquatic Invasive Species Committee (43:20-46:10) Testified in favor, please see attachment # 7.**

**Senator Piepkorn:** You're suggesting we could spread the pain of the cost of a system, since it will affect more than fisheries and sportsmen. Looking at other funding sources, municipalities, industry. Are you suggesting that's a possibility?

**Blair Ihmels:** I agree, I sit on this committee with one of the industry components, MinnKota Power. They are very aware what's going on in Minnesota, they are affected. I think there needs to be an effort from industry, agriculture and citizens to really effectively fight it.

**Mike McEnroe, ND Wildlife Society (47:40-50:00) Testified in opposition, please see attachment # 8.**

**Steve Salwei, Transportation Programs Director, ND DOT (50:30-52:10) Testified in opposition, please see attachment # 9.**

**Chair Unruh:** Help us with the logistics of these sections, motor vehicles fuel tax, collection for sales tax and dividing that all out, how does that work?

**Myles Vosberg, North Dakota Tax Commissioners Office, Provided Neutral agency information.** The fuel tax is based on a formula, we have no concern with, administratively. But section 3, the sales tax portion, a couple of concerns, first it calls for a half a percent on the value of the previous year's boat sales for sales tax purposes. When the boat dealers report their sales, they have one lump sum amount of sales. We can't segregate out the boats. The other concern is the language in that section is confusing because it talks about a half a percent on the previous year's reported sales, but then it also talks about collected under section 39.2-02, which is the sales tax imposition section. The collected under that section means you are talking about tax and not the sales, that language could be adjusted a little. That is the only concerns we had. Under the fiscal note, the \$250,000 calculated under section 3 of the bill, we looked at the total sales of boat dealers, we used the half percent of their total taxable sales. We overshoot what's intended there.

**Kim Kary, Chief of Administrative Services Division, North Dakota Game and Fish Department (55:50-1:00:50) Provided Neutral agency testimony, please see attachment # 10.**

**Chair Unruh:** Was Game and Fish consulted with or did they participate in the writing of this legislation?

**Kim Kary:** No, not the crafting of the law, no. The \$15 million piece was already in a previous bill by OMB, and the other language, no.

**Senator Cook:** Tell me what Game ND Fish spends today on ANS prevention.

**Kim Kary:** Senator Oehlke stated \$533,000 per biennium. We have one FTE and we provide a grant to Valley City State for students to do ANS research. We gave them a \$205,000 grant to help us out since we are a one-person shop. We do education and advertising, and that takes \$533,000.

**Senator Cook:** Apparently Game and Fish thinks that's enough, and there's a room full of people that would like to see a whole lot more spent.

**Kim Kary:** We're not saying that's enough. We realize more needs to be done, but when we had to cut our appropriation we couldn't request more spending authority. We're saying we're willing to work with the committee, we couldn't request new FTEs we had to cut FTEs when we put our budget together we were included in the 10% cuts, we did not ask for any more money for ANS as part of our 2019 budget.

**Senator Cook:** What does it cost to fish in North Dakota and Minnesota?

**Kim Kary:** In North Dakota if you buy a resident license it is \$16; and Minnesota is \$24 for a resident.

**Senator Cook:** Is it safe to say a fishing license for a non-resident is cheaper in North Dakota than it is in the state they come from?

**Kim Kary:** I'm getting a nod that that is correct. I have some license numbers from in-state and out-of-state residents and where the out-of-state residents are coming from. Minnesota fisherman accounts for 60% of our non-resident anglers.

**Senator Cook:** Why don't we just charge out-of-state residents that they would charge a North Dakota resident to fish in their state. That would raise considerable revenue that could be used to fund more ANS programs.

**Kim Kary:** It could, the license fees are set by the legislature.

**Chair Unruh:** A question about using the fees only for specific items, if we did that would that same section apply? Could we direct those funds? I thought I understood you say that we couldn't take those fee funds and direct them towards a specific program.

**Kim Kary:** If you charge an additional fee for a specific program, that's fine. We do that for PLOTS right now, there's an additional fee on the general gaming habitat and then that x-amount of money from that \$3 goes to the PLOTS Program. We can't take all of the Game and Fish's money, earn interest on it, take all that money and earmark it towards one program. If you charge an additional fee for something, and make it go to a program, that would not be a loss of control.

**Senator Cook:** Could you look at all the fees, the out-of-state hunters, and do a fiscal note for how that might increase revenue?

**Kim Kary:** We'd be happy to do that, did you say fish and waterfowl?

**Senator Cook:** Please do.

**Chair Unruh:** The half million dollars you currently use for ANS, where does that come from?

**Kim Kary:** Our regular revenue we get from license sales and boats, regular pot of money. We do receive \$40,000 from the US Fish and Wildlife Service, and then two bienniums ago we started using some of our fishery apportionment from the excise sales on fishing licenses, that's \$40,000. Part of it is federal funding, but most of it is state.

**Senator Roers:** Why are we attaching this to waterfowl? I thought this was a fishing issue, not waterfowl.

**Kim Kary:** Boats come in to do waterfowl hunting.

**Chair Unruh:** Closed the hearing.

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2293  
2/14/2019  
Job Number 32737

- Subcommittee  
 Conference Committee

Committee Clerk: Marne Johnson

### Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; and relating to the investment of the state game and fish fund.

### Minutes:

1 Attachment

**Chair Unruh:** Opened the meeting.

**Senator Cook:** Passed out amendments (**Please see attachment #1**), These are simple, they take out section 2 and section 3, the funding mechanism for SB 2293, and it replaces that funding mechanism with a surcharge on the out-of-state and in-state license fees. The out-of-state license fee has a surcharge of \$6 per license, and in-state is \$3 per license. And the senior citizen and handicap stays the same at \$5. The fiscal note would be about \$1.6 million. I believe Mr. Gaebe worked with all the different fishing groups and they support this concept.

**Senator Roers:** What was the budget for this inspection process?

**Senator Piepkorn:** \$2.5 million was an ask for the minimum, I remember \$20 million would get infrastructure at check points up to would get us up to the standards of our neighboring states. If we had the budget they could spend \$20 million, \$2.5 million is a start.

**Chair Unruh:** The \$2.5 million allowed for checkpoints and a couple of other things; this will probably be one checkpoint and a few other inspections.

**Senator Cook:** The fiscal note shows an increase of \$1.4 million, expenditures of \$10 million, and it talks about if SB 2293 is enacted, it is likely to result in transfers to the Aquatic Nuisance Species Program Fund estimated \$2.4 million.

**Senator Cook:** I move to adopt the amendment ending in .01001.

**Senator Schaible:** I second.

A voice vote was taken.  
Motion carries

**Senator Cook:** Moved a Do Pass As Amended.  
**Senator Schaible:** I second.

**Senator Piepkorn:** It seems like this is a band aid approach. It's too bad we don't have the full funding for it. There is a reluctance to raise taxes on certain areas of the economy, we're pushing a lot of tax increases onto the public. It's inadequate compared to what they would want; the people of North Dakota are paying individually for some of these programs.

**Chair Unruh:** I am a firm believer in user fees. I see this as a user fee, that's why I think the gas tax is appropriate to fund our roads. I have a hard time increasing fees at all.

**Senator Cook:** I would also point out that the bill that came to us had a fiscal note increase of \$1.4 million in revenue, we have increased that now with this amendment, it's now \$1.6 million and Game and Fish is a self-funded agency based on fees, that's where the revenue comes from.

**Chair Unruh:** I do like the fact that the folks paying the fee, want the fee.

A roll call vote was taken.  
Motion passes 6-0-0.

**Senator Cook will carry.**  
**Chair Unruh:** Closed the meeting.

February 9, 2019

2/14/19  
101  
JSC

PROPOSED AMENDMENTS TO SENATE BILL NO. 2293

Page 1, line 1, replace "three" with "a"

Page 1, line 1, replace "sections" with "section"

Page 1, line 3, remove the third "and"

Page 1, line 5, after "fund" insert "; and to provide a continuing appropriation"

Page 1, line 11, replace the first underscored comma with "and"

Page 1, line 11, remove ", 4, and 5"

Page 1, remove lines 15 through 24

Page 2, remove lines 1 through 8

Page 2, line 15, overstrike "must" and insert immediately thereafter "may"

Page 2, line 24, replace "must" with "may"

Page 3, line 2, after "each" insert "resident"

Page 3, line 2, replace "and" with "license except for a resident who is sixty-five years of age or older, permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section 20.1-03-12. The director also shall establish a surcharge of six dollars on each nonresident fishing license and each nonresident"

Renumber accordingly



Date: 2/12  
Roll Call Vote #: \_\_\_\_\_

**2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2293**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1073.01001

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 sen. Cook Seconded By sen. Schaible

| Senators                | Yes | No | Senators                 | Yes | No |
|-------------------------|-----|----|--------------------------|-----|----|
| Senator Jessica Unruh   |     |    | Senator Merrill Piepkorn |     |    |
| Senator Curt Kreun      |     |    |                          |     |    |
| Senator Donald Schaible |     |    |                          |     |    |
| Senator Dwight Cook     |     |    |                          |     |    |
| Senator Jim Roers       |     |    |                          |     |    |
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Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Voice Vote  
Motion Carries*

Date: 2/14  
 Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2293**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1073.01001

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 Sen Cook    Seconded By Sen. Schaible

| Senators                | Yes                                 | No | Senators                 | Yes                                 | No |
|-------------------------|-------------------------------------|----|--------------------------|-------------------------------------|----|
| Senator Jessica Unruh   | <input checked="" type="checkbox"/> |    | Senator Merrill Piepkorn | <input checked="" type="checkbox"/> |    |
| Senator Curt Kreun      | <input checked="" type="checkbox"/> |    |                          |                                     |    |
| Senator Donald Schaible | <input checked="" type="checkbox"/> |    |                          |                                     |    |
| Senator Dwight Cook     | <input checked="" type="checkbox"/> |    |                          |                                     |    |
| Senator Jim Roers       | <input checked="" type="checkbox"/> |    |                          |                                     |    |
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Total (Yes) 6    No 0

Absent 0

Floor Assignment Sen. Cook

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

**REPORT OF STANDING COMMITTEE**

**SB 2293: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "a"

Page 1, line 1, replace "sections" with "section"

Page 1, line 3, remove the third "and"

Page 1, line 5, after "fund" insert "; and to provide a continuing appropriation"

Page 1, line 11, replace the first underscored comma with "and"

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Page 2, line 15, overstrike "must" and insert immediately thereafter "may"

Page 2, line 24, replace "must" with "may"

Page 3, line 2, after "each" insert "resident"

Page 3, line 2, replace "and" with "license except for a resident who is sixty-five years of age or older, permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section 20.1-03-12. The director also shall establish a surcharge of six dollars on each nonresident fishing license and each nonresident"

Renumber accordingly

**2019 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2293**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2293  
3/8/2019  
33448

- Subcommittee  
 Conference Committee

Committee Clerk: Kathleen Davis by Elaine Stromme

### Explanation or reason for introduction of bill/resolution:

Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; to the investment of the state game and fish fund; and provide a penalty

### Minutes:

Attachment 1,2,3,4,5,6,7,8

**Chairman Porter:** Opened the hearing on SB 2293.

**Sen. Kreun , District 42:** Introduced SB 2293. Basically it was the funding mechanism that was in question in the bill. Presented (**Attachment 1**). There's a problem with aquatic species in North Dakota and Senator Oehlke wanted to make sure we will have there's a fund to help combat this issue. The other issue is license surcharge. We want to keep as many Nuisance Aquatic Species out of our water in North Dakota as we possibly can.

**Chairman Porter:** Any questions? Seeing none. Further testimony in support of SB 2293.

**Jeff Frith, Manager of the Devils Lake Basin Joint Water Resource Board and the ND Aquatic Invasive Species Committee:** Presented (**Attachment 2**). In support. Zebra mussels once introduced cannot be eradicated. They will silently kill the ecology of a lake. Please support SB 2293. 4:00-11:27

**Rep. Anderson:** Are the fisherman bring their boats and come to boat landings are they doing everything they need to make sure they are ready for the water?

**Jeff Frith:** For the most part, but they are doing what needs to be done but they are the ones that are going to spread the nuisance by their live wells, anchors and motors. It is very important that hunters and boater that use blinds and boats that they take precautions to not spread nuisance aquatic species.

**Rep. Ruby:** Where does this new money go? What's the focus? We already spend about \$250,000 a year for education already. What's the main need that we have to increase our funding so much?

**Jeff Frith:** I think what's been designed for the State Game and Fish for their Aquatic Nuisance Committee but their invasive management plan doesn't go far enough in some of the proposed plans. Education is key but the rest of it is through enforcement, and other activities.

**Rep. Ruby** So it's going to expand what has already been done, there's nothing new?

**Jeff Frith:** Once these Nuisance Aquatic species are introduced there is no getting rid of them. That's one of the reasons we emphasize education and prevention. It would go a long way in prevention. That's the main reason why this money would be required.

19:20

**Rich Brueckner, President of North Dakota Sport Fishing Congress:** In support of SB 2293. Presented (**Attachment 3**).

1. Enough staff to 3 wash stations
2. Construct wash stations
3. 2 additional game wardens
4. Surcharge for each nonresident fishing license.

**Chairman Porter:** In the actual bill I don't see any place where it talks about Full Time Employee's (FTE's) or the authority to spend any of the money that's being appropriated?

23:35

**Rich Brueckner:** We did identify one additional FTE. Currently there is one Aquatic Nuisance Species (ANS) employee for the entire state of North Dakota and we had asked for an additional Full Time Employee. (FTE).

24:05

**Michael Gunsch: ND Missouri River Advisory Council,** in support, Presented (**Attachment 4**). We are trying to reduce the risk of ANS in all the waters of North Dakota.

26:56

**Blair H. Ihmels, Board member of Friends of Lake Sakakawea and North Dakota Aquatic Invasive Species Committee:** Presented (**Attachment 5**). In support. We need more people to help with this problem.

30:13

**John Bradley, Executive Director of North Dakota Wildlife Federation:** Presented (**Attachment 6**). In support of SB 2293.

**Mary Massad, North Dakota Water Users Association, Southwest Authority;** in support of SB 2293. Presented (**Attachment 7**). ANS can and will greatly impact industry in the state by lowering water quality and infiltrating water intakes. 34:38

34:38

**Chairman Porter:** Further support? Any opposition to SB 2293? Who from the Department of Game and Fish is answering questions today?

**Kim Kary, Chief of Administrative Services, North Dakota Game and Fish:** Providing information on SB 2293. The ANS program fund does have a continuing appropriation and if this passes the revenue will go into that fund but does that fund need an appropriation. Our appropriation bill is now in the House so we would have to work with that. Presented **(Attachment 8)**.

40:10

**Chairman Porter:** The way it stands this fund over the next two years would collect money, but unless there is something that's appropriated out of your fund in your budget, or if we appropriate out of the fund in this bill, you would not be able to spend any of the money for over the next two years towards any of these programs.

**Kim Kary:** That sounds correct.

**Chairman Porter:** There is nothing in your budget that talks about or deals with this fund so we will have to deal with that here. The fiscal note does include the combination license and we need to change that to any license. How many boat licenses do we have in the state? I ask because I have a problem targeting all of this toward the fisherman, when this is a boating problem and issue in preventing the further spread of all of these ANS.

**Kim Kary:** It is between 52,000 and 60,000, this includes jet skis, boats, etc. if you include all it would be about 60,000.

**Rep. Anderson:** On the proclamation for waterfowl is there warnings for aquatic nuisance species (ANS) on those?

**Kim Kary:** It is in the guide but not in the proclamation.

**Rep. Anderson:** I think you should put it in the proclamation also so those people are aware.

**Rep. Keiser:** What's the penalty whether intentional or unintentional for someone who has Zebra Mussels on the back of the trailer and they are backing in the water?

**Greg Powers, North Dakota Fisheries Divisions Chief:** If it's an ANS on the prohibited list. I believe it is a class B misdemeanor and there is a number of other noncompliance issues such as water in the boat, etc.

**Rep. Keiser:** So for whatever mechanism they're introducing?

**Greg Powers:** Correct.

44:00

**Chairman Porter:** There are several different statutes that are out there. If you are driving around with a plug in your boat you can get fined for that. But if you come into the state without having your boat and trailer clean there is a fine for that also.

**Rep. Keiser:** It's unique situation to have someone there to catch it and if no one had been there to catch that the Zebra mussels are in.

**Greg Powers:** In Montana they really ramped up their inspections. In 2017 or 2018 in 72,000 inspections they found 13 had zebra mussels on the boat, most of them were dry.

**Rep. Keiser:** It only takes one.

**Chairman Porter:** We already have them in the Red River they are coming out of the lakes in Minnesota and flowing north. Miss Kary, I would ask the department for 2 things. One is the component of Section 3, to make sure that language is correct so if we have to change that on line 11, from "each" to "any", so we're fully encompassed for those licenses.

**Kim Kary:** If we change "each" to "any" then you are going to include the 65 years and older and the permanently and totally disabled, if that is your wish.

**Chairman Porter:** Then I would ask for a section to this bill for actual implementation of this plan because it is not in your budget. It is going to have to appear in this bill as we carry this to appropriations as to how the plan is going to be implemented and the number of FTEs that are going to be asked for and how the money's going to be spent for cleaning stations, for inspections, for what's been laid out here today. We have to have a money plan, we have a trust fund created, but we don't have any money being spent. It is not in your budget so it needs to be in here.

**Kim Kary:** The department would not be asking for FTEs for 2021 because the fund would not have enough funds generated yet for that. But come the next biennium we would ask for FTE request but we would ask for temporary staff or for grant money to continue our work through Valley City State University and for other things.

**Chairman Porter:** We will need a Section 4 plan by next week.

**Kim Kary:** Yes we could do that.

**Chairman Porter:** Any further questions for the department? Any further testimony for SB 2293? Seeing none. As we are going forward with this, I have a definite problem with Section 2 in allocating any of the interest funds off of that fund into a special fund because you're taking the dollars that are made in interest and not allowing the Department to do it. I do not have a single problem with the fishing license. I do have a problem that we are not going after just boats in general also. In Nebraska they have a stamp program in addition to their license for both resident and nonresident boats that they are paying for the program to do inspections. So it would cover the duck boats, recreational boating, as they are moving in and out of the state constantly and it would cover individuals coming into the



state to fish in the state. Probably our biggest risk of spreading this disease is the boats coming out of Minnesota. Inside of Nebraska they do a \$5.00 resident stamp on top of their license that would be good for 2 years and then \$15.00 each year for a non-resident boat. All the money would go into that aquatic nuisance fund. It would be my suggestion to amend out Section 2 of the bill and add a new Section for the boating stamp, give the department a week to work on the implementation component, and then see where the fiscal note lands.

**Rep. Mitskog:** Made a motion to amend SB 2293 to remove Subsection 2 of the bill, and then to add the boat stamp requirement of \$5.00 per resident boat license and \$15.00 for an annual nonresident license for ANS. Amendment 19.1073.02001.

**Rep. Anderson:** Seconded.

**Chairman Porter:** The component side they were talking about on the investment board side is already covered in the budget, so if we remove section 2 completely then it just stays existing law and whatever amendment is done in appropriations.

**Kim Kary:** The only problem with amending that is on page 1 line 20 that “must” in there was also replaced with “may” because we are planning ahead for an audit that may catch that, so we were going to change that to a “may”.

**Chairman Porter:** That was not in your budget that language?

**Kim Kary:** No, only number 2 on page 2 that piece was in the budget.

**Chairman Porter:** Is everyone clear we would remove subsection 2 and add the boat stamp requirement of \$5.00 per resident boat license and \$15.00 for an annual nonresident license for ANS.

**A voice vote was taken. Motion carries to amend SB 2293.**

Hearing adjourned.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2293  
3/21/2019  
34073

- Subcommittee  
 Conference Committee

Committee Clerk: Kathleen Davis

### Explanation or reason for introduction of bill/resolution:

Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; to the investment of the state game and fish fund; and provide a penalty

### Minutes:

Attachment 1

**Chairman Porter:** Opened the hearing on SB 2293.

**Kim Kary, Chief of Administrative Services, North Dakota Game and Fish:** reviewed Attachment 1 which is amendment 19.1073.02002.

**Chairman Porter:** Section 7 was my language, because of the upcoming fishing season and the risk of our closed basins that the ND G&F are authorized to use money in their reserve account to get the program up and running this summer, then pay it back out of the aquatic nuisance species account when the money comes back in so that money doesn't just build up in that account.

**Rep. Anderson:** Do you know exactly what they're going to do with their inspections or monitoring program.

**Kim Kary:** We provided the implementation plan to Rep. Porter based on the last time we were up here. Starting in May of 2019 we will have one additional inspection team staffed by temps and in June 2019, we would start the IT programming for getting the boat stickers ready and bidding out the stickers. The stickers on the motorboats would take place January 2020. Our plans are to get geared up and get work ready and hire January 2020 those 2 FTEs would start.

**Rep. Anderson:** so when you go around are you going to concentrate on Lake Sakakawea and Devils Lake or monitor different lakes at different times? Any idea how that's going to work.

**Kim Kary:** I believe the fisheries chief said those 2 lakes are the main lakes fished by nonresidents and residents. Those are two of the main areas we would be targeting. We would bring on 2 additional inspection crews in May of 2020.

**Rep. Keiser:** I see there's a penalty for not having the sticker. What is the penalty if there's a situation where the nuisance species could be on a MN boat, brought across the board, put in the water and the nuisance is potentially alive? What's the penalty you're inspectors fine?

**Kim Kary:** I believe it's \$100. I didn't look specifically look at that one.

**Rep. Keiser:** Just \$100? That doesn't seem to be a sufficient fine. Given the potential problem that would be created through just one, that doesn't seem like a significant penalty and we're not holding them very personally responsible for the magnitude of the problem.

**Chairman Porter:** it is a Class B misdemeanor. There's also a seizure component where they can also take what brought it in. So they could lose a boat. I've been getting concerns about the \$15 stamp on the nonresident boats. My argument back is those are the boats we're most concerned with. Those are the boats the program is designed around. Those are the boats that have to be inspected, that we have to be most concerned about. I've heard concerns that we're targeting them and we are because they are the area causing us to increase our inspections and increase the program to protect our basins. I've heard them and I don't agree with their complaint.

**Rep. Ruby:** I would like to see half the hysteria we have behind this over CWD but to not muddy the water, I will move these amendments.

**Rep. Anderson:** second.

**Chairman Porter:** We have a motion and a second to adopt the amendment 02002 on SB 2293. Discussion? Voice vote, motion carried.

**Rep. Ruby:** I move a Do Pass as Amended and rereferred to Appropriations on SB 2293.

**Rep. Anderson:** second.

**Chairman Porter:** I have a motion and a second for a Do Pass as Amended and Rereferred to Appropriations. Discussion?

Roll call vote: 14 yes, 0 no, 0 absent. Rep. Anderson is carrier.

Hearing adjourned.

ca  
1 of 1  
3/8/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, replace the first "and" with a comma

Page 1, line 3, after "licenses" insert ", and aquatic nuisance species stamps"

Page 1, line 12, after "Act" insert "and fees collected by the department under section 4 of this Act"

Page 1, line 17, remove "1."

Page 2, remove lines 1 through 7

Page 2, after line 17, insert:

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

**Aquatic nuisance species stamps.**

1. A boat operated on waters of the state must have an aquatic nuisance species stamp from the department affixed to the side of the boat in a manner prescribed by the department which makes the stamp clearly visible. A person may not operate or give permission for the operation of a boat on the waters of the state without an aquatic nuisance species stamp that complies with this section.
2. An owner of a boat operated on the waters of the state shall file an application for an aquatic nuisance species stamp with the department on a form and in a manner prescribed by the department.
3. For each boat owned by a resident, the fee for an aquatic nuisance species stamp is five dollars, and the stamp is valid until the earlier of:
  - a. The end of three years from date of issuance of the stamp; or
  - b. If the boat is required to be licensed, the expiration of the license.
4. For each boat owned by a nonresident, the fee for an aquatic nuisance species stamp is fifteen dollars, and the stamp is valid through December thirty-first of the year in which it was issued.
5. The fees for aquatic nuisance species stamps must be deposited in the aquatic nuisance species program fund."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

Page 1, line 2, after "20.1-03" insert ", a new section to chapter 20.1-13, and two new subsections to section 20.1-03-12"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, replace "Continuing appropriation" with "Appropriation"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and sections 5 and 6"

Page 1, line 12, replace "All moneys" with "Moneys"

Page 1, line 12, after "department" insert "upon budget section approval"

Page 1, line 13, after the underscored period insert "Budget section approval under this section must comply with the new section to chapter 54-35 as created by section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative assembly."

Page 2, after line 7, insert:

**"SECTION 3.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars every three years.

**"SECTION 4.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 11, after "on" insert "a combination license and on"

Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"

Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, after line 17, insert:

**"SECTION 6.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

DP 3/21/19  
2 of 2

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee must accompany each application for a number and license under section 20.1-13-03.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner or operator shall apply to the department for an aquatic nuisance species sticker, and the application must be accompanied by the fee. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 7. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of carrying out aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. Moneys deposited in the aquatic nuisance species program fund must be transferred to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3-8-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1073.02001

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 Rep. Mitskog    Seconded By Rep. Anderson

| Representatives        | Yes | No | Representatives  | Yes | No |
|------------------------|-----|----|------------------|-----|----|
| Chairman Porter        |     |    | Rep. Lefor       |     |    |
| Vice Chairman Damschen |     |    | Rep. Marschall   |     |    |
| Rep. Anderson          |     |    | Rep. Roers Jones |     |    |
| Rep Bosch              |     |    | Rep. Ruby        |     |    |
| Rep. Devlin            |     |    | Rep. Zubke       |     |    |
| Rep. Heinert           |     |    |                  |     |    |
| Rep. Keiser            |     |    | Rep. Mitskog     |     |    |
|                        |     |    | Rep. Eidson      |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Voice vote Motion carries.

