

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1058

Introduced by

Representatives DeKrey, Drovdal, Devlin

1 A BILL for an Act to amend and reenact sections 20.1-01-20 and 20.1-01-28, subsections 1 and
2 3 of section 20.1-01-29, subsection 3 of section 20.1-01-30, section 20.1-02-25, subsection 5 of
3 section 20.1-03-04, sections 20.1-03-07.1 and 20.1-03-07.3, subsections 2, 4, 5, 6, 7, and 8 of
4 section 20.1-03-11, section 20.1-03-11.2, subsections 3 and 4 of section 20.1-03-12, sections
5 20.1-03-30, 20.1-04-06, and 20.1-04-07, subsection 2 of section 20.1-04-11, sections
6 20.1-05-03, 20.1-06-03, and 20.1-06-06, subsection 2 of section 20.1-06-07, sections
7 20.1-06-08 and 20.1-06-12, subsection 1 of section 20.1-07-03.1, sections 20.1-07-05,
8 20.1-08-01, 20.1-08-02, 20.1-08-03, 20.1-08-04, 20.1-08-04.1, 20.1-08-04.2, 20.1-08-04.3,
9 20.1-08-04.4, 20.1-08-04.5, 20.1-08-04.6, 20.1-08-04.7, 20.1-08-04.8, 20.1-08-04.9,
10 20.1-08-04.10, 20.1-08-04.11, 20.1-08-05, and 20.1-12-05 of the North Dakota Century Code,
11 relating to game and fish proclamations of the governor.

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

13 **SECTION 1. AMENDMENT.** Section 20.1-01-20 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **20.1-01-20. Entering posted land with gun or firearm prima facie evidence of**
16 **intent to hunt game.** Proof that a person having a firearm, or other weapon declared legal by
17 ~~governor's proclamation~~ rule, in the person's possession entered upon the legally posted
18 premises of another without permission of the owner or tenant is prima facie evidence the
19 person entered to hunt or pursue game.

20 **SECTION 2. AMENDMENT.** Section 20.1-01-28 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **20.1-01-28. Certain game and fish violations noncriminal - Procedures.** Any
23 person who has been cited for a violation that is designated as a noncriminal offense in this title
24 or in related rules ~~or proclamations~~ may appear before a court of competent jurisdiction and pay

the statutory fee at or prior to the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. A person appearing at the time scheduled in the citation may make a statement in explanation of that person's action and the judge may at that time waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, that person has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the judge must be identical to the statutory fee established by section 20.1-01-30. Within ten days after forfeiture of bond or payment of the statutory fee, the judge shall certify to the director admission of the violation.

This section does not allow a halting officer to receive the statutory fee or bond.

SECTION 3. AMENDMENT. Subsections 1 and 3 of section 20.1-01-29 of the North Dakota Century Code are amended and reenacted as follows:

1. If a person cited for a violation that is designated as a noncriminal offense in this title or in related rules ~~or proclamations~~ does not choose to follow one of the procedures set forth in section 20.1-01-28, that person may request a hearing on the issue of the commission of the violation charged. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance.
3. The state must prove the commission of a charged violation at the hearing under this section by a preponderance of the evidence. If, after a hearing, the court finds that the person had committed a noncriminal violation of this title or of related ~~proclamations or rules~~, the court shall notify the department within ten days of the date of hearing.

SECTION 4. AMENDMENT. Subsection 3 of section 20.1-01-30 of the North Dakota Century Code is amended and reenacted as follows:

3. For violation of a rule ~~approved~~ adopted by the director ~~or of an order or proclamation issued by the governor~~, the amount set in the rule, ~~order, or proclamation~~ up to a maximum of two hundred fifty dollars.

