

# GAME, FISH, PREDATORS, AND BOATING

## CHAPTER 210

### HOUSE BILL NO. 1395 (Representatives Carlson, Torgerson)

#### GAME AND FISH PUBLIC ACCESS PROGRAM

AN ACT to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to a public access program; to amend and reenact subsections 18 and 19 of section 20.1-02-05, subsection 41 of section 20.1-03-12, and section 20.1-03-12.1 of the North Dakota Century Code, relating to a public access program; and to repeal section 20.1-02-16.3 of the North Dakota Century Code and sections 2, 3, 4, 5, and 6 of chapter 278 of the 1989 Session Laws, relating to the small and big game habitat restoration trust fund.

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

**SECTION 1. AMENDMENT.** Subsections 18 and 19 of section 20.1-02-05 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

18. Provide for the funding of a private land habitat and access improvement program with moneys derived from the interest earned on the game and fish fund and habitat restoration stamp fees. The ~~state treasurer~~ director shall place ~~the interest money~~ these funds in a special fund called the "game and fish department private land habitat and access improvement fund".
19. Carry out a private land habitat and access improvement program by:
  - a. Entering into cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of ~~certain~~ local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
  - b. ~~Annual leasing~~ Leasing and development of developing fish and wildlife habitat or sport fishing areas on private land. Public access to leased land may not be prohibited.
  - c. Carrying out practices that will alleviate depredations caused by predatory animals and big game animals.
  - d. Publishing and selling a booklet on an annual basis describing lands that are open to public access in this state.

- e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish private land habitat and access improvement fund.

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

**Public access program - Private landowner assistance to promote public hunting access.**

1. The director may establish programs for landowner assistance that encourage public access to private lands for purposes of hunting.
2. Rules adopted by the director to implement this section may address:
  - a. A hunter management program consisting of a cooperative agreement between landowners and the department, and including other resource management agencies when appropriate, that allows public hunting with certain restrictions or use rules.
  - b. A hunting access enhancement program consisting of incentives for private landowners who allow public hunting access on their land.
  - c. Development of similar efforts outside the scope of the program that are designed to promote public access to private lands for hunting purposes.
3. The director may not structure a program in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting access to private land that is enrolled in the program. The director shall develop criteria by which tangible benefits are allocated to participating landowners, and the director may distribute the benefits to participating landowners. Benefits must be provided to offset potential impacts associated with public hunting access, including those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance.

**SECTION 3. AMENDMENT.** Subsection 41 of section 20.1-03-12 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

41. For a combination license, ~~twenty-five~~ twenty-seven dollars.

**SECTION 4. AMENDMENT.** Section 20.1-03-12.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-12.1. Habitat restoration stamp required - Use of revenue - No land purchases allowed.** A habitat restoration stamp is required for every resident and nonresident general game license for which a stamp fee of ~~three~~ five dollars must be charged. The habitat restoration stamp fee is in addition to the annual general game license fee charged under section 20.1-03-12. No land may be purchased with habitat restoration stamp moneys. All moneys generated by ~~the~~ habitat restoration stamp program, including the habitat restoration stamp print, the interest earned on ~~the habitat restoration stamp program, the interest earned on any unspent habitat~~

~~restoration stamp program funds, and any and all other moneys resulting from the habitat restoration stamp program fees must be placed in the game and fish private land habitat restoration stamp and access improvement fund and are intended to provide a fund to lease privately owned lands for wildlife habitat. Not more than ten percent of this fund may be used for administrative purposes. All other moneys generated by the habitat restoration stamp program must be used for lease payments. Any moneys generated by the habitat restoration stamp program and not expended during a biennium must be expended for the same purposes during the next biennium. Any land needed for reestablishing the wildlife population and habitat may be leased for periods up to six years, but no more than forty acres [46.19 hectares] in any section [259.00 hectares] of land may be leased for these purposes. Hunting may not be prohibited on these lands. In those judicial districts encompassing the historically prime pheasant range, as determined by the director, fifty percent of the expenditures within that judicial district must be for pheasant restoration and enhancement.~~

**SECTION 5. REPEAL.** Section 20.1-02-16.3 of the 1995 Supplement to the North Dakota Century Code and sections 2, 3, 4, 5, and 6 of chapter 278 of the 1989 Session Laws are repealed.