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

Date: 3-21-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2293**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1073.02002

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 Ruby    Seconded By Anderson

| Representatives        | Yes | No | Representatives  | Yes | No |
|------------------------|-----|----|------------------|-----|----|
| Chairman Porter        |     |    | Rep. Lefor       |     |    |
| Vice Chairman Damschen |     |    | Rep. Marschall   |     |    |
| Rep. Anderson          |     |    | Rep. Roers Jones |     |    |
| Rep. Bosch             |     |    | Rep. Ruby        |     |    |
| Rep. Devlin            |     |    | Rep. Zubke       |     |    |
| Rep. Heinert           |     |    |                  |     |    |
| Rep. Keiser            |     |    | Rep. Mitskog     |     |    |
|                        |     |    | Rep. Eidson      |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment voice vote. Motion carried

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



Date: 3-21-19  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2293**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1073.02002

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 Ruby    Seconded By Anderson

| Representatives        | Yes | No | Representatives  | Yes | No |
|------------------------|-----|----|------------------|-----|----|
| Chairman Porter        | ✓   |    | Rep. Lefor       | ✓   |    |
| Vice Chairman Damschen | ✓   |    | Rep. Marschall   | ✓   |    |
| Rep. Anderson          | ✓   |    | Rep. Roers Jones | ✓   |    |
| Rep. Bosch             | ✓   |    | Rep. Ruby        | ✓   |    |
| Rep. Devlin            | ✓   |    | Rep. Zubke       | ✓   |    |
| Rep. Heinert           | ✓   |    |                  |     |    |
| Rep. Keiser            | ✓   |    | Rep. Mitskog     | ✓   |    |
|                        |     |    | Rep. Eidson      | ✓   |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |

Total (Yes) 14    No 0

Absent 0

Floor Assignment Rep. D. Anderson

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

**REPORT OF STANDING COMMITTEE**

**SB 2293, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2293 was placed on the Sixth order on the calendar.**

Page 1, line 2, after "20.1-03" insert ", a new section to chapter 20.1-13, and two new subsections to section 20.1-03-12"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, replace "Continuing appropriation" with "**Appropriation**"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and sections 5 and 6"

Page 1, line 12, replace "All moneys" with "Moneys"

Page 1, line 12, after "department" insert "upon budget section approval"

Page 1, line 13, after the underscored period insert "Budget section approval under this section must comply with the new section to chapter 54-35 as created by section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative assembly."

Page 2, after line 7, insert:

**"SECTION 3.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars every three years.

**SECTION 4.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 11, after "on" insert "a combination license and on"

Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"

Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, after line 17, insert:

**"SECTION 6.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee must accompany each application for a number and license under section 20.1-13-03.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner or operator shall apply to the department for an aquatic nuisance species sticker, and the application must be accompanied by the fee. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 7. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of carrying out aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. Moneys deposited in the aquatic nuisance species program fund must be transferred to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**2019 HOUSE APPROPRIATIONS**

**SB 2293**

# 2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee  
Roughrider Room, State Capitol

SB 2293  
3/27/2019  
34266

- Subcommittee  
 Conference Committee

Committee Clerk: Risa Bergquist by Donna Whetham

## Explanation or reason for introduction of bill/resolution:

Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; relating to the investment of the state game and fish fund; and to provide a continuing appropriation.

## Minutes:

Attachment 1

**Chairman Delzer:** Called the meeting to order for SB 2293, this is a bill for aquatic nuisance species program.

**Representative Porter:** House Energy and Natural Resources committee has been working on SB 2293. This creates a dedicated aquatic nuisance species program. We realize our current program has about a \$500,000 appropriation inside the budget that includes one FTE and a \$250,000 contract with Valley City State College that puts together an inspection team and plan. This is a significant expansion of that program. This is the biggest threat that we have inside of North Dakota fisheries. Zebra mussels are the ones you have heard about and they are well established in the Red River. They came in through the Great Lakes. Fargo is already having problems with their water intake structure with zebra mussels on it. Lake Winnipeg all the way to the Hudson Bay has zebra mussels. The problem is that they are extremely efficient filtering animals and they take all the nutrients out of the water and the fish can't survive. Each one does about a gallon a day. As we are looking at this bill we have fisheries in this state, Devils Lake being one of the primary closed basin fishery. A lot of the other shallow aquafer lakes that are stocked with fish are all closed basin type scenarios. If we get a zebra mussel in those type of lakes it will be because of a boat. The risk is us. We are going to be the transfer vehicles. Zebra mussels aren't our only threat but they are the biggest threat right now. The biggest threat is boats that come from areas that the zebra mussel exists. If I go to the Detroit Lakes boating and come back to North Dakota but don't do a proper inspection or clean or power wash the boat off and go to a local lake, then I would be an infectious boat and I could be the one causing the spread of this species. The first component of this program is that we need money to ramp up our enforcements and inspections. The money that is being proposed to be raised is about \$2.5 million in additional funding that would go into a set alone aquatic nuisance species fund that Game and Fish can use as appropriated by us to ramp up the aquatic nuisance species enforcement and education program to try to stop

this from coming into our state. Handed out proposed amendments and Christmas tree versions of .02002 and .02003 of SB 2293. **(See Attachment 1).**

**6:39**

**Chairman Delzer:** Which version are you working off of?

**Rep. Porter:** We are working off of .04000 version of the bill. It is the one we adopted out of committee. The Christmas tree version 02003 includes this set of amendments. We could certainly do just a fishing licenses increase to do this but it's not just a targeted crowd that fishes, it's also that crowd that skies, jet skis, hunting. This bill has a combination of license fee increases. It increases the nonresident water fowl fee and fishing fees for resident and nonresident and there is a licensing component in there on boats.

**Chairman Delzer:** Is that all being done in Section 3?

**Representative Porter:** Section 3 is the boat stamp component and Section 5 is the fishing and waterfowl license surcharge section. We add \$5 per year on a resident boat license so it is a \$15 total. We are also developing a new stamp for nonresident boats for \$15 per year. That funding would raise approximately \$2.7 million to go into the aquatic nuisance species fund. The fund itself we would give them authorization to get \$467,000 out of their reserves to get this started this summer with the emergency clause and they would have to repay that back as this generated money.

**Chairman Delzer:** You are also raising the combination or the resident fishing license for anybody under 65 by \$3.

**Representative Porter:** Yes the combination license includes a fishing license so we did raise that one also.

**Representative Nathe:** How do you see the Game and Fish being able to enforce this?

**Representative Porter:** We looked at this as an all entity involved kind of situation where the authorization to hire the two positions would be warden positions in the eastern part of the state. So you would get an entry program going and have signs where if you are pulling a boat you must be inspected. Education is another key component to this and the cross training inside of our state parks to watch for the boats getting put into the water.

**Representative Nathe:** Do you foresee spotters and checkers at the boat landings?

**Representative Porter:** I would see more trying to do a combination where we would have them at check points, and also at campgrounds. It is also the boater's responsibility to clean their boats and drain their live wells.

**Chairman Delzer:** That's already illegal to not drain your boat out.

**Representative Porter:** That is exactly right and this is this is to help to ramp that inspection even more.

**Chairman Delzer:** This is a very big deal but our Game and Fish fund currently is over \$30 million why can't you use some of that, surely that is something that would fit the guidelines for everything the Game and Fish does.

**Representative Porter:** When we looked at this from how are we going to create this new program and pay for it, we didn't think that fund was the right place. Part of the money inside of that fund is coming from hunters and excise taxes and we didn't want to risk that we would suddenly be noncompliant with the excise tax component to where we would have to pay that money back.

**Chairman Delzer:** I can't imagine the Feds have any problem with that.

**Representative Porter:** There are two sides in there and I would think that one side of that excise tax would have a problem with this. That is why we put the component that we would have to pay that fund back. We could ask Game and Fish if this would be a problem.

**Representative Bellew:** Can these little critters latch onto a goose or duck and be transported that way?

**Representative Porter:** I have not heard of that with a zebra mussel and there is another critter that floats and when people say they get the lake itch it is a little organism when it bores into us it dies and causes a little bump. I don't know if that could happen.

**Chairman Delzer:** Certainly the plant species could be.

**Representative Nathe:** In regards to the Game and Fish would this money be used if they should find a breakout to fight this or are they working on that?

**Representative Porter:** All of the money inside of this fund is to be appropriated by the Legislative Assembly. There isn't a continuing appropriation inside of here so they couldn't just go in and grab it. They could come to the budget section and say we have a crisis and we would like access to this fund but there isn't any contingency in there that they could do what you say.

**Representative Nathe:** Is there any discussion in there for that?

**Representative Porter:** That is why we put that budget section in there that is compliant with the new bill we passed not so long ago.

**Chairman Delzer:** I don't think the language would allow that, it says education, inspection and monitoring programs. If you wanted that issue I think you would have to look at changing that language.

**18:35**

**Representative Meier:** Can you explain the penalty portion for this bill?

**Representative Porter:** We are taking the penalty and putting it into the fund. The person is guilty of a class 2 criminal offense. If they don't have the sticker it's a \$25 dollar fine and there is already a fine for failing to pull your plug or hauling water across.

**Chairman Delzer:** How will out of state people know they have to have this sticker?

**Representative Porter:** That will be a part of the education campaign.

**Representative Mock:** Do we have areas to wash boats off at all the docks?

**Representative Porter:** No and that is part of this also.

**Representative J. Nelson:** Is there a period of time that if the boat isn't in water the threat would go away? How long would you have to be out of the water to be safe?

**Representative Porter:** I don't know the answer to that.

**Representative J. Nelson:** Did the committee consider the surcharge on nonresident hunting fees, maybe giving the hunter a couple extra days for the surcharge?

**Representative Porter:** No. You will have the opportunity to discuss that today.

**22:45**

**Representative Holman:** How does this compare to other states?

**Representative Porter:** We are hugely behind on this. Minnesota has been fighting this at a much greater rate than where we are. They have inspectors and power wash stations and check stations as people are leaving the lakes.

**Representative Holman:** What success are they having?

**Representative Porter:** You don't hear about newly affected areas in closed basins. We are way behind on our education, inspection and being proactive on this problem. We know where they are now and we don't want them to move west.

**Representative Brandenburg:** On Page 2 10 line to of the bill, it talks about investing the \$15 million from the budget. The budget has \$37 million of Federal funds and Special funds is \$46 million for the total of \$84 million. If you could explain what you are looking at doing is taking the \$15 million and using the interest income off of that to deal with aquatic nuisance program. Is that what your process will be?

**Representative Porter:** I would stand here and tell you that that is in there still in error. When we created the stamp program we didn't want that in there or to tie up that investment income into this program. I would ask you to remove that because I thought that was gone.

**Chairman Delzer:** Are you talking about the whole paragraph 2?



**Representative Porter:** Yes that whole subsection 2. That was supposed to be out of there. We didn't want to tie up any of that investment income. We felt that was wrong. I would ask that be removed inside of the considerations of this.

**Chairman Delzer:** You handed out a .02003 Christmas tree version?

**Representative Porter:** That version was given to me from Legislative council. All that does is give you a look at the amendment I passed out.

**Chairman Delzer:** What you passed out of your committee is .02002 and you want us to adopt .02003?

**Representative Porter:** Yes, we need to create that aquatic nuisance species fee for motorboats and also straighten out the fees so if someone comes in to buy a boat license it would only be good for one year. What it says on page 5 of the Christmas tree is that they would only be charged a \$5 surcharge rather than the full \$15. So it is \$5 per year. It fixes that also.

**Chairman Delzer:** The Christmas tree .02002 is the one they passed out of committee and .02003 is the one they want us to adopt?

**Brady Larson, Legislative Council:** That is correct, on the amendment and the corrections you will see that it says in lieu of the amendments adopted by the policy committee.

**Chairman Delzer:** And we still need to take out subsection 2 if we adopt the .02003. So go ahead and draft the .02004. Did you want to walk through these amendments anymore?

**Representative Porter:** I think it was simple fixes that made sure that it was going into that specific fund and that the license fee was stepped.

**Chairman Delzer:** When was the last time we raised the fishing and the combination licenses?

**Representative Porter:** I am guessing it has been 5 or 6 years. We are still lower than all the states around us.

**Chairman Delzer:** A boat that sits at Dakota waters all the time and only fishes there, how often do they have to worry about washing this?

**Representative Porter:** They are a very little risk. If they come out of that water and go to the storage shed across the road. They are at zero risk.

**Chairman Delzer:** If we found out that we could use some of the Game and Fish money are you opposed to lowering some of the fees a little?

**Representative Porter:** I would not. We need to be very careful with that to make sure we aren't putting at risk the repayment of those excise taxes. The penalties for nonrepayment is extreme.

**Chairman Delzer:** Brady would you request that information from Game and Fish about their view and whether or not any of their funds could be used.

**Representative J. Nelson:** If someone comes into the state and they are at risk, is there an option for the boater to wash the boat if Game and Fish do the inspection and it needs to be cleaned. Will there be a power washer available to use or do they have to go to a car wash?

**Representative Porter:** I am not exactly sure how game and fish will handle that.

**Representative J. Nelson:** I would think in some of the major areas it could be a business venture to do that sort of thing. I don't know how they could ever do this without being on the major highways.

**Chairman Delzer:** Further discussion? Seeing none.

Hearing closed.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

SB 2293  
3/27/2019  
34295

- Subcommittee  
 Conference Committee

Committee Clerk: Risa Bergquist

Typed by Carmen Hart

## Explanation or reason for introduction of bill/resolution:

Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; relating to the investment of the state game and fish fund; and to provide a continuing appropriation.

## Minutes:

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**Chairman Delzer:** This is the bill that Rep. Porter brought down today. He asked us to put the amendments for .02003 on. Rep. Brandenburg caught that we also need to take out sub paragraph 2 on Page 2. Where will that be? Is it going to be in lieu of the amendments?

**Brady, Legislative Council:** Yes, it will be in lieu of.

**Chairman Delzer:** They amended .02002?

**Brady, Legislative Council:** We passed out .02002 and what Rep. Porter brought down was .02003 which was in lieu of .02002, and what you will have is .02004 which will be in lieu of .02002.

**Chairman Delzer:** It is going to be the amendment he handed out with the addition of on Page 2, taking out Lines 6-12

**Brady, Legislative Council:** There is one small change in Subsection 1 of that section. Would the committee like to keep that in or if you would like that removed as changing a "must" to a "may"?

**Representative J. Nelson:** We need to leave that change in there because US Fish and Wildlife would look at it as a diversion of funds with the "must" language.

**Chairman Delzer:** We had asked whether or not they could use any game and fish money.

**Brady, Legislative Council:** We have not heard back.

**Chairman Delzer:** I don't disagree that we need to be aggressive on aquatic nuisance. I have a little bit heartburn over some of the fee increases on the fishing license. The boat fee increase doesn't sound out of line. I am surprised how much they think this is going to raise. Granted it is all legislative authority. It does allow them to use a little bit of money out of the game and fish fund, and that would be repaid as soon as any of the money flowed into this new fund they are setting up called the aquatic nuisance species program fund in state treasury. Thoughts?

**Representative J. Nelson:** Are we talking about removing lines 6-9?

**Chairman Delzer:** Yes. The moneys must be invested by the investment authority according to the laws relating to state investments. The department shall notify the state investment board of the amount available for investment. I don't think they want it tied up that tight.

**Representative J. Nelson:** This is supporting a stronger fishery in North Dakota, and I would think most fisherman would go with it.

**Representative Vigesaa:** Is the language in that Subsection 2 of the \$15 million going to the supervision of the SIB in their budget bill?

**Chairman Delzer:** This is not the reserve fund?

**Representative Brandenburg:** I think Representative Vigesaa is right.

**Chairman Delzer:** You were thinking this was just the aquatic nuisance fund?

**Representative Brandenburg:** I have no problem. If they want to charge them, charge them.

**Chairman Delzer:** I am talking about when you talked to Rep. Porter.

**Representative Brandenburg:** It was supposed to be taken out.

**Chairman Delzer:** Do you think he understood that this was dealing with the game and fish fund and not the aquatic nuisance fund? I think the only one they want tied loose is the aquatic nuisance fund.

**Rep. Vigesaa:** I just took it the investment income from the fund shouldn't be used for that purpose, the last sentence.

**Chairman Delzer:** You want to take out the last sentence.

**Rep. Vigesaa:** The rest of the language is in their budget, so it can all come out of this bill.

**Representative Monson made a Motion to Amend.**

**Representative Meier seconded the motion.**

**Representative Schatz:** What version are you on here?

**Chairman Delzer:** We are amending version 2 with version 3, but adding to that the removal of Lines 6-12 on Page 2 of the 2002 version and then it becomes the 2004 version.

**Chairman Delzer:** Further discussion? **Voice vote. All in Favor, Motion Carries.**

**Representative Vigesaa:** Did we address the question about changing that “must” to “may”?

**Representative J. Nelson:** That was advised by one of the premier members of the water community to leave that in there for the reason that “may” protects the fund from the US Fish and Wildlife designation.

**Chairman Delzer:** You are talking ...

**Representative J. Nelson:** In that same section, “must” was crossed out and “may” was... I don’t know anything about this. I was advised that we need to leave that.

**Chairman Delzer:** I think we can pass this out. I am pretty sure it will go to conference if they need to fix it.

**Representative Monson made a motion for a DO PASS AS AMENDED.**

**Representative Meier seconded the motion.**

**Representative Schatz:** We are increasing the price for a fishing license from \$16 to \$19?

**Chairman Delzer:** Yes, and they are increasing the boat registration by \$5 a year for resident, and \$15 to bring it in from somewhere else.

**A Roll Call vote was taken. Yea: 15            Nay: 4            Absent: 2**

**Motion carries and Representative D. Anderson will carry.**

**Chairman Delzer:** It should be noted the full increase is only for those younger than 65.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

SB 2293  
4/1/2019  
34391

- Subcommittee  
 Conference Committee

Committee Clerk: Risa Bergquist

## Explanation or reason for introduction of bill/resolution:

**Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses. relating to the investment of the state game and fish fund;**

## Minutes:

**Chairman Delzer:** Called the meeting to order for SB 2293. We had this bill before us previously and passed it out with Representative Porter's amendment on it. I think Representative Vigesaa is going to have seemed discussions the game and fish department? And they might think that this is too high of a fee increase. We also got a list of what they were going to do with some of these funds. Some of it was personal but it also looked like they were doing some fish cleaning stations, I don't know that we need to raise the fees for those.

**Representative Vigesaa:** I visited with the director and he thinks the revenues would be considerably higher than what they will need. He would like us to reconsider our action, we are meeting with him this afternoon so we can alien the revenues with what the program will cost and we will report that back to you.

**Chairman Delzer:** We will put that on our list for tomorrow afternoon. With that we will close this meeting.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

SB 2293  
4/5/2019  
3453

- Subcommittee
- Conference Committee

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| Committee Clerk: Risa Bergquist |
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## Explanation or reason for introduction of bill/resolution:

**Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses**

## Minutes:

**Chairman Delzer:** Representative Vigesaa has been working with game and fish and he's got some thoughts for some amendment, let's have a little discussion so we will be ready to work on it when we get the amendments.

**Representative Vigesaa:** Following our discussion on this bill, director Terry Steinwand contacted me and others from government operations because we have their budget, the way the bill sits it's raising significantly more revenue than they actually need to begin this program. He asked us to take a look at reducing the funding amount to better fit the expenses. What we have discussed is that we are taking away the surcharge on the licenses, the boat sticker program would remain and that reduces the amount by about half. We are going to draft amendment to remove the increase on the licenses but retain the boat sticker amount.

**Chairman Delzer:** You're talking the fishing licenses?

**Representative Vigesaa:** There will be no increase on those fee for fishing licenses and water fowl.

**Chairman Delzer:** We will take this up further when we have those amendments. We will close this meeting.

# 2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee – Government Operations Division  
Medora Room, State Capitol

SB2293  
4/8/2019  
Recording Job# 34582

- Subcommittee  
 Conference Committee

Committee Clerk: Sheri Lewis

## Explanation or reason for introduction of bill/resolution:

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

## Minutes:

Attachment A

**Chairman Vigesaa:** Opened the discussion on SB2293.

**Chairman Vigesaa:** See attachment A.

**Vice Chairman Brandenburg:** You just took it off the license and put it on the boats?

**Chairman Vigesaa:** Yes.

Chairman Vigesaa continued with his explanation.

**Chairman Vigesaa:** This would have to be adopted by the full committee before it would show up in laws?

**Adam Mathiak, Fiscal Analyst, ND Legislative Council:** Yes.

**Representative Beadle:** I understand the intention of having the sticker on the boat and having the specific money going to battle aquatic nuisance species. Instead of forcing everyone to have multiple stickers on their boat why couldn't the permit fee be increased and just have a dedicated portion of that revenue?

**Representative Howe:** I thought about that also and you're going to have people hauling their boats in that are licensed in Minnesota; and they're not helping pay for that.

**Vice Chairman Brandenburg:** At least we can say that we did what we could to keep it out of here.



**Chairman Vigesaa:** Closed the discussion.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

SB 2293  
4/8/2019  
34604

- Subcommittee  
 Conference Committee

Committee Clerk: Risa Bergquist

## Explanation or reason for introduction of bill/resolution:

**A BILL for an Act to create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-13 of the North Dakota Century Code, relating to the creation of the aquatic nuisance species program fund and requiring aquatic nuisance species fees for motorboats**

## Minutes:

**Chairman Delzer:** Called the meeting to order for SB 2293 came before us, we passed it out with a 15-4-2 Do Pass. There has been information that has come up since then that this is actually a higher dollar than what they think they will need. We took out section 2 of the bill, but we have some more amendments coming, these are in lea of. First thing we need to do is reconsider our actions.

**Representative Monson: I Move to reconsider our actions**

**Representative Vigesaa: Second**

**Chairman Delzer:** We have a motion to reconsider our Do Pass on SN 2293. Discussion on the motion? **Voice vote, All in Favor, Motion carries.** We have the amended bill before us.

**Representative Howe:** We went back and look at 2293 and had lengthy conversations with the game and fish and director Steinwand. The way we had it originally was a 3 and 6 dollars' increase on fishing licenses for resident and nonresidents and also a 15 dollars' boat sticker. The total amount was way more than what game and fish needed and they didn't want to stock pile money with no intent of it going anywhere. We looked at a way to decrease the funds, we decided to remove the 3-dollar license increase and just keep the boat sticker. If you have a ND boat license you will have a 15-dollar nuisance sticker. If you are coming in from out of state with a boat you will also have to purchase that sticker.

**Chairman Delzer:** It would be 5 dollars a year for instate but 15 dollars a year for out of state?

**Representative Howe:** It would be the same for everyone.

**Chairman Delzer:** And these will leave all other amendments in place?

**Representative Howe:** It does take out the 15-million-dollar investment, that was duplicate...

**Chairman Delzer:** And it leaves the appropriation language the way it was by the House Energy and Natural Resources?

**Chris Kadrmas, Legislative Council:** Section 5 as in the amendment doesn't change at all but section 6 was added because there was a section that appropriated all funds. Section 6 appropriated the amount that would be available for the biennium.

**Chairman Delzer:** page 1 of the bill takes out the continuing appropriation and then section 6 of the bill as well. Further discussion?

**Representative Howe:** I will stand corrected, page 4 of the amendment, line 56; out of state boaters would be every year that they would need this sticker.

**Representative J. Nelson:** Did you consider lower the amount as a combination rather than taking the licenses out of these at all?

**Representative Howe:** We did but you can get a fishing license and not own a boat and it's the water craft that is going to spread this.

**Representative J. Nelson:** But there is the punitive effect on somebody that has a number of water craft and none of them may ever leave the body of water that they have a lake home at.

**Chairman Delzer:** Further discussion?

**Representative Howe:** I will move amendment 19.1073.02005.

**Representative Beadle: Second**

**Chairman Delzer:** We have a motion to further amend. Any further discussion? Seeing none, **Voice vote, All in Favor, Motion Carries.** We have the amended bill before us are there any more amendments?

**Representative Vigesaa:** Just for the committee, tacking the extra surcharge on the licenses raises a lot of extra money and the director was quite clear that he didn't want this to be way over what is needed to run the program. Just adding the 6 dollars to the fishing and water fowl license raised almost a million dollars. We just thought let's do the boats because they are they transporters of the disease.

**Chairman Delzer:** There are a number of boats that would be out of state and then come back.

**Representative Schatz:** Do these species attach themselves to the bottom of the boats? And if that's the case what about kayaks?

**Chairman Delzer:** I would imagine they could, I would think they would want to watch those as well.

**Representative Nathe:** This is a bit of a tax increase to the cabin owners, the people of North Dakota who have several water craft that never leave the water.

**Representative Monson:** Do kayaks and canoes even have to have a licenses?

**Representative J. Nelson:** A Minnesota duck hunter would have a duck boat tied to the top of his car and that wouldn't be subject to licensing if there is no motor on it and that is a true cause of transporting these species.

**Representative Beadle:** The other reason we wanted to do the registrations is because there is a lot of water crat like jet skis and that type of boats that would be carrying water from one body of water to another.

