

**HOUSE BILL NO. 1138**

Introduced by

Natural Resources Committee

(At the request of the Game and Fish Department)

1 A BILL for an Act to amend and reenact sections 20.1-01-07, 20.1-02-05, 20.1-02-16.1,  
2 20.1-02-16.5, 20.1-03-12, 20.1-06-13, and 20.1-07-02 of the North Dakota Century Code,  
3 relating to agreements with the bureau of reclamation for management of the Heart Butte area  
4 and deposit of interest income in the game and fish department private land habitat and access  
5 improvement fund.

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

7 **SECTION 1. AMENDMENT.** Section 20.1-01-07 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **20.1-01-07. Hunting big game or small game other than waterfowl or cranes with**  
10 **motor-driven vehicles prohibited - Exception - Motor-driven vehicle use in transporting**  
11 **big game restricted.** Except as provided in subsection 44 10 of section 20.1-02-05, no  
12 person, while hunting big game or small game, other than waterfowl or cranes, statewide, may  
13 use a motor-driven vehicle on any land other than an established road or trail, unless that  
14 person has reduced a big game animal to possession and cannot easily retrieve the big game  
15 animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, but  
16 after retrieval, the motor-driven vehicle must be returned to the established road or trail along  
17 the same route it originally departed. For purposes of safety and allowing normal travel, a  
18 motor-driven vehicle may be parked on the roadside or directly adjacent to said road or trail.  
19 No person, while hunting big game or small game, statewide, may drive or attempt to drive, run  
20 or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to  
21 harass any such game with the use or aid of any motor-driven vehicle. No person, while  
22 hunting big game or small game, other than waterfowl or cranes, statewide, may drive through  
23 any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or  
24 harvested cropland, except upon an established road or trail.

1           **SECTION 2. AMENDMENT.** Section 20.1-02-05 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **20.1-02-05. Powers of director.** The director may:

- 4           1. Fix the salaries and the necessary travel and other expenses of department  
5           personnel subject to law and legislative appropriations.
- 6           2. Employ any part-time personnel necessary to run the director's office and remove  
7           the employees at will. Salaries and necessary traveling and other expenses of  
8           these appointees must be authorized, audited, and paid in the same manner as  
9           salaries and expenses of state officers.
- 10          3. Accept from any person, or gather, or purchase, fish, spawn, or fry, for distribution  
11          in state waters.
- 12          4. Take alive at any time, under the director's personal supervision or under the  
13          personal supervision of any of the director's bonded appointees, any birds or  
14          animals for propagation purposes or for exchange with other states and foreign  
15          countries for game birds and animals of other species.
- 16          5. Order additional protection for any fish with an open season when, after  
17          investigation, the director finds danger of extinction, undue depletion in any waters,  
18          or to aid in the propagation and protection of immature fish, by prescribing how,  
19          how many, where, and when the fish may be taken. The orders have the force of  
20          law.
- 21          6. Take or cause to be taken at any time from any state public waters any suckers,  
22          carp, or pickerel.
- 23          7. With the governor's approval, purchase, lease, or condemn real estate, when it is  
24          required to carry out this title, and sell it when it is no longer required, in the name  
25          of the state.
- 26          8. Lease up to ninety-nine years any department land, for the purpose of  
27          development and improvement, to any nonprofit corporation, upon consideration of  
28          specified improvements to be made by the corporation and other improvements the  
29          department and the corporation may agree upon. The lease must provide that all  
30          funds received by the corporation through lease of the property be expended upon  
31          the leased premises for development and improvements. The corporation has the