**SECTION 6. TRANSFER.** The state treasurer shall transfer the balance of the small and big game habitat restoration trust fund to the game and fish department private land habitat and access improvement fund on August 1, 1997.

Approved March 25, 1997  
Filed March 25, 1997

**CHAPTER 211****HOUSE BILL NO. 1056**

(Legislative Council)  
(Government Organization Committee)

**WETLANDS MEDIATION ADVISORY BOARD  
ELIMINATED**

AN ACT to repeal sections 20.1-02-18.4, 20.1-02-18.5, and 20.1-02-18.6 of the North Dakota Century Code, relating to the wetlands mediation advisory board.

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

**SECTION 1. REPEAL.** Sections 20.1-02-18.4, 20.1-02-18.5, and 20.1-02-18.6 of the North Dakota Century Code are repealed.

Approved March 7, 1997

Filed March 10, 1997

## CHAPTER 212

### HOUSE BILL NO. 1172

(Representatives Wald, Carlson, Freier)  
(Senators Naaden, Solberg, Urlacher)

## NONRESIDENT LANDOWNER PREFERENCE DEER LICENSES

AN ACT to amend and reenact subsections 3 and 4 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

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

<sup>1</sup> **SECTION 1. AMENDMENT.** Subsections 3 and 4 of section 20.1-03-11 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a ~~resident person~~ who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer without charge, or if that person is a nonresident upon payment of the fee requirement for a nonresident big game license, upon filing an affidavit describing that land. The land must be within a unit open for the hunting of deer. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt deer only upon that land. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A ~~resident person~~ who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with ~~the resident that person,~~ but no more than one license may be issued under this subsection for any qualifying land. A ~~resident person~~ transferring eligibility under this subsection may not receive a license under this subsection for the season for which the eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.
4. One percent of the total deer licenses and permits to hunt deer with guns to be issued in any unit or subunit as described in the governor's proclamation, including licenses issued to nonresidents under subsection 3, must be allocated for nonresidents.

Approved March 20, 1997  
Filed March 20, 1997

---

<sup>1</sup> Section 20.1-03-11 was also amended by section 1 of Senate Bill No. 2137, chapter 215; section 1 of House Bill No. 1214, chapter 214; section 1 of House Bill No. 1202, chapter 213; and section 1 of House Bill No. 1396, chapter 216.

## CHAPTER 213

### HOUSE BILL NO. 1202

(Representatives Brown, Carlson, Hanson, Kempenich)  
(Senators O'Connell, Traynor)

### LANDOWNER PREFERENCE ELK LICENSES

AN ACT to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to landowner preference licenses to hunt elk and the governor's proclamation concerning the hunting of elk; and to declare an emergency.

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

<sup>2</sup> **SECTION 1. AMENDMENT.** Subsection 7 of section 20.1-03-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt elk upon filing an affidavit describing that land and payment of the fee requirement for a resident big game license. The land must be within a unit open for the hunting of elk. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt elk within the district or unit in which the land described in the affidavit is located. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection is not eligible to apply for a license to hunt elk in future years but is eligible to participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The governor's proclamation may restrict the districts or units for which preferential licenses may be issued under this subsection. However, the governor shall give primary consideration to allowing preferential licenses under this subsection to be issued to persons owning or leasing land in the following areas: that portion of township one hundred forty-seven north, range ninety-five west which is north and west of state highway ~~twenty-two~~ 22; township one hundred forty-six north, range ninety-six west; township one hundred forty-seven north, range ninety-six west; township one hundred forty-eight north,

---

<sup>2</sup> Section 20.1-03-11 was also amended by section 1 of Senate Bill No. 2137, chapter 215; section 1 of House Bill No. 1172, chapter 212; section 1 of House Bill No. 1214, chapter 214; and section 1 of House Bill No. 1396, chapter 216.