SECTION 5. AMENDMENT. Section 20.1-02-25 of the North Dakota Century Code is amended and reenacted as follows:

1 **20.1-02-25. Meetings and duties.** Each board member shall hold a public meeting at
2 least twice each fiscal year in the board member's respective district to make presentations and
3 to determine the needs and the opinions of those interested in these activities. The board shall
4 meet at least twice each fiscal year. The board has the authority to advise the director
5 regarding any policy of hunting, fishing, and trapping regulations, and may make general
6 recommendations concerning the operation of the department and its programs that the director
7 may carry out. The board shall forward copies of its recommendations to the governor. ~~This~~
8 ~~section does not limit or restrict the powers, duties, and authority of the governor in the~~
9 ~~issuance of orders and proclamations as provided in chapter 20.1-08.~~

10 **SECTION 6. AMENDMENT.** Subsection 5 of section 20.1-03-04 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 5. Residents may fish without a resident fishing license on free fishing days. The
13 date of these free fishing days may be set by ~~proclamation~~ rule by the ~~governor~~
14 director.

15 **SECTION 7. AMENDMENT.** Section 20.1-03-07.1 of the North Dakota Century Code
16 is amended and reenacted as follows:

17 **20.1-03-07.1. (Effective through December 31, 2007) Nonresident waterfowl**
18 **hunting license required.** Except as provided in sections 20.1-02-05, 20.1-03-07.2, and
19 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a
20 nonresident waterfowl hunting license. The nonresident waterfowl hunting license entitles the
21 nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of
22 seven consecutive days each. A license authorizing the fourteen-day hunting period allows
23 hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods
24 allows hunting in a specified zone during each period. ~~The governor, in the governor's~~
25 ~~proclamation~~ director, by rule, shall specify various waterfowl hunting zones for which
26 nonresident waterfowl hunting licenses will be available, and may specify the number of
27 licenses which may be issued in each zone and the manner in which they are to be issued. A
28 nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.
29 The fourteen-day, seven-day, and two 7-day hunting period restrictions do not apply to
30 nonresidents hunting in Richland and Sargent Counties during the early September Canada
31 goose season.

(Effective after December 31, 2007) Nonresident waterfowl hunting license

required. Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. The nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. ~~The governor, in the governor's proclamation~~ director, by rule, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

SECTION 8. AMENDMENT. Section 20.1-03-07.3 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-07.3. Nonresident spring white goose license. A nonresident may purchase a nonresident spring white goose license to hunt white geese during a spring season as determined by ~~the governor by proclamation~~ rule. ~~The governor, in the governor's proclamation~~ director, by rule, may specify the number of licenses that may be issued and the manner in which they are to be issued. Nonresidents are not required to purchase any other license to hunt white geese during a spring white goose season. A nonresident is entitled to purchase only one nonresident spring white goose license per year; however, a nonresident may still purchase a nonresident waterfowl hunting license under section 20.1-03-07.1.

SECTION 9. AMENDMENT. Subsections 2, 4, 5, 6, 7, and 8 of section 20.1-03-11 of the North Dakota Century Code are amended and reenacted as follows:

2. The number of licenses issued, including those licenses issued without charge under the provisions of this section, shall not exceed the number of licenses authorized by ~~the governor's proclamation~~ rule issued pursuant to section 20.1-08-04.
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~~ by rule, including licenses issued to nonresidents under subsection 3, must be allocated for

nonresidents. Notwithstanding the number of licenses allocated under this subsection, upon payment of the fee requirement 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, a nonresident may participate on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents.

5. 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 antelope without charge upon filing a signed application describing that land. The land must be within a unit open for the hunting of antelope. The license must include a legal description of the eligible land described in the completed application and may be used to hunt antelope only upon that land. Upon request, a lessee shall provide proof that the land described in the completed application 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 may not receive a license under this subsection for the season for which eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued without charge under this subsection may not exceed the total number of licenses prescribed for each district or unit ~~in the governor's proclamation by rule~~. If the number of eligible persons who apply for licenses issued without charge under this subsection exceeds the number of licenses prescribed for the district or unit ~~in the governor's proclamation by rule~~ less any licenses that are otherwise designated to be issued with a charge under this subsection, the licenses to be issued without charge must be issued by lottery as prescribed ~~in the governor's proclamation by rule~~. If the number of licenses prescribed for the district or unit ~~in the governor's proclamation by rule~~ exceeds fifty and if the number of applications for these licenses exceeds the number of

licenses prescribed for the district or unit ~~in the governor's proclamation by rule~~, then one-half of the licenses exceeding fifty must be issued by lottery as prescribed ~~in the governor's proclamation by rule~~ and may not be issued to landowners without charge.