**Representative Howe: Do Pass as Amended**

**Representative Vigesaa: Second**

**Chairman Delzer:** We have a motion for a Do Pass as Amended, any further discussion? Seeing none we will call the roll.

**A Roll Call vote was taken. Yea: 16 Nay: 4 Absent: 1**

**Motion Carries, Representative Howe will carry the bill.**

**Chairman Delzer:** With that we will close this meeting.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

In lieu of the amendments adopted by the House as printed on pages 1262 and 1263 of the House Journal, Engrossed Senate Bill No. 2293 is amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, replace "and" with a comma

Page 1, line 3, after "licenses" insert ", and requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, after "appropriation" insert "; to require budget section approval; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, after "**appropriation**" insert "**- Budget section approval**"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and sections 4 and 5"

Page 1, line 12, replace "All moneys" with "Moneys"

Page 1, line 12, after "department" insert "upon budget section approval"

Page 1, line 13, after the underscored period insert "Budget section approval under this section must comply with the new section to chapter 54-35 as created by section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative assembly."

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.
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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.

37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 11, after "on" insert "a combination license and on"

Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"



Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, after line 17, insert:

"**SECTION 5.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 6. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of carrying out aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. Moneys deposited in the aquatic nuisance species program fund must be transferred to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment:

- Provides a 2017-19 biennium appropriation of \$467,100 from the game and fish fund and adds 2 FTE positions for aquatic nuisance species programs.
- Provides that any funds spent from the aquatic nuisance species program fund must be approved by the Budget Section.
- Removes language added by the Senate that allows investment income of the game and fish fund to be deposited in the aquatic nuisance species program fund.
- Adds a \$15 aquatic nuisance species fee to motorboat registrations and requires the fee to be deposited in the

aquatic nuisance species program fund.

- Adds a \$3 aquatic nuisance species surcharge on combination hunting and fishing licenses and requires the surcharge to be deposited in the aquatic nuisance species program fund.
- Transfers funds from the aquatic nuisance species fund to the game and fish fund to reimburse the fund for the appropriation provided for aquatic nuisance species programs.

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PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

In lieu of the amendments adopted by the House as printed on pages 1262 and 1263 of the House Journal, Engrossed Senate Bill No. 2293 is amended as follows:

Page 1, line 1, remove "a new section to"

Page 1, line 2, replace "chapter 20.1-03" with "a new section to chapter 20.1-13"

Page 1, line 3, replace "surcharges for fishing and waterfowl licenses" with "requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, remove "- Continuing appropriation"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 4"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.

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2 of 6

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.

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386

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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.

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986

38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

Page 2, replace lines 8 through 17, with:

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



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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

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

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment:

- Provides a 2017-19 biennium appropriation of \$467,100 from the game and fish fund and adds 2 FTE positions for aquatic nuisance species programs.
- Removes a continuing appropriation for the aquatic nuisance species program fund.
- Provides a \$1,300,000 appropriation from the aquatic nuisance species program fund to the Game and Fish Department for use in aquatic nuisance species education, inspection, and monitoring programs under Chapter 20.1-17.
- Removes language added by the Senate that allows investment income of the game and fish fund to be deposited in the aquatic nuisance species program fund.
- Adds a \$15 aquatic nuisance species fee to motorboat registrations and requires the fee to be deposited in the

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Cost 6

aquatic nuisance species program fund.

- Transfers funds from the aquatic nuisance species fund to the game and fish fund to reimburse the fund for the appropriation provided for aquatic nuisance species programs.



Date: 3/27/2019  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: 19.1073.02004 removing line 6-12 of page 2

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 Representative Monson    Seconded By Representative Meier

| Representatives            | Yes | No | Representatives           | Yes | No |
|----------------------------|-----|----|---------------------------|-----|----|
| Chairman Delzer            |     |    |                           |     |    |
| Representative Kempenich   |     |    |                           |     |    |
| Representative Anderson    |     |    | Representative Schobinger |     |    |
| Representative Beadle      |     |    | Representative Vigesaa    |     |    |
| Representative Bellew      |     |    |                           |     |    |
| Representative Brandenburg |     |    |                           |     |    |
| Representative Howe        |     |    | Representative Boe        |     |    |
| Representative Kreidt      |     |    | Representative Holman     |     |    |
| Representative Martinson   |     |    | Representative Mock       |     |    |
| Representative Meier       |     |    |                           |     |    |
| Representative Monson      |     |    |                           |     |    |
| Representative Nathe       |     |    |                           |     |    |
| Representative J. Nelson   |     |    |                           |     |    |
| Representative Sanford     |     |    |                           |     |    |
| Representative Schatz      |     |    |                           |     |    |
| Representative Schmidt     |     |    |                           |     |    |
|                            |     |    |                           |     |    |

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

**Voice Vote/Motion Carries**

Date: 3/27/2019  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293**

House Appropriations 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 Representative Monson Seconded By Representative Meier

| Representatives            | Yes | No | Representatives           | Yes | No |
|----------------------------|-----|----|---------------------------|-----|----|
| Chairman Delzer            |     | X  |                           |     |    |
| Representative Kempenich   | X   |    |                           |     |    |
| Representative Anderson    | X   |    | Representative Schobinger | A   |    |
| Representative Beadle      | X   |    | Representative Vigesaa    | X   |    |
| Representative Bellew      | A   |    |                           |     |    |
| Representative Brandenburg | X   |    |                           |     |    |
| Representative Howe        | X   |    | Representative Boe        |     | x  |
| Representative Kreidt      | X   |    | Representative Holman     |     | X  |
| Representative Martinson   | X   |    | Representative Mock       | X   |    |
| Representative Meier       | X   |    |                           |     |    |
| Representative Monson      | X   |    |                           |     |    |
| Representative Nathe       | X   |    |                           |     |    |
| Representative J. Nelson   | X   |    |                           |     |    |
| Representative Sanford     | X   |    |                           |     |    |
| Representative Schatz      |     | X  |                           |     |    |
| Representative Schmidt     | X   |    |                           |     |    |
|                            |     |    |                           |     |    |

Total (Yes) 15 No 4

Absent 2

Floor Assignment Representative D. Anderson

**Motion Carries**

Date: 4/8/2019  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293**

House Appropriations 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 Representative Monson Seconded By Representative Vigesaa

| Representatives            | Yes | No | Representatives           | Yes | No |
|----------------------------|-----|----|---------------------------|-----|----|
| Chairman Delzer            |     |    |                           |     |    |
| Representative Kempenich   |     |    |                           |     |    |
| Representative Anderson    |     |    | Representative Schobinger |     |    |
| Representative Beadle      |     |    | Representative Vigesaa    |     |    |
| Representative Bellew      |     |    |                           |     |    |
| Representative Brandenburg |     |    |                           |     |    |
| Representative Howe        |     |    | Representative Boe        |     |    |
| Representative Kreidt      |     |    | Representative Holman     |     |    |
| Representative Martinson   |     |    | Representative Mock       |     |    |
| Representative Meier       |     |    |                           |     |    |
| Representative Monson      |     |    |                           |     |    |
| Representative Nathe       |     |    |                           |     |    |
| Representative J. Nelson   |     |    |                           |     |    |
| Representative Sanford     |     |    |                           |     |    |
| Representative Schatz      |     |    |                           |     |    |
| Representative Schmidt     |     |    |                           |     |    |
|                            |     |    |                           |     |    |

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

**Voice Vote/Motion Carries**

Date: 4/8/2019  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: 19.1073.02005

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 Representative Howe Seconded By Representative Beadle

| Representatives            | Yes | No | Representatives           | Yes | No |
|----------------------------|-----|----|---------------------------|-----|----|
| Chairman Delzer            |     |    |                           |     |    |
| Representative Kempenich   |     |    |                           |     |    |
| Representative Anderson    |     |    | Representative Schobinger |     |    |
| Representative Beadle      |     |    | Representative Vigesaa    |     |    |
| Representative Bellew      |     |    |                           |     |    |
| Representative Brandenburg |     |    |                           |     |    |
| Representative Howe        |     |    | Representative Boe        |     |    |
| Representative Kreidt      |     |    | Representative Holman     |     |    |
| Representative Martinson   |     |    | Representative Mock       |     |    |
| Representative Meier       |     |    |                           |     |    |
| Representative Monson      |     |    |                           |     |    |
| Representative Nathe       |     |    |                           |     |    |
| Representative J. Nelson   |     |    |                           |     |    |
| Representative Sanford     |     |    |                           |     |    |
| Representative Schatz      |     |    |                           |     |    |
| Representative Schmidt     |     |    |                           |     |    |
|                            |     |    |                           |     |    |

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

**Voice Vote/Motion Carries**

Date: 4/8/2019  
 Roll Call Vote #: **3**

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293**

House Appropriations 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 Representative Howe    Seconded By Representative Vigesaa

| Representatives            | Yes | No | Representatives           | Yes | No |
|----------------------------|-----|----|---------------------------|-----|----|
| Chairman Delzer            | X   |    |                           |     |    |
| Representative Kempenich   | X   |    |                           |     |    |
| Representative Anderson    | X   |    | Representative Schobinger | X   |    |
| Representative Beadle      | X   |    | Representative Vigesaa    | X   |    |
| Representative Bellew      |     | X  |                           |     |    |
| Representative Brandenburg | X   |    |                           |     |    |
| Representative Howe        | X   |    | Representative Boe        |     | X  |
| Representative Kreidt      | X   |    | Representative Holman     | X   |    |
| Representative Martinson   | X   |    | Representative Mock       | A   |    |
| Representative Meier       | X   |    |                           |     |    |
| Representative Monson      | X   |    |                           |     |    |
| Representative Nathe       |     | X  |                           |     |    |
| Representative J. Nelson   |     | X  |                           |     |    |
| Representative Sanford     | X   |    |                           |     |    |
| Representative Schatz      | X   |    |                           |     |    |
| Representative Schmidt     | X   |    |                           |     |    |
|                            |     |    |                           |     |    |

Total (Yes) 16    No 4

Absent 1

Floor Assignment Representative Howe

**Motion Carries**

**REPORT OF STANDING COMMITTEE**

**SB 2293, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2293, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1262 and 1263 of the House Journal, Engrossed Senate Bill No. 2293 is amended as follows:

Page 1, line 1, remove "a new section to"

Page 1, line 2, replace "chapter 20.1-03" with "a new section to chapter 20.1-13"

Page 1, line 3, replace "surcharges for fishing and waterfowl licenses" with "requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, remove "- Continuing appropriation"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 4"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.
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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.



43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

Page 2, replace lines 8 through 17, with:

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

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.

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

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

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment:

- Provides a 2017-19 biennium appropriation of \$467,100 from the game and fish fund and adds 2 FTE positions for aquatic nuisance species programs.
- Removes a continuing appropriation for the aquatic nuisance species program fund.
- Provides a \$1,300,000 appropriation from the aquatic nuisance species program fund to the Game and Fish Department for use in aquatic nuisance species education, inspection, and monitoring programs under Chapter 20.1-17.
- Removes language added by the Senate that allows investment income of the game and fish fund to be deposited in the aquatic nuisance species program fund.
- Adds a \$15 aquatic nuisance species fee to motorboat registrations and requires the fee to be deposited in the aquatic nuisance species program fund.
- Transfers funds from the aquatic nuisance species fund to the game and fish fund to reimburse the fund for the appropriation provided for aquatic nuisance species programs.

**2019 CONFERENCE COMMITTEE**

**SB 2293**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2293  
4/18/2019  
Job Number 34828

Subcommittee  
 Conference Committee

Committee Clerk: Marne Johnson

### Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the aquatic nuisance species program fund and requiring aquatic nuisance species fees for motorboats; relating to the investment of the state game and fish fund and aquatic nuisance species fees for motorboats; to provide a penalty; to provide an appropriation; to provide for a transfer; to provide an exemption; and to declare an emergency.

### Minutes:

1 Attachment

**Chairman Cook:** Opened the conference committee.

**Representative Howe:** I know this came through the House Energy and Natural Resources first and then it came to the House Appropriations, where we removed the \$6 non-resident and the \$3 resident fee increases, and just included that \$15 boat stamp. We heard from the director of the department, that the fee increase along with the boat stamp, there would be more money than the department would need, they didn't want that extra money laying around, not being put to use. The \$15 would cover everything, at that point, the \$15 would have a little left over, the day we passed the bill, we got an updated fiscal note, that wasn't quite enough, but the \$3 and \$6 would have been too much. We also removed some language that was duplicative in the Game and Fish Department budget dealing with investment into the State Investment Board, the \$15 million, we struck that as well.

**Chairman Cook:** As we sit now, to implement the ANS program that the Game and Fish would like, they are still short some dollars. I think we are in agreement that we should do what we can to find those dollars. I have an email here, (**Please see attachment #1**).

**Senator Piepkorn:** In our testimony, if Game and Fish did want to establish a program as robust as Montana or Minnesota, to have that thorough a program for protecting against invasive species, they could easily justify a \$20 million budget, the least we could do is get it up to where it will work for them.

**Representative Anderson:** In Montana, they hire high school kids during the summer to monitor these boats as they go to the ramps. I don't know if Game and Fish plans to do that, but I think it worked quite well.

**Chairman Cook:** (From attachment #1) To clarify, if we added a surcharge on non-resident fishing licenses of \$3, non-resident licenses of \$3 and resident fishing licenses of \$2, that'd raise \$714,000, and everybody would be happy.

**Representative Zubke:** We'd want to make sure on the resident fishing licenses that it also includes the combination license, the \$2, in regard to what you stated.

**Representative Anderson:** That combination license is what they need to put everything on?

**Terry Steinwand, Director, Game and Fish:** What you are talking about is a certificate fee, that's a \$1 fee. What Representative Zubke is talking about is a combination, it's a fishing license, a general game and habitat, small game and furbearer. A lot of people buy the combination license instead of just a fishing license.

**Representative Howe:** I move the House recede and amend as follows to include a \$3 surcharge on non-resident fishing, non-resident waterfowl, and then a \$2 surcharge on resident fishing as well as the combination.

**Senator Piepkorn:** I second.

**Terry Steinwand:** Our intent would be to start the stickers for the boats on January 1, 2020, that is a new three-year cycle for registration of resident boats, and also to start the surcharge for the resident and non-resident fishing and combination licenses on April 1, 2020, that coincides with the licensing season. I don't like the idea of going with a license fee increase as of July 1<sup>st</sup> or August 1<sup>st</sup>. It'd be the middle of the season.

**Chairman Cook:** You don't need the emergency clause, you need an effective date of January 1, 2020.

**Terry Steinwand:** Correct.

**Representative Howe:** I will make that part of my motion.

A roll call vote was taken.  
Motion passes 6-0-0.

**Senator Piepkorn and Representative Howe will carry.**

**Chairman Cook:** Closed the conference committee.

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2293  
4/19/2019  
Job Number 34868

Subcommittee  
 Conference Committee

|                                |
|--------------------------------|
| Committee Clerk: Marne Johnson |
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### Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the aquatic nuisance species program fund and requiring aquatic nuisance species fees for motorboats; relating to the investment of the state game and fish fund and aquatic nuisance species fees for motorboats; to provide a penalty; to provide an appropriation; to provide for a transfer; and to provide an exemption.

### Minutes:

|              |
|--------------|
| 1 attachment |
|--------------|

**Chairman Cook:** Opened the conference committee.

We have the amendments we discussed before (**please see attachment #1**), there are 2 changes: page 6, line 3, non-residents combination hunting license, that should say waterfall hunting license, there is no combination license; then on page 7, that \$1.3 million should be \$1.5 million.

**Representative Zubke:** I'm a little unclear, we are not changing what's in the bill presently written on page 5, we're leaving waterfall license out of there and leaving it combination, is that correct?

**Chairman Cook:** No, it's going to read waterfall hunting license, not combination.

**Representative Howe:** On page 5, line 29, that is reference to residents, and residents do have combination licenses, so that is fine on page 5.

**Chairman Cook:** Thank you, so there are two changes, line 3, page 6 and line 5, page 7.

**Representative Howe:** I move to reconsider our actions from the last meeting.

**Representative Anderson:** I second.

**A voice vote was taken.  
Motion carries.**

**Representative Howe:** I move to recede and further amend as just discussed.

Senate Energy and Natural Resources Committee  
SB 2293  
4/19/19  
Page 2

**Senator Piepkorn:** I second.

**A roll call vote was taken.  
Motion passes 6-0-0.**

**Senator Piepkorn and Representative Howe will carry.**

**Chairman Cook:** Closed the conference committee.

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2293  
4/22/2019  
Job Number 34911

- Subcommittee  
 Conference Committee

Committee Clerk: Marne Johnson

### Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the aquatic nuisance species program fund and surcharges for fishing, combination, and waterfowl licenses and requiring aquatic nuisance species fees for motorboats; relating to the investment of the state game and fish fund and aquatic nuisance species fees for motorboats; to provide a penalty; to provide an appropriation; to provide for a transfer; to provide an exemption; and to provide an effective date.

### Minutes:

2 Attachments

**Chairman Cook:** Opened the conference committee. All conferees were present. You have the amendments I had drafted (**please see attachment #1**) and a handout from Kim Kary (**please see attachment #2**) To explain the amendments, if you go to the back page, sections 6 and 7, we removed the emergency clause with the FTE in section 6, it appeared that the money was gone June 30, and it wasn't, so we put the two new FTE positions into section 7 and put the emergency clause back on. Kim, come talk to us about your amendment.

**Kim Kary, Division Chief, North Dakota Game and Fish:** The reason for the changes in section 4, when the House passed their last version, these words in red were included in their version, .04000. When the Senate put the fishing combination and waterfall license back in, that version was an older version, and did not include these words in red. To make it clear in law that it is for the resident 65 years of age or older license versus just a person that is 65 years old, and for the permanently or totally disabled license, and a disabled veterans license. It's for those people that purchase that \$5-dollar license, not just if you are totally disabled. You could buy a full price license, so we need those words in red also.

**Chairman Cook:** The amendments we have before us, section 4 is not in these amendments.

**Kim Kary:** Correct. Because section 4 was okay up until now. We need to put section 4 in there with these changes.

**Chairman Cook:** This is everything that has to be done to this bill?



**Kim Kary:** I sure hope so.

**Representative Zubke:** I want to make sure that your indication was that even if the emergency clause doesn't carry, you're still okay with the way this bill is. Is that correct?

**Kim Kary:** If the emergency doesn't carry, we will not have the \$467,000 worth of funds to spend immediately. That will delay some spending until July 1. Also, we wouldn't be able to hire a warden until January 1, instead of July 1, without that \$467,000. It would delay the hiring, that is the reason for the emergency clause.

**Representative Anderson:** You don't have any money on balance to borrow from to get it established?

**Kim Kary:** In talking to OMB, they said that if we do, there isn't a pay back out of that aquatic nuisance species fund, we couldn't code anything to that line until there is revenue in it. We aren't collecting revenue until January 1 with what you had passed previously. We could get by with existing appropriation, but we really wouldn't want to hire an FTE, gimping by for six months.

**Senator Oehlke:** When I look at this on section 6, I realize there's some wording missing that you have to get in, that the Game and Fish Department shall transfer moneys and so on, but in the blue section on page 6, it does say that you are authorized two FTE, you are moving that from section 6 to section 7?

**Kim Kary:** That was a discussion with OMB and Chris Kadrmas from Legislative Council. The reason they pulled the FTE out of section 6 and moved it to section 7, is because section 6 was merely an emergency clause type thing. Their interpretation of the law was, if it ends June 30, 2019, it's a done deal. If that emergency clause doesn't pass, section 6 goes away and so would the FTEs. They wanted to move the FTEs to section 7 in case the emergency clause doesn't pass. It was a confusing morning between all the departments going back and forth on the workings of this. With the least amount of changes to make it as simple as possible, that's the version they decided to do: move that one sentence of the FTEs down to section 7 and add a section 10 to say both parts are an emergency. If the emergency fails, the FTEs are still in section 7 authorized July, we wouldn't have any money for it until January 1. We said we could live with that.

**Representative Howe:** I move to reconsider our actions.

**Representative Zubke:** I second.

A voice vote was taken.  
Motion carries.

**Representative Howe:** I move the House recede and further amend with .02008, as well as the addition of section 4

**Representative Zubke:** I second.

A roll call vote was taken.  
Motion passes 6-0-0.

Senate Energy and Natural Resources Committee  
SB 2293  
4/22/19  
Page 3

Senator Piepkorn and Representative Howe will carry.

**Chairman Cook:** Closed the conference committee meeting.

April 18, 2019

SK  
105  
4/18

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

That the House recede from its amendments as printed on pages 1492-1496 of the Senate Journal and pages 1647-1651 of the House Journal and that Engrossed Senate Bill No. 2293 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, replace "waterfowl" with "combination"

Page 1, line 3, after "licenses" insert "and requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after the semicolon insert "to provide for a transfer; to provide an exemption; and to provide an effective date"

Page 1, line 9, remove "- Continuing appropriation"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 5"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.
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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.

- 37. For a nonresident swan license, thirty dollars.
- 38. For a resident sandhill crane license, ten dollars.
- 39. For a nonresident sandhill crane license, thirty dollars.
- 40. For a resident commercial clam license, one hundred dollars.
- 41. For a nonresident commercial clam license, one thousand dollars.
- 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.
- 43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
- 44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
- 46. For a nonresident spring white goose license, fifty dollars.
- 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.
- 48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
- 49. For a nonresident wild turkey permit, eighty dollars.
- 50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- 51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
- 52. For a resident early Canada goose season license, five dollars.
- 53. For a nonresident early Canada goose season license, fifty dollars.
- 54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
- 55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
- 56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 10, replace "waterfowl license" with "combination licenses"

Page 2, line 11, replace "three" with "two"

Page 2, line 11, after "license" insert "and combination license"

5-20-19

Page 2, line 14, replace "six" with "three"

Page 2, line 15, replace "waterfowl" with "combination"

Page 2, after line 17, insert:

"SECTION 5. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person that violates this section is guilty of a class 2 noncriminal offense.

**SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

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

**SECTION 8. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1, 2020.

**SECTION 9. EFFECTIVE DATE.** Section 4 of this Act becomes effective on April 1, 2020."

Renumber accordingly



April 19, 2019

JK  
10/19  
4/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

That the House recede from its amendments as printed on pages 1492-1496 of the Senate Journal and pages 1647-1651 of the House Journal and that Engrossed Senate Bill No. 2293 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, after "fishing" insert ", combination,"

Page 1, line 3, after "licenses" insert "and requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to provide an effective date"

Page 1, line 9, remove "**- Continuing appropriation**"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 5"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.
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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.

- 37. For a nonresident swan license, thirty dollars.
- 38. For a resident sandhill crane license, ten dollars.
- 39. For a nonresident sandhill crane license, thirty dollars.
- 40. For a resident commercial clam license, one hundred dollars.
- 41. For a nonresident commercial clam license, one thousand dollars.
- 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.
- 43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
- 44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
- 46. For a nonresident spring white goose license, fifty dollars.
- 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.
- 48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
- 49. For a nonresident wild turkey permit, eighty dollars.
- 50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- 51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
- 52. For a resident early Canada goose season license, five dollars.
- 53. For a nonresident early Canada goose season license, fifty dollars.
- 54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
- 55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
- 56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 10, after "**Fishing**" insert "**, combination,**"

Page 2, line 11, replace "three" with "two"

Page 2, line 11, after "license" insert "and combination license"

5/15

Page 2, line 14, replace "six" with "three"

Page 2, after line 17, insert:

"SECTION 5. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person that violates this section is guilty of a class 2 noncriminal offense.

**SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 7. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND.** There is appropriated out of any moneys in the aquatic nuisance species program fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the game and fish department for use in aquatic nuisance species education, inspection, and monitoring programs under chapter 20.1-17, for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 8. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1, 2020.

**SECTION 9. EFFECTIVE DATE.** Section 4 of this Act becomes effective on April 1, 2020."

Renumber accordingly

April 22, 2019

SK  
10/24  
4/21

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

That the House recede from its amendments as printed on pages 1492-1496 of the Senate Journal and pages 1647-1651 of the House Journal and that Engrossed Senate Bill No. 2293 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, after "fishing" insert ", combination,"

Page 1, line 3, after "licenses" insert "and requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; to provide an effective date; and to declare an emergency"

Page 1, line 9, remove "- Continuing appropriation"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 5"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.
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

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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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.

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37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 10, after "Fishing" insert ", combination,"

Page 2, line 11, replace "three" with "two"

Page 2, line 11, after "license" insert "and combination license"



Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"

Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, line 14, replace "six" with "three"

Page 2, after line 17, insert:

"SECTION 5. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

- 1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
- 2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
- 3. A person that violates this section is guilty of a class 2 noncriminal offense.

**SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 7. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND.** There is appropriated out of any moneys in the aquatic nuisance species program fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the game and fish department for use in aquatic nuisance species education, inspection, and monitoring programs under chapter 20.1-17, for the period beginning with the effective date of this Act, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose.

