

# GAME, FISH, PREDATORS, AND BOATING

## CHAPTER 172

### HOUSE BILL NO. 1204

(Representatives Heinert, Magrum, Oliver, Porter, Zubke)  
(Senators D. Larson, Oban)

AN ACT to amend and reenact section 20.1-03-01.5 and subdivision a of subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to youth hunting; and to repeal section 20.1-04-05 of the North Dakota Century Code, relating to the protection of bald eagles.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-01.5 of the North Dakota Century Code is amended and reenacted as follows:

##### **20.1-03-01.5. Apprentice hunter validation.**

An individual born after December 31, 1961, who is ~~sixteen~~twelve years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication.

**SECTION 2. AMENDMENT.** Subdivision a of subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

- a. An individual whose ~~eleventh~~, twelfth, or thirteenth birthday occurs in the same year as a youth deer hunting season is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in that youth deer hunting season.

**SECTION 3. REPEAL.** Section 20.1-04-05 of the North Dakota Century Code is repealed.

Approved April 14, 2017

Filed April 17, 2017

## CHAPTER 173

### HOUSE BILL NO. 1150

(Representative Porter)  
(Senators Armstrong, Unruh)

AN ACT to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to bonus points awarded to participants in lotteries for hunting licenses.

#### 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:

##### **Purchase of bonus points awarded for lotteries.**

1. When an application for a license issued by a lottery that accrues bonus points is made by an eligible resident with the intent to forfeit the opportunity to receive that license, the director shall limit that applicant to the purchase of one bonus point for that year for that lottery. The applicant shall pay the same fee as the respective license.
2. The director shall allocate fees collected under subsection 1 to the private lands open to sportsmen program.

Approved April 4, 2017

Filed April 4, 2017

## CHAPTER 174

### SENATE BILL NO. 2239

(Senator Oehlke)

AN ACT to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to fees charged for watercraft for hire; to repeal section 20.1-13-04 of the North Dakota Century Code, relating to annual inspections for watercraft for hire; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

##### **20.1-03-12. Schedule of fees for licenses and permits.**

The fees collected under this section for licenses and permits must be deposited with the state treasurer and credited to the game and fish fund. Forty-five dollars of each nonresident big game hunting license fee must be used for the private land initiative. The various license and permit fees are as follows:

1. For a resident, age sixteen and over, small game hunting license, ten dollars.
2. For a nonresident small game hunting license, one hundred dollars.
3. For a resident big game hunting license, thirty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty dollars, and for a nonresident bow license, two hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, fifteen dollars.
6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to fifty percent, the license fee is five dollars.
7. For a nonresident fishing license, forty-five dollars.
8. For a resident husband and wife fishing license, twenty-two dollars.

9. For a nonresident nongame hunting license, fifteen dollars.
10. For a resident wild turkey permit, fifteen dollars.
11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, twenty-five dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five dollars.
19. ~~To operate watercraft used for hire, the following license fees apply for three years:~~
  - ~~Class 1. Each craft capable of carrying two adults of average weight, six dollars.~~
  - ~~Class 2. Each craft capable of carrying three adults of average weight, six dollars.~~
  - ~~Class 3. Each craft capable of carrying four adults of average weight, six dollars.~~
  - ~~Class 4. Each craft capable of carrying five adults of average weight, six dollars.~~
  - ~~Class 5. Each craft capable of carrying up to eight adults of average weight, nine dollars.~~
  - ~~Class 6. Each craft capable of carrying up to ten adults of average weight, twelve dollars.~~

~~Class 7. Each craft capable of carrying up to fifteen adults of average weight, twenty-four dollars.~~

~~Class 8. Each craft capable of carrying sixteen or more adults of average weight, thirty dollars.~~