- 1 authority, subject to approval by the director, to sublease the premises for cabin  
2 sites and other recreational purposes. Upon termination of the lease, the leased  
3 property, together with all improvements, reverts to the department.
- 4 9. ~~With the governor's approval, enter agreements with the bureau of reclamation for  
5 the management of lands in the Heart Butte area acquired by the bureau for the  
6 construction of dams on lakes or streams. Revenues derived from the  
7 management of these lands or received from any federal agency for expenditure  
8 upon these lands may not be commingled with other game and fish funds, but must  
9 be deposited by the director in a separate account. These funds are appropriated  
10 for expenditure for purposes as may be agreed upon by the bureau of reclamation,  
11 the United States fish and wildlife service, the national park service, and the  
12 director. The authority granted by this subsection is effective only until the lands  
13 are resold to the former landowners by the bureau of reclamation.~~
- 14 ~~10.~~ Secure specimens of game birds, animals, and fish for breeding purposes by  
15 purchase or otherwise and by exchange with the game commissions or state game  
16 wardens of other states or countries.
- 17 ~~44.~~ 10. Issue special permits to shoot wildlife from a stationary motor vehicle upon  
18 application from individuals who are physically unable to walk for purposes of  
19 hunting or taking wildlife or who have lost the use of an arm at or below the elbow.  
20 The application must be accompanied by a physician's statement verifying the  
21 person's condition, and if used to hunt on lands controlled by the board of  
22 university and school lands, must designate the land on which the individual  
23 intends to hunt. The permittee must have permission from the lessee and the  
24 commissioner of university and school lands to hunt on lands controlled by the  
25 board of university and school lands. A permit issued under this subsection allows  
26 the permittee to drive, or to be driven, onto any land for the purposes of hunting  
27 wildlife, except that neither any other passenger within the vehicle nor the driver, if  
28 someone other than the permittee, may be a hunter, unless the other person is  
29 also a permittee. Provided, however, that if the land is privately owned and if the  
30 permittee is not going to drive or be driven along an established road or trail, the

1            permittee must first obtain the consent of the owner or lessee to hunt on the land in  
2            the manner provided in this title.

3    ~~42.~~ 11. Issue to any individual, who is blind, is a paraplegic, or who has lost the use of one  
4            or both arms a special permit to hunt game with a crossbow if that individual  
5            otherwise complies with and qualifies under the licensing and other provisions of  
6            this title. For purposes of this subsection, an individual who is blind means an  
7            individual who is totally blind, whose central visual acuity does not exceed  
8            twenty/two hundred in the better eye with corrective lenses, or in whom the widest  
9            diameter of the visual field is no greater than twenty degrees.

10 ~~43.~~ 12. Issue any resident license prescribed by this title to an individual who has come to  
11            the state with a bona fide intention of becoming a resident, even though that  
12            individual has not been a resident of this state for the required time period  
13            immediately preceding the application for the license; to any individual who is a  
14            member of the United States armed forces and who is within the state on duty or  
15            leave; to any employee of the United States fish and wildlife service or the  
16            conservation department of any state or province of Canada in the state to advise  
17            or consult with the department; or to any nonresident full-time student living in this  
18            state who is a resident of a state that is a member of the midwest student  
19            exchange program or the western undergraduate exchange program attending an  
20            institution under the jurisdiction of the state board of higher education or a tribal  
21            college. Except for a license issued to a nonresident full-time student living in this  
22            state who is a resident of a state that is a member of the midwest student  
23            exchange program or the western undergraduate exchange program attending an  
24            institution under the jurisdiction of the state board of higher education or a tribal  
25            college, a license may not be issued under this subsection unless an affidavit of a  
26            bona fide resident, setting forth the actual conditions, accompanies the application.  
27            This subsection does not apply to lottery permits, except that the director shall  
28            issue a resident deer hunting license to any resident of this state who is a member  
29            of the United States armed forces stationed outside this state and who shows proof  
30            of North Dakota residence and who pays the appropriate licensing fee. A deer  
31            license issued to a member of the United States armed forces under this

