

SENATE BILL NO. 2058

Introduced by

Senator Anderson

Representative Longmuir

1 A BILL ~~for an Act to amend and reenact sections 20.1-01-08 and 20.1-05-04 of the North~~
2 ~~Dakota Century Code, relating to use of infrared, red, green, or amber artificial light while~~
3 ~~hunting coyote and fox.~~ for an Act to amend and reenact subsection 17 of section 20.1-02-05 of
4 the North Dakota Century Code, relating to the powers of the director of the game and fish
5 department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

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

7 ~~—~~ **SECTION 1. AMENDMENT.** ~~Section 20.1-01-08 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~—~~ **20.1-01-08. Hunting with artificial light prohibited – Exception.**

10 ~~—~~ ~~It is unlawful for an~~An individual ~~to~~may not pursue, shoot, kill, take, or attempt to take any
11 ~~wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any~~
12 ~~other artificial light. This section does not make it unlawful for, except an individual to use may:~~

13 ~~—~~ 1. Use a lantern, spotlight, or other artificial light to assist the person in pursuing and
14 shooting on the person's premises anya coyote, fox, skunk, mink, raccoon, beaver,
15 weasel, owl, rabbit, or other predatory animal or bird, attacking and attempting to
16 destroy the person's poultry, livestock, or other property. It is permissible to use; and

17 ~~—~~ 2. Use an artificial light, including infrared, with a power source of not more than six volts
18 while hunting afoot for coyote, fox, raccoon, or beaver during the open season on the
19 animal. A red or amber filterThe artificial light must be placed on any artificial
20 lightproduce a red, green, or amber color when used in the hunting of coyote, fox,
21 raccoon, or beaver, except when taking a raccoon treed or at bay.

22 ~~—~~ **SECTION 2. AMENDMENT.** ~~Section 20.1-05-04 of the North Dakota Century Code is~~
23 ~~amended and reenacted as follows:~~

- 1 ~~20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.~~
2 ~~No person, to hunt, pursue, kill, take, or attempt~~~~While hunting, pursuing, killing, taking, or~~
3 ~~attempting to take, or to aid~~~~aiding in the hunting or taking of, any big game animal, an individual~~
4 ~~may not:~~
5 ~~1. Use any animal except horses or mules.~~
6 ~~2. Use any artificial light, including spotlights~~~~a spotlight and an automobile and or~~
7 ~~motorcycle headlights~~~~headlight.~~
8 ~~3. Engage in the practice commonly known as shining for deer. An individual who~~
9 ~~shines any~~~~an area commonly frequented by big game animals with any artificial light,~~
10 ~~between the hours of sunset and sunrise, is in violation of this section. However, an~~
11 ~~individual may use a flashlight with a power source of not over~~~~more than six volts in~~
12 ~~the area to take~~~~coyote, fox, raccoon, or beaver.~~

13 **SECTION 1. AMENDMENT.** Subsection 17 of section 20.1-02-05 of the North Dakota
14 Century Code is amended and reenacted as follows:

- 15 17. Carry out a private land habitat and access improvement program by:
- 16 a. Entering cost-sharing, habitat enhancement, and access agreements with
17 landowners or agencies working on private land to help defray all or a portion of
18 their share of local, state, or federally sponsored conservation practices
19 considered beneficial to fish and wildlife.
 - 20 b. Leasing and developing fish and wildlife habitat or sport fishing areas on private
21 land. Except for purposes of ~~subdivision~~subdivisions i and j, public access to
22 leased land may not be prohibited.
 - 23 c. Carrying out practices or designating an individual to carry out practices or
24 authorizing or having the designee authorize landowners to carry out practices
25 that will alleviate depredations caused by predatory animals and big game
26 animals.
 - 27 d. Publishing a brochure on an annual basis describing areas funded from the game
28 and fish department private land habitat and access improvement fund which are
29 open to public access in this state.

- 1 e. Receiving advice from the game and fish advisory board concerning
- 2 expenditures from the game and fish department private land habitat and access
- 3 improvement fund.
- 4 f. Working with livestock producers experiencing chronic deer depredation
- 5 problems to develop site-specific deer depredation management plans.
- 6 g. Giving first consideration to producers impacted by deer foraging on stored winter
- 7 forage when purchasing winter deer management supplies.
- 8 h. Making available the sum of one million dollars from each biennial game and fish
- 9 department appropriation to be used to provide feeding and other winter
- 10 management practices to alleviate depredation caused by big game animals. Any
- 11 unexpended funds under this subdivision, up to two million dollars, are not
- 12 subject to section 54-44.1-11 and may be carried forward for expenditure in future
- 13 bienniums.
- 14 i. Making available the sum of one hundred thousand dollars from each biennial
- 15 game and fish department appropriation to be used for food plots on private
- 16 property for the purpose of providing winter feed. These food plots are not subject
- 17 to public access considerations.
- 18 j. Assisting interested landowners in improving soil health and water quality and
- 19 creating wildlife habitat.

20 **SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER - PRIVATE LAND**
21 **HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.**

- 22 1. There is appropriated out of any moneys in the general fund in the state treasury, not
- 23 otherwise appropriated, the sum of \$2,500,000, which the director of the office of
- 24 management and budget shall transfer to the private land habitat and access
- 25 improvement fund for the period beginning with the effective date of this Act, and
- 26 ending June 30, 2021.
- 27 2. There is appropriated out of any moneys in the private land habitat and access
- 28 improvement fund in the state treasury, not otherwise appropriated, the sum of
- 29 \$2,500,000, or so much of the sum as may be necessary, to the game and fish
- 30 department for the purpose of assisting interested landowners in improving soil health

1 and water quality and creating wildlife habitat, for the period beginning with the
2 effective date of this Act, and ending June 30, 2021.

3 **SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS**
4 **FUND - DEPARTMENT OF TRANSPORTATION.**

5 1. There is appropriated out of any moneys in the general fund in the state treasury, not
6 otherwise appropriated, the sum of \$500,000, which the director of the office of
7 management and the budget shall transfer to the special roads fund for the period
8 beginning with the effective date of this Act, and ending June 30, 2021.

9 2. There is appropriated out of any moneys in the special roads fund in the state
10 treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as
11 may be necessary, to the department of transportation for the purpose of recreational
12 road access, for the period beginning with the effective date of this Act, and ending
13 June 30, 2021.

14 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.