- ~~20.~~ For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
- ~~21-20.~~ For a resident paddlefish tag annual license, ten dollars per tag.
- ~~22-21.~~ For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
- ~~23-22.~~ For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
- ~~24-23.~~ For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
- ~~25-24.~~ For an annual license to operate a private fish hatchery, seventy-five dollars.
- ~~26-25.~~ For a resident commercial frog license, fifty dollars.
- ~~27-26.~~ For a nonresident commercial frog license, two hundred dollars.
- ~~28-27.~~ For a resident frog license, three dollars.
- ~~29-28.~~ For a resident husband and wife frog license, five dollars.
- ~~30-29.~~ For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
- ~~31-30.~~ For a nonresident waterfowl hunting license, one hundred dollars.
- ~~32-31.~~ For a nonresident husband and wife fishing license, sixty dollars.
- ~~33-32.~~ For a nonresident short-term three-day fishing license, twenty-five dollars.
- ~~34-33.~~ For a nonresident fur-bearer and nongame hunting license, forty dollars.
- ~~35-34.~~ For a combination license, fifty dollars.
- ~~36-35.~~ For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
- ~~37-36.~~ For a resident swan license, ten dollars.
- ~~38-37.~~ For a nonresident swan license, thirty dollars.
- ~~39-38.~~ For a resident sandhill crane license, ten dollars.
- ~~40-39.~~ For a nonresident sandhill crane license, thirty dollars.
- ~~41-40.~~ For a resident commercial clam license, one hundred dollars.

- ~~42-41.~~ For a nonresident commercial clam license, one thousand dollars.
- ~~43-42.~~ For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
- ~~44-43.~~ For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
- ~~45-44.~~ For a bighorn sheep license issued to a nonresident, five hundred dollars.
- ~~46-45.~~ For a nonresident reciprocal trapping license, three hundred fifty dollars.
- ~~47-46.~~ For a nonresident spring white goose license, fifty dollars.
- ~~48-47.~~ For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
- ~~49-48.~~ For a nonresident short-term ten-day fishing license, thirty-five dollars.
- ~~50-49.~~ For a nonresident wild turkey permit, eighty dollars.
- ~~51-50.~~ For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
- ~~52-51.~~ For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
- ~~53-52.~~ For a resident early Canada goose season license, five dollars.
- ~~54-53.~~ For a nonresident early Canada goose season license, fifty dollars.
- ~~55-54.~~ For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.

~~The fees for these licenses and permits must be deposited with the state treasurer and credited to the game and fish fund. Forty-five dollars of each nonresident big game hunting license fee must be used for the private land initiative.~~

**SECTION 2. REPEAL.** Section 20.1-13-04 of the North Dakota Century Code is repealed.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 11, 2017

Filed April 12, 2017

## CHAPTER 175

### SENATE BILL NO. 2284

(Senator Robinson)  
(Representatives D. Anderson, Brandenburg)

AN ACT to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to agent fees for distribution of hunting licenses; and to declare an emergency.

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

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

**20.1-03-17. (Effective after April 1, 2016) Issuance of licenses - Who to issue - Disposition of proceeds.**

All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by the director, deputy director, and bonded game wardens. The deputy director and each bonded game warden shall send the director all license fees.

Upon request, the director may appoint the person making the request an agent to distribute hunting and fishing licenses. The director may provide licenses to agents located outside this state if there are no agents located a reasonable distance within this state where nonresidents may obtain licenses. Upon request, the director may appoint the county auditor of any county as an agent to distribute hunting and fishing licenses. The director may require an agent to show evidence of adequate financial security before the agent is 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.~~ An agent may charge a purchaser up to three percent of the total license fee excluding the certificate fee. The agent shall return the remainder of the license fees to the director at least once each 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 director shall deposit all license fees received with the state treasurer to be credited to the game and fish fund. Each agent appointed to distribute hunting and fishing licenses shall implement a computerized online licensing system approved by the department. The agent is responsible for any equipment, supplies, and technical support associated with selling licenses online.

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

Approved March 13, 2017

Filed March 13, 2017

## CHAPTER 176

### HOUSE BILL NO. 1025

(Legislative Management)  
(Agriculture and Natural Resources)

AN ACT to create and enact section 20.1-04-07.1 and chapter 20.1-05.1 of the North Dakota Century Code, relating to wild turkey hunting licenses for individuals receiving hunting expeditions from a nonprofit organization and authorization for issuance of special allocation hunting licenses; to amend and reenact sections 20.1-02-04, 20.1-04-07, 20.1-08-04.1, 20.1-08-04.2, and 20.1-08-04.6 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; to repeal sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 20.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

##### **20.1-02-04. Duties of director.**

The director shall:

1. Maintain an office in Bismarck.
2. Adopt rules necessary to the conduct of the department.
3. Keep an accurate record of all the transactions and expenditures of the department and submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04.
4. Enforce state laws involving wildlife.
5. Collect and distribute statistics and information germane to this title and publish information and reports, including a monthly bulletin, for the education of the public in conservation matters.
6. Examine all waters of the state and, wherever suitable waters are found, arrange to plant, stock, or deposit available fish, spawn, or fry.
7. Cooperate with the United States fish and wildlife service, or any other appropriate federal agency, and make applications for fish, spawn, and fry, to apportion and deposit in waters of the state.
8. Cooperate with and assist clubs and individuals in stocking the waters of this state with fish.
9. Remove or take from any public waters containing a surplus of fish any reasonable quantity of fish for stocking other public waters, hatching or propagating purposes, or exchange with other states and countries.