6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing and who receives or obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to convert one license to take any sex or species of deer in the unit or subunit for which the license is issued. Notwithstanding any other law or ~~any provision contained in the governor's proclamation rule~~ concerning the hunting of deer, a person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer regardless of whether that person received a license to hunt deer in any prior year.

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 a signed application 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 completed application and may be used to hunt elk within the district or unit in which the land described in the completed application is located. Upon request, a lessee shall provide proof that the land described in the completed application 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 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~~ Rules adopted by the director may restrict the districts or units for which preferential licenses may be issued under this subsection. However, the ~~governor~~ director 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 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, 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~~ by rule. 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~~ by rule 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~~ by rule. 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 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 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~~ by rule 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 completed application is located, unless the person has sold or otherwise transferred the person's rights to the land described in the completed application. 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 raffle under section 20.1-08-04.6.

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 a signed application 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 completed application and may be used to hunt moose only upon that land. Upon request, a lessee shall provide proof that the land described in the completed application 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

1 hunt moose in future years but is eligible to participate in the raffle under section
2 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is
3 entitled to receive the license. The number of licenses issued under this
4 subsection for a district or unit may not exceed fifteen percent of the total licenses
5 prescribed ~~in the governor's proclamation~~ by rule for that district or unit. If the
6 number of eligible persons who apply for a license under this subsection exceeds
7 the number of licenses available under this subsection, the licenses must be
8 issued by lottery as prescribed ~~in the governor's proclamation~~ by rule. A person
9 who receives a license under this subsection and who is successful in harvesting a
10 moose is not eligible to apply for a license to hunt moose in future years but is
11 eligible to participate in the raffle under section 20.1-08-04.2. Notwithstanding this
12 subsection, if a person other than the transferee of license eligibility is
13 unsuccessful in harvesting a moose under this subsection, that person may return
14 the unused license to the department and is eligible to apply for, but not transfer,
15 an additional license to hunt moose in future years. A person who receives a
16 second license under this subsection is not eligible to participate in the raffle under
17 section 20.1-08-04.2. If a person receives a license under this subsection, the
18 person's spouse, children, and parents living with the person are not eligible to
19 receive a license under this subsection for the district or unit in which the land
20 described in the completed application is located, unless the person has sold or
21 otherwise transferred the person's rights to the land described in the completed
22 application. ~~The governor's proclamation~~ Rules adopted by the director may
23 restrict the area of land within a unit open for the hunting of moose for which a
24 preferential license is issued under this subsection. ~~If the proclamation restricts~~
25 rules restrict the area for issuance of preferential licenses, an applicant must own
26 or lease land within the restricted area to be eligible to apply for a license to hunt
27 moose upon payment of the fee required for a resident big game license. The
28 license may be used to hunt moose within the entire unit in which the land
29 described in the completed application is located. A successful applicant from a
30 restricted area may not return an unused license to regain eligibility for a license to
31 hunt moose in future years.

SECTION 10. AMENDMENT. Section 20.1-03-11.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-11.2. Hunting outfitters - White-tailed deer licenses - Fees. The ~~governor~~ director shall make one-half of the antlered white-tailed deer licenses and permits allocated to nonresidents under subsection 4 of section 20.1-03-11, up to a maximum of one hundred licenses, available to hunting outfitters licensed in this state. A hunting outfitter may not purchase or obtain more than five white-tailed deer licenses under this section in any one year. A hunting outfitter shall pay the fee required for a white-tailed deer license sold to outfitters and provided by them to nonresidents for each license purchased under this section. A hunting outfitter may provide to nonresidents, for compensation, big game guiding and outfitting services and one white-tailed deer license per nonresident as provided in this section to hunt white-tailed deer in the manner, at the places, and during the times the ~~governor~~ director prescribes by ~~proclamation~~ rule.

SECTION 11. AMENDMENT. Subsections 3 and 4 of section 20.1-03-12 of the North Dakota Century Code are amended and reenacted as follows:

3. For a resident big game hunting license, twenty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided ~~in a gubernatorial proclamation issued pursuant to section 20.1-08-04.4~~ by rule.

4. Except 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 under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred dollars, and for a nonresident bow license, two hundred 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 20.1-08-04.4~~ by rule. 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.