**SECTION 8. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1, 2020.

**SECTION 9. EFFECTIVE DATE.** Section 4 of this Act becomes effective on April 1, 2020.

**SECTION 10. EMERGENCY.** Sections 6 and 7 of this Act are declared to be an emergency measure."

Renumber accordingly

Date: 4/18  
 Roll Call Vote #: 1

**2019 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2293 as (re) engrossed

**Senate Energy and Natural Resources 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: Rep. Howe      Seconded by: Sen. Piepkorn

| Senators          | 4/18 |  | Yes | No | Representatives         | 4/18 |  | Yes | No |
|-------------------|------|--|-----|----|-------------------------|------|--|-----|----|
| Senator Cook      | X    |  | ✓   |    | Representative Howe     | X    |  | ✓   |    |
| Senator Oehlke    | X    |  | ✓   |    | Representative Anderson | X    |  | ✓   |    |
| Senator Piepkorn  | X    |  | ✓   |    | Representative Zubke    | X    |  | ✓   |    |
|                   |      |  |     |    |                         |      |  |     |    |
| Total Senate Vote |      |  | 3   |    | Total Rep. Vote         |      |  | 3   |    |

Vote Count      Yes: 6      No: 0      Absent: 0

Senate Carrier Sen. Piepkorn      House Carrier Rep. Howe

LC Number 19.1073 . 02006 of amendment

LC Number 19.1073 . 07000 of engrossment

Emergency clause added or deleted  
 Statement of purpose of amendment

Date: 4/19  
 Roll Call Vote #: 1

**2019 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2293 as (re) engrossed

**Senate Energy and Natural Resources 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
  - Reconsider

Motion Made by: Rep. Howe      Seconded by: Rep. Anderson

| Senators          | <u>4/19</u> |  | Yes | No | Representatives         | <u>4/19</u> |  | Yes | No |
|-------------------|-------------|--|-----|----|-------------------------|-------------|--|-----|----|
| Senator Cook      | X           |  |     |    | Representative Howe     | X           |  |     |    |
| Senator Oehlke    | X           |  |     |    | Representative Anderson | X           |  |     |    |
| Senator Piepkorn  | X           |  |     |    | Representative Zubke    | X           |  |     |    |
|                   |             |  |     |    |                         |             |  |     |    |
| Total Senate Vote |             |  |     |    | Total Rep. Vote         |             |  |     |    |

Vote Count      Yes: \_\_\_\_\_      No: \_\_\_\_\_      Absent: \_\_\_\_\_

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

*Voice Vote  
 Motion Carries*

Date: 4/19  
 Roll Call Vote #: 2

**2019 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2293 as (re) engrossed

**Senate Energy and Natural Resources 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: Rep. Howe      Seconded by: Sen. Piepkorn

| Senators          | 4/19 |  | Yes | No | Representatives         | 4/19 |  | Yes | No |
|-------------------|------|--|-----|----|-------------------------|------|--|-----|----|
| Senator Cook      |      |  | X   |    | Representative Howe     |      |  | X   |    |
| Senator Oehlke    |      |  | X   |    | Representative Anderson |      |  | X   |    |
| Senator Piepkorn  |      |  | X   |    | Representative Zubke    |      |  | X   |    |
|                   |      |  |     |    |                         |      |  |     |    |
| Total Senate Vote |      |  | 3   |    | Total Rep. Vote         |      |  | 3   |    |

Vote Count      Yes: 6      No: 0      Absent: 0

Senate Carrier Sen. Piepkorn      House Carrier Rep. Howe

LC Number 19.1073 . 02007 of amendment

LC Number 19.1073 . 08000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4/22  
 Roll Call Vote #: 1

**2019 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2293 as (re) engrossed

**Senate Energy and Natural Resources 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
  - Reconsider

Motion Made by: Rep. Howe      Seconded by: Rep. Zubke

| Senators          | <u>4/22</u> |  |  | Yes | No | Representatives         | <u>4/22</u> |  |  | Yes | No |
|-------------------|-------------|--|--|-----|----|-------------------------|-------------|--|--|-----|----|
| Senator Cook      | <u>X</u>    |  |  |     |    | Representative Howe     | <u>X</u>    |  |  |     |    |
| Senator Oehlke    | <u>X</u>    |  |  |     |    | Representative Anderson | <u>X</u>    |  |  |     |    |
| Senator Piepkorn  | <u>X</u>    |  |  |     |    | Representative Zubke    | <u>X</u>    |  |  |     |    |
|                   |             |  |  |     |    |                         |             |  |  |     |    |
|                   |             |  |  |     |    |                         |             |  |  |     |    |
| Total Senate Vote |             |  |  |     |    | Total Rep. Vote         |             |  |  |     |    |

Vote Count      Yes: \_\_\_\_\_      No: \_\_\_\_\_      Absent: \_\_\_\_\_

Senate Carrier \_\_\_\_\_      House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

*Voile Vote*  
*Motion carries*

Date: 4/22  
 Roll Call Vote #: 2

**2019 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2293 as (re) engrossed

**Senate Energy and Natural Resources 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
  - Reconsider

Motion Made by: Rep. Howe      Seconded by: Rep. Zubke

| Senators          |  |  |  | Yes | No | Representatives         |  |  |  | Yes | No |
|-------------------|--|--|--|-----|----|-------------------------|--|--|--|-----|----|
| Senator Cook      |  |  |  | X   |    | Representative Howe     |  |  |  | 0   |    |
| Senator Oehlke    |  |  |  | X   |    | Representative Anderson |  |  |  | X   |    |
| Senator Piepkorn  |  |  |  | X   |    | Representative Zubke    |  |  |  | X   |    |
| Total Senate Vote |  |  |  | 3   |    | Total Rep. Vote         |  |  |  | 3   |    |

Vote Count      Yes: 6      No: 0      Absent: 0

Senate Carrier Sen. Piepkorn      House Carrier Rep. Howe

LC Number 19.1073 . 02009 of amendment

LC Number 19.1073 . 09000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment



Insert LC: 19.1073.02009  
Senate Carrier: Piepkorn  
House Carrier: Howe

**REPORT OF CONFERENCE COMMITTEE**

**SB 2293, as engrossed:** Your conference committee (Sens. Cook, Oehlke, Piepkorn and Reps. Howe, D. Anderson, Zubke) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1492-1496, adopt amendments as follows, and place SB 2293 on the Seventh order:

That the House recede from its amendments as printed on pages 1492-1496 of the Senate Journal and pages 1647-1651 of the House Journal and that Engrossed Senate Bill No. 2293 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, after "fishing" insert ", combination,"

Page 1, line 3, after "licenses" insert "and requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; to provide an effective date; and to declare an emergency"

Page 1, line 9, remove "**- Continuing appropriation**"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 5"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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:



Insert LC: 19.1073.02009  
Senate Carrier: Piepkorn  
House Carrier: Howe

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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.

39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 10, after "**Fishing**" insert "**, combination,**"

Page 2, line 11, replace "three" with "two"

Page 2, line 11, after "license" insert "and combination license"

Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"

Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, line 14, replace "six" with "three"

Page 2, after line 17, insert:

"**SECTION 5.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person that violates this section is guilty of a class 2 noncriminal offense.

**SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 7. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND.** There is appropriated out of any moneys in the aquatic nuisance species program fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the game and fish department for use in aquatic nuisance species education, inspection, and monitoring programs under chapter 20.1-17, for the period beginning with the effective date of this Act, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose.

**SECTION 8. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1, 2020.

Insert LC: 19.1073.02009  
Senate Carrier: Piepkorn  
House Carrier: Howe

**SECTION 9. EFFECTIVE DATE.** Section 4 of this Act becomes effective on April 1, 2020.

**SECTION 10. EMERGENCY.** Sections 6 and 7 of this Act are declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2293 was placed on the Seventh order of business on the calendar.

**2019 TESTIMONY**

**SB 2293**



North Dakota

nd.gov Official Portal for  
North Dakota State Government



NORTH DAKOTA  
GAME AND FISH DEPARTMENT

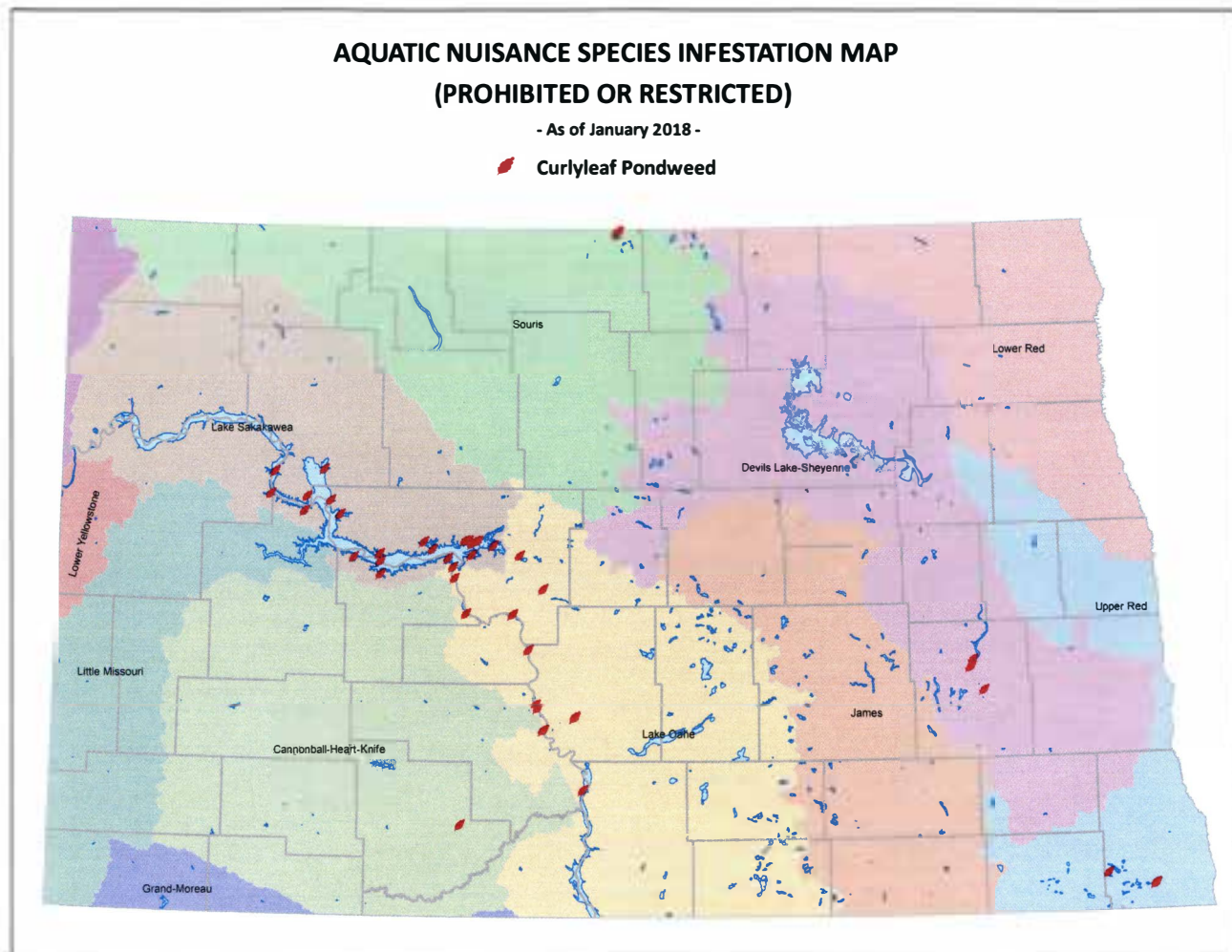
Home » FISHING » Aquatic Nuisance Species » ANS Infested Waters in North Dak...

## ANS Infested Waters in North Dakota

*Click on an image to see a larger version.*

### Curlyleaf Pondweed Infestations





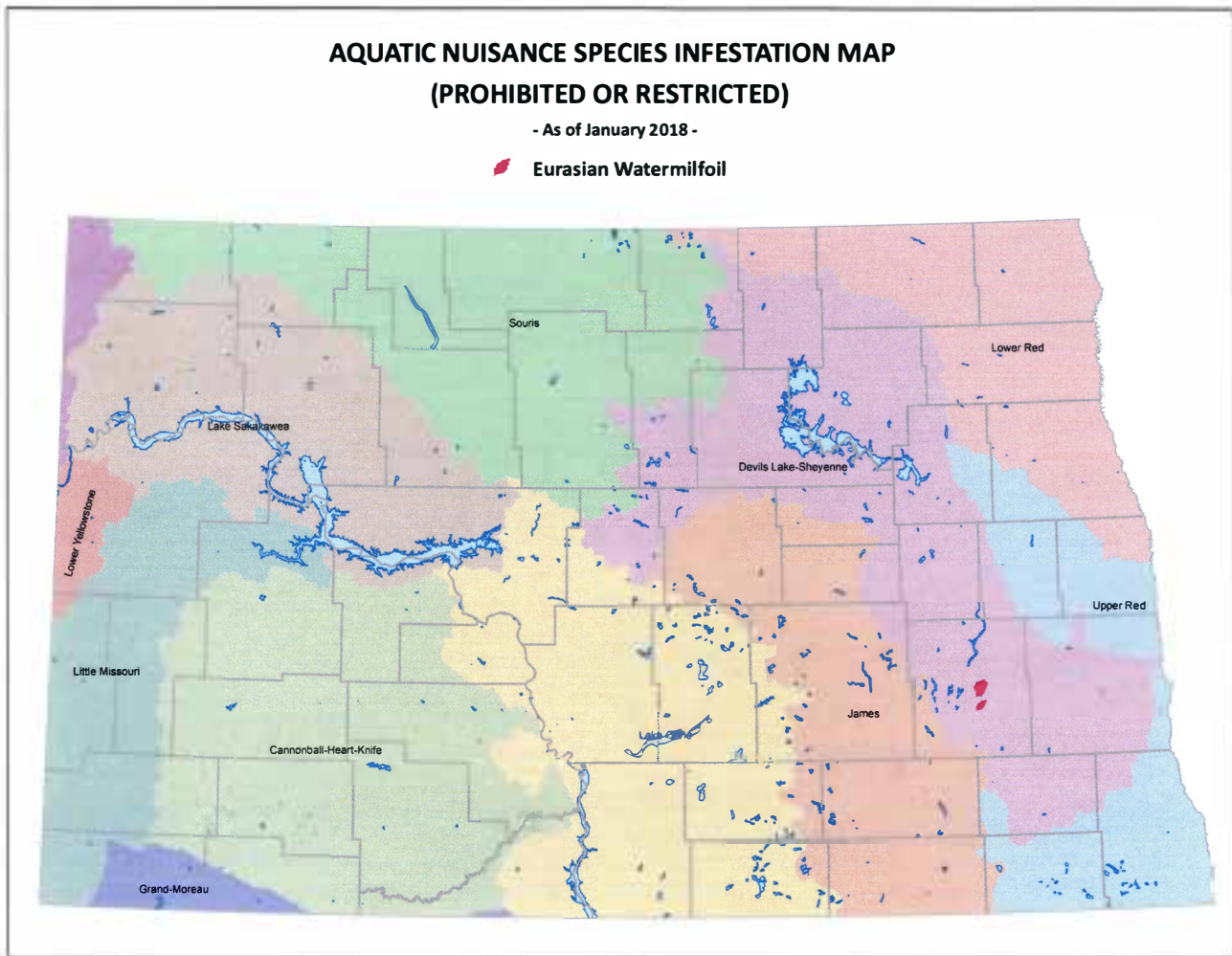
- Grass Lake - Richland County
- Lake Audubon - McLean County
- Lake Ashtabula - Barnes County
- Lake Elsie - Richland County
- Lake Metigoshe - Bottineau County
- Lake Oahe - Emmons and Morton counties
- Lake Sakakawea - Dunn, McKenzie, McLean, Mercer, Mountrail, and Williams counties
- McClusky Canal - McLean County
- McDowell Dam - Burleigh County
- Missouri River - Burleigh, Emmons, McLean, Mercer, Morton and Oliver counties
- Raleigh Reservoir - Grant County
- Sheyenne River - Barnes County

## Eurasian Watermilfoil Infestations



SB 2293 #1  
1.25.19





Sheyenne River - Barnes County

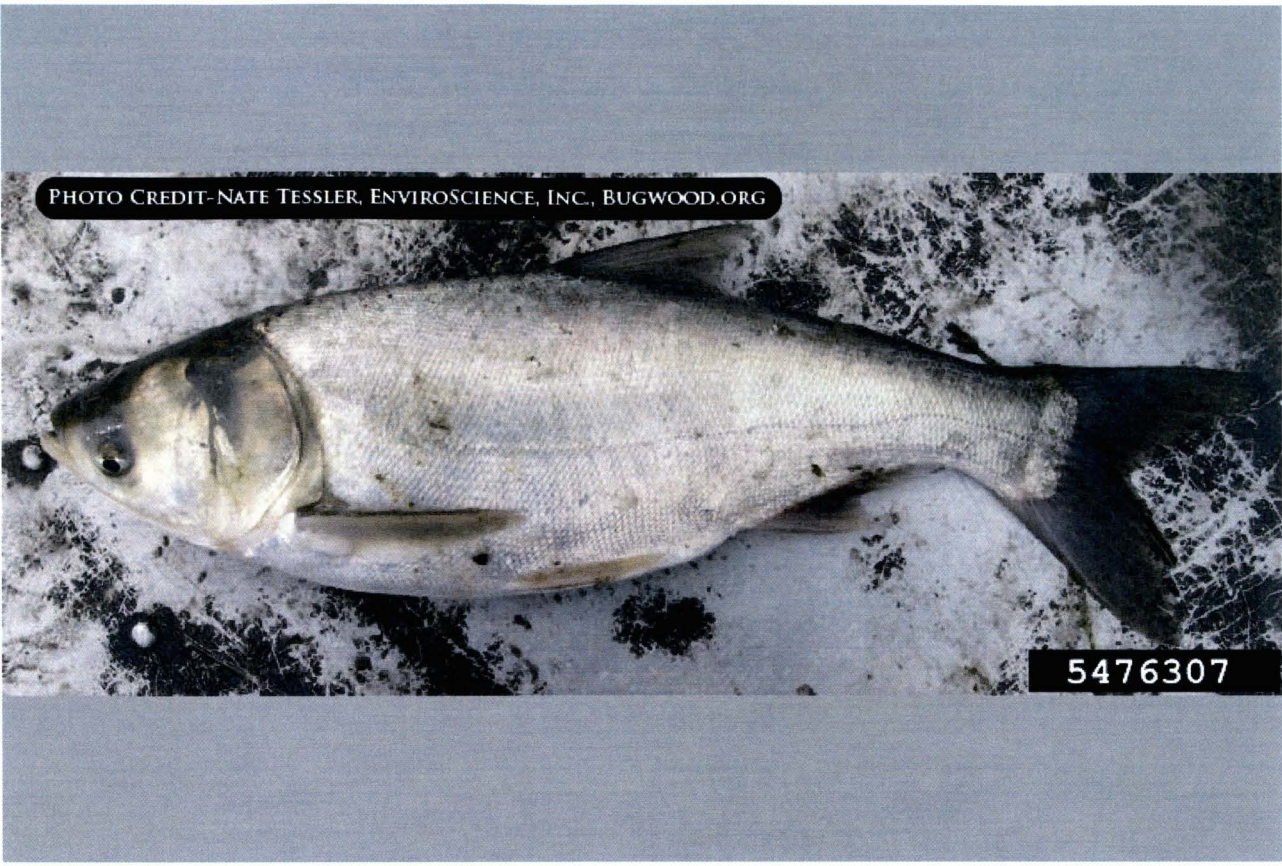
## Common Carp Infestations

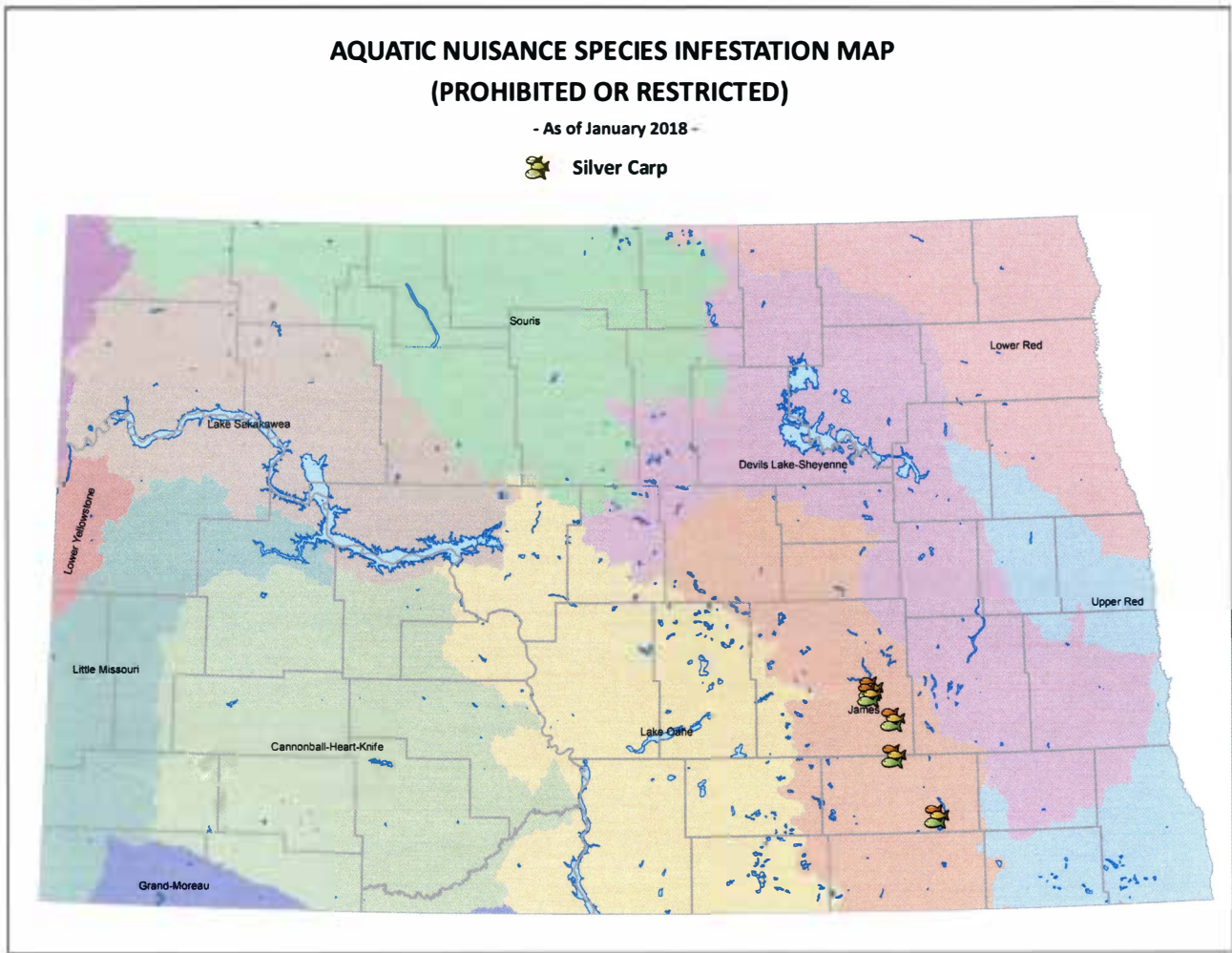
Common carp occur in many water bodies statewide.

## Silver Carp



SB 2293 #1  
1.25.19





James River - Stutsman, LaMoure and Dickey counties

## Zebra Mussel Infestations

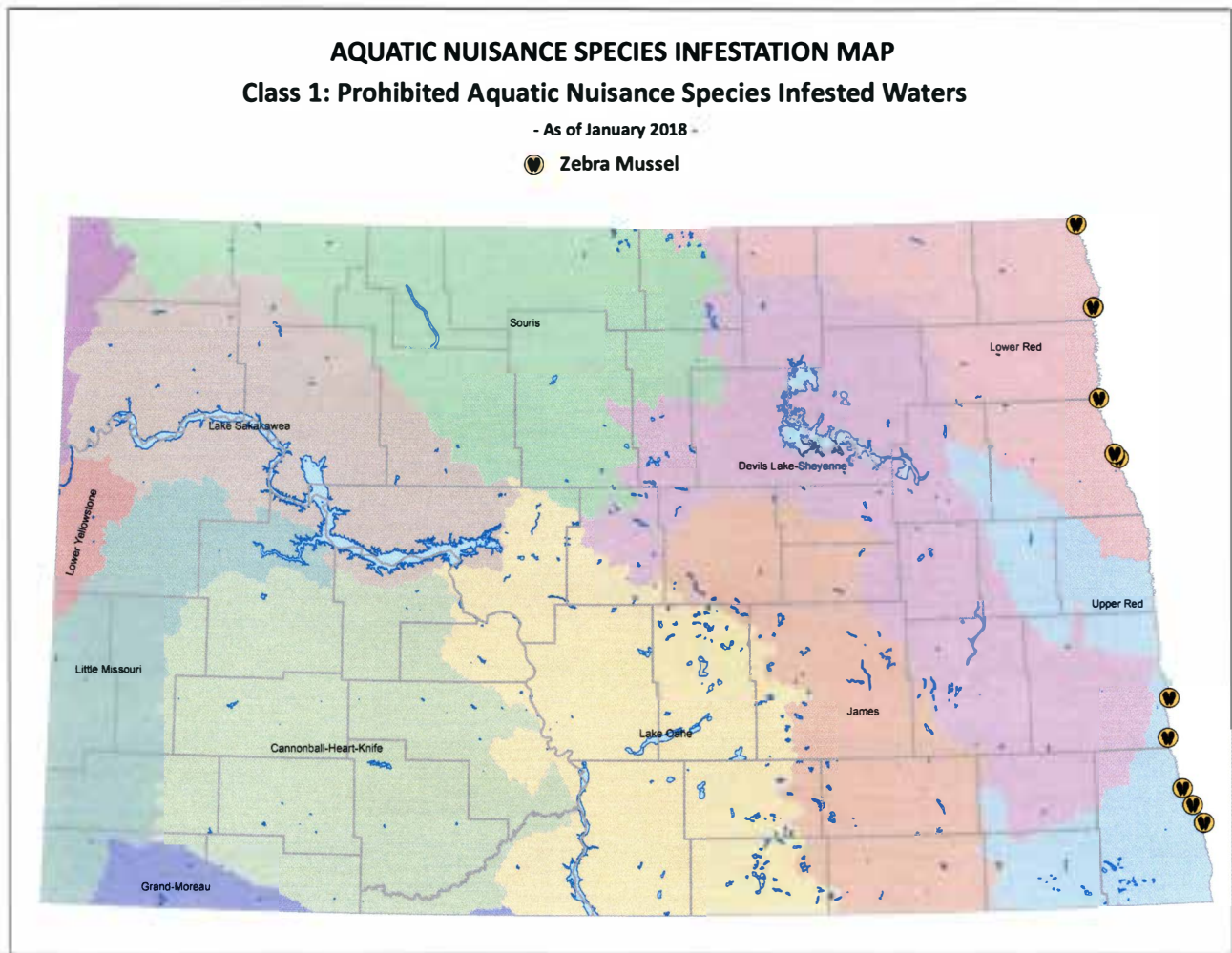


SB 2293 #1  
1.25.19

PHOTO CREDIT-RANDY WESTBROOKS, U.S. GEOLOGICAL SURVEY, BUGWOOD.ORG



UGA1299199



Red River - entire length of the Red River including tributaries upstream to the first vehicular bridge or crossing

North Dakota Game and Fish Department  
100 N. Bismarck Expressway, Bismarck, ND 58501-5095  
Phone: 701-328-6300  
E-mail: [ndgf@nd.gov](mailto:ndgf@nd.gov)

**Report All Poachers: \* 1-800-472-2121** (any time, day or night)  
(\* If you are calling from an out-of-state area code use 701-328-9921.)