- 1 subsection must be issued without being subject to the lottery for deer hunting  
2 licenses.
- 3 ~~44.~~ 13. Adopt rules, and issue permits for the transporting or introducing of fish, fish eggs,  
4 small game, big game, or fur-bearers after determining that the fish, fish eggs,  
5 birds, or animals have been properly inspected for disease, and that the  
6 transplanting or introduction will be in compliance with state laws and rules. No  
7 person may transplant or introduce any fish or fish eggs into any of the public  
8 waters of this state, or transplant or introduce any species of small game, big  
9 game, or fur-bearers into this state without obtaining a permit from the director.
- 10 ~~45.~~ 14. Pursuant to section 4-01-17.1, cooperate with the agriculture commissioner, the  
11 United States fish and wildlife service, and other agencies in the destruction of  
12 predatory animals, destructive birds, and injurious field rodents. The director may  
13 adopt rules in accordance with organized and systematic plans of the department  
14 of the interior for the destruction of these birds and animals. The director may  
15 determine the necessity and issue permits and rules and regulations therefor for  
16 the operation and use of private aircraft to assist in the destruction of the above  
17 birds and animals and aid in the administration or protection of land, water, wildlife,  
18 livestock, domesticated animals, human life, or crops.
- 19 ~~46.~~ 15. Exercise authority to establish programs and rules and administer state and federal  
20 funds provided to the state for the preservation and management of resident  
21 species determined by the director to be threatened or endangered species of  
22 wildlife. The authority exercised must be in compliance with the Endangered  
23 Species Act of 1973, Public Law 93-205. Any person who violates rules adopted  
24 under this subsection is guilty of a class B misdemeanor.
- 25 ~~47.~~ 16. Provide for the funding of a private land habitat and access improvement program  
26 with moneys derived from the interest earned on the game and fish fund and  
27 habitat restoration stamp fees. The director shall place these funds in a special  
28 fund called the "game and fish department private land habitat and access  
29 improvement fund".
- 30 ~~48.~~ 17. Carry out a private land habitat and access improvement program by:

- 1 a. Entering cost-sharing, habitat enhancement, and access agreements with  
2 landowners or agencies working on private land to help defray all or a portion  
3 of their share of local, state, or federally sponsored conservation practices  
4 considered beneficial to fish and wildlife.
- 5 b. Leasing and developing fish and wildlife habitat or sport fishing areas on  
6 private land. Public access to leased land may not be prohibited.
- 7 c. Carrying out practices that will alleviate depredations caused by predatory  
8 animals and big game animals.
- 9 d. Publishing a brochure on an annual basis describing areas funded from the  
10 game and fish department private land habitat and access improvement fund  
11 which are open to public access in this state.
- 12 e. Receiving advice from the game and fish advisory board concerning  
13 expenditures from the game and fish private land habitat and access  
14 improvement fund.
- 15 ~~49.~~ 18. Subject to prior approval of the attorney general, lease or exchange lands under  
16 the director's jurisdiction or control which are deemed necessary for the improved  
17 management of wildlife resources.
- 18 ~~20.~~ 19. Subject to prior approval of the attorney general, impose any conditions or  
19 reservations to the leases or exchanges as the director determines necessary.
- 20 ~~24.~~ 20. Adopt rules and issue permits for conducting fishing contests involving public  
21 waters of the state. The director by rule shall define the term "fishing contest" and  
22 shall set criteria for which a fishing contest permit is required. The director may  
23 deny permits. No person may conduct a fishing contest on public waters without  
24 first receiving a permit issued by the director.
- 25 ~~22.~~ 21. Issue duplicates of lost or destroyed game and fish licenses or permits. The  
26 procedure for reissuing the licenses or permits and fees to be charged must be  
27 prescribed by the director by rule.
- 28 ~~23.~~ 22. Establish noncriminal penalties for any rules adopted by the director. The  
29 maximum noncriminal penalty that may be set by the director is a fine of two  
30 hundred fifty dollars. Violation of any rule not designated as having a noncriminal

1 penalty is considered a criminal violation as established in the appropriate chapter  
2 of this title.

3 ~~24.~~ 23. Issue, as a means of encouraging and promoting economic development in this  
4 state, complimentary fishing licenses to nonresident visiting dignitaries. The  
5 circumstances and conditions of complimentary fishing licenses issued must be  
6 determined by the director. The number of complimentary licenses may not  
7 exceed fifty licenses per year. The director shall determine the visiting dignitaries  
8 to be of national or international stature before they are eligible for complimentary  
9 licenses.

10 ~~25.~~ 24. Carry out a coyote depredation prevention program by conducting practices that  
11 will alleviate depredations caused by coyotes.

12 ~~26.~~ 25. Issue, as a means of rewarding dedication to teaching firearm hunter safety,  
13 complimentary lifetime resident certificates and combination licenses provided  
14 under section 20.1-03-11.1 to resident certified hunter education volunteer  
15 instructors. Eligible persons must have served as a lead or assistant certified  
16 hunter education volunteer instructor in this state for a minimum of one course in  
17 each of thirty years. The license is known as the "lifetime combination license" and  
18 must be signed by the director and the person receiving the license. The license  
19 must be revoked by the director if the license holder is convicted of a felony or  
20 found to have violated any provision of this title.