SECTION 12. AMENDMENT. Section 20.1-03-30 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-30. Application for license issued by lottery - Forfeiture of fee if not eligible to apply. The fee remitted by any person who applies for a license issued by lottery,

1 when by any law or ~~proclamation~~ rule that person is ineligible to apply because of any waiting
2 period, is forfeited. The director shall notify the applicant that the applicant is ineligible for this
3 reason and the fee has been forfeited. The fees received by the department pursuant to this
4 section must be deposited in the state game and fish fund.

5 **SECTION 13. AMENDMENT.** Section 20.1-04-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **20.1-04-06. Possession limit of game birds.** No person may possess, control, ship,
8 transport, or store, can, or otherwise preserve, more than the number authorized ~~in the~~
9 ~~governor's proclamation~~ by rule of any species of game bird mentioned in this chapter.
10 However, properly tagged game birds legally taken out of state may be possessed, transported,
11 or shipped in state.

12 **SECTION 14. AMENDMENT.** Section 20.1-04-07 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **20.1-04-07. ~~Governor's proclamation~~ Rules concerning the taking of wild turkeys.**
15 The ~~governor~~ director may, by ~~proclamation~~ rule, provide for a permit season to take wild
16 turkeys in manner, number, places, and times deemed in the state's best interests.

17 **SECTION 15. AMENDMENT.** Subsection 2 of section 20.1-04-11 of the North Dakota
18 Century Code is amended and reenacted as follows:

- 19 2. From a floating craft, excluding a sinkbox, if such craft is beached, or fastened
20 within or tied immediately alongside any type of fixed hunting blind, or from such
21 craft resting at anchor if authorized by ~~governor's proclamation~~ rule.

22 **SECTION 16. AMENDMENT.** Section 20.1-05-03 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **20.1-05-03. Season for taking and transporting big game - Bag limit.** A person
25 having a big game hunting license as prescribed in this title may take, kill, and transport, during
26 the open or lawful season, one big game animal in this state. The open or lawful season on
27 deer and antelope begins at twelve noon central standard time and on elk, moose, and bighorn
28 sheep begins one-half hour before sunrise on any designated Friday as established by
29 ~~gubernatorial proclamation~~ rule in accordance with this title. This section does not prohibit the
30 transportation, shipment, or possession within this state of properly tagged big game legally
31 taken in other states.

1 **SECTION 17. AMENDMENT.** Section 20.1-06-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **20.1-06-03. Legal size of fish.** No person may take, catch, kill, or have in the person's
4 possession or under the person's control any fish smaller than that prescribed by ~~the governor's~~
5 ~~order and proclamation~~ rule. Any person catching a fish under the legal size limit shall
6 immediately return it to the water with as little harm as possible.

7 **SECTION 18. AMENDMENT.** Section 20.1-06-06 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **20.1-06-06. Illegal methods for taking fish.** No person except as provided in sections
10 20.1-06-04 and 20.1-06-05 may lay, set, or use any drug, poison, lime, medicated bait,
11 fishberries, dynamite, or other lethal or injurious substance whatever; or lay, stretch, or place
12 any tip-up snare, trap, set, or trotline, wire string, rope, or cable of any sort in any of the waters
13 of this state for the purpose of catching, taking, killing, or destroying any fish. However, any
14 person may take minnows by the use of a minnow trap or dip net not exceeding twenty-four
15 inches [60.96 centimeters] in diameter or thirty-six inches [91.44 centimeters] in depth. Except
16 as provided in this section, dip nets may only be used as an aid in landing fish which have been
17 legally taken by hook and line. One minnow trap per licenseholder, other than those holding a
18 bait vendor's license, may be used for the purpose of taking bait minnows. Such trap may not
19 be larger than specified in ~~the governor's proclamation~~ by rule and must be emptied at least
20 once every forty-eight hours.

21 **SECTION 19. AMENDMENT.** Subsection 2 of section 20.1-06-07 of the North Dakota
22 Century Code is amended and reenacted as follows:

- 23 2. Each unit must be removed from the ice by that date established by ~~the governor's~~
24 ~~proclamation~~ rule. Failure to remove a unit is deemed an abandonment and the
25 director may remove or destroy abandoned units.