range ninety-six west; township one hundred forty-six north, range ninety-seven west; township one hundred forty-seven north, range ninety-seven west; township one hundred forty-eight north, range ninety-seven west of the fifth principal meridian, in Dunn County; the west one-half of township one hundred forty-nine north, range ninety-five west; township one hundred forty-nine north, range ninety-six west, and township one hundred forty-nine north, range ninety-seven west of the fifth principal meridian, in McKenzie County; and other areas within a district or unit open for hunting of elk as prescribed in the governor's proclamation. The number of licenses issued under this subsection for each designated district or unit for hunting elk may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for each district or unit. If the number of applications for licenses to be issued under this subsection in a district or unit exceeds the maximum number of such licenses allocated to that district or unit, the licenses to be issued must be issued by lottery as prescribed in the governor's proclamation. A person who receives a license under this subsection is not eligible to apply for a license to hunt elk in future years but is eligible to participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6. Notwithstanding this subsection, if a person other than the transferee of license eligibility is unsuccessful in harvesting an elk under this subsection, that person may return the unused license to the department and is eligible to apply for, but not transfer, a one-time additional license to hunt elk in future years. A person who receives a second license under this subsection is not eligible to participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6. Licenses to hunt elk may not be issued under this subsection when the total number of licenses prescribed in the governor's proclamation is less than twenty. If a person receives a license under this subsection, the person's spouse, children, and parents living with the person are not eligible to receive a license under this subsection for the district or unit in which the land described in the affidavit is located, unless the person has sold or otherwise transferred the person's rights to the land described in the affidavit. The director may issue special elk depredation management licenses to landowners in designated areas around Theodore Roosevelt national park upon payment of the fee requirement for a resident big game license. The provisions of this section governing the number of licenses issued for each designated district or unit for hunting elk do not apply to special elk depredation management licenses and a person who receives such a license under this subsection is eligible to apply for a license to hunt elk in future years and is eligible to participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6.

**SECTION 2. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky mountain elk foundation raffle.** The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the rocky mountain elk foundation a license to hunt elk in a manner, places, and times as the governor prescribes. The rocky mountain elk foundation shall hold a raffle under rules adopted by the commissioner with only residents eligible to participate. No more than ten percent

of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds must be used for elk management and related projects in North Dakota as described under rocky mountain elk foundation policies and objectives. The rocky mountain elk foundation shall submit reports concerning the raffle as the commissioner requires. A Except for landowners who receive special elk depredation management licenses issued to landowners of subsection 7 of section 20.1-03-11 and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk through the rocky mountain elk foundation raffle in a lifetime.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 23, 1997

Filed March 24, 1997



## CHAPTER 214

### HOUSE BILL NO. 1214

(Representatives Wilkie, Olson, Hanson)  
(Senators Kelsh, O'Connell, Sand)

## LANDOWNER PREFERENCE MOOSE LICENSES

AN ACT to amend and reenact subsection 8 of section 20.1-03-11 of the North Dakota Century Code, relating to landowner preference moose hunting licenses.

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

<sup>3</sup> **SECTION 1. AMENDMENT.** Subsection 8 of section 20.1-03-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt moose without charge upon filing an affidavit describing that land. The land must be within a unit open for the hunting of moose. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt moose only upon that land. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or a legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit. If the number of eligible persons who apply for a license under this subsection exceeds the number of licenses available under this subsection, the licenses must be issued by lottery as prescribed in the governor's proclamation. A person who receives a license under this subsection and who is successful in harvesting a moose is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. Notwithstanding this subsection, if a person other than the transferee of license eligibility is unsuccessful in harvesting a

---

<sup>3</sup> Section 20.1-03-11 was also amended by section 1 of Senate Bill No. 2137, chapter 215; section 1 of House Bill No. 1172, chapter 212; section 1 of House Bill No. 1202, chapter 213; and section 1 of House Bill No. 1396, chapter 216.

moose under this subsection, that person may return the unused license to the department and is eligible to apply for, but not transfer an additional license to hunt moose in future years. A person who receives a second license under this subsection is not eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. If a person receives a license under this subsection, the person's spouse, children, and parents living with the person are not eligible to receive a license under this subsection for the district or unit in which the land described in the affidavit is located, unless the person has sold or otherwise transferred the person's rights to the land described in the affidavit. The governor's proclamation may restrict the area of land within a unit open for the hunting of moose for which a preferential license is issued under this subsection. If the proclamation restricts the area for issuance of preferential licenses, an applicant must own or lease land within the restricted area to be eligible to apply for a license to hunt moose upon payment of the fee required for a resident big game license. The license may be used to hunt moose within the entire unit in which the land described in the affidavit is located. A successful applicant from a restricted area may not return an unused license to regain eligibility for a license to hunt moose in future years.