**NDResponse**

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**NORTH DAKOTA**  
**SPORTFISHING**  
**CONGRESS**

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P.O. BOX 2472 • BISMARCK, ND 58502

BARNES COUNTY WILDLIFE FED  
PO Box 148  
Valley City, ND 58072

**Testimony of Rich Brueckner,  
President of  
North Dakota Sportfishing Congress**

BIS-MAN REEL & REC CLUB  
PO Box 2525  
Bismarck, ND 58502

**Senate Energy and Natural Resources Committee**

DAKOTA ANGLERS  
PO Box 1411  
Jamestown, ND 58401

**In support of Senate Bill 2293  
January 25, 2019**

F.M. MUSKIES, INC.  
PO Box 2021  
Fargo, ND 58107

Chairman Unruh and members of the Energy and Natural Resources Committee, my name is Rich Brueckner. I am from Devils Lake and I currently serve as the president of the North Dakota Sportfishing Congress. This organization is made up of several fishing groups and many anglers who are brought together by our common love of fishing and in promoting this awesome pastime. The members of the Sportfishing Congress members collaborate on the protection of our amazing fishing resources and in support of efforts to maintain and enhance our quality lakes and rivers. Our members advanced the policy proposal outlined in SB 2293, and thus we support the bill.

F.M. WALLEYES UNLIMITED, INC.  
PO Box 1017  
Moorhead, MN 56560

FRIENDS OF LAKE SAKAKAWEA  
PO Box 309  
Garrison, ND 58540

GREAT PLANERS TROUT & SALMON  
PO Box 1972  
Bismarck, ND 58502

The members and member organizations of the Sportfishing Congress believe that one of the biggest threats presently facing North Dakota's fishing resource is the introduction and spread of aquatic nuisance species (ANS), such as zebra mussels, Asian carp, and Eurasian watermilfoil. Proliferation of any of these, or a host of other invasive or nuisance species could lead to a collapse of our remarkable fishery. ANS cost the United States billions of dollars annually, impact recreation, and harm our natural resources. It is for these reasons that we have initiated the effort to advance a sportsman funded program to partially address ANS in North Dakota.

LAKE REGION ANGLERS ASSN.  
PO Box 456  
Devils Lake, ND 58301

LURE EM FOR LIFE  
PO Box 547  
Bismarck, ND 58502

To become more proactive in the defense against ANS, the Sportfishing Congress members believe that increased funding is needed, and the Game and Fish Department should be provided with additional resources dedicated to aquatic nuisance species education, inspection, and monitoring programs.

ND FISHING HALL OF FAME  
PO Box 445  
Garrison, ND 58540

RED RIVER AREA SPORTSMENS  
PO Box 1  
Wahpeton, ND 58074

SOUTHWEST ANGLERS ASSN.  
PO Box 1473  
Bismarck, ND 58601

The state has adopted regulations and an ANS Management plan, which was recently updated and was ratified by Governor Burgum. However, we feel that more needs to be done to reduce these risks. The Game and Fish Department has the rules, but not the tools to reduce the risk of ANS introduction in the state.

VOICES FOR LAKE OAHE  
PO Box 482  
Linton, ND 58552



Others today will expound on the risks of ANS, however you should know that invasive plant, animal and disease species:

- Directly outcompete native species for food and habitat
- Affect the composition and structure of aquatic communities and food chains
- Degrade habitat and negatively affect wildlife and water quality
- Decrease sportfishing opportunities
- Negative economic effects on recreation and tourism industries
- Degrade shorelines and facilities for human use
- Decrease property values
- Negatively affect human and wildlife health (e.g. injury and disease vectors).
- Increase costs to utilities, industry, and municipalities (e.g. Zebra mussels at water intakes)

The Sportfishing Congress advocates implementing a modest ANS outreach, inspection and monitoring program at the Game and Fish Department. We are proposing in Senate Bill 2293, to fund, with sportsmen's dollars, additional resources to address ANS. To improve the ability to prevent the introduction and spread of ANS and assist in compliance with current regulations, the objective is to establish three permanent watercraft wash stations at high traffic locations (probably Devils Lake, Sakakawea, and Bismarck) staffed with seasonal technicians.

We estimate that an additional \$2.5 million per biennium is needed to provide adequate funding and staffing. In comparison to the need, this request is modest, and we consider it the minimum needed to improve ANS compliance, and to help protect and improve North Dakotas fishing resources. The effort would not be as extensive or expensive as many neighboring states, several of which conduct mandatory inspections at multiple locations and at all water access points. A comprehensive mandatory ANS inspection program in North Dakota could cost \$20-30 million per biennium.

The special fund the fishermen and women are seeking and willing to finance, will help to conduct more ANS work across North Dakota to address ongoing shortcomings the members of the Sportfishing Congress have identified for several years. We propose a multifaceted funding formula to support an ANS FTE position, enough seasonal staffing to operate the three wash stations, construction costs for additional wash stations, an increase in watercraft inspections and additional ANS laboratory capabilities. In addition, the Sportfishing Congress would like to see two additional game wardens to work on improving ANS compliance with existing rules and regulations. Finally, we seek to enhance the Department's Development program including funding another FTE. This would not only improve boating access to the state's fishing waters but would also be helpful in constructing more fish cleaning stations which help in fulfilling ANS compliance by anglers.

The fund would be created from four sources:

- 1) The gasoline tax generated from the equivalent of 64 gallons per registered watercraft, up to \$750,000 annually.
- 2) A \$3 ANS surcharge fee on all fishing and waterfowl hunting licenses to generate \$700,000 each year.
- 3) Half a percent of the existing sales tax collected annually on boat sales estimated at \$225,000.
- 4) Income and returns from investing \$15 million of the State Game and Fish Fund to raise \$200,000 to \$400,000.

The following pages provide detail of funding estimates and a table of comparison with other states' ANS effort. I will be happy to respond to your questions.



Senate Bill 2293 ANS funding sources

Gas Tax Share

| Registered Boats | annual gallons | vehicle gas tax rate | annual gas tax paid | annual transfer capped |
|------------------|----------------|----------------------|---------------------|------------------------|
| 57,220           | 64             | \$ 0.23              | \$ 842,278          | \$ 750,000             |
| 62,433           | 64             | \$ 0.23              | \$ 919,014          | \$ 750,000             |
|                  |                |                      |                     | \$ 1,500,000           |

License surcharge

| fishing licenses issued in-state | fishing licenses issued out-of-state | waterfowl hunting licenses | ANS surcharge | transfer     |
|----------------------------------|--------------------------------------|----------------------------|---------------|--------------|
| 151,976                          | 60,994                               | 23,024                     | \$ 3.00       | \$ 707,982   |
| 151,913                          | 62,958                               | 20,770                     | \$ 3.00       | \$ 706,923   |
|                                  |                                      |                            |               | \$ 1,414,905 |

Portion of Boat Sales Tax

| 5% of registered boats | estimated/unit sale value | transfer         |
|------------------------|---------------------------|------------------|
| 2,991                  | \$ 30,000                 | 0.05% \$ 448,699 |

Revenue from Investment Return on Game and Fish Reserve fund

|               | Budget Stabilization Fund 5-year average ROI | potential annual investment income | biennial transfer |
|---------------|--|------------------------------------|-------------------|
| \$ 15,000,000 | 1.35%  | \$ 202,500                         | \$ 405,000        |

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### Neighboring States ANS/AIS funding mechanisms Jan. 2019

| State                 | 2018 resident AIS boater fee | 2018 non-resident AIS boater fee | 2018 resident AIS angler fee | 2018 non-resident AIS angler fee | Total resident AIS fee income | Total non-resident AIS fee income | Total AIS fee income | Total AIS program budget | Number of FTE AIS employees | Proposed changes for 2019  | Notes   |
|-----------------------|------------------------------|----------------------------------|------------------------------|----------------------------------|-------------------------------|-----------------------------------|----------------------|--------------------------|-----------------------------|--|---|
| North Dakota          | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$500,000                | 1                           | SB 2293 and SB 2017?   | AIS program funded through existing Fisheries funds   |
| Montana               | \$0                          | \$0                              | \$2                          | \$25                             | \$800,000                     | \$2.2 million                     | ~\$3 million         | \$6.5 million            | 14                          |  | One proposal is to fund AIS through boater and angler fees (estimated to generate \$3.2 million) and general fund dollars (\$3.3 million); Other proposals may be introduced as well.<br>Currently funded through a mix of hydroelectric power and angler fees. |
| South Dakota          | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$126,000                | 15                          | None   | AIS program funded through existing Statewide Aquatics Section funds.   |
| Minnesota             | \$1.67                       | \$0                              | \$0                          | \$5                              | \$1.3 million                 | \$1.1 million                     | ~\$2.4 million       | ~\$9.9 million           | 24                          | Not publically available yet   | The boat "fee" is actually a \$5 surcharge on watercraft registrations, which are good for 3 years.   |
| Wyoming               | \$5-10                       | \$15-30                          | \$0                          | \$0                              | \$375,820                     | \$331,830                         | \$707,650            | \$1,219,875              | 1                           | None   | Motorized rates are \$10 resident, \$30 non-resident; non motorized watercraft are \$5 resident, \$15 non-resident; One FTE, 8 seasonal supervisors (includes five 12-month employees), 45 seasonal inspectors.   |
| Iowa                  | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$550,000            | \$650,000                | 2                           | None   | When boat registration fees were increased in 2003, half of that increase was designated by law to go to the AIS Program, though there is no set amount per boat. There are 2 permanent FTE, 5 equivalent positions, and 20 seasonals.                          |
| Wisconsin             | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$4.5 million            | 8                           | None   | AIS program is funded by state's gas tax  |
| Colorado              | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$4.5 million            | 3                           |  | Effective in 2019, annual AIS sail/motorboat stamps, \$25 resident, \$50 non-resident (estimated to generate \$2 million revenue)   |
| Nebraska              | \$1.67                       | \$15                             | \$0                          | \$0                              | \$146,770                     | \$65,026                          | \$211,796            | \$330,000                | 0                           | Potential increases in resident boater fees, though not guaranteed. Potential hiring of one FTE in 2019. | Resident boater AIS fee is \$5 with a three year registration; compliance of non-residents with purchase of AIS fee is about 64%; hire 6 seasonal employees and contract with University of Nebraska/Coop Unit to conduct an ANS program.                       |
| Area States ~ Average | \$1                          | \$5                              | \$0                          | \$4                              | \$328,000                     | \$462,000                         | \$860,000            | \$3,900,000              | 7                           |  |   |

# North Dakota Missouri River Advisory Council

4665 2nd Street Southwest  
Dickinson, ND 58601-7231

**OUR MISSION** - Working collaboratively with North Dakota stakeholders to provide unified representation, advocate for the responsible use of resources, and improve awareness and education relating to the Missouri River and its Tributaries.

## **Hearing SB2293**

**Senate Energy and Natural Resources Committee – Fort Lincoln Room**

**January 25, 2019 – 10:30 am**

Good Morning Chairman Unruh, members of the Committee I'm Michael Gunsch, Chairman of the North Dakota Missouri River Advisory Council. We stand in support of SB2293.

*The NDMRAC is a grassroots organization, whose mission it is to work collaboratively with North Dakota stakeholders to provide unified representation, advocate for the responsible use of resources, and improve awareness and education relating to the Missouri River and its tributaries.*

NDMRAC is currently developing strategy sheets to evaluate address various Missouri River issues and to achieve our organizations objectives. One objective is to how to reduce the potentially significant risk for adverse impacts associated with the undesired introduction of Aquatic Nuisance Species (ANS). As a stakeholder organization we are encouraged by the collaborative effort of the Sports Fishing Congress, Friends of Lake Sakakawea and other organizations who initiated creating this legislation with the cooperation of the ND Game and Fish. Subsequently, we fully support SB2293 as a required, and in our opinion, a mandatory protective measure. Other states are doing far more than North Dakota to protect against the spread of ANS. We need to take affirmative action to reduce the risk for the introduction of ANS into our state's waters. This issue is more than just the Missouri River it affects all waters in North Dakota. Also provided to my statement is a press release from the State of Montana on their assessment of the ANS issue regarding the zebra mussel in their state.

We encourage you to give a "DO PASS" to SB2293.

*Michael H. Gunsch, Chairman*

[mgunsch@outlook.com](mailto:mgunsch@outlook.com)

701-527-2134 (cell)

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**Michael Gunsch, Chairman**  
Friends of Lake Sakakawea

**Martin Dahl, Vice Chairman**  
McLean Electric Cooperative

**Mary Massad, Secretary/Treasurer**  
Southwest Water Authority

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**FOR IMMEDIATE RELEASE**

**CONTACT:**

Stephanie Hester, Council Coordinator  
Montana Dept. Natural Resources and Conservation  
(406) 444-0547



**January 24, 2019**

**Invasive Mussels Could Cost Montana \$234 Million Per Year**

HELENA, Mont — Montana’s economy could see more than \$230 million in annual mitigation costs and lost revenue if invasive mussels become established in the state, according to a report released today by the Montana Invasive Species Council (MISC).

Commissioned by MISC and completed by the University of Montana Flathead Biological Station, the economic impact study provides “a snapshot of projected direct costs to affected stakeholders dependent on water resources,” said Bryce Christiaens, MISC chair. “It does not reflect the total economic impact to the state, which would be considerably higher.”

The report identifies three key economic sectors – recreation, infrastructure and irrigation – that face the greatest potential impacts from an established mussel infestation, accounting for 60 to 75 percent of the total potential damages statewide.

“Invasive mussels can devastate aquatic ecosystems, clog water intake pipes and delivery systems, cover boat launches and beaches, and impact any economic sector dependent on water,” Christiaens said. “They pose a major threat to Montana’s environment, economy, recreation, and human health.”

Montana Fish, Wildlife and Parks has been working to prevent the introduction of invasive mussels since 2005 through watercraft inspection, early detection monitoring and

education. Those efforts ramped up when invasive mussel larvae were detected at Tiber and Canyon Ferry reservoirs in 2016. With additional funding from the legislature, FWP was able to double their prevention efforts, triple early detection monitoring and expand education to the public. To date, no adult mussels have been found and no additional invasive mussel larvae has been detected since the initial detection in 2016.

“Eradicating invasive mussels once they establish is difficult if not impossible,” said Thomas Woolf, MT Fish Wildlife, and Parks Aquatic Invasive Species bureau chief. “Prevention is our best bet at keeping them out of our waters and avoiding the costs associated with their impacts. Research continues on methods to prevent and manage mussels, so the longer we can keep them out, the better the chances we’ll see a solution to this problem.”

The study was commissioned to provide managers and policy makers with an estimate of costs in order to inform decisions about the level of funding for state prevention and containment programs. The current level of Montana’s AIS funding, approximately \$6.5 million, is roughly three percent of the estimated \$234 million annual costs for invasive mussel mitigation and lost revenue.

The Montana Invasive Species Council is a statewide partnership working to protect Montana's economy, natural resources, and public health through a coordinated approach to combat invasive species. For more information about MISC and to access the report, visit [misc.mt.gov](http://misc.mt.gov).

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701-223-4615  
701-223-4645 (Fax)

**NORTH DAKOTA**  
*Water Users Association*

PO Box 2254 • Bismarck, ND 58502-2254

Testimony, SB 2293

10:30 AM, January 25, 2019

Fort Lincoln Room, State Capitol, Bismarck, ND

Mary Massad, North Dakota Water Users Association, Southwest Water Authority

Chairman Unruh and members of the Senate Energy and Natural Resources Committee:

My name is Mary Massad. I represent the North Dakota Water Users Association and I am here to testify in support of Senate Bill 2293. The North Dakota Water Users Association was organized in 1959 to protect, develop and manage North Dakota's water resources and it is currently comprised of over 300 local, statewide and regional organizations in North Dakota who have an active interest in water.

At our annual meeting in December, the North Dakota Water Users Association passed a resolution supporting the aggressive prevention of aquatic nuisance species from harming North Dakota waters as outlined in the North Dakota aquatic species management plan prepared by the Aquatic Invasive Species Committee, as well as adequate funding for ANS education and enforcement.

In bodies of water where ANS have become established, they are expensive to combat and difficult or nearly impossible remove.

This is not just a sportsmen issue. ANS can greatly impact industry in the state by lowering water quality and infiltrating water intakes. These intakes provide water to regional water suppliers as well as refineries, ethanol plants, irrigation operations, and power plants, to name a few. If these intakes were obstructed or clogged by an aquatic nuisance species, the cost of repair and eradication would greatly exceed the cost of prevention. These species reproduce so quickly they clog entire power plants, public water intakes and pipes, and constrict flow reducing the intake in heat exchangers, condensers, firefighting equipment, and air conditioning and cooling systems. If water supply systems must keep intakes and pipelines clear of ANS, that cost will pass to the consumer in the form of higher rates.

This state has already invested millions of dollars in water projects and many of these projects would be at risk if aquatic nuisance species were not prevented from entering our waters.

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If North Dakota waters were to become infested, it would be less attractive for energy, energy by-product, and industrial development, due to the unavailability of an adequate supply of water for such purposes. This would also make it more difficult to increase employment and economic opportunities for our state and local communities.

Please give SB 2293 a DO PASS recommendation. Thank you for allowing me to speak with you this morning.



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**DEVILS LAKE BASIN  
JOINT WATER RESOURCE BOARD**

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*524 4<sup>th</sup> Avenue NE, #27, Devils Lake, ND 58301 – Phone: 701-662-7076 Fax 701-662-7096*

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**TESTIMONY TO NORTH DAKOTA LEGISLATURE SENATE  
COMMITTEE ON ENGERY AND NATURAL RESOURCES**

**SB 2293**

**Madam Chairman, Mr. Vice-Chairman and distinguished members of the committee I would like to thank you for allowing me the time to address the committee today. My name is Jeff Frith I am from Devils Lake and I am the Manager of the Devils Lake Basin Joint Water Resource Board and since 2010 I have served on the North Dakota Aquatic Invasive Species Committee. The testimony I am providing is in support to Senate Bill 2293, which would create the Aquatic Nuisance Species Program Fund.**

**The Devils Lake Basin Joint Water Resource Board is comprised of County Water Resource District Managers from 8 counties within the Devils Lake Basin. As members of the North Dakota Water Resource District Association they fully support the association's long-term goals and resolutions adopted on December 6<sup>th</sup>, 2018 including the position that states: "AQUATIC NUISANCE SPECIES. We urge aggressive prevention of aquatic nuisance species (ANS) prevention for North Dakota waters as outlined in the North Dakota aquatic species management plan prepared by the Aquatic Invasive Species Committee. We urge all federal and state agencies to address and implement aquatic nuisance species prevention programs in all North Dakota waters, and we support adequate funding for ANS education and enforcement." To further support the efforts to prevent the introduction or spread of invasive aquatic nuisances on Wednesday, January 23<sup>rd</sup> the Devils Lake Basin Joint Water Resource of Directors unanimously voted in support of Senate Bill 2293.**



**Aquatic nuisance species' impacts on the waters of North Dakota could vary greatly from barely noticeable to ecologically devastating and given the economic benefits of fishing throughout the state, 787.8 million dollars annually (*NDSU Agribusiness and Applied Economics Report 785, January 2019*) could prove to be very extremely costly.**

**Today I would like to speak to you about a particular invasive aquatic nuisance species that should make the hair on the back of your neck stand up, I know it does mine, and that is the zebra mussel.**

**Once introduced zebra mussels can NOT be eradicated. Zebra mussels are voracious filter feeders. A single mussel can suck a liter of water through its tiny body daily. The thumbnail-sized mollusks spread rapidly, a single female mussel can produce about a half a billion offspring in here 3 to 5-year life span. Eventually they silently, but relentlessly upend the delicate ecology of a lake. They overwhelm and kill native mussels. They strain out and devour tiny, edible material, robbing native fish of nutrients. They excrete a carpet of waste that fosters the growth of hairy, stinky, toxic mats of algae. Zebra mussels have a jagged, razor sharp shell that can slice a swimmer's foot or leave your hand bloody when grabbing onto anything submerged in the infested waters. Once they have gone through their lifecycle and have died, they wash onto the shore by the millions adding yet another set of problems.**

**When talking with people about zebra mussels I often reference Mille Lacs Lake in Minnesota and the devastating effect zebra mussels have had on their fishery. I do this for a few reasons, first, it is similar in size to Devils Lake in its current elevation, about 140,000 acres, something people can relate to, second it is known for its Walleye fishing, recreation and tourism is a big part of their economy, and three I have a sister that lives close to and a place where I've had the opportunity to visit several times.**

**Zebra mussels were discovered in Mille Lacs Lake in 2005 by the Minnesota Department of Natural Resources (DNR). The DNR started doing surveys using dive teams along specific tracs to gauge the density and spread of the invasive creature. What the study found was that zebra mussels were expanding in density by about a factor of 30 every year until the maximum average density per square foot was 1,269. This was an increase of 8 million times within just 6 short years.**

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**It is now estimated that there are approximately 2 trillion zebra mussels in Mille Lacs Lake! That is 2 trillion liters of water filtered by the mussels each and every day. That is enough filtration to filter the entire volume of Mille Lacs Lake every 42 hours or so.**

**Besides zebra mussels Mille Lacs Lake also has spiny waterflea, yet another invasive aquatic nuisance, which along with the zebra mussels has had a dramatic impact on their walleye production. In 2012 the Minnesota DNR reduced the number of walleyes anglers were able to keep to 4 that were 17 inches and under and in 2017 reduced that number even further by going to a catch-and-release only walleye regulation. Imagine fishing on Devils Lake, Lake Sakakawea or any of the fabulous fisheries we have here in North Dakota and NOT being able to keep any walleye or other game fish you caught. Now imagine what that would do to a community's, region's and the state's economy....Remember the 787.8 million dollars spend by anglers annually?**

**The University of Wisconsin Sea Grant Institute warns that zebra mussel pose a multibillion-dollar threat to North America's industrial, agriculture and municipal water supplies. The U.S. Department of the Interior estimates yearly damages of \$500,000 in the Great Lakes region alone.**

**Zebra mussels are just one of the many invasive aquatic nuisance species that could find their way to our waters. Some other of concern are the quagga mussel, Eurasian watermifoil, various carp species and starry stonewort. The very best way to get rid of invasive aquatic nuisance species is to NOT get them in the first place. Benjamin Franklin stated "an ounce of prevention is worth a pound of cure" that could never be more true when it come to the spread of invasive aquatic nuisance species. Education, inspection and enforcement are all very important components to stop the spread of aquatic nuisance species and I believe that SENATE BILL 2293 would go a long way in assisting in that endeavor and that is I am asking for your support of Senate Bill 2293.**

**Thank you for your time this morning. With that I'd would be happy to answer any questions you may have.**

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Here are some pictures that show examples of zebra mussels





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**Senate Energy and Natural Resources Committee**

**Friday, January 25.2019, 10:30 am**

**Fort Lincoln room**

**In support of Senate Bill 2293**

**Blair H. Ihmels, Member –Friends of Lake Sakakawea**

**Member – ND Aquatic Invasive Species Committee**

**Phone 701-319-1267**

Good Morning, I'm Blair Ihmels, a member of Friends of Lake Sakakawea and a committee member of the ND Aquatic Invasive Species Committee chaired by Jessica Howell ANS coordinator for ND Game & Fish. I live in rural Wilton, ND and spend time on Lake Sakakawea and the Missouri River from a lake home at Riverdale, ND. I have been on the AIS committee for over 10 years and I want to assure you that the state of ND is in good hands with our coordinator Jessica. However she is the lone person doing the job that really needs to be several. At a meeting just after Jessica took over I brought up the idea that we need more staff. The members of that meeting who I would mention are for the most part state employees and are brilliant at their respective jobs all agreed that the funding for that will never happen. Today I stand before you asking for your support to make that happen.