26 **SECTION 20. AMENDMENT.** Section 20.1-06-08 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **20.1-06-08. ~~Governor's proclamation~~ Rules concerning spearfishing from dark**
29 **houses.** The ~~governor~~ director shall provide by ~~proclamation~~ rule for the taking of fish by
30 spearing through the ice from dark houses. Spearfishing seasons, and the species that may be
31 taken, must be by established methods provided for in ~~the governor's order or proclamation~~ by

1 rule. A nonresident may spearfish in this state if the nonresident's state of residence provides
2 the same privilege for residents of this state. The fishing license provided for in chapter 20.1-03
3 includes the privilege of spearfishing.

4 **SECTION 21. AMENDMENT.** Section 20.1-06-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **20.1-06-12. Regulations governing private fish hatcheries.** Any person operating a
7 private fish hatchery is not subject to fishing seasons, limits, legal size restrictions, or other
8 methods of taking fish as provided in ~~any governor's proclamation~~ by rule. The director may
9 adopt rules governing the operation of private fish hatcheries. No license is required of any
10 person for taking fish by angling at a licensed private fish hatchery operated in accordance with
11 the rules of the director. The hatchery operator shall furnish to each person taking fish a written
12 certificate in the form the director prescribes, giving the number and description of the fish taken
13 and other information as the director requires, whereupon the fish may be possessed, shipped,
14 or transported within the state in like manner as fish taken by residents under a license. The
15 director shall issue an annual license to operate the hatchery during a calendar year or a
16 portion of a year upon application and payment of the appropriate fee by the owner or operator.
17 The license may be suspended for noncompliance with the director's regulations.

18 **SECTION 22. AMENDMENT.** Subsection 1 of section 20.1-07-03.1 of the North
19 Dakota Century Code is amended and reenacted as follows:

- 20 1. The ~~governor~~ director shall establish by ~~proclamation~~ rule an upland snaring
21 season for the taking of coyotes.

22 **SECTION 23. AMENDMENT.** Section 20.1-07-05 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **20.1-07-05. Manner of taking protected fur-bearing animals restricted -**
25 **Destruction of property of others unlawful - Penalty.** It is unlawful to molest or destroy the
26 natural burrow, den, or retreat of any protected fur-bearer or to damage or injure the property of
27 another while taking or attempting to take that fur-bearer. The ~~governor, at the advice of the~~
28 ~~director, may~~ by proclamation rule may determine the manner in which fur-bearing animals may
29 be taken in accordance with this section. The director, by permit, may allow the taking of
30 fur-bearing animals for wildlife management purposes. Any person who violates this section is
31 guilty of a class 2 noncriminal offense.

1 **SECTION 24. AMENDMENT.** Section 20.1-08-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **20.1-08-01. ~~Orders and proclamations have force of law~~ Penalty for rule**
4 **violation.** ~~Any order or proclamation issued by the governor pursuant to this chapter has the~~
5 ~~force of law.~~ Any person who violates a ~~provision of such order or proclamation~~ rule adopted
6 under section 20.1-08-04 for which a noncriminal penalty is not provided for in the ~~order or~~
7 ~~proclamation~~ rule is guilty of a class B misdemeanor. The maximum noncriminal penalty that
8 may be set in ~~an order or proclamation~~ a rule is a fine of two hundred fifty dollars.

9 **SECTION 25. AMENDMENT.** Section 20.1-08-02 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **20.1-08-02. ~~Governor~~ Director may vary statutory open and closed season by**
12 **~~order or proclamation~~ rule.** Whenever the ~~governor, after investigation and recommendation~~
13 ~~by the director,~~ finds:

- 14 1. That any species of wildlife for which an open season is provided, are in danger of
15 depletion or extinction, or when necessary for proper protection during the
16 propagating period, the ~~governor may~~ director, by ~~order~~ rule, may provide
17 protection for that species additional to that provided by law.
- 18 2. That any species of wildlife have become sufficient in numbers to warrant an open
19 season, or to be detrimental, or a nuisance to the farmers of the state, the
20 ~~governor may~~ director, by ~~order~~ rule, may declare an open season thereon, or may
21 extend the open season provided by law.
- 22 3. That any species of fur-bearing animals have become sufficient in numbers to
23 warrant an open season or have become a menace to other species of wildlife in
24 the state, the ~~governor may~~ director, by ~~order~~ rule, may declare an open season
25 thereon, or may extend the open season provided by law.
- 26 4. That due to climatic conditions a hunting season may create a fire hazard, the
27 ~~governor may~~ director, by ~~order~~ rule, may close or postpone, and reopen, any
28 hunting season in areas where these conditions exist, upon reasonable notice
29 through the media. The emergency closing or postponement and reopening can
30 be accomplished without complying with section 20.1-08-05.