Approved March 23, 1997  
Filed March 24, 1997

## CHAPTER 215

### SENATE BILL NO. 2137

(Senators Christmann, Heitkamp, Klein)  
(Representatives Brown, Gulleson, Murphy)

### LANDOWNER DEER HUNTING

AN ACT to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to deer hunting by landowners.

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

<sup>4</sup> **SECTION 1.** A new subsection to section 20.1-03-11 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

A person who holds a valid license to hunt deer may hunt the same species and sex of deer, for which that person's license is valid, on land in an adjoining unit for which that person would be eligible for a gratis deer license under subsection 3 of this section.

Approved March 21, 1997  
Filed March 21, 1997

---

<sup>4</sup> Section 20.1-03-11 was also amended by section 1 of House Bill No. 1172, chapter 212; section 1 of House Bill No. 1214, chapter 214; section 1 of House Bill No. 1202, chapter 213; and section 1 of House Bill No. 1396, chapter 216.

**CHAPTER 216****HOUSE BILL NO. 1396**  
(Representative Carlson)**NONRESIDENT MULE DEER HUNTING**

AN ACT to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to the hunting of mule deer by nonresidents.

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

<sup>5</sup> **SECTION 1.** A new subsection to section 20.1-03-11 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Fifteen percent of the total mule deer licenses and permits to hunt mule deer made available in the immediately preceding year for the regular gun season must be made available to nonresidents to hunt any deer with bow and arrow.

Approved April 3, 1997  
Filed April 3, 1997

---

<sup>5</sup> Section 20.1-03-11 was also amended by section 1 of Senate Bill No. 2137, chapter 215; section 1 of House Bill No. 1172, chapter 212; section 1 of House Bill No. 1214, chapter 214; and section 1 of House Bill No. 1202, chapter 213.

## CHAPTER 217

### HOUSE BILL NO. 1302

(Representative Carlson)

#### NONRESIDENT LICENSE VENDORS PROHIBITED

AN ACT to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to appointment of agents and use of out-of-state vendors by county auditors to sell game and fish licenses.

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

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

**20.1-03-17. Issuance of licenses - Who to issue - County auditor may appoint agents to receive service fees - Disposition of proceeds.** All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by county auditors, the director, deputy director, and bonded game wardens. The deputy director and each bonded game warden shall send the director all license fees. For each license the county auditor issues, the county auditor shall collect the authorized charges and record them in the county auditor's record of cash received. The county auditor shall retain, as compensation, twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and fifteen cents for the issuance of each resident hunting, fishing, or fur-bearer license issued in excess of the first one thousand licenses issued each year; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license.

The county auditor may appoint agents to distribute hunting and fishing licenses or stamps. However, a county auditor may not provide hunting licenses to agents located outside this state. The county auditor may require agents to show evidence of adequate financial security before the agents are appointed. Adequate financial security may be evidenced by a letter of credit, cash deposit, or bond. Agents may be bonded through the state bonding fund. The agents may charge purchasers a service fee of fifty cents for each license. Service fees may be retained by the agent. The remainder of the license fees must be returned to the county auditor, for deposit with the county treasurer, at least once each month, and not later than three days after the close of the month. Notwithstanding section 26.1-21-11, if a claim against the state bonding fund is not filed within sixty days of the expiration of the reporting period provided in this section, the claim is waived. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the director. The director shall deposit all license or stamp fees received with the state treasurer to be credited to the game and fish fund.

Approved March 25, 1997  
Filed March 26, 1997

**CHAPTER 218****HOUSE BILL NO. 1094**  
(Representatives Hanson, Olson)**GAME WARDEN ASSOCIATION MOOSE RAFFLE  
LICENSES**

AN ACT to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to the North Dakota game warden association raffle.

