

# GAME, FISH, PREDATORS, AND BOATING

## CHAPTER 217

### HOUSE BILL NO. 1411 (Representative Carlson)

#### PUBLIC ACCESS BROCHURES

AN ACT to amend and reenact subdivision d of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to publication of public access booklets under the private land habitat and access improvement program.

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

**SECTION 1. AMENDMENT.** Subdivision d of subsection 19 of section 20.1-02-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- d. Publishing ~~and selling a booklet~~ brochure on an annual basis describing ~~lands that~~ areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.

Approved March 16, 1999  
Filed March 16, 1999

## CHAPTER 218

### SENATE BILL NO. 2089

(Natural Resources Committee)

(At the request of the Game and Fish Department)

## NONRESIDENT SPRING WHITE GOOSE AND GRATIS LICENSES

AN ACT to create and enact a new section to chapter 20.1-03 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a nonresident spring white goose license; to amend and reenact sections 20.1-03-02, 20.1-03-07, 20.1-03-07.1, subsections 3, 5, 7, and 8 of section 20.1-03-11, and section 20.1-03-12.1 of the North Dakota Century Code, relating to establishment of a nonresident spring white goose license and to gratis and preferential landowner big game hunting licenses; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-02. General game license - Stamps allowed for specific licenses.** ~~No~~ Except as provided in section 4 of this Act, a person may not:

1. Acquire any resident or nonresident license to hunt, catch, take, or kill any small game or big game animal unless that person first obtains an annual general game license.
2. Hunt, catch, take, trap, or kill any small game or big game animal unless that person has in that person's possession an annual general game license together with the specific license required.

The director shall design and furnish, for sale to residents and nonresidents, an annual general game license. A stamp may be prepared by the director to be affixed to a general game license in place of each separate small game or big game hunting license.

**SECTION 2. AMENDMENT.** Section 20.1-03-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07. Licenses to hunt, trap, or fish required of nonresidents.** Nonresidents, except as provided in sections 20.1-02-05, section 4 of this Act, and 20.1-03-08, may not:

1. Hunt, catch, take, or kill any small game without a nonresident small game license.
2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal except that nonresidents holding a valid nonresident fur-bearer and nongame hunting license may hunt only fox and coyote and residents of a state that allows North Dakota residents to trap within

that state may purchase a nonresident reciprocal trapping license to trap in this state. However, a nonresident holding a valid nonresident reciprocal trapping license may not trap, catch, attempt to catch, take, or kill bobcats.

3. Catch, attempt to catch, take, or kill any fish without having a nonresident fishing license.
4. Hunt, catch, take, or kill any unprotected bird or animal without having a nonresident nongame hunting license or nonresident fur-bearer and nongame hunting license.
5. Hunt, catch, take, or kill any big game animal without having the respective nonresident big game license.

Each violation of this section is a distinct and separate offense.

<sup>171</sup> **SECTION 3. AMENDMENT.** Section 20.1-03-07.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. Nonresident waterfowl hunting license required.** Except as provided in ~~section~~ sections 20.1-03-07.2 and section 4 of this Act, a nonresident may not hunt waterfowl unless that person first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game 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 and in specified waterfowl hunting zones. A license authorizing two 7-day hunting periods may allow hunting in a different zone during each period. The governor, in the governor's proclamation, 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 4.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**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. The governor, in the governor's proclamation, 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.

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<sup>171</sup> Section 20.1-03-07.1 was also amended by section 1 of House Bill No. 1459, chapter 219.

<sup>172</sup> **SECTION 5. AMENDMENT.** Subsections 3, 5, 7, and 8 of section 20.1-03-11 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. 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 person who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer without charge, or if that person is a nonresident upon payment of the fee requirement for a nonresident big game license, upon filing ~~an affidavit~~ a signed application describing that land. The land must be within a unit open for the hunting of deer. The license must include a legal description of the eligible land described in the ~~affidavit~~ completed application and may be used to hunt deer only upon that land. Upon request, a lessee shall provide proof that the land described in the ~~affidavit~~ completed application is leased for agricultural purposes. A person 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 that person, but no more than one license may be issued under this subsection for any qualifying land. A person transferring eligibility under this subsection may not receive a license under this subsection for the season for which the eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.
  
