

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1538
(Representative Porter)

AN ACT to create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees, and the fishing conservation fund; to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide a continuing appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 20 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

20. ~~Adopt rules and issue~~Issue permits for conducting fishing contests involving public waters of the state in accordance with section 2 of this Act. ~~The director by rule shall define the term "fishing contest" and shall set criteria for which a fishing contest permit is required. The director may deny permits. No~~A person may not conduct a fishing contest on public waters without first receiving a permit issued by the director.

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

Fishing contests.

1. A "fishing contest" means an event at which a prize or cash is given to a contestant for catching fish from waters open to the public. The term includes high-value tag contests, fishing tournaments, biggest fish contests, contests providing a prize for the largest number or weight of fish, and fishing leagues and tournaments comprised of multiple fishing events which have a cumulative fee of fifty dollars or more per event. The term does not include:
 - a. A fishing event with fewer than fifty participants or fewer than fifteen boats for which an entry or participation fee of less than fifty dollars is charged.
 - b. An individual big fish promotion for which an entry or participation fee is not charged.
 - c. An organized youth fishing event if participants are under the age of nineteen or enrolled in a high school.
 - d. An online contest not held on a single body of water.
2. A fishing contest may not include a conservation fee if the fishing contest is held by a nonprofit veterans organization, charitable organization, educational organization, religious organization, fraternal organization, civic and service organization, or public-spirited organization, as those organizations are defined in chapter 53-06.1. A membership fee for a club or organization may not be classified as an entry fee or proceeds.
3. An organization desiring to hold a fishing contest shall submit an application to the director at least thirty days before the start of the contest. The application must list the recipient of the conservation fee and include a seventy-five dollar application fee. A conservation fee must be negotiated between the organization desiring to hold the fishing contest and a representative of the fishing league or fishing tournament.
4. The director may deny or revoke a permit if:

- a. The director believes the fishing contest does not or will not comply with the rules of the department or could be harmful to the fishing resource;
 - b. An agency with jurisdiction deems the public use facilities such as a boat ramp, parking area, campground, or related facilities are inadequate to support the contest; or
 - c. The committee or sponsors have failed to submit timely reports.
5. A permittee shall submit a report to the director within thirty days after completion of the fishing contest. The report must include the number of contest participants, the quantity and species of fish taken in the contest, and the total amount and recipient of the conservation fee. Failure to submit this report is justification for denial of future fishing contest permits.
6. The director may adopt rules to administer this section.

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

Nonresident license surcharge - Fishing conservation fund - Continuing appropriation.

1. Notwithstanding any other provision of law, the director shall establish a surcharge of five dollars on each nonresident fishing license issued under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the fishing conservation fund.
2. There is created in the state treasury a special fund known as the fishing conservation fund. The fund consists of all money deposited in the fund pursuant to this section. All money deposited in the fund is appropriated as a continuing appropriation to the game and fish department for the purpose of fishery conservation, public access projects, and grant programs relating to fish and wildlife conservation. The game and fish department may adopt rules in accordance with chapter 28-32 for the purpose of administering the fishing conservation fund.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on April 1, 2024.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1538.

House Vote: Yeas 85 Nays 6 Absent 3

Senate Vote: Yeas 44 Nays 2 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State