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

**SECTION 1. AMENDMENT.** Section 20.1-08-04.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.2. Governor's proclamation concerning the hunting of moose - North Dakota game warden association raffle.** The governor may by proclamation provide for a season to hunt moose in a manner, number, places, and times as the governor prescribes. Licenses to hunt moose must be issued by lottery, except as provided under subsection 8 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the North Dakota game warden association one license per year to hunt moose in a manner, places, and times as the governor prescribes. The North Dakota game warden association shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. The person who receives the license from the raffle may not transfer the license. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. Fifteen percent of all net proceeds must be remitted to the department and used for moose management and related projects in this state. All remaining net proceeds must be used for construction and maintenance of the North American wildlife enforcement officers association game warden museum located at the international peace garden. The governor may not make more than a total of ~~five~~ ten licenses available to the North Dakota game warden association under this section. A person may only receive one license to hunt moose issued by lottery and one license to hunt moose through the North Dakota game warden association raffle in a lifetime.

Approved March 7, 1997  
Filed March 10, 1997

## CHAPTER 219

### HOUSE BILL NO. 1196

(Representatives Nichols, Olson, Wilkie)  
(Senators Cook, Mutzenberger)

## MUZZLELOADING DEER HUNTING LICENSES

AN ACT to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to hunting deer with muzzleloading firearms.

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

**SECTION 1. AMENDMENT.** Section 20.1-08-04.5 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.5. Governor's proclamation concerning the hunting of deer with muzzleloading firearms.** The governor shall by proclamation provide for a one-week season following the regular deer hunting season to hunt deer with muzzleloading firearms in the manner, number, places, and times as the governor prescribes. Licenses to hunt deer with muzzleloading firearms must be issued by the director by lottery as prescribed by the director; ~~with a maximum of seven hundred licenses issued each season.~~ The director shall issue two percent of the total white-tailed deer gun licenses available each year to hunters with muzzleloading firearms. Of the two percent, one-half of the licenses issued may be antlered.

Approved March 23, 1997

Filed March 24, 1997

## CHAPTER 220

### HOUSE BILL NO. 1405

(Representatives Svedjan, Carlson, Henegar)  
(Senators St. Aubyn, Traynor)

## PRIVATE SHOOTING PRESERVE OPERATION

AN ACT to amend and reenact sections 20.1-12-05, 20.1-12-06, and 20.1-12-07 of the North Dakota Century Code, relating to the operation of private shooting preserves; and to repeal section 20.1-12-06.1 of the North Dakota Century Code, relating to harvest of game birds on private shooting preserves.

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

**SECTION 1. AMENDMENT.** Section 20.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-12-05. Operation of shooting preserve - Season - Search of premises permitted.** Any guest of a shooting preserve operator, ~~in possession of a general game license,~~ may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish that person's own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The exterior boundaries of each shooting preserve must be clearly defined and posted with signs erected around the extremity at intervals of three hundred feet [91.44 meters] or less. Each shooting preserve operator and that person's guest shall comply with and be subject to chapter 20.1-01. Shooting preserve operators may restrict or set the hours during which game birds may be hunted, subject to gubernatorial proclamation. The season for shooting preserves may be all or part of the ~~seven-month~~ nine-month period beginning ~~September~~ August first and ending ~~March thirty-first~~ April thirtieth of the following year. All permits must be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the director may enter and search the premises or any part thereof at any reasonable time to ensure compliance with state laws and the director's rules.

**SECTION 2. AMENDMENT.** Section 20.1-12-06 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-12-06. Game birds to be tagged.** Each shooting preserve operator shall tag all game birds harvested by guests before the birds are consumed or removed from the shooting preserve premises. ~~The tags must distinguish between birds released by the shooting preserve operator, and wild birds. Tags must be numbered consecutively, dated by year of issuance, and must be self-sealing.~~ The director shall provide tags to shooting preserve operators, at nominal cost to them. Once affixed, tags must remain attached until the game birds are prepared for consumption.

**SECTION 3. AMENDMENT.** Section 20.1-12-07 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-12-07. Guest register and records to be maintained.** Each shooting preserve operator shall maintain a guest register listing the guest's name and address, ~~the number of that person's North Dakota general game license,~~ the date on which the guest hunted, the number of game birds and species taken ~~and their tag~~



numbers, with wild birds and operator released birds listed separately. A record must also be maintained by each shooting preserve operator of the source of game released in the operator's preserve, the date of release, and the number and kind of game bird or species released. The records required by this section must be open for inspection by the director, the director's representative, or any law enforcement officer at any reasonable time.

**SECTION 4. REPEAL.** Section 20.1-12-06.1 of the North Dakota Century Code is repealed.

Approved March 25, 1997

Filed March 25, 1997