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 ~~an affidavit~~ 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 ~~affidavit~~ 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 ~~affidavit~~ 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. 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 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

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<sup>172</sup> Section 20.1-03-11 was also amended by section 1 of House Bill No. 1223, chapter 220, and section 1 of Senate Bill No. 2261, chapter 221.

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

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 ~~an affidavit~~ 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 ~~affidavit~~ completed application and may be used to hunt elk within the district or unit in which the land described in the ~~affidavit~~ completed application is located. Upon request, a lessee shall provide proof that the land described in the ~~affidavit~~ 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 rocky mountain elk foundation 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 may restrict the districts or units for which preferential licenses may be issued under this subsection. However, the governor 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. 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 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. 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 rocky mountain elk foundation 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 rocky mountain elk foundation 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 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 ~~affidavit~~ completed application is located, unless the person has sold or otherwise transferred the person's rights to the land described in the ~~affidavit~~ 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 rocky mountain elk foundation 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 ~~an affidavit~~ 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 ~~affidavit~~ 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 ~~affidavit~~ 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 hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit. If the number of eligible persons who apply for a license under this subsection exceeds the number of licenses available under this subsection, the licenses must be issued by lottery as prescribed in the governor's proclamation. A person who receives a license under this subsection and who is successful in harvesting a moose is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. Notwithstanding this subsection, if a person other than the transferee of license eligibility is unsuccessful in harvesting a moose under this subsection, that person may return the unused license

to the department and is eligible to apply for, but not transfer, an additional license to hunt moose in future years. A person who receives a second license under this subsection is not eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. 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 affidavit completed application is located, unless the person has sold or otherwise transferred the person's rights to the land described in the affidavit completed application. The governor's proclamation may restrict the area of land within a unit open for the hunting of moose for which a preferential license is issued under this subsection. If the proclamation restricts the area for issuance of preferential licenses, an applicant must own or lease land within the restricted area to be eligible to apply for a license to hunt moose upon payment of the fee required for a resident big game license. The license may be used to hunt moose within the entire unit in which the land described in the affidavit completed application is located. A successful applicant from a restricted area may not return an unused license to regain eligibility for a license to hunt moose in future years.

**SECTION 6.** A new subsection to section 20.1-03-12 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

For a nonresident spring white goose license, fifty dollars.

**SECTION 7. AMENDMENT.** Section 20.1-03-12.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-12.1. Habitat restoration stamp required - Use of revenue - ~~No land~~ Land purchases not allowed.** Except for licenses issued under section 4 of this Act, a habitat restoration stamp is required for every resident and nonresident general game license for which a stamp fee of five dollars must be charged. The habitat restoration stamp fee is in addition to the annual general game license fee charged under section 20.1-03-12. ~~No land~~ Land may not be purchased with habitat restoration stamp moneys. All moneys generated by habitat restoration stamp fees must be placed in the game and fish private land habitat and access improvement fund.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 3, 1999  
Filed March 3, 1999

## CHAPTER 219

### HOUSE BILL NO. 1459

(Representatives Metcalf, Clark, Haas, Mueller, Pollert)

### NONRESIDENT WATERFOWL HUNTING

AN ACT to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents.

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

<sup>173</sup> **SECTION 1. AMENDMENT.** Section 20.1-03-07.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. Nonresident waterfowl hunting license required.** Except as provided in section 20.1-03-07.2, a nonresident may not hunt waterfowl unless that person first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days, any period of seven consecutive days, or any two periods of seven consecutive days each ~~and~~. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zones zone. A license authorizing one 7-day hunting period allows hunting statewide. A license authorizing two 7-day hunting periods ~~may allow~~ allows hunting in a different ~~different~~ specified zone during each period. The governor, in the governor's proclamation, 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.

Approved March 9, 1999

Filed March 9, 1999

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<sup>173</sup> Section 20.1-03-07.1 was also amended by section 3 of Senate Bill No. 2089, chapter 218.