21 ~~27.~~ 26. Carry out a program that targets waterfowl resting areas within the private lands  
22 initiative program which includes payments to private landowners for lease of  
23 waterfowl resting areas on private lands that during the term of the lease provides  
24 limited public access for the hunting of waterfowl.

25 **SECTION 3. AMENDMENT.** Section 20.1-02-16.1 of the North Dakota Century Code  
26 is amended and reenacted as follows:

27 **20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section**

28 **approval.** All income of the state game and fish department deposited by the director with the  
29 state treasurer must be credited to the state game and fish fund and the fund may be used only  
30 by the department. All money derived from the investment of the fund, special accounts, or  
31 portions of the fund must be credited to the game and fish department private land habitat and

1 access improvement fund. The department shall spend moneys in the game and fish fund  
2 within the limits of legislative appropriations, only to the extent the balance of the fund is not  
3 reduced below ten million dollars, unless otherwise authorized by the budget section.

4 **SECTION 4. AMENDMENT.** Section 20.1-02-16.5 of the North Dakota Century Code  
5 is amended and reenacted as follows:

6 **20.1-02-16.5. Motorboat programs and safety account - Use.** The director shall  
7 deposit all motorboat license fees in a special account within the game and fish fund to be  
8 known as the motorboat programs and safety account. Funds placed in the motorboat  
9 programs and safety account ~~and interest earned on the account~~ may be used only for  
10 construction and installation of boat launching facilities, fish cleaning and comfort stations,  
11 boating enforcement, boating safety education, and boat licensing administration. All money  
12 derived from the investment of the account, or portions of the account, must be credited in  
13 accordance with section 20.1-02-16.1.

14 **SECTION 5. AMENDMENT.** Section 20.1-03-12 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **20.1-03-12. Schedule of fees for licenses and permits.** The various license and  
17 permit fees are as follows:

- 18 1. For a resident, age sixteen and over, small game hunting license, six dollars.
- 19 2. For a nonresident small game hunting license, eighty-five dollars.
- 20 3. For a resident big game hunting license, twenty dollars, except the fee for a  
21 licensee under age sixteen is ten dollars, except as provided in a gubernatorial  
22 proclamation issued pursuant to section 20.1-08-04.1.
- 23 4. Except for a nonresident who participates on the same basis as a resident in a  
24 lottery for deer licenses remaining after the second lottery for residents under  
25 subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two  
26 hundred dollars, and for a nonresident bow license, two hundred dollars, and a  
27 nonrefundable five dollar application fee must accompany any lottery license fee  
28 under this subsection, except as provided in a gubernatorial proclamation issued  
29 pursuant to section 20.1-08-04.1. For a nonresident who participates on the same  
30 basis as a resident in a lottery for deer licenses remaining after the second lottery  
31 for residents, fifty dollars.

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- 1           5. For a resident fur-bearer license, seven dollars.
- 2           6. For a resident fishing license, ten dollars, except that for a resident sixty-five years
- 3           or over or a resident totally or permanently disabled, the license fee is three
- 4           dollars.
- 5           7. For a nonresident fishing license, thirty-five dollars.
- 6           8. For a nonresident short-term seven-day fishing license, twenty dollars.
- 7           9. For a resident husband and wife fishing license, fourteen dollars.
- 8           10. For a nonresident nongame hunting license, fifteen dollars.
- 9           11. For a wild turkey permit, eight dollars.
- 10          12. For an annual general game license, three dollars.
- 11          13. For a permit to propagate, domesticate, or possess protected wildlife, five dollars.
- 12          14. For a license to a nonresident buyer or shipper of green furs, or that person's
- 13          agent, the amount that the nonresident buyer or shipper of green furs would pay for
- 14          a nonresident buyer or shipper of green furs license or comparable license in that
- 15          person's state of residence, or fifty dollars, whichever is greater.
- 16          15. For a license to a resident buyer or shipper of green furs, eight dollars for each
- 17          place of business maintained by that person within this state.
- 18          16. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty
- 19          dollars.
- 20          17. For an annual license to practice taxidermy, twenty-five dollars.
- 21          18. For a permit to ship, by a person having a resident hunting license, during the
- 22          respective open seasons, not to exceed in any one season twenty-five game birds,
- 23          to points within this state other than that person's home or to points outside this
- 24          state, three dollars.
- 25          19. For a permit to make collections of protected birds and animals for scientific
- 26          purposes, ten dollars.
- 27          20. For a motorboat certificate of number and license: Each motorboat under sixteen
- 28          feet [4.88 meters] in length, and all canoes, regardless of length, powered by a
- 29          motor, twelve dollars. Each motorboat sixteen feet [4.88 meters] in length and over
- 30          but shorter than twenty feet [6.1 meters] in length, excluding canoes, twenty-four