10. Control, construct, mark, designate, manage, and have charge of all state fish hatcheries, state game farms, game refuges, and game reserves owned, leased, or controlled for the propagation and protection of game birds, game animals, and fish.
11. Supervise the breeding, propagation, capture, distribution, and preservation of game birds, game animals, and fish as the director deems advisable.
12. Adopt rules necessary for carrying out section 20.1-10-01 and these rules have the force of law after one publication in the daily newspapers of this state.
13. Provide the necessary blank forms for making applications for licenses of all kinds and distribute them among those authorized to sell licenses.
14. Keep a record of all permits issued for the purpose of propagation and domestication of game birds or protected animals.
15. ~~Issue four any deer licenses and six any white-tailed deer licenses annually to the injured military wildlife project of North Dakota for distribution. A license issued under this subsection is valid during the period of the deer bow season.~~

**SECTION 2. AMENDMENT.** Section 20.1-04-07 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-04-07. Governor's proclamation concerning the taking of wild turkeys - ~~National wild turkey federation raffle~~ - Youth spring wild turkey licenses - ~~Outdoor adventure foundation~~ Spring wild turkey licenses.**

1. ~~By proclamation the~~The governor by proclamation may provide for a permit season to take wild turkeys in the manner, number, places, and times deemed in the state's best interests; ~~however:~~
  - a. ~~By proclamation the governor may make available to the national wild turkey federation one license per year to hunt wild turkeys in the spring in the manner, places, and times as the governor prescribes. The national wild turkey federation shall hold a raffle or may auction to the highest bidder, whether resident or nonresident, a license to hunt wild turkeys. If an individual receives a wild turkey license through the raffle or the auction, the individual is not eligible to apply for a wild turkey license through the game and fish department that year. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. Ten percent of the net proceeds of the raffle or auction may be retained by the local, state, or national wild turkey federation entity conducting the raffle or auction. All remaining net proceeds must be deposited in the national wild turkey federation superfund and used for wild turkey management and related projects in this state. The national wild turkey federation shall submit reports concerning the raffle or auction as the director requires.~~
  - b. ~~By proclamation the~~ The governor also by proclamation may allow individuals who are first-time youth spring wild turkey hunters to receive one spring wild turkey license valid for the regular spring wild turkey season. To be eligible to receive a spring wild turkey license, an individual must be fifteen years of age or younger on the opening day of the spring wild turkey season and have never received a spring wild turkey license.

~~e. By proclamation the governor may make available to the outdoor adventure foundation up to two licenses to hunt a turkey in the spring season. The foundation shall make one license available to each qualified youth to hunt as provided in the governor's proclamation. A qualified youth receiving a license under this section must comply with hunter education requirements and if under the age of eighteen must be accompanied by an adult twenty-one years of age or older. As used in this section, "qualified youth" means an individual who has cancer or a life-threatening illness, is of legal age to hunt a turkey, is under twenty-five years of age, is a resident, and is sponsored by the foundation. The foundation must provide the department supporting documentation demonstrating compliance with this section. The director may adopt rules to implement this section.~~

2. The governor by proclamation shall make available to residents and nonresidents any permits/licenses remaining after the resident fall drawing.

**SECTION 3.** Section 20.1-04-07.1 of the North Dakota Century Code is created and enacted as follows:

**20.1-04-07.1. Spring wild turkey licenses - Nonprofit organizations.**

The director shall issue four spring wild turkey licenses and permits to hunt wild turkeys to individuals residing in North Dakota who are selected by a nonprofit organization as provided under section 20.1-05.1-01.

