

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2048

Introduced by

Legislative Council

(Judiciary B Committee)

1 A BILL for an Act to amend and reenact sections 20.1-03-07.1 and 20.1-08-04 of the North  
2 Dakota Century Code, relating to a limitation on the number of nonresident waterfowl hunters.

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

4 **SECTION 1. AMENDMENT.** Section 20.1-03-07.1 of the North Dakota Century Code  
5 is amended and reenacted as follows:

6 **20.1-03-07.1. Nonresident waterfowl hunting license required.** Except as provided  
7 in sections 20.1-03-07.2 and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that  
8 person first obtains a nonresident waterfowl hunting license, in addition to a nonresident small  
9 game hunting license. The nonresident waterfowl hunting license entitles the nonresident to  
10 hunt waterfowl for any period of fourteen consecutive days, any period of seven consecutive  
11 days, or any two periods of seven consecutive days each. A license authorizing the  
12 fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license  
13 authorizing one 7-day hunting period allows hunting statewide. A license authorizing two 7-day  
14 hunting periods allows hunting in a specified zone during each period. The governor, in the  
15 governor's proclamation, shall specify various waterfowl hunting zones for which nonresident  
16 waterfowl hunting licenses will be available, and may specify the number of licenses which may  
17 be issued in each zone and the manner in which they are to be issued. The number of  
18 nonresident waterfowl hunting licenses issued is based on total hunting pressure. The  
19 governor shall determine total hunting pressure by categorizing each year of the preceding  
20 twenty-five years under dry, moderate, or wet wetland conditions and determining the average  
21 number of resident and nonresident hunters for those years under each category. The  
22 maximum number of nonresident waterfowl hunting licenses that may be issued is determined  
23 by applying the appropriate category average to the expected current season's condition, then  
24 subtracting from that average the previous season's number of resident hunters, and then

1 dividing that result by one and thirty-six hundredths. The governor may adjust the result by up  
2 to twenty-five percent in the governor's proclamation. A nonresident is entitled to purchase only  
3 one nonresident waterfowl hunting license per year.

4 **SECTION 2. AMENDMENT.** Section 20.1-08-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **20.1-08-04. Contents of governor's order or proclamation relating to the taking of**  
7 **big game, small game, fish, and fur-bearers - Special permits.**

- 8 1. A gubernatorial order or proclamation under this chapter must prescribe, as to  
9 each species of wildlife named ~~therein~~ in the order or proclamation, the following:
  - 10 a. In what manner ~~they~~ the species may be taken.
  - 11 b. In what numbers ~~they~~ the species may be taken and possessed and may limit  
12 the numbers by sex.
  - 13 c. In what places ~~they~~ the species may be taken.
  - 14 d. At what times ~~they~~ the species may be taken and possessed.
- 15 2. The governor in the governor's proclamation or order may determine the number of  
16 resident and nonresident big game licenses to be issued for the taking of each  
17 species, age, or sex. When a limited number of big game licenses or special  
18 permits are to be issued, the governor shall by order or proclamation declare the  
19 manner of issuance of the licenses and permits. The governor may by  
20 proclamation or order determine the time period for which a recipient of a big game  
21 license or special permit obtained by lottery is ineligible to apply for the same type  
22 of license or special permit.
- 23 3. In addition to the regular big game hunting licenses, the governor, by order or  
24 proclamation, may authorize the issuance of special permits to hunt big game in  
25 certain restricted areas. Special permits issued under this subsection must be  
26 issued in strict compliance with the governor's order or proclamation. When acting  
27 pursuant to this subsection, the governor shall designate in the proclamation:
  - 28 a. The species of big game which can be hunted.
  - 29 b. The boundaries of the restricted area.
  - 30 c. The number of special permits to be issued.

- 1                   d.    The procedure to determine which applicants ~~should~~ receive the special
- 2                   permits.
- 3                   e.    The manner and times in which the big game may be taken.
- 4                   ~~Special permits issued under this subsection shall be issued in strict compliance~~
- 5                   ~~with the governor's proclamation.~~