

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1470

Introduced by

Representatives Bosch, Porter

Senator Patten

1 A BILL for an Act to amend and reenact sections 20.1-03-12, and 20.1-03-36.1, subsection 7 of
2 section 20.1-03-37, subsection 4 of section 20.1-03-38, and section 20.1-04-12.1 of the North
3 Dakota Century Code, relating to hunting, fishing, and gun dog activity fees and hunting guide
4 and outfitter licensing requirements.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

8 **20.1-03-12. Schedule of fees for licenses and permits.**

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

- 14 1. For a resident, age sixteen and over, small game hunting license, ~~ten~~twenty dollars.
- 15 2. For a nonresident small game hunting license, ~~one hundred~~one hundred fifty dollars.
- 16 3. For a resident big game hunting license, ~~thirty~~thirty-five dollars, except the fee for a
17 licensee under age sixteen is ten dollars, except as provided in a gubernatorial
18 proclamation issued pursuant to section 20.1-08-04.1.
- 19 4. Except for a nonresident who participates on the same basis as a resident in a lottery
20 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 fiftythree~~
~~hundred fifty~~ dollars, and for a nonresident bow license, ~~two hundred fiftythree~~
~~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~~twenty dollars.

6. For a resident fishing license, ~~sixteen~~twenty-five 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~~ten dollars.

7. For a nonresident fishing license, ~~forty-five~~sixty dollars.

8. For a resident husband and wife fishing license, ~~twenty-two~~forty dollars.

9. For a nonresident nongame hunting license, ~~fifteen~~twenty-five dollars.

10. For a resident wild turkey permit, ~~fifteen~~twenty 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~~forty 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

- 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~~thirty 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~~forty-five
9 dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes,
10 ~~forty-five~~sixty dollars.
- 11 19. For the taking of undesirable fish from the waters of this state pursuant to section
12 20.1-06-05, ~~fifteen~~thirty dollars for each hoop-net or trap, and ~~fifteen dollars for each~~or
13 seine of fifty feet [15.24 meters] or any fraction thereof.
- 14 20. For a resident paddlefish tag annual license, ~~ten~~fifteen dollars per tag.
- 15 21. For a nonresident paddlefish tag annual license, ~~twenty-five dollars and fifty-~~
16 ~~cents~~thirty-five dollars per tag.
- 17 22. For an annual resident license to sell minnows or other live bait at wholesale,
18 ~~fifty~~seventy dollars.
- 19 23. For an annual license to sell minnows or other live bait at retail, ~~fifteen~~twenty dollars,
20 except the fee is ~~seventy-five~~one hundred dollars if white suckers are sold.
- 21 24. For an annual license to operate a private fish hatchery, ~~seventy-five~~one hundred
22 dollars.
- 23 25. For a resident commercial frog license, ~~fifty dollars~~.
- 24 26. For a nonresident commercial frog license, ~~two hundred dollars~~.
- 25 27. For a resident frog license, ~~three dollars~~.
- 26 28. For a resident husband and wife frog license, ~~five dollars~~.
- 27 29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per
28 acre [.40 hectare] for each acre [.40 hectare].
- 29 30. For a nonresident waterfowl hunting license, ~~one hundred dollars~~.
- 30 31-26. For a nonresident husband and wife fishing license, ~~sixty~~one hundred dollars.
- 31 32-27. For a nonresident short-term three-day fishing license, ~~twenty-five~~forty dollars.

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- 1 ~~33.28.~~ For a nonresident fur-bearer and nongame hunting license, ~~forty~~fifty dollars.
- 2 ~~34.29.~~ For a combination license, ~~fifty~~sixty dollars.
- 3 ~~35.30.~~ For a white-tailed deer license sold to certified guides or outfitters and provided by
- 4 them to nonresidents, two hundred fifty dollars.
- 5 ~~36.31.~~ For a resident swan license, ten dollars.
- 6 ~~37.32.~~ For a nonresident swan license, ~~thirty~~fifty dollars.
- 7 ~~38.33.~~ For a resident sandhill crane license, ten dollars.
- 8 ~~39.34.~~ For a nonresident sandhill crane license, thirty dollars.
- 9 ~~40.~~ For a resident commercial clam license, ~~one hundred~~ dollars.
- 10 ~~41.~~ For a nonresident commercial clam license, ~~one thousand~~ dollars.
- 11 ~~42.~~ For a commercial clam dealer's permit, ~~two thousand~~ dollars. In addition, the applicant
- 12 shall submit to the director a surety bond in the sum of ~~two thousand~~ dollars.
- 13 ~~43.35.~~ For an annual class B nonresident license to sell minnows or other live bait at
- 14 wholesale, ~~two hundred fifty~~four hundred dollars.
- 15 ~~44.36.~~ For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 16 ~~45.37.~~ For a nonresident reciprocal trapping license, three hundred fifty dollars.
- 17 ~~46.38.~~ For a nonresident spring white goose license, fifty dollars.
- 18 ~~47.39.~~ For a resident certificate fee, ~~one dollar~~two dollars, and for a nonresident certificate
- 19 fee, ~~two~~five dollars. An agent may not charge a service fee for issuing a resident or
- 20 nonresident certificate fee.
- 21 ~~48.40.~~ For a nonresident short-term ten-day fishing license, ~~thirty-five~~fifty dollars.
- 22 ~~49.41.~~ For a nonresident wild turkey permit, ~~eighty~~one hundred dollars.
- 23 ~~50.42.~~ For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- 24 ~~51.43.~~ For an annual class A nonresident license to sell minnows or other live bait at
- 25 wholesale, ~~five hundred~~seven hundred fifty dollars.
- 26 ~~52.44.~~ For a resident early Canada goose season license, ~~five~~ten dollars.
- 27 ~~53.45.~~ For a nonresident early Canada goose season license, fifty dollars.
- 28 ~~54.46.~~ For a resident disabled veteran combined general game, habitat stamp, small game,
- 29 and fur-bearer license, ~~three~~ten dollars.
- 30 ~~55.47.~~ For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen
- 31 dollars valid concurrent with motorboat licensure.

