

HOUSE BILL NO. 1158
with Senate Amendments
HOUSE BILL NO. 1158

Introduced by

Representatives Schmidt, Boe, Dockter, Hatlestad, Hofstad, Porter, Silbernagel

Senators Armstrong, Bowman

1 A BILL for an Act to amend and reenact sections 20.1-03-17, 20.1-03-18, 20.1-03-19,
2 20.1-03-20, and 26.1-21-09.1 of the North Dakota Century Code, relating to the issuance of
3 game and fish licenses; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 20.1-03-17 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **20.1-03-17. Issuance of licenses - Who to issue -~~County auditor may appoint agents-~~**
8 **~~to receive service fees - Disposition of proceeds -Continuing appropriation.~~**

9 All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by ~~county auditors,~~
10 the director, deputy director, and bonded game wardens. The ~~county auditors, deputy director,~~
11 and each bonded game warden shall send the director all license fees. ~~For each license the~~
12 ~~county auditor issues, the county auditor shall collect the authorized charges and record them in~~
13 ~~the county auditor's record of cash received. Unless the county auditor and the board of county~~
14 ~~commissioners execute a written agreement providing for the disposition of compensation for~~
15 ~~the issuance of licenses, the county auditor is entitled to be reimbursed, as compensation,~~
16 ~~twenty five cents for the issuance of each of the first one thousand resident hunting, fishing, or~~
17 ~~fur-bearer licenses issued each year and fifteen cents for the issuance of each resident hunting,~~
18 ~~fishing, or fur-bearer license issued in excess of the first one thousand licenses issued each~~
19 ~~year; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty five~~
20 ~~cents for the issuance of each nonresident fishing license; and ten cents for the issuance of~~
21 ~~each nonresident general game license. The compensation due for the issuance of licenses is~~
22 ~~hereby appropriated as a standing and continuing appropriation from the game and fish fund for~~
23 ~~the purposes of this section. By March 1, 2015, each county auditor shall implement a~~
24 ~~computerized online licensing system approved by the department. The county auditor is~~

1 responsible for any equipment, supplies, and technical support associated with selling licenses
2 online.

3 ~~The county auditor~~Upon request, the director may appoint agents~~the person making the~~
4 ~~request an agent~~ to distribute hunting and fishing licenses, ~~or stamps. A county auditor may not~~
5 ~~provide hunting or fishing licenses to agents located outside this state, but the~~The director may
6 provide licenses to agents located outside this state if there are no agents located a reasonable
7 distance within this state where nonresidents may obtain licenses. Upon request, the director
8 may appoint the county auditor of any county as an agent to distribute hunting and fishing
9 licenses. The director ~~and county auditor~~ may require agents~~an agent~~ to show evidence of
10 adequate financial security before the agents ~~are~~agent is appointed. Adequate financial security
11 may be evidenced by a letter of credit, cash deposit, or bond. Agents may be bonded through
12 the state bonding fund. The agents may charge purchasers a service fee of fifty cents for each
13 license. Service fees may be retained by the agent. The agent shall return the remainder of the
14 license fees to the ~~county auditor for deposit with the county treasurer, or to the director if the~~
15 ~~agent is appointed by the director, at least once each month, and not later than three days after~~
16 ~~the close of the month.~~ Notwithstanding section 26.1-21-11, if a claim against the state bonding
17 fund is not filed within sixty days of the expiration of the reporting period provided in this section,
18 the claim is waived. Deposits are to be accompanied by a report showing the amounts received
19 from the sale of each type of license, the amount retained, and the net amounts deposited. ~~The~~
20 ~~county treasurer shall credit the fees so deposited to a separate account and shall hold the~~
21 ~~fees, subject to warrant for payment thereof drawn by the county auditor in favor of the director.~~
22 The director shall deposit all license ~~or stamp~~ fees received with the state treasurer to be
23 credited to the game and fish fund. ~~By March 1, 2016, each~~Each agent appointed by a county
24 ~~auditor~~ to distribute hunting and fishing licenses ~~or stamps~~ shall implement a computerized
25 online licensing system approved by the department. The agent is responsible for any
26 equipment, supplies, and technical support associated with selling licenses online.

27 **SECTION 2. AMENDMENT.** Section 20.1-03-18 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **20.1-03-18. ~~County auditors~~Agents to file applications and stubscertain licenses -**
2 **Game officials may inspect file - Return of unused supplies.**

3 ~~Each county auditor~~For licenses not issued through the computerized online licensing
4 system, each agent appointed to distribute hunting and fishing licenses shall keep on file a
5 record of each license applications ~~the auditor receives and all the stubs of licenses the auditor~~
6 ~~issues~~received from the director. These applications and stubslicenses may be inspected at any
7 time by the director or the director's duly authorized deputies and wardens. ~~Within thirty days~~
8 ~~after the close of each open season, the auditor~~Each agent shall transmit~~return~~ to the director
9 all applications, ~~stubs,~~ and unused or mutilated licenses ~~covering that open season~~ and tags
10 within thirty days after the close of the season for which the license was valid.

11 **SECTION 3. AMENDMENT.** Section 20.1-03-19 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **20.1-03-19. ~~When reports and remittances to be made~~Remittances by county**
14 **~~auditors~~agents to the director.**

15 ~~Each county auditor, on the first day of February and August of each year, and within thirty~~
16 ~~days after the close of each open season, shall make a complete report of all license sales to~~
17 ~~the director on forms furnished by the director, accompanied by a warrant drawn on the county~~
18 ~~treasurer to cover such report.~~At the beginning of each month, the director shall provide each
19 agent appointed to distribute hunting and fishing licenses a statement reporting the agent's
20 license sales for the previous month. By the fifteenth of each month, the agent shall remit to the
21 director the funds collected for license sales for the preceding month.

22 **SECTION 4. AMENDMENT.** Section 20.1-03-20 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **20.1-03-20. Bonds of ~~county auditors and agents~~ applicable to duties imposed by this**
25 **title.**

26 The official bond of ~~each county auditor and of each agent~~ bonded through the state
27 bonding fund and appointed by the ~~county auditor~~director to distribute hunting and fishing
28 licenses or stamps applies to all duties required of ~~county auditors and agents~~ under this title,
29 including the liability for all moneys required to be collected or received by ~~county auditors and~~
30 agents under this title for the issuance of licenses.

1 **SECTION 5. AMENDMENT.** Section 26.1-21-09.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **26.1-21-09.1. Bonds of agents appointed to distribute hunting and fishing licenses or**
4 **stamps - Premiums - Determination of eligibility.**

5 The annual premium for a bond of an agent appointed by ~~a county auditor~~the director of the
6 game and fish department to distribute hunting and fishing licenses or stamps pursuant to
7 section 20.1-03-17 is ten dollars. The premium must be paid to the fund pursuant to rules
8 adopted by the commissioner. The commissioner shall deposit the premiums with the state
9 treasurer to the credit of the fund. The commissioner may reduce or waive the premium if it is
10 determined that funds received pursuant to this section are sufficient to cover potential claims
11 on the bonds of agents appointed to distribute hunting and fishing licenses or stamps. The
12 commissioner shall determine the conditions and qualifications of agents bonded under this
13 section. The amount of coverage afforded under this section is fifteen thousand dollars per
14 agent per year.

15 **SECTION 6. EFFECTIVE DATE.** This Act becomes effective on April 1, 2016.