

**FIRST ENGROSSMENT
with House Amendments
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; to provide a penalty; to provide an appropriation; to provide for a transfer;
7 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 - 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 section 20.1-02-16.1 and
14 sections 5 and 6 of this Act. Moneys in the fund are appropriated to the game and fish
15 department upon budget section approval for use in aquatic nuisance species education,
16 inspection, and monitoring programs under chapter 20.1-17. Budget section approval under this
17 section must comply with the new section to chapter 54-35 as created by section 15 of Senate
18 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 the resident sixty-five years of age or older license,
26 permanently or totally disabled license, or a disabled veteran license as defined in subsection 6
27 of section 20.1-03-12. The director also shall establish a surcharge of six dollars on each
28 nonresident fishing license and each nonresident waterfowl hunting license issued under
29 section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer
30 and credited to the aquatic nuisance species program fund.

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.