56:48. 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.

SECTION 2. AMENDMENT. Section 20.1-03-36.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-36.1. Fee for guide or outfitter license.

1. The annual fee to receive a hunting guide license is one hundred dollars for a resident and four hundred dollars for a nonresident.
2. The annual fee to receive a fishing outfitter license is ~~one hundred~~two hundred fifty dollars for a resident and ~~four hundred~~five hundred dollars for a nonresident. The annual fee to receive a fishing outfitter license is ~~fifty~~one hundred twenty-five dollars for a resident and ~~two hundred~~two hundred fifty dollars for a nonresident if the individual applying for the license has paid for a hunting guide or outfitter license for the same year.
3. The annual fee for a resident to receive a hunting outfitter license is two hundred fifty dollars for under ten thousand acres [4046.86 hectares] and five hundred dollars for ten thousand acres [4046.86 hectares] and over on which the outfitter provides services. The annual fee for a nonresident to receive a hunting outfitter license is two thousand dollars. The acreage must be presented by the county with a list of lessors by county in every application for outfitter licensure. The annual permit fee for day leasing is two hundred dollars. The acreage day leased by county for the preceding year must be provided to receive a day leasing permit.
4. Except as otherwise provided in this subsection, a license is not required for a person to provide services on real property that person owns or leases for the primary pursuit of bona fide agricultural interests, for a nonprofit organization registered with the secretary of state, or for a person that acts as a booking agent for a person that legally conducts business as an outfitter. However, a person who has been convicted of a state or federal criminal game or fish violation within the last three years or whose license to hunt or fish is under suspension or revocation is not exempt from licensure and is subject to subsection 5 of section 20.1-03-37. A booking agent that refers an individual to an outfitter under this subsection may receive a fee or commission for the referral. The director shall determine the number of acres by county exempted from

licensure by this subsection and shall publish the results. The director shall provide written information to the public on the possible liability exposure for outfitting under this subsection and on the benefits of liability insurance and proper training. For purposes of this subsection, a booking agent means a person that receives only a fee for referring or marketing the services of a legal outfitter in this state.

SECTION 3. AMENDMENT. Subsection 7 of section 20.1-03-37 of the North Dakota Century Code is amended and reenacted as follows:

7. An applicant for a hunting guide or hunting outfitter license must have legally hunted ~~in this state~~ for part of each of any three years in a manner directly contributing to the individual's experience and competency as a guide. ~~The department may waive this requirement if the applicant proves that the applicant has legally hunted for parts of at least three years in other states and an outfitter employing that individual would suffer an undue hardship without that individual.~~

SECTION 4. AMENDMENT. Subsection 4 of section 20.1-03-38 of the North Dakota Century Code is amended and reenacted as follows:

4. The director may not issue a license to an individual to be a hunting guide or hunting outfitter unless the individual is proficient in the application of state and federal laws on the hunting of wild game. The director shall create and administer a written or electronic examination to test proficiency of hunting guides and outfitters in these laws. The director shall administer written examinations at least ~~twice~~three times a year; however, ~~an~~ a written examination may not be given to an individual within ~~ninety~~sixty days after the previous examination, unless an outfitter employing that individual would suffer an undue hardship without that individual.

SECTION 5. AMENDMENT. Section 20.1-04-12.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-04-12.1. Gun dog activities - Permit required - Fee.

1. The director shall issue a permit for the following gun dog activities:
 - a. The training exercises of a resident or nonresident professional trainer;
 - b. The training exercises of a nonresident amateur trainer who brings more than four gun dogs into the state; and
 - c. Hosting field trials that use live wild birds.

- 1 2. The application for the permit must be in a form prescribed by the director and must be
- 2 accompanied by the appropriate fee.
- 3 3. Upon the receipt of the completed application and fee the director shall issue a permit
- 4 for a specified period of time and shall require the permitholder to submit an annual
- 5 report.
- 6 4. The fees for the permits are:
- 7 a. For a resident professional gun dog trainer for training exercises or hosting field
- 8 trials, ~~ten~~twenty dollars.
- 9 b. For a nonresident professional or amateur gun dog trainer who brings more than
- 10 four gun dogs into the state for training exercises or hosting field trials, one
- 11 hundred dollars.
- 12 e. ~~For a permit to a nonresident amateur who brings more than four gun dogs into~~
- 13 ~~this state, twenty-five dollars.~~
- 14 5. For purposes of this section, a professional trainer is a person who trains any breed of
- 15 gun dog for remuneration that is the basis for that person's livelihood.