**SECTION 4.** Chapter 20.1-05.1 of the North Dakota Century Code is created and enacted as follows:

**20.1-05.1-01. Special allocation hunting license authorization.**

The director shall authorize issuance of the following annual special allocation hunting licenses:

1. Four any deer licenses and six any white-tailed deer licenses per year to the injured military wildlife project of North Dakota for distribution. A license issued under this subsection is valid during the period of the deer bow season.
2. One license per year to the national wild turkey federation to hunt wild turkeys in the spring in the manner, places, and times as the governor provides by proclamation. The national wild turkey federation shall hold a raffle for, or may auction to the highest bidder, whether resident or nonresident, the license to hunt wild turkeys. If an individual receives a wild turkey license through the raffle or auction, the individual is not eligible to receive a wild turkey license through the game and fish department that year. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. Ten percent of the net proceeds of the raffle may be retained by the local, state, or national wild turkey federation entity conducting the raffle. All remaining net proceeds must be deposited in the national wild turkey federation superfund and used for wild turkey management and related projects in this state. The national wild turkey federation shall submit reports concerning the raffle as the director requires.
3. Up to two licenses per year to the outdoor adventure foundation to hunt a turkey in the spring season. The foundation shall make authorized licenses available to sponsored qualified youths to hunt as the governor provides by proclamation. A qualified youth receiving a license under this section must

comply with hunter education requirements and if under the age of eighteen must be accompanied by an adult twenty-one years of age or older. As used in this section, "qualified youth" means an individual who has cancer or a life-threatening illness, is of legal age to hunt a turkey, is under twenty-five years of age, is a resident, and is sponsored by the foundation. The foundation must provide the department supporting documentation demonstrating compliance with this section.

4. One license per year to the midwest chapter of the wild sheep foundation to hunt bighorn sheep in the manner, places, and times as the governor provides by proclamation. The midwest chapter of the wild sheep foundation shall hold a raffle or auction under rules adopted by the director with residents and nonresidents eligible to participate. 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 subsection. Ten percent of gross raffle proceeds may be retained by the midwest chapter of the wild sheep foundation and ninety percent of gross raffle proceeds must be remitted to the department. All auction proceeds must be remitted to the department. An individual who receives a license through the raffle or auction may not transfer the license.
5. One license per year to the North American wildlife enforcement memorial museum and educational center to hunt moose in a manner, places, and times as the governor provides by proclamation. The North American wildlife enforcement memorial museum and educational center shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. The individual who receives the license from the raffle may not transfer the license. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. The net proceeds distributed to the North American wildlife enforcement memorial museum and educational center must be used for construction and maintenance of the North American wildlife enforcement memorial museum and educational center located at the international peace garden. The North American wildlife enforcement memorial museum and educational center shall submit reports concerning the raffle as the director requires. 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 subsection.
6. One license per year to the rocky mountain elk foundation to hunt elk in a manner, places, and times as the governor provides by proclamation. The rocky mountain elk foundation shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. The net proceeds distributed to the rocky mountain elk foundation must be used for elk management or other wildlife and conservation-related projects in North Dakota as described under rocky mountain elk foundation policies and objectives. The rocky mountain elk foundation shall submit reports concerning the raffle as the director requires. 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 subsection.
7. One license per year to the mule deer foundation to hunt mule deer in the manner, places, and times as the governor provides by proclamation. The mule deer foundation shall hold a raffle or auction under rules adopted by the director with residents and nonresidents eligible to participate. If an individual receives a mule deer license through the raffle or auction, the individual is not

eligible to receive a mule deer license through the game and fish department that year. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds of the raffle or auction must be used for mule deer management and related projects in North Dakota. The mule deer foundation shall submit reports concerning the raffle or auction as the director requires.