## CHAPTER 220

### HOUSE BILL NO. 1223

(Representatives Nichols, Nelson, Solberg, Drovdal)  
(Senators Heitkamp, Kinnoin)

## GRATIS AND PREFERENTIAL DEER LICENSES

AN ACT to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

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

<sup>174</sup> **SECTION 1. AMENDMENT.** Subsection 3 of section 20.1-03-11 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. 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 person who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer without charge, or if that person is a nonresident upon payment of the fee requirement for a nonresident big game license, upon filing an affidavit describing that land. The land must be within a unit open for the hunting of deer. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt deer only upon that land. However, a person, that person's spouse, and their children who have a license issued under this subsection may hunt together on land described in any of the affidavits making them eligible for the license. Family members hunting together under this provision shall hunt within the same unit within which the land described in the affidavit making them eligible for the license is located. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A person 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 that person, but no more than one license may be issued under this subsection for any qualifying land. A person transferring eligibility under this subsection may not receive a license under this subsection for the season for which the eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.

Approved March 25, 1999  
Filed March 25, 1999

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<sup>174</sup> Section 20.1-03-11 was also amended by section 5 of Senate Bill No. 2089, chapter 218, and section 1 of Senate Bill No. 2261, chapter 221.

**CHAPTER 221****SENATE BILL NO. 2261**

(Senator Kroeplin)  
(Representative Carlson)

**NONRESIDENT DEER LICENSES**

AN ACT to amend and reenact subsection 4 of section 20.1-03-11 of the North Dakota Century Code, relating to purchase of deer hunting licenses by nonresidents.

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

<sup>175</sup> **SECTION 1. AMENDMENT.** Subsection 4 of section 20.1-03-11 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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, 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 big game license, a nonresident may participate on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents.

Approved March 15, 1999  
Filed March 16, 1999

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<sup>175</sup> Section 20.1-03-11 was also amended by section 5 of Senate Bill No. 2089, chapter 218, and section 1 of House Bill No. 1223, chapter 220.

## CHAPTER 222

### SENATE BILL NO. 2091

(Natural Resources Committee)

(At the request of the Game and Fish Department)

## GAME AND FISH LICENSE PROCEEDS DISPOSITION

AN ACT to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to disposition of game and fish license proceeds; and to provide a continuing appropriation.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-17. Issuance of licenses - Who to issue - County auditor may appoint agents to receive service fees - Disposition of proceeds - Continuing appropriation.** All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by county auditors, the director, deputy director, and bonded game wardens. The county auditors, deputy director, and each bonded game warden shall send the director all license fees. For each license the county auditor issues, the county auditor shall collect the authorized charges and record them in the county auditor's record of cash received. The county auditor ~~shall retain~~ is entitled to be reimbursed, as compensation, twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and fifteen cents for the issuance of each resident hunting, fishing, or fur-bearer license issued in excess of the first one thousand licenses issued each year; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license. The compensation due the county auditor for the issuance of licenses is hereby appropriated as a standing and continuing appropriation from the game and fish fund for the purposes of this section.

The county auditor may appoint agents to distribute hunting and fishing licenses or stamps. However, a county auditor may not provide hunting licenses to agents located outside this state. The county auditor may require agents to show evidence of adequate financial security before the agents are appointed. Adequate financial security may be evidenced by a letter of credit, cash deposit, or bond. Agents may be bonded through the state bonding fund. The agents may charge purchasers a service fee of fifty cents for each license. Service fees may be retained by the agent. The remainder of the license fees must be returned to the county auditor, for deposit with the county treasurer, at least once each month, and not later than three days after the close of the month. Notwithstanding section 26.1-21-11, if a claim against the state bonding fund is not filed within sixty days of the expiration of the reporting period provided in this section, the claim is waived. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited.

The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the director. The director shall deposit all license or stamp fees received with the state treasurer to be credited to the game and fish fund.

Approved March 4, 1999

Filed March 5, 1999

**CHAPTER 223****SENATE BILL NO. 2350**

(Senator Grindberg)  
(Representative Meyer)

**CERTIFIED GUIDE REQUIREMENTS**

AN ACT to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for certified guides or outfitters.