I have made the comment to that committee and to several other clubs and individuals that I feel and believe that AIS is not just a fisherman's or hunter's issue although the inspections and education is primarily done by that lone staff person and seasonal help with ND Game and Fish. That is a start but today we can work towards funding that can expand education, inspection and also decontamination stations in critical locations of the state.

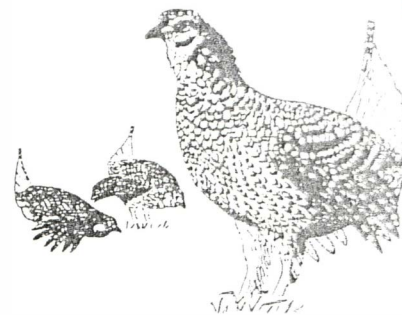
If an infestation occurs and expands it will become a problem for every citizen of this great state. Water intake structures for cities may be effected, power plant intake structures will be compromised, agriculture may never be the same and recreation will be changed forever. This will cost everyone in the end but at this point we do not have the issues that our neighbors in Minnesota have been going through. It is preventable and today I encourage your support of SB 2293. Thank you for the opportunity to present testimony.



North Dakota Chapter

# THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



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**TESTIMONY OF MICHAEL McENROE  
ND CHAPTER OF THE WILDLIFE SOCIETY  
SENATE BILL 2293  
ENERGY AND NATURAL RESOURCES COMMITTEE  
JANUARY 25, 2019**

Chairwoman Unruh and Members of the Senate Energy and Natural Resources Committee:

For the record, I am Mike McEnroe representing the North Dakota Chapter of The Wildlife Society, comprised of some 350 wildlife biologists, land managers, educators, students, law enforcement officers, and administrators in the State.

SB 2293 creates an Aquatic Nuisance Species (ANS fund) to provide more staff and funding for the ND Game and Fish Department to use to combat the spread of ANS into the State. We strongly support this concept.

However the Chapter has serious reservations about the funding mechanism of SB 2293. The Game and Fish Department is a special fund agency, using monies from hunting, fishing, and boating licenses and several federal excise taxes for its operation. This bill purports to use a variety of other ND tax revenue sources (gas tax and sales tax) to supplement the GFD budget. And while the GFD would realize a higher rate of interest on their reserve fund monies invested with State Investment Board, those monies would be placed in an ANS fund, which

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could be viewed as a diversion of GFD funds and may cost the Department its \$ 30-35 million per biennium in federal funds.

The Chapter would recommend and has already supported increases in the Game and Fish budget, SB 2017, for ANS work and an increased law enforcement effort using existing monies in the Department's reserve fund.

For these reasons the North Dakota Chapter of The Wildlife Society respectfully asks for a Do Not Pass vote on SB 2293 as drafted.

That being said, the Chapter will work with the Sport Fishing Congress, Friends of Lake Sakakawea, and the Game and Fish Department to develop language that funds the Department's ANS Plan in ways that do not jeopardize federal funds.

Thank you for the opportunity to address the Committee and I will stand for any questions.

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SENATE ENERGY AND NATURAL RESOURCE COMMITTEE  
January 25, 2019 – 10:30 a.m. – Fort Lincoln Room

North Dakota Department of Transportation (NDDOT)  
Steve Salwei, P.E. – Transportation Programs Director

SB 2293

Madam Chair, members of the committee. I'm Steve Salwei, and I serve as the Transportation Programs Director for the North Dakota Department of Transportation (NDDOT). I'm here today to oppose Senate Bill 2293 as written.

This bill would divert up to \$1,500,000 per biennium from the Highway Tax Distribution Fund to the ND Game and Fish Aquatic Nuisance Species Program fund. This diversion of funds would not only impact the DOT's ability to plan and reconstruct roadways, it would also have an impact on counties, cities, townships and transit as well.

The table below shows the impact this diversion of funds would have on the distribution of funds for various governmental entities:

|                              |              |              |
|------------------------------|--------------|--------------|
| Department of Transportation | 61.3%        | -\$919,500   |
| Counties                     | 22.0%        | -\$330,000   |
| Cities                       | 12.5%        | -\$187,500   |
| Townships                    | 2.7%         | -\$40,500    |
| Transit                      | 1.5%         | -\$22,500    |
|                              | Total Impact | -\$1,500,000 |

The North Dakota Game and Fish Department already gets a share of the Highway Tax Distribution Fund, per **ND Century Code 20.1-02-16.6**. While we understand the importance of keeping our lakes, rivers and streams free of aquatic nuisance species we would prefer that no additional funding be taken from the Highway Tax Distribution Fund for the Aquatic Nuisance Species Program.

Mr. Chairman, that concludes my testimony and I will be happy to answer any questions the committee may have.



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Senate Energy and Natural Resources Committee  
Testimony on SB 2293

North Dakota Game and Fish Department  
Kim Kary, Chief Administrative Services Division  
January 25, 2019

Madam Chair Unruh and members of the Senate Energy and Natural Resources committee, my name is Kim Kary, Chief of Administrative Services Division of the North Dakota Game and Fish Department and I am testifying on SB 2293.

Conceptually, we recognize and appreciate the intentions of this bill as we need to protect waters of the state from the adverse effects of aquatic nuisance species (ANS) infestations. The North Dakota Aquatic Nuisance Species Management Plan was signed just last month by Governor Burgum. This plan outlines many activities that need to be addressed to prevent the introduction and spread of ANS into and within North Dakota and SB 2293 addresses some of those actions. We recognize that although we've collectively addressed many ANS actions and activities needed to slow down its spread, we also recognize more needs to be done.

However, I must share a few concerns we have regarding the proposed funding mechanisms in relation to the Department.

The Game and Fish Department (Department) is a special fund agency using only licensing revenue (hunting, fishing, and boat registrations) and federal funding.

Per NDCC 20.1-02-17, Hunting and fishing license fees and application fees may only be used for departmental programs and administration. Noncompliance will result in a diversion of funds. A diversion of funds can occur when there is a loss of control of those funds by the Department. A diversion would result in the Department not being able to receive *any* Federal funds from the USFWS (approx. \$32M).

I would like to point out some language in the proposed bill that is problematic as it relates to loss of control: Section 4, on page 2, line 24, which states "the investment income must be deposited into the aquatic nuisance species program fund for use in aquatic nuisance species education, inspection, and monitoring programs". This language would result in a loss of control by the Department. The word "must" should be replaced with "may" in order to avoid a loss of federal funds.

This premise of investing the fifteen million dollar balance under the supervision of the state investment board was part of the appropriation bill draft by OMB submitted to Legislative Council and was discussed with the Senate Appropriation Committee during our budget hearing. However, the investment income was not mandated for ANS as required in SB 2293.

And finally, this bill would require in Section 5, a surcharge of three dollars on each fishing and waterfowl license. In some instances, we are unsure whether the across the board surcharge fairly reflects the potential, deleterious impacts of ANS transport inherent to the various license holders. For example:

- 1) a resident senior fishing license is \$5; the surcharge would increase the fee by 60%; resident senior anglers are less of a threat pertaining to ANS transport than those from out-of-state.
- 2) a specific waterfowl license is required only for nonresidents; there is not a waterfowl license for residents.

Finally, although the Department has some concerns with the funding portion of this bill, we are encouraged by the intentions of SB 2293 which aim to prevent or slow down the spread of ANS.

Madam Chair and committee members, this concludes my testimony. I would be happy to answer any questions.

February 9, 2019

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2.14.19  
#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2293

Page 1, line 1, replace "three" with "a"

Page 1, line 1, replace "sections" with "section"

Page 1, line 11, replace the first underscored comma with "and"

Page 1, line 11, remove  ", 4, and 5"

Page 1, remove lines 15 through 24

Page 2, remove lines 1 through 8

Page 2, line 15, overstrike "must" and insert immediately thereafter "may"

Page 2, line 24, replace "must" with "may"

Page 3, line 2, after "each" insert "resident"

Page 3, line 2, replace "and" with "license except for a resident who is sixty-five years of age or older, permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section 20.1-03-12. The director also shall establish a surcharge of six dollars on each nonresident fishing license and each nonresident"

Renumber accordingly

North Dakota

nd.gov Official Portal for  
North Dakota State Government

SB 2293  
3.8.19  
Attachment 1



NORTH DAKOTA  
GAME AND FISH DEPARTMENT

Home » FISHING » Aquatic Nuisance Species » ANS Infested Waters in North Dak...

## ANS Infested Waters in North Dakota

*Click on an image to see a larger version.*

### Curlyleaf Pondweed Infestations



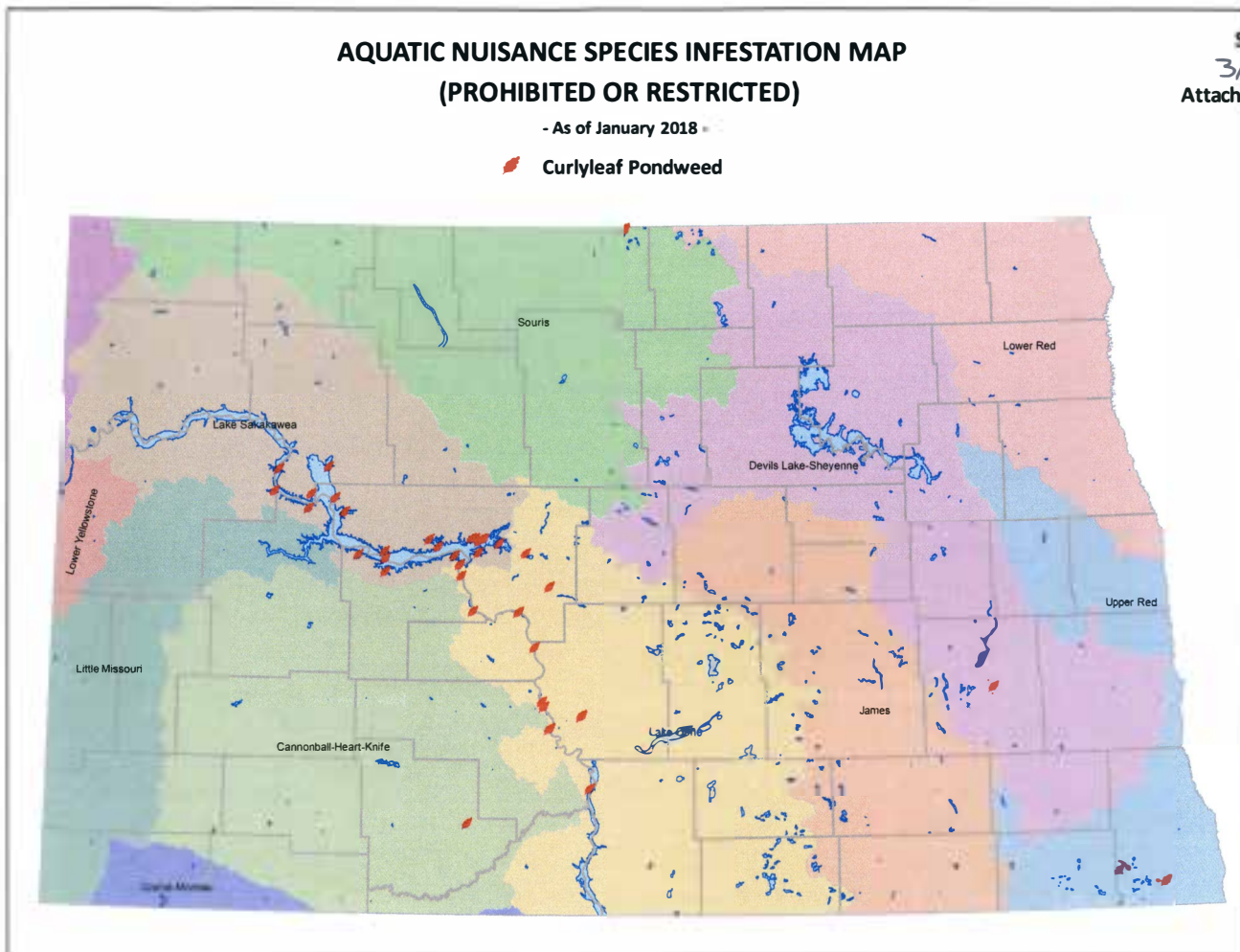


### AQUATIC NUISANCE SPECIES INFESTATION MAP (PROHIBITED OR RESTRICTED)

- As of January 2018 -

 Curlyleaf Pondweed

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Attachment 1



- Grass Lake - Richland County
- Lake Audubon - McLean County
- Lake Ashtabula - Barnes County
- Lake Elsie - Richland County
- Lake Metigoshe - Bottineau County
- Lake Oahe - Emmons and Morton counties
- Lake Sakakawea - Dunn, McKenzie, McLean, Mercer, Mountrail, and Williams counties
- McClusky Canal - McLean County
- McDowell Dam - Burleigh County
- Missouri River - Burleigh, Emmons, McLean, Mercer, Morton and Oliver counties
- Raleigh Reservoir - Grant County
- Sheyenne River - Barnes County

## Eurasian Watermilfoil Infestations

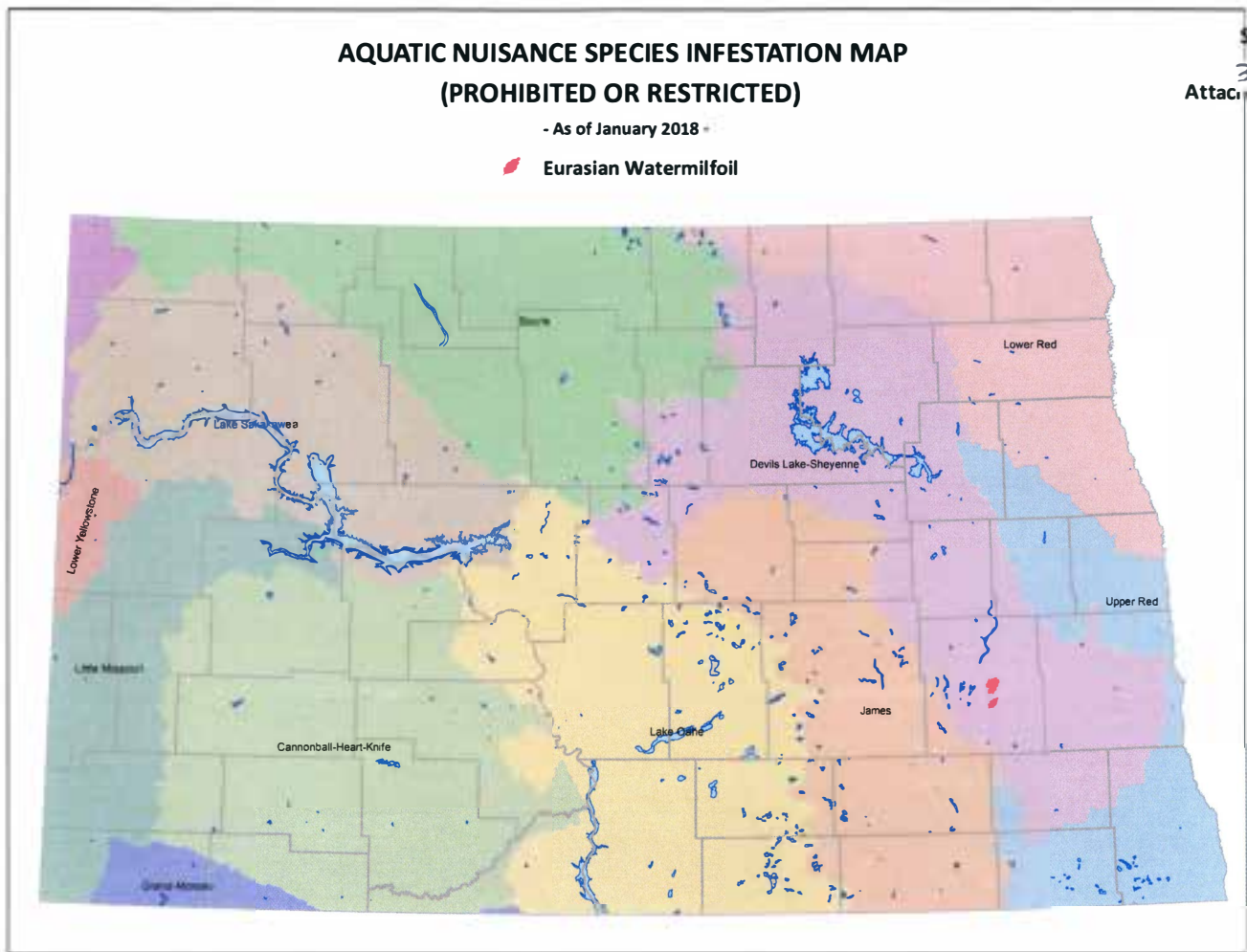


SB 2293

3/8/19

Attachment 1





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Attachment 1

Sheyenne River - Barnes County

## Common Carp Infestations

Common carp occur in many water bodies statewide.

## Silver Carp

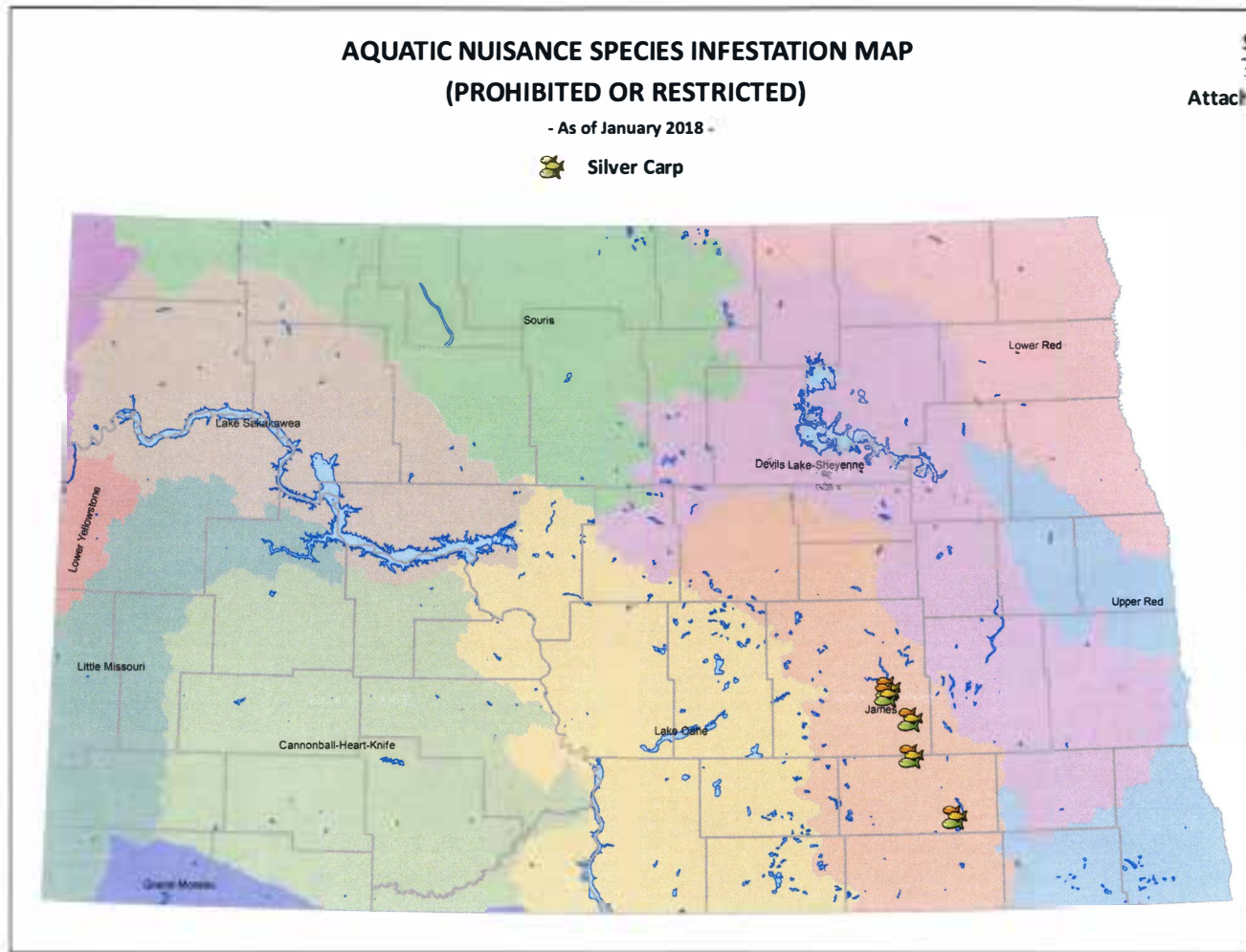


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Attachment 1

PHOTO CREDIT-NATE TESSLER, ENVIROSCIENCE, INC., BUGWOOD.ORG



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Attachment 1

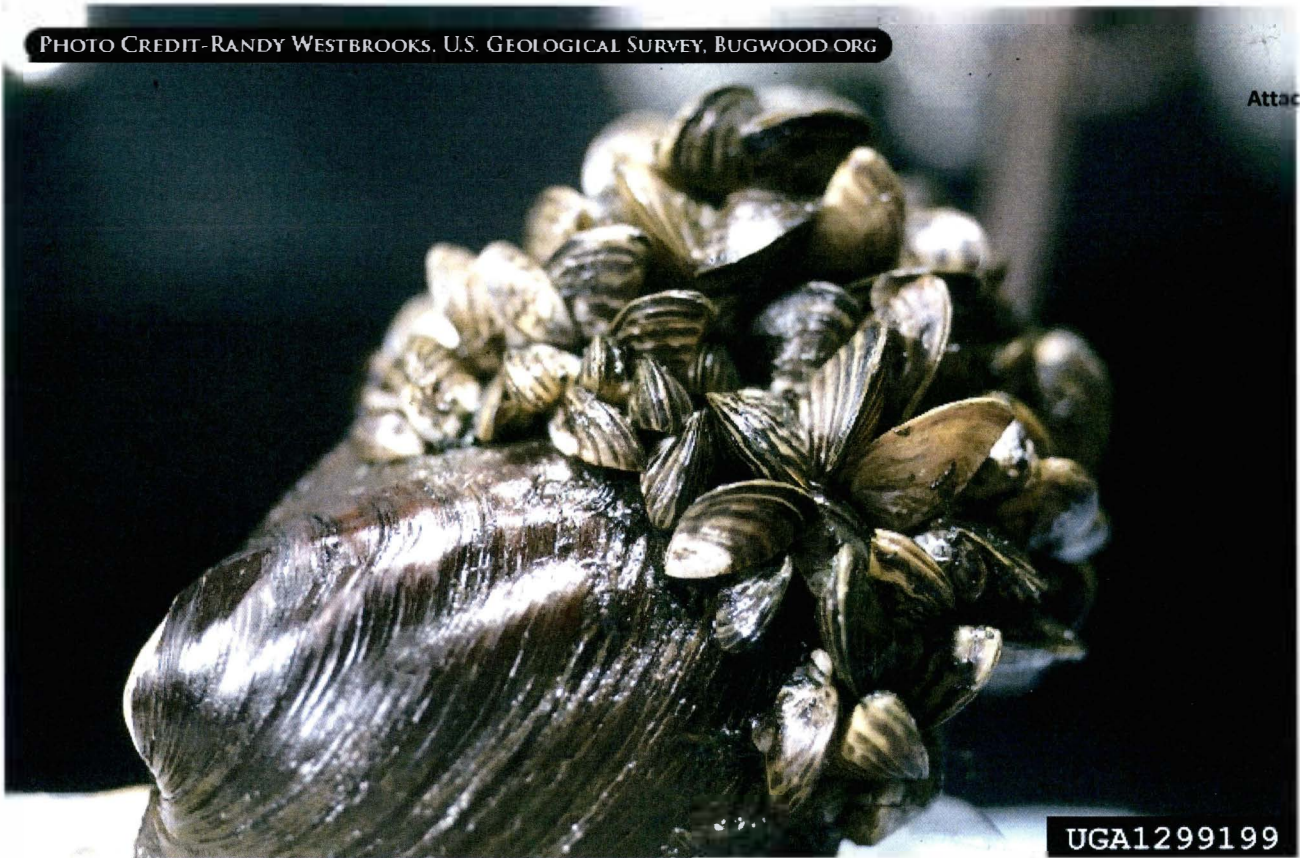
James River - Stutsman, LaMoure and Dickey counties

## Zebra Mussel Infestations

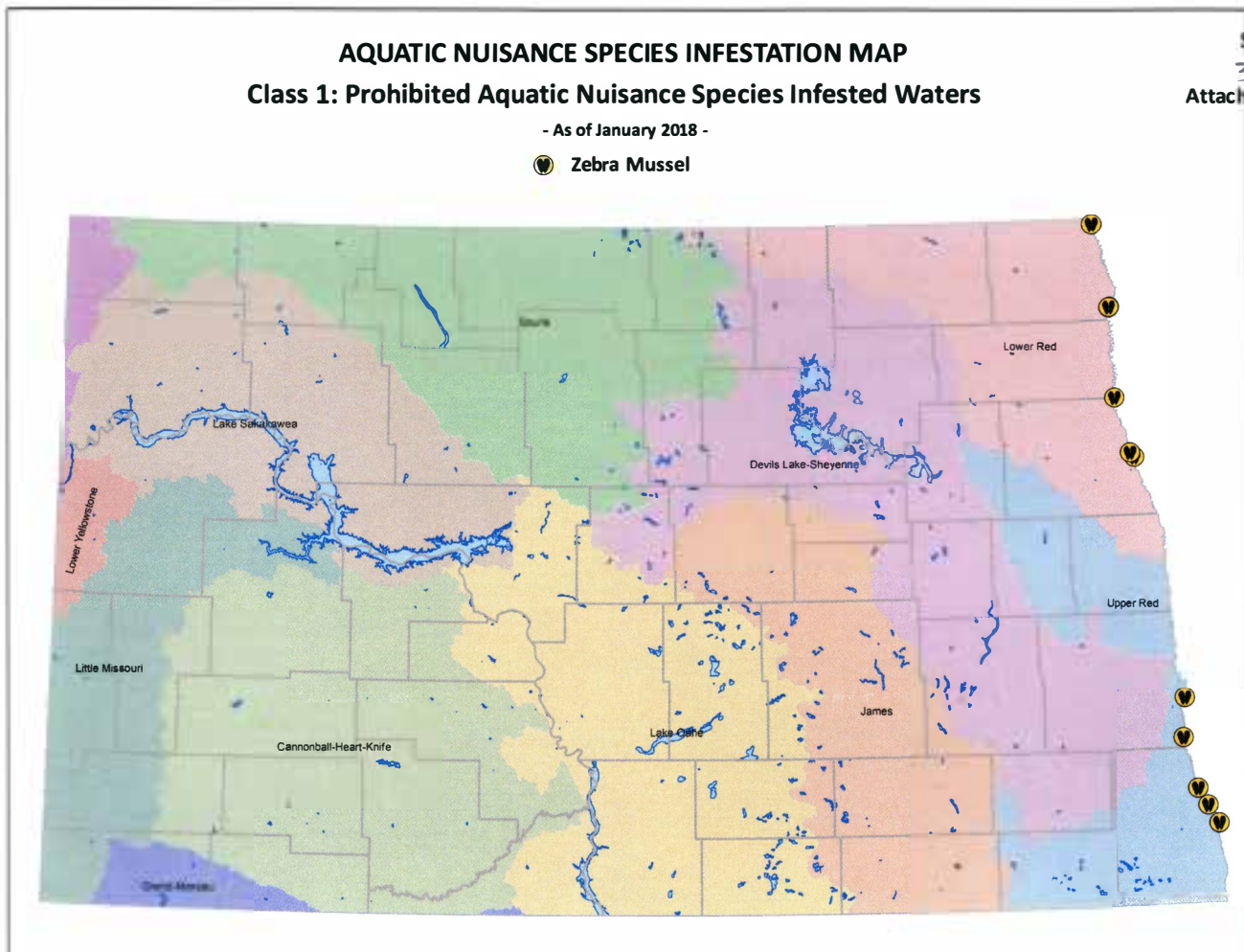


PHOTO CREDIT-RANDY WESTBROOKS, U.S. GEOLOGICAL SURVEY, BUGWOOD.ORG

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Attachment 1



UGA1299199



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3/8/19  
Attachment 1

Red River - entire length of the Red River including tributaries upstream to the first vehicular bridge or crossing

North Dakota Game and Fish Department  
100 N. Bismarck Expressway, Bismarck, ND 58501-5095  
Phone: 701-328-6300  
E-mail: [ndgf@nd.gov](mailto:ndgf@nd.gov)

**Report All Poachers: \* 1-800-472-2121** (any time, day or night)  
(\* If you are calling from an out-of-state area code use 701-328-9921.)