8. One license per year to the North Dakota hunter educators association to hunt antelope in the manner, places, and times as the governor prescribes by proclamation. The North Dakota hunter educators association shall hold a raffle under rules adopted by the director. Only residents are eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds of the raffle must be used for sponsoring mentored hunts for youth who may otherwise not have the means to go afield to hunt, establishing a statewide network of shooting locations for youth to become familiar with archery equipment and firearms under the supervision of a certified volunteer hunter education instructor, and purchasing advertising in news media during hunting season concerning firearms safety and hunting ethics and the promotion of safe and responsible hunting. If an individual receives an antelope license through the raffle, the individual is not eligible to apply for an antelope license through the game and fish department that year. The North Dakota hunter educators association shall submit reports concerning the raffle as the director requires.
9. One any elk license, one any moose license, up to seven white-tailed deer licenses, and up to two antelope licenses to the outdoor adventure foundation to hunt the species indicated on the license in the manner, places, and times as the governor prescribes by proclamation. The foundation shall make one license available to each qualified youth to hunt the species of big game indicated on the license as provided in the governor's proclamation. A qualified youth receiving a license under this section must comply with hunter education requirements and if under the age of eighteen must be accompanied by an adult twenty-one years of age or older. As used in this section, "qualified youth" means an individual who has been diagnosed with cancer or a life-threatening illness, is of legal age to hunt the species for which the license is valid, is under twenty-five years of age, is a resident, and is sponsored by the foundation. The foundation must provide the department supporting documentation demonstrating compliance with this section.

#### **20.1-05.1-02. Discretionary special allocation hunting license authorization.**

1. Subject to the restrictions under this section and in addition to the special allocation licenses authorized under section 20.1-05.1-01, if determined appropriate by the director based on the sustainability of the species population, the director may issue to eligible organizations the following annual special allocation hunting licenses:

  - a. Not more than two elk licenses, but the total issued under this subdivision may not exceed two percent of the general lottery allocation of elk licenses for the season.
  - b. Not more than two moose licenses, but the total issued under this subdivision may not exceed two percent of the general lottery allocation of moose licenses for the season.



**20.1-08-04.1. Governor's proclamation concerning the hunting of bighorn sheep - Minnesota-Wisconsin chapter of the foundation for North American wild sheep raffle or auction- 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; however, the governor may by proclamation make available to the Minnesota-Wisconsin chapter of the foundation for North American wild sheep a license to hunt bighorn sheep in the manner, places, and times as the governor prescribes, 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. ~~The Minnesota-Wisconsin chapter of the foundation for North American wild sheep shall hold either a raffle or an auction under rules adopted by the director with residents and nonresidents eligible to participate. Ten percent of gross raffle proceeds may be retained by the Minnesota-Wisconsin chapter of the foundation for North American wild sheep and ninety percent of gross raffle proceeds must be remitted to the department. All auction proceeds must be remitted to the department. 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; however, individuals 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.

**SECTION 6. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code is amended and reenacted as follows:

**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; however, the governor may by proclamation make available to the North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation one license per year to hunt moose in a manner, places, and times as the governor prescribes. In addition, the governor may by proclamation make available a license under section 20.1-08-04.13. ~~The North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. The person who receives the license from the raffle may not transfer the license. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. Fifty percent of all net proceeds must be used for elk management or other wildlife and in conservation-related projects in this state as described under rocky mountain elk foundation policies and objectives. All remaining net proceeds must be used for construction and maintenance of the North American wildlife enforcement memorial museum and educational center located at the international peace garden.~~

~~The North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation shall submit reports concerning the raffle as the director requires. 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.~~

**SECTION 7. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky mountain elk foundation raffle ~~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; however, the governor may by proclamation make available to the rocky mountain elk foundation and the North American wildlife enforcement memorial museum and educational center a license to hunt elk in a manner, places, and times as the governor prescribes. In addition, the governor may by proclamation make available a license under section 20.1-08-04.13. The rocky mountain elk foundation and the North American wildlife enforcement memorial museum and educational center shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and fifty percent of all net proceeds must be used for elk management or other wildlife and conservation related projects in North Dakota as described under rocky mountain elk foundation policies and objectives and all remaining net proceeds must be used for construction and maintenance of the North American wildlife enforcement memorial museum and educational center located at the international peace garden. The rocky mountain elk foundation and the North American wildlife enforcement memorial museum and educational center shall submit reports concerning the raffle as the director requires.~~

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.

**SECTION 8. REPEAL.** Sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the North Dakota Century Code are repealed.

**SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 18, 2017

Filed April 18, 2017

## CHAPTER 177

### SENATE BILL NO. 2318

(Senators Schaible, Armstrong, Rust)  
(Representatives Kempenich, Porter)

AN ACT to amend and reenact section 20.1-04-15 of the North Dakota Century Code, relating to the opening date of pheasant season.