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

**SECTION 1.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Certified guides and outfitters - Requirements.** An individual may not be issued a certified guide license without first providing the director:

1. Proof that the individual is covered by general liability insurance against loss or expense due to accident or injury from guiding or outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per incident;
2. Proof that the individual is currently certified in adult cardiopulmonary resuscitation or its equivalent; and
3. Proof that the individual is currently certified in standard first aid or its equivalent.

Approved April 7, 1999  
Filed April 8, 1999

**CHAPTER 224****SENATE BILL NO. 2090**

(Natural Resources Committee)

(At the request of the Game and Fish Department)

**SHOTGUN SHELL-HOLDING CAPACITY  
RESTRICTION ELIMINATED**

AN ACT to repeal section 20.1-04-10 of the North Dakota Century Code, relating to the shell-holding capacity of shotguns used in taking game birds; and to declare an emergency.

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

**SECTION 1. REPEAL.** Section 20.1-04-10 of the North Dakota Century Code is repealed.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 3, 1999

Filed March 4, 1999

**CHAPTER 225****SENATE BILL NO. 2373**

(Senator Bowman)  
(Representative Meyer)

**BIG GAME SEASON OPENING TIME**

AN ACT to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the opening time for big game hunting seasons.

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

**SECTION 1. AMENDMENT.** Section 20.1-05-03 of the North Dakota Century Code is amended and reenacted as follows:

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

Approved April 1, 1999

Filed April 2, 1999

## CHAPTER 226

### HOUSE BILL NO. 1327

(Representatives Hanson, Kroeber, Stefonowicz)  
(Senators B. Stenejem, Thompson, Traynor)

## FISHHOUSES

AN ACT to amend and reenact sections 20.1-06-07 and 20.1-06-08 of the North Dakota Century Code, relating to fishhouses.

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

**SECTION 1. AMENDMENT.** Section 20.1-06-07 of the North Dakota Century Code is amended and reenacted as follows:

#### **20.1-06-07. Fishhouses - License - Removal - Penalty.**

1. ~~No A~~ person, ~~except as provided in section 20.1-06-05,~~ may erect, have, or maintain on the ice in any waters of this state, a fishhouse used or to be used while ice fishing, or a dark house used or to be used for spearfishing; ~~without first obtaining a separate license for each unit used. Licenses must be issued by the director, for the period of five winter fishing seasons, including the season commencing in the year of purchase. Fishhouse licenses are not transferable and fishhouses that are transferred must be relicensed for a five-year period by the new owner of the fishhouse. Licenses~~ Fishhouse and dark house owners are subject to the rules the director may adopt governing the construction, maintenance, and use of these units. The outside of each ~~licensed~~ unoccupied unit must have inscribed on it, in readily distinguishable characters at least ~~six~~ three inches [~~4.5-24~~ 7.62 centimeters] high, the ~~license number and the owner's name and address or phone number.~~ An unoccupied fishhouse or dark house left on the ice without an owner's name and address or phone number may be removed or destroyed by the department. Any person who violates this subsection is guilty of a class 2 noncriminal offense.
2. Each unit must be removed from the ice by that date established by the governor's proclamation. Failure to remove a unit is deemed an abandonment and the director may remove or destroy abandoned units.

**SECTION 2. AMENDMENT.** Section 20.1-06-08 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-06-08. Spearfishing from dark houses.** Fish may be taken by spearing through the ice from dark houses. Spearfishing seasons, and the species which may be taken, must be provided for by the governor's order or proclamation. The fishing license provided for in chapter 20.1-03 includes the privilege of such spearfishing. ~~All dark houses must be licensed pursuant to section 20.1-06-07.~~

Approved March 16, 1999  
Filed March 16, 1999

**CHAPTER 227****HOUSE BILL NO. 1195**

(Representatives Hoffner, Henegar, Hanson)  
(Senators Bowman, Mutzenberger, Traynor)

**MUZZLELOADING DEER HUNTING SEASON**

AN ACT to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the muzzleloading deer hunting season.

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

**SECTION 1. AMENDMENT.** Section 20.1-08-04.5 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.5. Governor's proclamation concerning the hunting of deer with muzzleloading firearms.** The governor shall by proclamation provide for a ~~one-week~~ nine and one-half consecutive day 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.

Approved March 8, 1999

Filed March 8, 1999