

Introduced by

Legislative Council

(Judiciary B Committee)

1 A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to
2 section 20.1-03-12 of the North Dakota Century Code, relating to resident waterfowl licenses;
3 and to amend and reenact sections 20.1-03-07.1 and 20.1-08-04 of the North Dakota Century
4 Code, relating to a limitation on the number of nonresident waterfowl hunters.

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

6 **SECTION 1.** A new section to chapter 20.1-03 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Resident fall waterfowl license.** A resident may not hunt waterfowl in the fall season
9 without obtaining a resident fall waterfowl hunting license. A resident may not obtain a resident
10 fall waterfowl license unless the resident obtains a habitat restoration stamp for each license.

11 **SECTION 2. AMENDMENT.** Section 20.1-03-07.1 of the North Dakota Century Code
12 is amended and reenacted as follows:

13 **20.1-03-07.1. Nonresident waterfowl hunting license required.**

14 1. Except as provided in sections 20.1-03-07.2 and 20.1-03-07.3, a nonresident may
15 not hunt waterfowl unless that person first obtains a nonresident waterfowl hunting
16 license, in addition to a nonresident small game hunting license.

17 2. The nonresident may obtain a license that entitles the nonresident to hunt before
18 November first and a license to hunt after October thirty-first or both. The
19 nonresident is entitled to purchase only one nonresident waterfowl hunting license
20 to hunt before November first per year and only one license after October
21 thirty-first per year.

22 3. The nonresident waterfowl hunting license to hunt before November first entitles
23 the nonresident to hunt waterfowl for fourteen consecutive days in one of four
24 zones or during any two periods of seven consecutive days each in a specified

1 zone of the four zones during each period. The first zone is the portion of this
2 state north of a line beginning at the intersection of the Red River and state
3 highway 200, proceeding west along state highway 200 to the intersection of
4 United States interstate 29, proceeding north along United States interstate 29 to
5 state highway 200, proceeding west along state highway 200 to the intersection
6 with United States highway 52, proceeding along United States highway 52 until its
7 intersection with United States highway 2, and proceeding along United States
8 highway 2 to its intersection with the Montana border; the second zone is the
9 portion of this state south of the first zone, north of United States interstate 94, and
10 east of a line beginning at the intersection of United States highway 83 and United
11 States interstate 94, proceeding north along United States highway 83 to the
12 border of the first zone; the third zone is the portion of this state south of the
13 second zone and east of a line beginning at the intersection of United States
14 highway 83 and the South Dakota border, proceeding north along United States
15 highway 83 to the intersection of United States interstate 94; and the fourth zone is
16 the portion of this state south of the first zone and west of the second and third
17 zones. The governor, in the governor's proclamation, shall set the number of
18 licenses which may be issued for each zone based on the hunting pressure
19 concept. The governor shall determine the manner in which the licenses are
20 issued.

- 21 4. The nonresident waterfowl hunting license to hunt after October thirty-first entitles
22 the nonresident to hunt waterfowl for any period of ~~fourteen consecutive days, any~~
23 ~~period of seven consecutive days, or any two periods of seven consecutive days~~
24 ~~each. A license authorizing the fourteen day hunting period allows hunting in a~~
25 ~~specified waterfowl hunting zone. A license authorizing one 7 day hunting period~~
26 ~~allows hunting statewide. A license authorizing two 7 day hunting periods allows~~
27 ~~hunting in a specified zone during each period. The governor, in the governor's~~
28 ~~proclamation, shall specify various waterfowl hunting zones for which nonresident~~
29 ~~waterfowl hunting licenses will be available, and may specify the number of~~
30 ~~licenses which may be issued in each zone and the manner in which they are to be~~
31 ~~issued. A nonresident is entitled to purchase only one nonresident waterfowl~~

~~hunting license per year~~ The total number of nonresident waterfowl hunting licenses issued after October thirty-first is fifteen percent of the licenses allowed to be issued before November first. The governor shall determine the manner in which the licenses are issued.

5. The governor shall determine the total number of nonresident waterfowl hunting licenses issued before November first by subtracting the number of resident waterfowl hunters of the previous fall season from the targeted hunting pressure for the current season, dividing the difference by the current hunting pressure factor, and increasing the quotient by forty percent. Notwithstanding the number determined by the formula, at least fifteen thousand nonresident waterfowl hunting licenses must be made available in any year. Targeted hunting pressure is the sum obtained by adding thirty-one thousand three hundred twenty-six and the product resulting from multiplying two thousand one hundred twenty-six ten-thousandths times the wetland index. The wetland index is the sum of current season wetlands counted during the May waterfowl breeding ground survey of semipermanent wetlands, permanent wetlands, manmade impoundments, dugouts, and permanent streams, multiplied by the current year expansion factor to provide a statewide index. The current hunting pressure factor is the average of the five most recent estimates of the daily average number of ducks harvested per nonresident hunter divided by the daily number of ducks harvested per resident hunter based on annual department hunter harvest surveys.

6. If there is an early fall duck season, the governor, in the governor's proclamation, shall prohibit a nonresident duck hunter from hunting for the first seven days of the season on land owned or private land enrolled by the department for the purpose of hunting or on land for which the department pays in lieu of tax payments.

SECTION 3. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a resident fall waterfowl license, one dollar.

SECTION 4. AMENDMENT. Section 20.1-08-04 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04. Contents of governor's order or proclamation relating to the taking of
big game, small game, fish, and fur-bearers - Special permits.**

1. A gubernatorial order or proclamation under this chapter must prescribe, as to each species of wildlife named ~~therein~~ in the order or proclamation, the following:
 - a. In what manner ~~they~~ the species may be taken.
 - b. In what numbers ~~they~~ the species may be taken and possessed and may limit the numbers by sex.
 - c. In what places ~~they~~ the species may be taken.
 - d. At what times ~~they~~ the species may be taken and possessed.
2. The governor in the governor's proclamation or order may determine the number of resident and nonresident big game licenses to be issued for the taking of each species, age, or sex. When a limited number of big game licenses or special permits are to be issued, the governor shall by order or proclamation declare the manner of issuance of the licenses and permits. The governor may by proclamation or order determine the time period for which a recipient of a big game license or special permit obtained by lottery is ineligible to apply for the same type of license or special permit.
3. In addition to the regular big game hunting licenses, the governor, by order or proclamation, may authorize the issuance of special permits to hunt big game in certain restricted areas. Special permits issued under this subsection must be issued in strict compliance with the governor's order or proclamation. When acting pursuant to this subsection, the governor shall designate in the proclamation:
 - a. The species of big game which can be hunted.
 - b. The boundaries of the restricted area.
 - c. The number of special permits to be issued.
 - d. The procedure to determine which applicants ~~should~~ receive the special permits.
 - e. The manner and times in which the big game may be taken.

~~Special permits issued under this subsection shall be issued in strict compliance with the governor's proclamation.~~