- 1 dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding  
2 canoes, thirty-three dollars.
- 3 21. To operate watercraft used for hire, the following license fees apply for three years:  
4 Class 1. Each craft capable of carrying two adults of average weight,  
5 six dollars.  
6 Class 2. Each craft capable of carrying three adults of average weight,  
7 six dollars.  
8 Class 3. Each craft capable of carrying four adults of average weight,  
9 six dollars.  
10 Class 4. Each craft capable of carrying five adults of average weight,  
11 six dollars.  
12 Class 5. Each craft capable of carrying up to eight adults of average weight,  
13 nine dollars.  
14 Class 6. Each craft capable of carrying up to ten adults of average weight,  
15 twelve dollars.  
16 Class 7. Each craft capable of carrying up to fifteen adults of average weight,  
17 twenty-four dollars.  
18 Class 8. Each craft capable of carrying sixteen or more adults of average weight,  
19 thirty dollars.
- 20 22. For the taking of undesirable fish from the waters of this state pursuant to section  
21 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each  
22 seine of fifty feet [15.24 meters] or any fraction thereof.
- 23 23. For a resident paddlefish tag annual license, three dollars per tag.
- 24 24. For a nonresident paddlefish tag annual license, seven dollars and fifty cents per  
25 tag.
- 26 25. For an annual resident license to sell minnows or other live bait at wholesale, thirty  
27 dollars.
- 28 26. For an annual license to sell minnows or other live bait at retail, fifteen dollars,  
29 except the fee is seventy-five dollars if white suckers are sold.
- 30 27. For an annual license to operate a private fish hatchery, seventy-five dollars.
- 31 28. For a resident commercial frog license, fifty dollars.

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- 1           29. For a nonresident commercial frog license, two hundred dollars.
- 2           30. For a resident frog license, three dollars.
- 3           31. For a resident husband and wife frog license, five dollars.
- 4           32. For a shooting preserve operating permit:
  - 5               a. One hundred dollars, if the shooting preserve consists of an area of six
  - 6                hundred forty acres [259 hectares] or less; or
  - 7               b. One hundred dollars, if the shooting preserve consists of an area of more than
  - 8                six hundred forty acres [259 hectares], plus fifty cents per acre [.40 hectare]
  - 9                for each acre [.40 hectare] over six hundred forty acres [259 hectares].
- 10          33. For a nonresident waterfowl hunting license, eighty-five dollars.
- 11          34. For a nonresident husband and wife fishing license, forty-five dollars.
- 12          35. For a nonresident short-term three-day fishing license, fifteen dollars.
- 13          36. For a nonresident fur-bearer and nongame hunting license, twenty-five dollars.
- 14          37. For a combination license, thirty-two dollars.
- 15          38. For a white-tailed deer license sold to certified guides or outfitters and provided by
- 16            them to nonresidents, two hundred fifty dollars.
- 17          39. For a resident swan license, five dollars.
- 18          40. For a nonresident swan license, twenty-five dollars.
- 19          41. For a resident and nonresident sandhill crane license, five dollars.
- 20          42. For a resident commercial clam license, one hundred dollars.
- 21          43. For a nonresident commercial clam license, one thousand dollars.
- 22          44. For a commercial clam dealer's permit, two thousand dollars. In addition, the
- 23            applicant shall submit to the director a surety bond in the sum of two thousand
- 24            dollars.
- 25          45. For an annual nonresident license to sell minnows or other live bait at wholesale,
- 26            two hundred dollars.
- 27          46. For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 28          47. For a nonresident reciprocal trapping license, two hundred fifty dollars.
- 29          48. For a nonresident spring white goose license, fifty dollars.

