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**FIRST ENGROSSMENT
with Senate Amendments**Sixtieth
Legislative Assembly
of North Dakota**ENGROSSED HOUSE BILL NO. 1146**

Introduced by

Representatives Hanson, Kroeber, Pollert, Porter, Solberg

Senator Urlacher

- 1 A BILL for an Act to create and enact a new section to chapter 47-05 of the North Dakota
2 Century Code, relating to severance of hunting rights from the surface estate.

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

- 4 **SECTION 1.** A new section to chapter 47-05 of the North Dakota Century Code is
5 created and enacted as follows:

- 6 **Severance of hunting rights prohibited.** The right to shoot, shoot at, pursue, take,
7 attempt to take, or kill any game animals or game birds; search for or attempt to locate or flush
8 any game animals and game birds; lure, call, or attempt to attract game animals or game birds;
9 hide for the purpose of taking or attempting to take game animals or game birds; and walk,
10 crawl, or advance toward wildlife while possessing implements or equipment useful in the
11 taking of game animals or game birds may not be severed from the surface estate. This
12 section does not apply to deeds, instruments, or interests in property recorded before the
13 effective date of this Act and does not apply to the private lands habitat and access
14 improvement program under title 20.1.

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1146**

Introduced by

Representatives Hanson, Kroeber, Pollert, Porter, Solberg

Senator Urlacher

1 A BILL for an Act to create and enact a new section to chapter 47-05 of the North Dakota
2 Century Code, relating to severance of the right of access for hunting access from the surface
3 estate; to provide for a legislative council study; and to provide an expiration date.

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

5 **SECTION 1.** A new section to chapter 47-05 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Severance of the right of access for hunting access prohibited.** The right of
8 access to land to shoot, shoot at, pursue, take, attempt to take, or kill any game animals or
9 game birds; search for or attempt to locate or flush any game animals and game birds; lure,
10 call, or attempt to attract game animals or game birds; hide for the purpose of taking or
11 attempting to take game animals or game birds; and walk, crawl, or advance toward wildlife
12 while possessing implements or equipment useful in the taking of game animals or game birds
13 may not be severed from the surface estate. This section does not apply to deeds,
14 instruments, or interests in property recorded before the effective date of this Act.

15 **SECTION 2. LEGISLATIVE COUNCIL - SEVERANCE OF HUNTING ACCESS FROM**
16 **SURFACE ESTATE STUDY.** The legislative council shall consider studying, during the
17 2007-08 interim, issues related to the severance of hunting access from the surface estate.
18 The legislative council shall report its findings and recommendations, together with any
19 legislation required to implement the recommendations, to the sixty-first legislative assembly.

20 **SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2009, and
21 after that date is ineffective.