SECTION 26. AMENDMENT. Section 20.1-08-03 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-03. Limitations on ~~governor's~~ director's powers. The ~~governor~~ director may not establish bag limits on upland game birds by rule which exceed fifteen birds in the aggregate.

SECTION 27. 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~~ rules relating to the taking of big game, small game, fish, and fur-bearers - Special permits.

1. A ~~gubernatorial order or proclamation~~ rule under this chapter must prescribe, as to each species of wildlife named therein, the following:
 - a. In what manner they may be taken.
 - b. In what numbers they may be taken and possessed and may limit the numbers by sex.
 - c. In what places they may be taken.
 - d. At what times they may be taken and possessed.
2. The ~~governor in the governor's proclamation or order~~ director, by rule, 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~~ director, by rule, shall declare the manner of issuance of the licenses and permits. The ~~governor may by proclamation or order~~ director, by rule, may 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~~ director, by ~~order or proclamation~~ rule, may authorize the issuance of special permits to hunt big game in certain restricted areas. When acting pursuant to this subsection, the ~~governor~~ director shall designate in the ~~proclamation~~ rule:
 - a. The species of big game which can be hunted.
 - b. The boundaries of the restricted area.

- 1 c. The number of special permits to be issued.
- 2 d. The procedure to determine which applicants should receive the special
- 3 permits.
- 4 e. The manner and times in which the big game may be taken.

5 Special permits issued under this subsection shall be issued in strict compliance

6 with ~~the governor's proclamation~~ rules adopted by the director.

7 **SECTION 28. AMENDMENT.** Section 20.1-08-04.1 of the North Dakota Century Code

8 is amended and reenacted as follows:

9 **20.1-08-04.1. ~~Governor's proclamation~~ Rules concerning the hunting of bighorn**

10 **sheep - License recipients not eligible to apply again.** The ~~governor~~ director may by

11 ~~proclamation rule~~ provide for a season to hunt bighorn sheep in such manner, number, places,

12 and times as the ~~governor~~ director prescribes. Licenses to hunt bighorn sheep must be issued

13 by lottery; however, the ~~governor~~ director may by ~~proclamation rule~~ auction to the highest

14 bidder, whether resident or nonresident, a license to hunt bighorn sheep in such manner,

15 number, places, and times as the ~~governor~~ director prescribes. Upon payment of the

16 nonrefundable application fee required by section 20.1-03-12.2, a nonresident may participate

17 in the lottery. One license to hunt bighorn sheep may be issued to a nonresident participating

18 in the lottery. If a nonresident is issued a license to hunt bighorn sheep, no other nonresident

19 may be issued a license to hunt bighorn sheep through the lottery. If all of the licenses to hunt

20 bighorn sheep made available through the lottery are issued to residents, then a nonresident is

21 not eligible to be issued a license to hunt bighorn sheep through the lottery. Each person who

22 has received a license to hunt bighorn sheep is not eligible to apply for another bighorn sheep

23 license.

24 **SECTION 29. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code

25 is amended and reenacted as follows:

26 **20.1-08-04.2. ~~Governor's proclamation~~ Rules concerning the hunting of moose -**

27 **Raffle.** The ~~governor~~ director may by ~~proclamation rule~~ provide for a season to hunt moose in

28 a manner, number, places, and times as the ~~governor~~ director prescribes. Licenses to hunt

29 moose must be issued by lottery, except as provided under subsection 8 of section 20.1-03-11,

30 with only residents eligible to apply; however, the ~~governor~~ director may by ~~proclamation rule~~

31 make available to the North American wildlife enforcement memorial museum and educational

center and the rocky mountain elk foundation one license per year to hunt moose in a manner, places, and times as the ~~governor~~ director prescribes. The North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation 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. Fifty percent of all net proceeds must be used for elk management or other wildlife and in conservation-related projects in this state as described under rocky mountain elk foundation policies and objectives. All remaining net proceeds must be used for construction and maintenance of the North American wildlife enforcement memorial museum and educational center located at the international peace garden. The North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation shall submit reports concerning the raffle as the director requires. A person may only receive one license to hunt moose issued by lottery in a lifetime.