***NDResponse***

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**DEVILS LAKE BASIN  
JOINT WATER RESOURCE BOARD**

**SERVING**

**CAVALIER, EDDY, NELSON, PIERCE, RAMSEY, ROLETTE, TOWNER & WALSH COUNTIES**

**524 4<sup>th</sup> Avenue NE, #27, Devils Lake, ND 58301 – Phone: 701-662-7076 Fax 701-662-7096**

**E-mail: [manager@dlbasin.com](mailto:manager@dlbasin.com) Web Site: <http://www.dlbasin.com>**

**TESTIMONY TO NORTH DAKOTA LEGISLATURE HOUSE  
COMMITTEE ON ENGERY AND NATURAL RESOURCES**

**SB 2293**

**Mr. Chairman, Mr. Vice-Chairman and distinguished members of the committee I would like to thank you for allowing me the time to address the committee today. My name is Jeff Frith I am from Devils Lake and I am the Manager of the Devils Lake Basin Joint Water Resource Board and since 2010 I have served on the North Dakota Aquatic Invasive Species Committee. The testimony I am providing is in support to Senate Bill 2293, which would create the Aquatic Nuisance Species Program Fund.**

**The Devils Lake Basin Joint Water Resource Board is comprised of County Water Resource District Managers from 8 counties within the Devils Lake Basin. As members of the North Dakota Water Resource District Association and fully support the association's long-term goals and resolutions adopted on December 6<sup>th</sup>, 2018 including the position that states: "AQUATIC NUISANCE SPECIES. We urge aggressive prevention of aquatic nuisance species (ANS) prevention for North Dakota waters as outlined in the North Dakota aquatic species management plan prepared by the Aquatic Invasive Species Committee. We urge all federal and state agencies to address and implement aquatic nuisance species prevention programs in all North Dakota waters, and we support adequate funding for ANS education and enforcement." To further support the efforts to prevent the introduction or spread of invasive aquatic nuisances on Wednesday, January 23<sup>rd</sup> the Devils Lake Basin Joint Water Resource of Directors unanimously voted in support of Senate Bill 2293.**



Aquatic nuisance species' impacts on the waters of North Dakota could vary greatly from barely noticeable to ecologically devastating and given the economic benefits of fishing throughout the state, 787.8 million dollars annually (*NDSU Agribusiness and Applied Economics Report 785, January 2019*) could prove to be very extremely costly.

Today I would like to speak to you about a particular invasive aquatic nuisance species that should make the hair on the back of your neck stand up, I know it does mine, and that is the zebra mussel.

Once introduced zebra mussels can NOT be eradicated. Zebra mussels are voracious filter feeders. A single mussel can suck a liter of water through its tiny body daily. The thumbnail-sized mollusks spread rapidly, a single female mussel can produce about a half a billion offspring in her 3 to 5-year life span. Eventually they silently, but relentlessly upend the delicate ecology of a lake. They overwhelm and kill native mussels. They strain out and devour tiny, edible material, robbing native fish of nutrients. They excrete a carpet of waste that fosters the growth of hairy, stinky, toxic mats of algae. Zebra mussels have a jagged, razor sharp shell that can slice a swimmer's foot or leave your hand bloody when grabbing onto anything submerged in the infested waters. Once they have gone through their lifecycle and have died, they wash onto the shore by the millions adding yet another set of problems.

When talking with people about zebra mussels I often reference Mille Lacs Lake in Minnesota and the devastating effect zebra mussels have had on their fishery. I do this for a few reasons, first, it is similar in size to Devils Lake in its current elevation, about 140,000 acres, something people can relate to, second it is known for its Walleye fishing, recreation and tourism is a big part of their economy, and three I have a sister that lives close to and a place where I've had the opportunity to visit several times.

Zebra mussels were discovered in Mille Lacs Lake in 2005 by the Minnesota Department of Natural Resources (DNR). The DNR started doing surveys using dive teams along specific tracs to gauge the density and spread of the invasive creature. What the study found was that zebra mussels were expanding in density by about a factor of 30 every year until the maximum average density per square foot was 1,269. This was an increase of 8 million times within just 6 short years.

It is now estimated that there are approximately 2 trillion zebra mussels in Mille Lacs Lake! That is 2 trillion liters of water filtered by the mussels each and every day. That is enough filtration to filter the entire volume of Mille Lacs Lake every 42 hours or so.

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Attachment 2

Besides zebra mussels Mille Lacs Lake also has spiny waterflea, yet another invasive aquatic nuisance, which along with the zebra mussels has had a dramatic impact on their walleye production. In 2012 the Minnesota DNR reduced the number of walleyes anglers were able to keep to 4 but those were limited to 17 inches and under, in 2015 walleye fishing was suspended mid-season, allowed in 2017 to a catch-and-release only to its current regulation of one walleye 21" – 23" in length with everything else being immediately released. Imagine fishing on Devils Lake, Lake Sakakawea or any of the fabulous fisheries we have here in North Dakota and NOT being able to keep any walleye or other game fish you caught. Now imagine what that would do to a community's, a region's or the state's economy....Remember the 787.8 million dollars spend by anglers annually?

The University of Wisconsin Sea Grant Institute warns that zebra mussel poses a multibillion-dollar threat to North America's industrial, agriculture and municipal water supplies. The U.S. Department of the Interior estimates yearly damages of \$500,000 in the Great Lakes region alone.

Zebra mussels are just one of the many invasive aquatic nuisance species that could find their way to our waters. Some other of concern are the larger cousin of the zebra mussels the quagga mussel which survives in deeper waters, Eurasian watermifoil, the various carp species, spiny waterflea and starry stonewort just to name a few. The very best way to get rid of invasive aquatic nuisance species is to NOT get them in the first place. Benjamin Franklin stated "an ounce of prevention is worth a pound of cure" that could never be more true when it come to the spread of invasive aquatic nuisance species. Education, inspection and enforcement are all very important components to stop the spread of aquatic nuisance species and I believe that SENATE BILL 2293 would go a long way in assisting in that endeavor and that is I am asking for your support of Senate Bill 2293.

Thank you for your time this morning. With that I'd would be happy to answer any questions you may have.



Here are some pictures showing examples of zebra mussels



Size of adult zebra mussel



An example of what zebra mussels do to native mussels

**NORTH DAKOTA**  
**SPORTFISHING**  
**CONGRESS**

SB 2293

3/8/19

Attachment 3

P.O. BOX 2472 • BISMARCK, ND 58502

BARNES COUNTY WILDLIFE FED  
PO Box 148  
Valley City, ND 58072

BIS-MAN REEL & REC CLUB  
PO Box 2525  
Bismarck, ND 58502

DAKOTA ANGLERS  
PO Box 1411  
Jamestown, ND 58401

F.M. MUSKIES, INC.  
PO Box 2021  
Fargo, ND 58107

F.M. WALLEYES UNLIMITED, INC.  
PO Box 1017  
Moorhead, MN 56560

FRIENDS OF LAKE SAKAKAWEA  
PO Box 309  
Garrison, ND 58540

GREAT PLANERS TROUT & SALMON  
PO Box 1972  
Bismarck, ND 58502

LAKE REGION ANGLERS ASSN.  
PO Box 456  
Devils Lake, ND 58301

LURE EM FOR LIFE  
PO Box 547  
Bismarck, ND 58502

ND FISHING HALL OF FAME  
PO Box 445  
Garrison, ND 58540

RED RIVER AREA SPORTSMENS  
PO Box 1  
Wahpeton, ND 58074

SOUTHWEST ANGLERS ASSN.  
PO Box 1473  
Dickinson, ND 58601

VOICES FOR LAKE OAHE  
PO Box 482  
Linton, ND 58552

**Testimony of Rich Brueckner,  
President of  
North Dakota Sportfishing Congress**

**House Energy and Natural Resources Committee**

**In support of Engrossed Senate Bill 2293  
March 8, 2019**

Chairman Unruh and members of the Energy and Natural Resources Committee, my name is Rich Brueckner. I am from Devils Lake and I currently serve as the president of the North Dakota Sportfishing Congress. This organization is made up of several fishing groups and many anglers who are brought together by our common love of fishing and in promoting this grand pastime. The members of the Sportfishing Congress collaborate on the protection of our amazing fishing resources and in support of efforts to maintain and enhance our quality lakes and rivers. Our members advanced the policy proposal outlined in SB 2293, and thus we support the bill.

The members and member organizations of the Sportfishing Congress believe that one of the biggest threats presently facing North Dakota's fishing resource is the introduction and spread of aquatic nuisance species (ANS), such as zebra mussels, Asian carp, and Eurasian watermilfoil. Proliferation of any of these, or a host of other invasive or nuisance species could lead to a collapse of our remarkable fishery. Proliferation of ANS cost the United States billions of dollars annually, impact recreation, and harm our natural resources. It is for these reasons that we have initiated the effort to advance a sportsman funded program to partially address ANS in North Dakota.

To become more proactive in the defense against ANS, the Sportfishing Congress members believe that increased funding is needed, and the Game and Fish Department should be provided with additional resources dedicated to aquatic nuisance species education, inspection, and monitoring programs.

The state has adopted regulations and an ANS Management plan, which was recently updated and was ratified by Governor Burgum. However, we feel that more needs to be done to reduce these risks. The Game and Fish Department has the rules, but not the tools to reduce the risk of ANS introduction in the state.

Others today will expound on the risks of ANS, however you should know that invasive plant, animal and disease species:

- Directly outcompete native species for food and habitat
- Affect the composition and structure of aquatic communities and food chains
- Degrade habitat and negatively affect wildlife and water quality
- Decrease sportfishing opportunities
- Negative economic effects on recreation and tourism industries
- Degrade shorelines and facilities for human use
- Decrease property values
- Negatively affect human and wildlife health (e.g. injury and disease vectors).
- Increase costs to utilities, industry, and municipalities (e.g. Zebra mussels at water intakes)

The Sportfishing Congress advocates implementing a modest ANS outreach, inspection and monitoring program at the Game and Fish Department. We are proposing in Senate Bill 2293, to fund, with sportsmen's dollars, additional resources to address ANS. To improve the ability to prevent the introduction and spread of ANS and assist in compliance with current regulations, the objective is to eventually establish three permanent watercraft wash stations at high traffic locations (probably Devils Lake, Sakakawea, and Bismarck) staffed with seasonal technicians.

We estimated that an additional \$2.5 million per biennium is needed to provide adequate funding and staffing. In comparison to the need, this request is modest, and we consider it the minimum needed to improve ANS compliance, and to help protect and improve North Dakota's fishing resources. The effort would not be as extensive or expensive as many neighboring states, several of which conduct mandatory inspections at multiple locations and at all water access points. A comprehensive mandatory ANS inspection program in North Dakota could cost \$20-30 million per biennium.

This bill creates a special fund the fishermen and women are willing to finance, to help to conduct more ANS work across North Dakota to address prevention shortcomings the members of the Sportfishing Congress have identified for several years. We proposed a multifaceted funding formula to support an FTE position dedicated to ANS, enough seasonal staffing to operate the three wash stations, construction costs for additional wash stations, an increase in watercraft inspections and additional ANS laboratory capabilities. In addition, the Sportfishing Congress would like to see two additional game wardens to work on improving ANS compliance with existing rules and regulations. Finally, we seek to enhance the Department's Development program to not only improve boating access to the state's fishing waters, but would also help in constructing more fish cleaning stations which help in fulfilling ANS compliance by anglers.

The fund would be created from two sources that may generate around \$2 million per biennium:

- 1) A surcharge of \$3 on each resident fishing license except for seniors or disabled citizens and a surcharge of \$6 on each nonresident fishing and each waterfowl hunting license to generate an estimated \$1.7 million per biennium.
- 2) Authorizes the investment of \$15 million of the State Game and Fish Fund to generate income and returns of \$200,000 to \$400,000 that may be added to the ANS Fund.

As introduced, the bill included a transfer of the gasoline tax generated by boat use estimated at \$750,000 annually; and half of one percent of the sales tax collected on boat sales which was estimated at \$225,000 annually. However, the Senate removed these two funding sources.

The following provide detail of funding estimates of the \$2.1 million generated by the policies in Engrossed SB 2293, and the following page contains a table of comparison with other states' ANS efforts.

I will be happy to respond to your questions.

|                                 | 2017                      | 2018   | ANS surcharge | TOTAL        |
|---------------------------------|---------------------------|--------|---------------|--------------|
| <b><u>Fishing</u></b>           | Out-of-state licenses     |        |               |              |
| <b>Annual</b>                   | 18,731                    | 19,053 | \$6           | \$ 226,704   |
| <b>Husband/wife</b>             | 5,100                     | 5,277  | \$6           | \$ 62,262    |
| <b>10-day</b>                   | 7,267                     | 7,649  | \$6           | \$ 89,496    |
| <b>3-day</b>                    | 24,796                    | 25,702 | \$6           | \$ 302,988   |
| <br>                            |                           |        |               |              |
| <b><u>Waterfowl hunting</u></b> | 23,024                    | 20,770 | \$6           | \$ 262,764   |
|                                 |                           |        |               | \$ 944,214   |
| <br>                            |                           |        |               |              |
| <b><u>Fishing</u></b>           | In-state fishing licenses |        |               |              |
| <b>Annual</b>                   | 54,534                    | 53,821 | \$3           | \$ 325,065   |
| <b>Husband/wife</b>             | 13,904                    | 14,676 | \$3           | \$ 85,740    |
| <b>Combination</b>              | 57,262                    | 55,954 | \$3           | \$ 339,648   |
|                                 |                           |        |               | \$ 750,453   |
|                                 |                           |        |               | \$ 1,694,667 |

**Revenue from Investment Return on Game and Fish Reserve fund**

|               | Budget Stabilization Fund<br>5-year average ROI | potential annual<br>investment income | biennial<br>transfer |
|---------------|---|---------------------------------------|----------------------|
| \$ 15,000,000 | 1.35%   | \$ 202,500                            | \$ 405,000           |



## Neighboring States ANS/AIS funding mechanisms Jan. 2019

| State                 | 2018 resident AIS boater fee | 2018 non-resident AIS boater fee | 2018 resident AIS angler fee | 2018 non-resident AIS angler fee | Total resident AIS fee income | Total non-resident AIS fee income | Total AIS fee income | Total AIS program budget | Number of FTE AIS employees | Proposed changes for 2019  | Notes   |
|-----------------------|------------------------------|----------------------------------|------------------------------|----------------------------------|-------------------------------|-----------------------------------|----------------------|--------------------------|-----------------------------|--|---|
| North Dakota          | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$500,000                | 1                           | SB 2293 and SB 2017?   | AIS program funded through existing Fisheries funds   |
| Montana               | \$0                          | \$0                              | \$2                          | \$25                             | \$800,000                     | \$2.2 million                     | ~\$3 million         | \$6.5 million            | 14                          |  | One proposal is to fund AIS through boater and angler fees (estimated to generate \$3.2 million) and general fund dollars (\$3.3 million); Other proposals may be introduced as well.<br>Currently funded through a mix of hydroelectric power and angler fees. |
| South Dakota          | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$126,000                | 1.5                         | None   | AIS program funded through existing Statewide Aquatics Section funds.   |
| Minnesota             | \$1.67                       | \$0                              | \$0                          | \$5                              | \$1.3 million                 | \$1.1 million                     | ~\$2.4 million       | ~\$9.9 million           | 24                          | Not publically available yet   | The boat "fee" is actually a \$5 surcharge on watercraft registrations, which are good for 3 years.   |
| Wyoming               | \$5-10                       | \$15-30                          | \$0                          | \$0                              | \$375,820                     | \$331,830                         | \$707,650            | \$1,219,875              | 1                           | None   | Motorized rates are \$10 resident, \$30 non-resident; non motorized watercraft are \$5 resident, \$15 non-resident; One FTE, 8 seasonal supervisors (includes five 12-month employees), 45 seasonal inspectors.   |
| Iowa                  | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$550,000            | \$650,000                | 2                           | None   | When boat registration fees were increased in 2003, half of that increase was designated by law to go to the AIS Program, though there is no set amount per boat. There are 2 permanent FTE, 5 equivalent positions, and 20 seasonals.                          |
| Wisconsin             | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$4.5 million            | 8                           | None   | AIS program is funded by state's gas tax  |
| Colorado              | \$0                          | \$0                              | \$0                          | \$0                              | \$0                           | \$0                               | \$0                  | \$4.5 million            | 3                           |  | Effective in 2019, annual AIS sail/motor boat stamps, \$25 resident, \$50 non-resident (estimated to generate \$2 million revenue)  |
| Nebraska              | \$1.67                       | \$15                             | \$0                          | \$0                              | \$146,770                     | \$65,026                          | \$211,796            | \$330,000                | 0                           | Potential increases in resident boater fees, though not guaranteed. Potential hiring of one FTE in 2019. | Resident boater AIS fee is \$5 with a three year registration; compliance of non-residents with purchase of AIS fee is about 64%; hire 6 seasonal employees and contract with University of Nebraska/ Coop Unit to conduct an ANS program.                      |
| Area States ~ Average | \$1                          | \$5                              | \$0                          | \$4                              | \$328,000                     | \$462,000                         | \$860,000            | \$3,900,000              | 7                           |  |   |

4

# North Dakota Missouri River Advisory Council

SB 2293  
3/8/19  
Attachment 4

4665 2nd Street Southwest  
Dickinson, ND 58601-7231

**OUR MISSION** - Working collaboratively with North Dakota stakeholders to provide unified representation, advocate for the responsible use of resources, and improve awareness and education relating to the Missouri River and its Tributaries.

## **Hearing SB2293**

### **House Energy and Natural Resources Committee – Coteau Room A**

**March 8, 2019 – 9:30 am**

Good Morning, Chairman, members of the House Energy and Natural Resources Committee, I'm Michael Gunsch, Chairman of the North Dakota Missouri River Advisory Council. We stand in support of SB2293.

*The NDMRAC is a grassroots organization, whose mission it is to work collaboratively with North Dakota stakeholders to provide unified representation, advocate for the responsible use of resources, and improve awareness and education relating to the Missouri River and its tributaries.*

NDMRAC is currently developing strategy sheets to evaluate address various Missouri River issues and to achieve our organizations objectives. One objective is to how to reduce the risks for the adverse and devastating impacts associated with the undesired introduction of Aquatic Nuisance Species (ANS). As a stakeholder organization we are encouraged by the collaborative effort of the Sports Fishing Congress, Friends of Lake Sakakawea and other organizations who initiated creating this legislation with the cooperation of the ND Game and Fish. Subsequently, we fully support SB2293 as amended, and in our opinion, as this is a mandatory protective measure. Other states are doing far more than North Dakota to protect against the spread of ANS, and we need to do more as well. This bill is a positive forward step in that direction. We need to take affirmative action to reduce the risk for the introduction of ANS into our state's waters. This issue is more than just the Missouri River it affects all waters in North Dakota.

We encourage you to give a "DO PASS" to SB2293.

*Michael H. Gunsch, Chairman*

[mgunsch@outlook.com](mailto:mgunsch@outlook.com)

701-527-2134 (cell)

**Michael Gunsch, Chairman**  
Friends of Lake Sakakawea

**Martin Dahl, Vice Chairman**  
McLean Electric Cooperative

**Mary Massad, Secretary/Treasurer**  
Southwest Water Authority

**House Energy and Natural Resources Committee**

**Friday, March 8, 2019 - 9:00 am**

**Coteau A room**

**In support of Senate Bill 2293**

**Blair H. Ihmels, Member –Friends of Lake Sakakawea**

**Member – ND Aquatic Invasive Species Committee**

**Phone 701-319-1267**

Good Morning, I'm Blair Ihmels, a member of Friends of Lake Sakakawea and a committee member of the ND Aquatic Invasive Species Committee chaired by Jessica Howell ANS coordinator for ND Game & Fish. I have been on the AIS committee for over 10 years and I want to assure you that the state of ND is in good hands with our coordinator Jessica. However she is the lone person doing the job that really needs to be several. At a meeting just after Jessica took over I brought up the idea that we need more staff. The members of that meeting who I would mention are for the most part state employees and are brilliant at their respective jobs all agreed that the funding for that will likely not happen. Today I stand before you asking for your support to make that happen.

I have made the comment to that committee and to several other clubs and individuals that I feel and believe that AIS is not just a fisherman's or hunter's issue although the inspections and education is primarily done by that lone staff person and seasonal help with ND Game and Fish. That is a start but today we can work towards funding that can expand education, inspection and also decontamination stations in critical locations of the state.

If an infestation occurs and expands it will become a problem for every citizen of this great state. Water intake structures for cities may be effected, power plant intake structures will be compromised, agriculture may never be the same and recreation will be changed forever. This will cost everyone in the end but at this point we do not have the issues that our neighbors in Minnesota have been going through. It is preventable and today I encourage your support of SB 2293. Thank you for the opportunity to present testimony.



# North Dakota Wildlife Federation

Ensuring abundant wildlife, wildlife habitat, and access to wildlife recreational opportunities

SB 2293  
3/3/19  
Attachment 6



## TESTIMONY OF JOHN BRADLEY NORTH DAKOTA WILDLIFE FEDERATION SENATE BILL 2293 ENERGY AND NATURAL RESOURCES COMMITTEE MARCH 8, 2019

Chairman Porter and members of the House Energy and Natural Resources Committee:

For the Record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation. I'm here today representing our 1,500 members in 15 affiliated wildlife and sportsmen's club across North Dakota.

The North Dakota Wildlife Federation supports efforts to reduce the risks of Aquatic Nuisance Species entering our state. NDWF rises in support of SB 2293. The Federation had issues about the funding mechanism of SB 2293, primarily the gas and sales tax. The bill sponsors, in coordination with proponents of the bill made necessary changes to fix the issues and we are now proud to support this bill.

The funding mechanism in the bill is a surcharge of three dollars on each resident fishing license except for a resident who is sixty five years of age or older, permanently or totally disabled, or a disabled veteran. The director also shall establish a surcharge of six dollars on each nonresident fishing license and each nonresident waterfowl hunting license. Game and Fish is funded entirely using monies from hunting, fishing,



boating licenses, and several federal excise taxes for its operation. The current bill solves the issue and our worry about the Department of Game and Fish receiving other North Dakota tax revenue sources (gas and sales tax) to supplement their budget.