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

**SECTION 1. AMENDMENT.** Section 20.1-04-15 of the North Dakota Century Code is amended and reenacted as follows:

#### **20.1-04-15. Pheasant season - Opening.**

The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend. Except as otherwise provided in this section for the opening of pheasant season for youth, the open or lawful season on pheasant may not open earlier than one-half hour before sunrise and the season may not commence earlier than the first Saturday of October nor later than October twelfth of any given year. The governor, in the governor's proclamation, may provide a pheasant hunting season for youth.

Approved March 14, 2017

Filed March 15, 2017

## CHAPTER 178

### SENATE BILL NO. 2308

(Senators Vedaa, Anderson, Clemens, Kannianen)  
(Representatives D. Anderson, C. Johnson)

AN ACT to amend and reenact section 20.1-06-07 and subsection 3 of section 20.1-07-03.1 of the North Dakota Century Code, relating to identification of fishhouses and coyote snares.

#### 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 - Removal - Penalty.**

1. A person 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. 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 unoccupied unit must have inscribed on it, in readily distinguishable characters at least three inches [7.62 centimeters] high, the registration number issued by the department for the fishhouse, or the owner's name and address or telephone number. An unoccupied fishhouse or dark house left on the ice without a registration number, or an owner's name and address or telephone number may be removed or destroyed by the department. The department may not issue a fishhouse registration number, unless the division of state radio has integrated game and fish department license information into the national law enforcement telecommunications system. 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.** Subsection 3 of section 20.1-07-03.1 of the North Dakota Century Code is amended and reenacted as follows:

3. A person using a snare for the purpose of taking coyotes shall permanently affix with a metal or plastic tag the registration number issued by the department, or that person's name, address, and telephone number to each snare being used.

Approved March 29, 2017

Filed March 30, 2017

## CHAPTER 179

### HOUSE BILL NO. 1207

(Representatives M. Ruby, Grueneich, Heinert, Porter, D. Ruby)  
(Senators O. Larsen, Schaible, Vedaa)

AN ACT to create and enact section 20.1-11-14 of the North Dakota Century Code, relating to the disposition of property abandoned on certain public lands; and to declare an emergency.

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

**SECTION 1.** Section 20.1-11-14 of the North Dakota Century Code is created and enacted as follows:

**20.1-11-14. Property abandoned on state game refuges, leased or managed real property, and state game or fish management areas.**

The director may seize tangible property presumed abandoned on state game refuges, real property leased or managed by the game and fish department, and state game or fish management areas. After ninety days, the director may dispose of seized, unclaimed, tangible property presumed abandoned, or order it be turned over to the North Dakota wildlife federation to be sold for the highest price obtainable. The sale proceeds, after the expenses of the seizure and the sale are deducted, must be remitted to the North Dakota wildlife federation report all poachers fund. A report of the sale, supported by proper vouchers covering all deductions made for expenses, must be filed for the record with the director.

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

Approved March 13, 2017

Filed March 13, 2017

## CHAPTER 180

### HOUSE BILL NO. 1367

(Representatives Weisz, Nathe)  
(Senator Unruh)

AN ACT amend and reenact sections 20.1-13-07 and 20.1-13-10 of the North Dakota Century Code, relating to personal watercraft and towing an individual on water skies or similar devices; to provide a penalty; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 20.1-13-07 of the North Dakota Century Code is amended and reenacted as follows:

##### **20.1-13-07. Prohibited operation - Penalty.**

1. ~~No person~~An individual may not operate ~~any~~a motorboat or vessel, or manipulate ~~any~~ water skis, a surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any ~~person~~individual. Reckless or negligent operation of a motorboat or vessel includes weaving through congested motorboat or vessel traffic, jumping the wake of another motorboat or vessel within one hundred feet [30.48 meters] of the motorboat or vessel, or in any other manner that is not reasonable or prudent.
2. ~~A person~~An individual may not operate a motorboat or vessel, or manipulate water skis, a surfboard, or similar device if any of the following apply:
  - a. ~~That person~~The individual has an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of the test within two hours after the operating of a motorboat or vessel.
  - b. ~~That person~~The individual is under the influence of intoxicating liquor.
  - c. ~~That person~~The individual is under the influence of ~~any~~a drug or substance or combination of drugs or substances to a degree which renders ~~that person~~the individual incapable of safely operating a motorboat or vessel.
  - d. ~~That person~~The individual is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely operating a motorboat or vessel.