SECTION 30. AMENDMENT. Section 20.1-08-04.3 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.3. Governor's proclamation Rules concerning fishhouses. The ~~governor~~ director may by ~~proclamation~~ rule prescribe those areas where a fishhouse, used or to be used while ice fishing, or a dark house, used or to be used for spearfishing, is permitted. ~~Such proclamation~~ The rules may set forth the dates during which fishhouses or dark houses may be used or that date by which fishhouses or dark houses must be removed from the ice.

SECTION 31. AMENDMENT. Section 20.1-08-04.4 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.4. Governor's proclamation Rules concerning underwater spearfishing. The ~~governor~~ director shall by ~~proclamation~~ rule provide for a season for resident underwater spearfishing for game fish in this state in a manner as the ~~governor~~ director shall prescribe.

SECTION 32. AMENDMENT. Section 20.1-08-04.5 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.5. Governor's proclamation Rules concerning the hunting of deer with muzzleloading firearms. The ~~governor~~ director shall by ~~proclamation~~ rule provide for a

1 muzzleloading firearm season following the regular deer hunting season to hunt deer with
2 muzzleloading firearms in the manner, number, places, and times as the ~~governor~~ director
3 prescribes. Licenses to hunt deer with muzzleloading firearms must be issued by the director
4 by lottery as prescribed by the director. The director shall issue two percent of the total
5 white-tailed deer gun licenses available each year to hunters with muzzleloading firearms. Of
6 the two percent, one-half of the licenses issued may be for antlered white-tailed deer.

7 **SECTION 33. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code
8 is amended and reenacted as follows:

9 **20.1-08-04.6. ~~Governor's proclamation~~ Rules concerning the hunting of elk -**
10 **Rocky mountain elk foundation raffle.** The ~~governor~~ director may by ~~proclamation~~ rule
11 provide for a season to hunt elk in a manner, number, places, and times as the ~~governor~~
12 director prescribes. Licenses to hunt elk must be issued by lottery, except as provided under
13 subsection 7 of section 20.1-03-11, with only residents eligible to apply; however, the ~~governor~~
14 director may by ~~proclamation~~ rule make available to the rocky mountain elk foundation and the
15 North American wildlife enforcement memorial museum and educational center a license to
16 hunt elk in a manner, places, and times as the ~~governor~~ director prescribes. The rocky
17 mountain elk foundation and the North American wildlife enforcement memorial museum and
18 educational center shall hold a raffle under rules adopted by the director with residents and
19 nonresidents eligible to participate. No more than ten percent of the gross proceeds of the
20 raffle may be used to promote the raffle and fifty percent of all net proceeds must be used for
21 elk management or other wildlife and conservation-related projects in North Dakota as
22 described under rocky mountain elk foundation policies and objectives and all remaining net
23 proceeds must be used for construction and maintenance of the North American wildlife
24 enforcement memorial museum and educational center located at the international peace
25 garden. The rocky mountain elk foundation and the North American wildlife enforcement
26 memorial museum and educational center shall submit reports concerning the raffle as the
27 director requires. Except for landowners who receive special elk depredation management
28 licenses issued to landowners under subsection 7 of section 20.1-03-11 and persons who
29 receive a special elk depredation management license issued by lottery under this section, a
30 person may only receive one license to hunt elk issued by lottery in a lifetime.

1 **SECTION 34. AMENDMENT.** Section 20.1-08-04.7 of the North Dakota Century Code
2 is amended and reenacted as follows:

3 **20.1-08-04.7. ~~Governor's proclamation~~ Rules concerning the hunting of**
4 **predators.** Notwithstanding any other provision of law, the ~~governor~~ director may provide by
5 ~~proclamation rule~~ for the taking of any wildlife, whether protected or unprotected, determined by
6 the ~~governor~~ director to be a harmful predator, in a manner and number, at any place, and
7 during any time, including after dark, as the ~~governor~~ director prescribes.

