

## **CHAPTER 20.1-08 GOVERNOR'S PROCLAMATIONS**

### **20.1-08-01. Orders and proclamations have force of law - Penalty.**

Any order or proclamation issued by the governor pursuant to this chapter has the force of law. Any person who violates a provision of such order or proclamation for which a noncriminal penalty is not provided for in the order or proclamation is guilty of a class B misdemeanor. The maximum noncriminal penalty that may be set in an order or proclamation is a fine of two hundred fifty dollars.

### **20.1-08-02. Governor may vary statutory open and closed season by order or proclamation.**

Whenever the governor, after investigation and recommendation by the director, finds:

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

### **20.1-08-03. Limitations on governor's powers.**

The governor may not establish bag limits on upland game birds which exceed fifteen birds in the aggregate.

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

1. A gubernatorial order or proclamation 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 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 declare the manner of issuance of the licenses and permits. The governor may by proclamation or order 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, by order or proclamation, may authorize the issuance of special permits to hunt big game in certain restricted areas. When acting pursuant to this subsection, the governor shall designate in the proclamation:

- a. The species of big game which can be hunted.
  - b. The boundaries of the restricted area.
  - c. The number of special permits to be issued.
  - d. The procedure to determine which applicants should receive the special permits.
  - e. The manner and times in which the big game may be taken.
- Special permits issued under this subsection shall be issued in strict compliance with the governor's proclamation.
4. The governor in the governor's order or proclamation may determine the number of resident and nonresident paddlefish snagging tags to be issued for the taking of paddlefish. If a limited number of paddlefish tags are to be issued, the governor shall by order or proclamation declare the manner of issuance of the tag. The governor may by order or proclamation determine the time period for which a recipient of a paddlefish tag obtained by lottery is ineligible to apply for the same type of tag.

**20.1-08-04.1. Governor's proclamation concerning the hunting of bighorn sheep - Certain license recipients not eligible to apply again.**

The governor may by proclamation provide for a season to hunt bighorn sheep in the manner, number, places, and times as the governor prescribes. Licenses to hunt bighorn sheep must be issued by lottery, except special allocation licenses issued under subsection 1 of section 20.1-05.1-01. Upon payment of the nonrefundable application fee required by section 20.1-03-12.2, a nonresident may participate in the state lottery. One license to hunt bighorn sheep may be issued to a nonresident participating in the state lottery. If a nonresident is issued a license to hunt bighorn sheep, no other nonresident may be issued a license to hunt bighorn sheep through the state lottery. If all of the licenses to hunt bighorn sheep made available through the state lottery are issued to residents, then a nonresident is not eligible to be issued a license to hunt bighorn sheep through the state lottery. Individuals who receive a license through the raffle or auction may not transfer the license. Individuals may participate in the state lottery and the raffle or auction under subsection 4 of section 20.1-05.1-01, but an individual may not receive more than one license in any one year. An individual may only receive one license to hunt bighorn sheep through the state lottery in a lifetime. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.

**20.1-08-04.2. Governor's proclamation concerning the hunting of moose - Raffle.**

The governor may by proclamation provide for a season to hunt moose in a manner, number, places, and times as the governor prescribes. Licenses to hunt moose must be issued by lottery, except as provided under subsection 8 of section 20.1-03-11, with only residents eligible to apply. A person may only receive one license to hunt moose issued by lottery in a lifetime. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.

**20.1-08-04.3. Governor's proclamation concerning fishhouses.**

The governor may by proclamation 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 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.

**20.1-08-04.4. Governor's proclamation concerning underwater spearfishing.**

The governor shall by proclamation provide for a season for resident underwater spearfishing for game fish in this state in a manner as the governor shall prescribe.

**20.1-08-04.5. Governor's proclamation concerning the hunting of deer with muzzleloading firearms.**

The governor shall by proclamation provide for a muzzleloading firearm season following the regular deer hunting season to hunt deer with muzzleloading firearms in the manner,

number, places, and times as the governor prescribes. Licenses to hunt deer with muzzleloading firearms must be issued by the director by lottery as prescribed by the director. The director shall issue two percent of the total white-tailed deer gun licenses available each year to hunters with muzzleloading firearms. Of the two percent, one-half of the licenses issued may be for antlered white-tailed deer.

**20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Special elk depredation management licenses.**

The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to apply.

An owner of farmed elk who is experiencing elk depredation problems may contact the director. Upon investigation, the director may issue special elk depredation management licenses. The governor by proclamation shall establish a procedure to issue elk depredation management licenses in a timely manner.

Except for landowners who receive a license under subsection 7 of section 20.1-03-11 and landowners who receive special elk depredation management licenses issued to landowners under subsection 7 of section 20.1-03-11, and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery in a lifetime. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.

**20.1-08-04.7. Governor's proclamation concerning the hunting of predators.**

Notwithstanding any other provision of law, the governor may provide by proclamation for the taking of any wildlife, whether protected or unprotected, determined by the governor to be a harmful predator, in a manner and number, at any place, and during any time, including after dark, as the governor prescribes.

**20.1-08-04.8. Governor's proclamation concerning the hunting of mule deer - Mule deer foundation raffle and auction.**

Repealed by S.L. 2017, ch. 176, § 8.

**20.1-08-04.9. Small game proclamation - Pheasants.**

1. Except as provided in subsection 2, the governor, in the governor's proclamation, shall prohibit a nonresident from hunting for the first seven days of the pheasant season on land owned or private land enrolled by the department for the purposes of hunting or on land for which the department pays in lieu of tax payments.
2. A nonresident with a valid hunting license may hunt during the first seven days of the pheasant season if:
  - a. The nonresident is a participating landowner whose property is enrolled in this state's private land open to sportsmen program; and
  - b. The nonresident hunts on the nonresident's property enrolled in the private land open to sportsmen program.

**20.1-08-04.10. Governor's proclamation concerning restrictions on cervidae carcass importation due to chronic wasting disease.**

The governor, through proclamation or executive order, 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.

**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 state 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.

**20.1-08-04.12. Governor's proclamation concerning the hunting of antelope - North Dakota hunter educators association raffle.**

Repealed by S.L. 2017, ch. 176, § 8.

**20.1-08-04.13. Governor's proclamation concerning once-in-a-lifetime big game hunts for youth with cancer or a life-threatening illness - Rules.**

Repealed by S.L. 2017, ch. 176, § 8.

**20.1-08-04.14. Governor's proclamation concerning the hunting of elk - Annie's house at Bottineau winter park raffle.**

Expired by S.L. 2015, ch. 51, § 6.

**20.1-08-05. Proclamation 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 by the governor 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 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 may be obtained from the department. No order or proclamation becomes effective until after the department prints each complete proclamation or order and distributes a copy to each county auditor affected thereby.