The fact that ~~a person~~an individual charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against ~~any~~a charge for violating this section, unless a drug ~~which~~that predominantly caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to ~~that person~~the individual.

3. ~~No person~~An individual under twelve years of age may not operate a motorboat propelled by over a ten horsepower motor unless the operator is accompanied by a ~~person~~an individual eighteen years of age or older. ~~Any person~~An individual who violates this subsection is guilty of a class 2 noncriminal offense.
4. ~~No person~~An individual of twelve through fifteen years of age may not operate a motorboat propelled by over a ten horsepower motor unless the operator is accompanied by a ~~person~~an individual eighteen years of age or older or the operator has taken and passed a boating course approved by the department. ~~Any person~~An individual who violates this subsection is guilty of a class 2 noncriminal offense.
5. ~~No person~~An individual may not cause or knowingly permit a minor under sixteen years of age to operate a motorboat propelled by over a ten horsepower motor unless the minor is otherwise authorized to do so by this section.
6. ~~No person~~An individual may not operate a motorboat or vessel within one hundred feet [30.48 meters] of a person fishing from a shoreline, swimmer, swimming diving raft, or an occupied, anchored or nonmotorized vessel, or within two hundred fifty feet [76.20 meters] of a reduced speed or slow or no wake sign at greater than slow or no wake speed.
7. ~~No person~~An individual may not operate or permit the operation of a personal watercraft:
  - a. Without each person on board the personal watercraft wearing a United States coast guard approved type I, II, III, or V personal flotation device;
  - b. Within one hundred feet [30.48 meters] of a person fishing from a shoreline, swimmer, swimming diving raft, or an occupied, anchored or nonmotorized vessel at greater than slow or no wake speed;
  - c. While towing a ~~person~~an individual on water skis, a kneeboard, an inflatable craft, or any other device unless an observer is on board or the personal watercraft is equipped with a mirror on each side which provides the operator an unobstructed field of vision to the rear;
  - d. Without a lanyard-type engine cutoff switch being attached to the ~~person~~individual, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;
  - e. If any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;
  - f. To chase or harass wildlife;
  - g. Through emergent or floating vegetation at other than slow or no wake speed;
  - h. In a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping

the wake of another watercraft within one hundred feet [30.48 meters] of the other watercraft; or

i. In any other manner that is not reasonable and prudent.

8. An individual who violates subdivision c of subsection 7 is guilty of a class 2 noncriminal offense.

**SECTION 2. AMENDMENT.** Section 20.1-13-10 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13-10. Water skis and surfboard - Penalty.**

1. ~~No person~~An individual may ~~not~~ manipulate any water skis, surfboard, or similar device without wearing a life preserver approved by the department, ~~unless the individual is sixteen years of age or older and engaged in windsurfing or boardsailing.~~
2. ~~No person~~Any time between one hour after sunset to one hour before sunrise, an individual may not operate a vessel on any waters of this state towing a ~~person or persons~~an individual on water skis, a surfboard, or similar device, ~~nor may any person engage in water skiing, surfboarding, or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.~~
3. ~~The provisions of subsections~~Subsections 1 and 2 do not apply to a performer engaged in a professional exhibition or a person~~an individual engaged in an activity authorized under section 20.1-13-11, and the provisions of subsection 1 do not apply to a person sixteen years of age or older engaged in windsurfing or boardsailing.~~
4. ~~No person~~An individual may ~~not~~ operate or manipulate any vessel, towrope, or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in ~~such a way as to cause the water skis, surfboard, or similar device, or any person thereon~~an individual on the device, to collide with or strike against any object or ~~person~~individual.
5. ~~No person~~An individual may ~~not~~ operate a vessel on any waters of this state towing a ~~person or persons~~an individual on water skis, a surfboard, or similar device unless there is another ~~person~~individual in the towing vessel observing the ~~person or persons~~any individual being towed or the vessel is equipped with a mirror at least seventy-eight square inches [198.12 square centimeters] which provides the operator an unobstructed field of vision to the rear. ~~However, this~~This subsection does not apply to a personal watercraft or to members of any organization regularly staging water ski shows, tournaments, or exhibitions while engaged in the performance of such shows, tournaments, or exhibitions. The department shall adopt rules to allow such organizations to practice in preparation for such events, as prescribed in section 20.1-13-11.
6. ~~Any person~~An individual who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 11, 2017

Filed April 12, 2017