8 **SECTION 35. AMENDMENT.** Section 20.1-08-04.8 of the North Dakota Century Code
9 is amended and reenacted as follows:

10 **20.1-08-04.8. ~~Governor's proclamation~~ Rules concerning the hunting of mule**
11 **deer - Mule deer foundation raffle and auction.** By ~~proclamation rule~~, the ~~governor~~ director
12 may make available to the mule deer foundation one license per year to hunt mule deer in the
13 manner, places, and times as the ~~governor~~ director prescribes. The mule deer foundation shall
14 hold a raffle or by ~~proclamation rule~~ the ~~governor~~ director may auction to the highest bidder,
15 whether resident or nonresident, a license to hunt mule deer in the manner, places, and times
16 the ~~governor~~ director prescribes. If an individual receives a mule deer license through the raffle
17 or the auction, the individual is not eligible to apply for a mule deer license through the game
18 and fish department that year. No more than ten percent of the gross proceeds of the raffle
19 may be used to promote the raffle and all net proceeds of the raffle and all proceeds of the
20 auction must be used for mule deer management and related projects in North Dakota. The
21 mule deer foundation shall submit reports concerning the raffle as the director requires.

22 **SECTION 36. AMENDMENT.** Section 20.1-08-04.9 of the North Dakota Century Code
23 is amended and reenacted as follows:

24 **20.1-08-04.9. Small game ~~proclamation~~ rules - Pheasants.** The ~~governor, in the~~
25 ~~governor's proclamation~~ director, by rule, shall prohibit a nonresident from hunting for the first
26 seven days of the pheasant season on land owned or private land enrolled by the department
27 for the purposes of hunting or on land for which the department pays in lieu of tax payments.

28 **SECTION 37. AMENDMENT.** Section 20.1-08-04.10 of the North Dakota Century
29 Code is amended and reenacted as follows:

30 **20.1-08-04.10. ~~Governor's proclamation~~ Rules concerning restrictions on**
31 **cervidae carcass importation due to chronic wasting disease.** The ~~governor, through~~

~~proclamation or executive order~~ director, by rule, may restrict the importation and disposition of the carcass or carcass parts of any animal in the family cervidae taken from any areas within states or provinces that have documented cases of chronic wasting disease in wild populations or taken from captive hunt or farm facilities.

SECTION 38. AMENDMENT. Section 20.1-08-04.11 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.11. Governor's executive order ~~or proclamation~~ declaring animal health emergency. In accordance with chapter 37-17.1, the governor may declare an animal health emergency upon determining that the wildlife of this state are at risk from diseases imported by foreign animals, a foreign animal disease, bioterrorism event, or an emerging animal disease. Upon the declaration of an animal health emergency the governor, after consultation with the state veterinarian or board of animal health, may order the sampling, destruction, and disposition of wildlife populations, as the governor deems necessary to abate the animal health emergency.

SECTION 39. AMENDMENT. Section 20.1-08-05 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-05. ~~Proclamation Rules to be published - Exceptions - Period~~
~~proclamation is in effect.~~ Except as provided in subsection 4 of section 20.1-08-02, a summary of each ~~order or proclamation issued~~ rule adopted by the ~~governor~~ director pursuant to this chapter must be published once in the official newspaper of each county affected thereby. The summary must include a list of the species that may be harvested, the date that the season for each species opens and closes, the daily and possession limits for each species, any changes in ~~regulations~~ rules from the previous year, and any changes in units opened or closed to hunting or fishing from the previous year. The summary must also list the address and telephone number of the game and fish department and state that a copy of the complete ~~legal proclamation~~ rule may be obtained from the department. No ~~order or proclamation~~ rule becomes effective until after the department prints each complete ~~proclamation or order~~ rule and distributes a copy to each county auditor affected thereby.

SECTION 40. 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 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~~ rules adopted by the director. The season for shooting preserves may be all or part of the nine-month period beginning August first and ending 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.