NDWF hopes to continue work with the Sport Fishing Congress, Game and Fish, and any other groups including industry and utility companies to fight ANS from spreading into North Dakota's water bodies.

Thank you for the opportunity to address the Committee and I will stand for questions.

**NORTH DAKOTA**

*Water Users  
Association*

SB 2293

3/8/19

# 7

701-223-4645 (Fax)

PO Box 2254 • Bismarck, ND 58502-2254

Testimony, SB 2293

March 8, 2019

Coteau A Room, State Capitol, Bismarck, ND

Mary Massad, North Dakota Water Users Association, Southwest Water Authority

Chairman Porter and members of the House Energy and Natural Resources Committee:

My name is Mary Massad. I represent the North Dakota Water Users Association and I am here to testify in support of Senate Bill 2293. The North Dakota Water Users Association was organized in 1959 to protect, develop and manage North Dakota's water resources and it is currently comprised of over 300 local, statewide and regional organizations in North Dakota who have an active interest in water.

At our annual meeting in December, the North Dakota Water Users Association passed a resolution supporting the aggressive prevention of aquatic nuisance species (ANS) from harming North Dakota waters as outlined in the North Dakota Aquatic Species Management Plan prepared by the Aquatic Invasive Species Committee, as well as adequate funding for ANS education and enforcement.

In bodies of water where ANS have become established, they are expensive to combat and difficult or nearly impossible remove.

This is not just a sportsmen issue. ANS can and will greatly impact industry in the state by lowering water quality and infiltrating water intakes. These intakes provide water to regional water suppliers as well as refineries, ethanol plants, irrigation operations, and power plants, to name just a few. If these intakes were obstructed or clogged by an aquatic nuisance species, the cost of repair and eradication would greatly exceed the cost of prevention. These species reproduce so quickly they clog entire power plants, public water intakes and pipes, and constrict flow reducing the intake in heat exchangers, condensers, firefighting equipment, and air conditioning and cooling systems. If water supply systems must keep intakes and pipelines clear of ANS, that cost will pass to the consumer in the form of higher rates.

Our state has already invested millions of dollars in water projects and many of these projects would be at risk if aquatic nuisance species were not prevented from entering our waters.

If North Dakota waters were to become infested, it would be less attractive for energy, energy by-product, and industrial development, due to the unavailability of an adequate supply of water for such purposes. This would also make it more difficult to increase employment and economic opportunities for our state and local communities.

Please give SB 2293 a DO PASS recommendation. Thank you for allowing me to speak with you.



House Energy and Natural Resources Committee  
Information on SB 2293

North Dakota Game and Fish Department  
Kim Kary, Chief Administrative Services Division  
March 8, 2019

Chairman Porter and members of the House Energy and Natural Resources committee, my name is Kim Kary, Chief of Administrative Services Division of the North Dakota Game and Fish Department and I am providing information on SB 2293.

The Department recognizes and appreciates the intentions of this bill as we need to protect waters of the state from the adverse effects of aquatic nuisance species (ANS) infestations. The North Dakota Aquatic Nuisance Species Management Plan was signed in December 2018 by Governor Burgum. This plan outlines many activities that need to be addressed to substantially reduce the risk of introduction and spread of ANS into and within North Dakota and SB 2293 addresses some of those actions. We recognize that although we've collectively addressed many ANS actions and activities needed to slow down its spread, we also recognize more needs to be done.

The Game and Fish Department (Department) is a special fund agency using only licensing revenue (hunting, fishing, and boat registrations) and federal funding.

Per NDCC 20.1-02-17, Hunting and fishing license fees and application fees may only be used for departmental programs and administration. Noncompliance will result in a diversion of funds. A diversion of funds can also occur when there is a loss of control of those funds by the Department. A diversion would result in the Department not being able to receive *any* Federal funds from the USFWS (approx. \$32M).

The original bill had some problematic language which would've resulted in a loss of control putting the department in a diversion of funds. The language was corrected by replacing the word "must" with "may" in the amended version.

On page 2, lines 1-4, of this bill, the premise of investing the fifteen-million-dollar balance under the supervision of the state investment board was part of our appropriation bill draft by OMB, submitted to Legislative Council and it has been included by the Senate in our appropriation bill SB 2017. However, page 2, lines 5-7, were not included in our appropriation bill passed by the Senate. It is the Department's intent to put a portion of the interest income toward ANS.

Finally, in Section 3, this bill as amended would require:

1. a surcharge of three dollars on each resident fishing license (except for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran as defined in section 20.1-03-12(6)).
  - We would like to express, it was the intent that the three-dollar surcharge would apply toward a combination license and our fiscal note was calculated including it. We wanted to get the committee's thoughts whether the language is clear regarding that the surcharge applies to a combination license.
2. a surcharge of six dollars on each nonresident fishing license and each nonresident waterfowl hunting license.

Chairman Porter and committee members, I would be happy to answer any questions.



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

Page 1, line 2, after "20.1-03" insert ", a new section to chapter 20.1-13, and two new subsections to section 20.1-03-12"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, replace "- Continuing appropriation" with "**Appropriation**"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and sections 5 and 6"

Page 1, line 12, replace "All moneys" with "Moneys"

Page 1, line 12, after "department" insert "upon budget section approval"

Page 1, line 13, after the underscored period insert "Budget section approval under this section must comply with the new section to chapter 54-35 as created by section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative assembly."

Page 2, after line 7, insert:

**"SECTION 3.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars every three years.

**SECTION 4.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 11, after "on" insert "a combination license and on"

Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"

Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, after line 17, insert:

**"SECTION 6.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

#1  
3-21-19  
SB 2293

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee must accompany each application for a number and license under section 20.1-13-03.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner or operator shall apply to the department for an aquatic nuisance species sticker, and the application must be accompanied by the fee. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 7. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of carrying out aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. Moneys deposited in the aquatic nuisance species program fund must be transferred to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

In lieu of the amendments adopted by the House as printed on pages 1262 and 1263 of the House Journal, Engrossed Senate Bill No. 2293 is amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, replace the first "and" with a comma

Page 1, line 3, after "licenses" insert ", and requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, replace "**Continuing appropriation**" with "**Appropriation**"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and sections 4 and 5"

Page 1, line 12, replace "All moneys" with "Moneys"

Page 1, line 12, after "department" insert "upon budget section approval"

Page 1, line 13, after the underscored period insert "Budget section approval under this section must comply with the new section to chapter 54-35 as created by section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative assembly."

Page 2, after line 7, insert:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.
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

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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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.

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37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 11, after "on" insert "a combination license and on"

Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"



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Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, after line 17, insert:

"**SECTION 5.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 6. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of carrying out aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. Moneys deposited in the aquatic nuisance species program fund must be transferred to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

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

Renumber accordingly

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2293

Introduced by

Senators Oehlke, Kreun, J. Roers

Representatives Jones, Mock, Porter

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

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

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

12 Aquatic nuisance species program fund - ~~Continuing appropriation~~Appropriation.

13 There is created in the state treasury a special fund known as the aquatic nuisance species  
14 program fund. The fund consists of transfers and deposits made in accordance with sections 2-  
15 and 3section 20.1-02-16.1 and sections 4 and 5 of this Act. All moneysMoneys in the fund are  
16 appropriated to the game and fish department upon budget section approval for use in aquatic  
17 nuisance species education, inspection, and monitoring programs under chapter 20.1-17.  
18 Budget section approval under this section must comply with the new section to chapter 54-35  
19 as created by section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative  
20 assembly.

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

1 **20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.**

2 1. All income of the state game and fish department deposited by the director with the  
3 state treasurer must be credited to the state game and fish fund and the fund may be  
4 used only by the department. All money derived from the investment of the fund,  
5 special accounts, or portions of the fund ~~must~~ may be credited to the game and fish  
6 department private land habitat and access improvement fund. The department shall  
7 spend moneys in the game and fish fund within the limits of legislative appropriations,  
8 only to the extent the balance of the fund is not reduced below fifteen million dollars,  
9 unless otherwise authorized by the budget section.

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

17 **SECTION 3. AMENDMENT.** Section 20.1-03-12 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 fees collected under this section for licenses and permits must be deposited with the  
21 state treasurer and credited to the game and fish fund, except aquatic nuisance species fees  
22 must be deposited with the state treasurer and credited to the aquatic nuisance species  
23 program fund. Forty-five dollars of each nonresident big game hunting license fee must be used  
24 for the private land initiative. The various license and permit fees are as follows:

25 1. For a resident, age sixteen and over, small game hunting license, ten dollars.

26 2. For a nonresident small game hunting license, one hundred dollars.

27 3. For a resident big game hunting license, thirty dollars, except the fee for a licensee  
28 under age sixteen is ten dollars, except as provided in a gubernatorial proclamation  
29 issued pursuant to section 20.1-08-04.1.

30 4. Except for a nonresident who participates on the same basis as a resident in a lottery  
31 for deer licenses remaining after the second lottery for residents under subsection 4 of



- 1 section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty  
2 dollars, and for a nonresident bow license, two hundred fifty dollars, and a  
3 nonrefundable five dollar application fee must accompany any lottery license fee under  
4 this subsection, except as provided in a gubernatorial proclamation issued pursuant to  
5 section 20.1-08-04.1. For a nonresident who participates on the same basis as a  
6 resident in a lottery for deer licenses remaining after the second lottery for residents,  
7 fifty dollars.
- 8 5. For a resident fur-bearer license, fifteen dollars.
- 9 6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years  
10 or over, a resident totally or permanently disabled, or a resident disabled veteran who  
11 has a fifty percent service-connected disability as determined by the department of  
12 veterans' affairs or has an extra-schedular rating to include individual unemployment  
13 that brings the veteran's total disability ratio to fifty percent, the license fee is five  
14 dollars.
- 15 7. For a nonresident fishing license, forty-five dollars.
- 16 8. For a resident husband and wife fishing license, twenty-two dollars.
- 17 9. For a nonresident nongame hunting license, fifteen dollars.
- 18 10. For a resident wild turkey permit, fifteen dollars.
- 19 11. For an annual general game license, three dollars.
- 20 12. For a license to a nonresident buyer or shipper of green furs, or that person's agent,  
21 the amount that the nonresident buyer or shipper of green furs would pay for a  
22 nonresident buyer or shipper of green furs license or comparable license in that  
23 person's state of residence, or fifty dollars, whichever is greater.
- 24 13. For a license to a resident buyer or shipper of green furs, eight dollars for each place  
25 of business maintained by that person within this state.
- 26 14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty  
27 dollars.
- 28 15. For an annual license to practice taxidermy, twenty-five dollars.
- 29 16. For a permit to ship, by a person having a resident hunting license, during the  
30 respective open seasons, not to exceed in any one season twenty-five game birds, to

- 1 points within this state other than that person's home or to points outside this state,
- 2 three dollars.
- 3 17. For a permit to make collections of protected birds and animals for scientific purposes,
- 4 ten dollars.
- 5 18. For a motorboat certificate of number and license: Each motorboat under sixteen feet
- 6 [4.88 meters] in length, and all canoes, regardless of length, powered by a motor,
- 7 eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but
- 8 shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars.
- 9 Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five
- 10 dollars.
- 11 19. For the taking of undesirable fish from the waters of this state pursuant to section
- 12 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine
- 13 of fifty feet [15.24 meters] or any fraction thereof.
- 14 20. For a resident paddlefish tag annual license, ten dollars per tag.
- 15 21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per
- 16 tag.
- 17 22. For an annual resident license to sell minnows or other live bait at wholesale, fifty
- 18 dollars.
- 19 23. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except
- 20 the fee is seventy-five dollars if white suckers are sold.
- 21 24. For an annual license to operate a private fish hatchery, seventy-five dollars.
- 22 25. For a resident commercial frog license, fifty dollars.
- 23 26. For a nonresident commercial frog license, two hundred dollars.
- 24 27. For a resident frog license, three dollars.
- 25 28. For a resident husband and wife frog license, five dollars.
- 26 29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per
- 27 acre [.40 hectare] for each acre [.40 hectare].
- 28 30. For a nonresident waterfowl hunting license, one hundred dollars.
- 29 31. For a nonresident husband and wife fishing license, sixty dollars.
- 30 32. For a nonresident short-term three-day fishing license, twenty-five dollars.
- 31 33. For a nonresident fur-bearer and nongame hunting license, forty dollars.



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



1 56. For each motorboat operated on waters of this state and not licensed in this state, an  
2 aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

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

5 **Fishing and waterfowl license surcharge.**

6 The director shall establish a surcharge of three dollars on a combination license and on  
7 each resident fishing license except for ~~a~~the resident ~~who is~~ sixty-five years of age or older  
8 license, permanently or totally disabled license, or a disabled veteran license as defined in  
9 subsection 6 of section 20.1-03-12. The director also shall establish a surcharge of six dollars  
10 on each nonresident fishing license and each nonresident waterfowl hunting license issued  
11 under section 20.1-03-12. The collected surcharge fees must be deposited with the state  
12 treasurer and credited to the aquatic nuisance species program fund.

13 **SECTION 5.** A new section to chapter 20.1-13 of the North Dakota Century Code is created  
14 and enacted as follows:

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

- 17 1. For each motorboat operated on waters of this state, an aquatic nuisance species fee  
18 must be paid.
- 19 a. For each motorboat licensed in this state, the fee is due at the time of motorboat  
20 licensure.
- 21 b. For each motorboat operated on waters of this state and exempt from licensure  
22 in this state, the owner shall pay the fee and, after payment of the fee, must be  
23 issued an aquatic nuisance species sticker from the department. The sticker must  
24 be attached to the motorboat in a manner prescribed by the department so the  
25 sticker is clearly visible.
- 26 2. Fees collected under this section must be deposited with the state treasurer and  
27 credited to the aquatic nuisance species program fund.
- 28 3. A person who violates this section is guilty of a class 2 noncriminal offense.

29 **SECTION 6. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of  
30 any moneys in the state game and fish fund in the state treasury, not otherwise appropriated,  
31 the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish

1 department for the purpose of carrying out aquatic nuisance species education, inspection, and  
2 monitoring programs, for the period beginning with the effective date of this Act, and ending  
3 June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may  
4 be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game  
5 and fish department is authorized two full-time equivalent positions for this purpose. Moneys  
6 deposited in the aquatic nuisance species program fund must be transferred to the state game  
7 and fish fund to repay any moneys expended from the state game and fish fund under this  
8 section.

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

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R13

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FIRST ENGROSSMENT

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2293

Introduced by

Senators Oehlke, Kreun, J. Roers

Representatives Jones, Mock, Porter

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

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

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

11 **Aquatic nuisance species program fund - ~~Continuing appropriation~~Appropriation.**

12 There is created in the state treasury a special fund known as the aquatic nuisance species  
13 program fund. The fund consists of transfers made in accordance with ~~sections 2 and 3~~section  
14 20.1-02-16.1 and sections 5 and 6 of this Act. All moneysMoneys in the fund are appropriated to  
15 the game and fish department upon budget section approval for use in aquatic nuisance  
16 species education, inspection, and monitoring programs under chapter 20.1-17. Budget section  
17 approval under this section must comply with the new section to chapter 54-35 as created by  
18 section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative assembly.

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

21 **20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.**

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

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

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

13 **SECTION 3.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is  
14 created and enacted as follows:

15 For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen  
16 dollars every three years.

17 **SECTION 4.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is  
18 created and enacted as follows:

19 For each motorboat operated on waters of this state and not licensed in this state, an  
20 aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

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

23 **Fishing and waterfowl license surcharge.**

24 The director shall establish a surcharge of three dollars on a combination license and on  
25 each resident fishing license except for a the resident who is sixty-five years of age or older  
26 license, permanently or totally disabled license, or a disabled veteran license as defined in  
27 subsection 6 of section 20.1-03-12. The director also shall establish a surcharge of six dollars  
28 on each nonresident fishing license and each nonresident waterfowl hunting license issued  
29 under section 20.1-03-12. The collected surcharge fees must be deposited with the state  
30 treasurer and credited to the aquatic nuisance species program fund.



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1       **SECTION 6.** A new section to chapter 20.1-13 of the North Dakota Century Code is created  
2 and enacted as follows:

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

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

7       a. For each motorboat licensed in this state, the fee must accompany each  
8 application for a number and license under section 20.1-13-03.

9       b. For each motorboat operated on waters of this state and exempt from licensure  
10 in this state, the owner or operator shall apply to the department for an aquatic  
11 nuisance species sticker, and the application must be accompanied by the fee.  
12 The sticker must be attached to the motorboat in a manner prescribed by the  
13 department so the sticker is clearly visible.

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

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

17       **SECTION 7. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of  
18 any moneys in the state game and fish fund in the state treasury, not otherwise appropriated,  
19 the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish  
20 department for the purpose of carrying out aquatic nuisance species education, inspection, and  
21 monitoring programs, for the period beginning with the effective date of this Act, and ending  
22 June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may  
23 be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game  
24 and fish department is authorized two full-time equivalent positions for this purpose. Moneys  
25 deposited in the aquatic nuisance species program fund must be transferred to the state game  
26 and fish fund to repay any moneys expended from the state game and fish fund under this  
27 section.

28       **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.

April 8, 2019

SB2293

ATA

19.1073.02005  
Title.

Prepared by the Legislative Council staff for  
the House Appropriations - Government  
Operations Division Committee  
April 5, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

In lieu of the amendments adopted by the House as printed on pages 1262 and 1263 of the House Journal, Engrossed Senate Bill No. 2293 is amended as follows:

Page 1, line 1, remove "a new section to"

Page 1, line 2, replace "chapter 20.1-03" with ", a new section to chapter 20.1-13"

Page 1, line 3, replace "surcharges for fishing and waterfowl licenses" with "requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; and to declare an emergency"

Page 1, line 9, remove "**- Continuing appropriation**"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 4"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 17 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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.
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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.

38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

Page 2, replace lines 8 through 17, with:

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

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 5. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER -**

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

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

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment:

- Provides a 2017-19 biennium appropriation of \$467,100 from the game and fish fund and adds 2 FTE positions for aquatic nuisance species programs.
- Removes a continuing appropriation for the aquatic nuisance species program fund.
- Provides a \$1,300,000 appropriation from the aquatic nuisance species program fund to the Game and Fish Department for use in aquatic nuisance species education, inspection, and monitoring programs under Chapter 20.1-17.
- Removes language added by the Senate that allows investment income of the game and fish fund to be deposited in the aquatic nuisance species program fund.
- Adds a \$15 aquatic nuisance species fee to motorboat registrations and requires the fee to be deposited in the

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Att. A.

aquatic nuisance species program fund.

Transfers funds from the aquatic nuisance species fund to the game and fish fund to reimburse the fund for the appropriation provided for aquatic nuisance species programs.

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4.18.19  
#1

**Steinwand, Terry R.**

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**From:** Morrison, Angie M.  
**Sent:** Wednesday, April 17, 2019 1:04 PM  
**To:** Lance Gaebe; Steinwand, Terry R.  
**Subject:** SB2293 - \$15 Motorboat  
**Importance:** High

| <b>\$15 MOTORBOAT STICKER</b>      |                      | <b>19-21 Biennium</b> | <b>21-23 Biennium</b> |
|------------------------------------|----------------------|-----------------------|-----------------------|
|                                    | <b>ANS Surcharge</b> | <b>Est. Revenue</b>   | <b>Est. Revenue</b>   |
| Nonresident Fishing                | \$3                  | \$245,889*            | \$340,725             |
| Nonresident Waterfowl              | \$3                  | \$62,310*             | \$131,382             |
| Resident Fishing                   | \$2                  | \$406,446*            | \$500,302             |
| <b>Total Fishing/Waterfowl</b>     |                      | <b>\$714,645</b>      | <b>\$972,409</b>      |
|                                    |                      |                       |                       |
|                                    | <b>ANS Sticker</b>   |                       |                       |
| Out of State Motorboat Sticker Fee | \$15                 | \$247,500*            | \$360,000             |
| In State Motorboat Sticker Fee     | \$15                 | \$844,000             | \$303,000             |
| <b>Total Motorboat Sticker</b>     |                      | <b>\$1,091,500</b>    | <b>\$663,000</b>      |
|                                    |                      |                       |                       |
| <b>TOTAL</b>                       |                      | <b>\$1,806,145</b>    | <b>\$1,635,409</b>    |

\*Fishing and Waterfowl surcharge will begin 4/1/2020

\*Implementation is January 2020, so there is only 1 ½ years of revenue in the 19-21 Biennium.

Revenue fluctuates for in-state motorboat registrations due to the 3 year registration cycle.



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19.1073.02006

FIRST ENGROSSMENT

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2293

Introduced by

Senators Oehlke, Kreun, J. Roers

Representatives Jones, Mock, Porter

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

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

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

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

13 There is created in the state treasury a special fund known as the aquatic nuisance species  
14 program fund. The fund consists of transfers and deposits made in accordance with sections 2,  
15 and 3 section 20.1-02-16.1 and section 5 of this Act. All moneys in the fund are appropriated to  
16 the game and fish department for use in aquatic nuisance species education, inspection, and  
17 monitoring programs under chapter 20.1-17.

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

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

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

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#1

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

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

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

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

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

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

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

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



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

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

29 **Fishing and waterfowl license combination licenses surcharge.**

30 The director shall establish a surcharge of threetwo dollars on each resident fishing license  
31 and combination license except for a resident who is sixty-five years of age or older,

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1 permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section  
2 20.1-03-12. The director also shall establish a surcharge of ~~six~~three dollars on each nonresident  
3 fishing license and each nonresident ~~waterfowl~~combination hunting license issued under  
4 section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer  
5 and credited to the aquatic nuisance species program fund.

6 **SECTION 5.** A new section to chapter 20.1-13 of the North Dakota Century Code is created  
7 and enacted as follows:

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

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

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

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

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

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

22 **SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION.** There  
23 is appropriated out of any moneys in the state game and fish fund in the state treasury, not  
24 otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to  
25 the game and fish department for the purpose of administering aquatic nuisance species  
26 education, inspection, and monitoring programs, for the period beginning with the effective date  
27 of this Act, and ending June 30, 2019. The funding provided in this section is not subject to  
28 section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending  
29 June 30, 2021. The game and fish department is authorized two full-time equivalent positions  
30 for this purpose. The game and fish department shall transfer moneys deposited in the aquatic



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

3 **SECTION 7. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND.**

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

9 **SECTION 8. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1,  
10 2020.

11 **SECTION 9. EFFECTIVE DATE.** Section 4 of this Act becomes effective on April 1, 2020.

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Title.

Adopted by the Conference Committee

April 22, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

That the House recede from its amendments as printed on pages 1492-1496 of the Senate Journal and pages 1647-1651 of the House Journal and that Engrossed Senate Bill No. 2293 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, after "fishing" insert ", combination,"

Page 1, line 3, after "licenses" insert "and requiring aquatic nuisance species fees for motorboats"

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; to provide an effective date; and to declare an emergency"

Page 1, line 9, remove "**- Continuing appropriation**"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 5"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

**"SECTION 3. 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, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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:

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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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.

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37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 10, after "**Fishing**" insert "**, combination,**"

Page 2, line 11, replace "three" with "two"

Page 2, line 11, after "license" insert "and combination license"

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Page 2, line 14, replace "six" with "three"

Page 2, after line 17, insert:

"SECTION 5. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person that violates this section is guilty of a class 2 noncriminal offense.

**SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 7. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND.** There is appropriated out of any moneys in the aquatic nuisance species program fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the game and fish department for use in aquatic nuisance species education, inspection, and monitoring programs under chapter 20.1-17, for the period beginning with the effective date of this Act and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose.

**SECTION 8. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1, 2020.

**SECTION 9. EFFECTIVE DATE.** Section 4 of this Act becomes effective on April 1, 2020.

**SECTION 10. EMERGENCY.** Sections 6 and 7 of this Act are declared to be an emergency measure."



Renumber accordingly

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- 1 45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
- 2 46. For a nonresident spring white goose license, fifty dollars.
- 3 47. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two
- 4 dollars. An agent may not charge a service fee for issuing a resident or nonresident
- 5 certificate fee.
- 6 48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
- 7 49. For a nonresident wild turkey permit, eighty dollars.
- 8 50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- 9 51. For an annual class A nonresident license to sell minnows or other live bait at
- 10 wholesale, five hundred dollars.
- 11 52. For a resident early Canada goose season license, five dollars.
- 12 53. For a nonresident early Canada goose season license, fifty dollars.
- 13 54. For a resident disabled veteran combined general game, habitat stamp, small game,
- 14 and fur-bearer license, three dollars.
- 15 55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen
- 16 dollars valid concurrent with motorboat licensure.
- 17 56. For each motorboat operated on waters of this state and not licensed in this state, an
- 18 aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

19 **SECTION 4.** A new section to chapter 20.1-03 of the North Dakota Century Code is created  
20 and enacted as follows:

21 **Fishing, combination, and waterfowl license surcharge.**

22 The director shall establish a surcharge of two dollars on each resident fishing license and  
23 combination license except for <sup>the</sup> a resident who is sixty-five years of age or older <sup>license</sup> permanently or  
24 totally disabled <sup>license</sup> or a disabled veteran <sup>license</sup> as defined in subsection 6 of section 20.1-03-12. The  
25 director also shall establish a surcharge of three dollars on each nonresident fishing license and  
26 each nonresident waterfowl hunting license issued under section 20.1-03-12. The collected  
27 surcharge fees must be deposited with the state treasurer and credited to the aquatic nuisance  
28 species program fund.

29 **SECTION 5.** A new section to chapter 20.1-13 of the North Dakota Century Code is created  
30 and enacted as follows: