

HOUSE BILL NO. 1081

Introduced by

Representative Zubke

1 A BILL ~~for an Act to amend and reenact section 20.1-02-15.1 of the North Dakota Century~~
2 ~~Code, relating to authority of the game and fish department employees to enforce laws.~~for an
3 Act to create and enact sections 15-08-28, 15-08-29, 15-08-30, 15-08-31, and 15-08-32 of the
4 North Dakota Century Code, relating to access to and activities on trust lands; and to provide a
5 penalty.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 20.1-02-15.1 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **20.1-02-15.1. Additional powers of director, deputy director, chief game wardens, or**~~
10 ~~**district game wardens.**~~

11 ~~— 1. The director, deputy director, chief game wardens, or district game wardens have the~~
12 ~~power of a peace officer in the following circumstances:~~

13 ~~— 1. a. To enforce state laws and rules on any game refuge, game management area, or~~
14 ~~other land or water owned, leased, or managed by the department and, on~~
15 ~~sovereign lands as defined by section 61-33-01, and on state-owned lands~~
16 ~~managed by the board of university and school lands as defined in sections~~
17 ~~15-06-01 and 15-07-01.~~

18 ~~— 2. b. When responding to requests from other law enforcement agencies or officers for~~
19 ~~aid and assistance. For the purposes of this subsectionsubdivision, a request~~
20 ~~from a law enforcement agency or officer means only a request for assistance as~~
21 ~~to a particular and singular violation or suspicion of violation of law, and does not~~
22 ~~constitute a continuous request for assistance outside the purview of~~
23 ~~enforcement of the provisions of this title.~~

1 ~~3. c. The powers and duties conferred are supplemental to other powers and duties~~
2 ~~conferred upon the director, deputy director, chief game wardens, or district game~~
3 ~~wardens and do not constitute an obligation beyond the regular course of duty of~~
4 ~~those officers.~~

5 ~~4. d. To enforce chapter 20.1-15.~~

6 ~~5. e. To enforce chapter 20.1-13.1.~~

7 ~~6. f. To enforce chapter 39-24.1.~~

8 ~~2. This section may not be construed to limit the powers or duties of any peace officer~~
9 ~~within this state.~~

10 **SECTION 1.** Section 15-08-28 of the North Dakota Century Code is created and enacted as
11 follows:

12 **15-08-28. Vehicular access.**

13 The use of vehicles on trust lands is prohibited, except:

- 14 1. Within thirty-three feet [10.06 meters] of section lines;
- 15 2. As allowed by the terms of a lease, permit, or easement issued by the board of
16 university and school lands;
- 17 3. When used for travel on a public road easement issued by the board;
- 18 4. When used by government personnel in the performance of official duties; or
- 19 5. When hunting under a special permit issued by the director of the game and fish
20 department to shoot from a stationary vehicle and with written permission from the
21 lessee and commissioner.

22 **SECTION 2.** Section 15-08-29 of the North Dakota Century Code is created and enacted as
23 follows:

24 **15-08-29. Public access.**

- 25 1. Nonvehicular public access to leased and unleased trust lands is allowed if in the best
26 interests of the trusts, unless:
 - 27 a. Specifically prohibited by the commissioner; or
 - 28 b. A lessee of any lands under the control of the board of university and school
29 lands posts the land with signage issued by the department, which:
 - 30 (1) Requires notification to the lessee before entry by the public; or
 - 31 (2) Closes the trust lands to all public access.

1 2. A lessee of any lands under the control of the board may not lease, sell, or otherwise
2 be compensated for access to, on, across, or over leased trust lands.

3 **SECTION 3.** Section 15-08-30 of the North Dakota Century Code is created and enacted as
4 follows:

5 **15-08-30. Prohibited activities.**

6 The following activities and items are prohibited on trust lands:

7 1. Target shooting, explosives, and exploding targets;

8 2. Camping, picnicking, or campfires;

9 3. Unattended trail cameras, hunting blinds, tree stands, and screw-in steps unless
10 otherwise authorized by the commissioner of university and school lands;

11 4. Using bait to attract, lure, feed, or habituate wildlife for any purpose. For purposes of
12 this subsection "bait" includes grains, screenings, minerals, salt, fruits, vegetables,
13 hay, or any other natural or manufactured feeds, but not the use of lures, scents, or
14 liquid attractants for hunting;

15 5. Disturbing or removing artifacts or any cultural, historical, archeological, or
16 paleontological resources found on trust lands without written permission from the
17 board of university and school lands;

18 6. Disposing of refuse, including garbage, bottles, cans, trees, branches, or other waste
19 materials;

20 7. Dog training;

21 8. Metal detecting;

22 9. Guiding and outfitting;

23 10. Collecting plant parts for sale or other commercial purposes;

24 11. Trapping, unless authorized in writing by the commissioner;

25 12. Tree cutting and firewood gathering, unless authorized in writing by the commissioner;

26 13. Beehives, unless specifically authorized in a surface land lease; and

27 14. Organized events for which the commissioner has not issued a written agreement or
28 permit in accordance with section 15-08-31.

29 **SECTION 4.** Section 15-08-31 of the North Dakota Century Code is created and enacted as
30 follows:

1 **15-08-31. Organized event.**

2 1. Upon written request, the commissioner of university and school lands may allow by
3 written agreement or permit, an organized event involving public access or activity on
4 trust lands if the event:

5 a. Is an appropriate use of trust lands;

6 b. Does not damage trust lands;

7 c. Does not have a negative impact on the value or financial return of the trust lands

8 in violation of the board of university and school lands' fiduciary duty to the
9 applicable trusts as determined by the commissioner;

10 d. Protects the state from liability and other claims for damage; and

11 e. Has been approved by the current surface land lessee, if the trust lands are
12 leased.

13 2. The commissioner may refuse to issue or renew a permit if the permit applicant has
14 repeatedly violated the provisions of this chapter or rules or orders of the
15 commissioner.

16 **SECTION 5.** Section 15-08-32 of the North Dakota Century Code is created and enacted as
17 follows:

18 **15-08-32. Penalty.**

19 Any person who willfully violates sections 15-08-28, 15-08-29, and 15-08-30 is guilty of a
20 class B misdemeanor.