

GAME, FISH, PREDATORS, AND BOATING

CHAPTER 195

HOUSE BILL NO. 1412

(Representatives Tveit, Fegley, C. Johnson, Laning)
(Senators Myrdal, Osland, Unruh)

AN ACT to amend and reenact sections 20.1-01-08 and 20.1-05-04 of the North Dakota Century Code, relating to hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

20.1-01-08. Hunting with artificial light prohibited - Exception.

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

1. An individual or the individual's agent ~~to~~ may use a lantern, spotlight, night vision, thermal vision, infrared light, or other artificial light to assist the ~~person's individual~~ individual in pursuing and shooting on the ~~person's individual's~~ individual's premises any coyote, fox, skunk, mink, raccoon, beaver, weasel, ~~owl,~~ rabbit, or other predatory animal ~~or~~ bird, attacking and attempting to destroy the ~~person's individual's~~ individual's poultry, livestock, or other property. ~~It is permissible to,~~ and
2. An individual may use an artificial light, night vision, thermal vision, or infrared light with a power source of not more than six volts while hunting afoot for coyote, fox, raccoon, or beaver during the open season on the animal. ~~A~~ The artificial light must produce a red, green, or amber filter ~~must be placed on any artificial light color when used in the hunting of~~ coyote, fox, raccoon, or beaver, except when taking a raccoon treed or at bay.

⁹¹ **SECTION 2. AMENDMENT.** Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

⁹¹ Section 20.1-05-04 was also amended by section 1 of House Bill No. 1209, chapter 200.

~~No person, to hunt, pursue, kill, take, or attempt~~While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and a spotlight~~ or automobile ~~and~~ motorcycle ~~headlights~~headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~over~~more than six volts in the area while hunting a foot to take coyote, fox, raccoon, or beaver.

Approved April 23, 2019

Filed April 24, 2019

CHAPTER 196

SENATE BILL NO. 2138

(Senators J. Lee, Unruh)
(Representatives Damschen, Mitskog, Porter)

AN ACT to amend and reenact subsection 10 of section 20.1-02-05 of the North Dakota Century Code, relating to allowing physician assistants and advanced practice registered nurses to verify the physical conditions necessary for special hunting permits to be issued to individuals to shoot from stationary motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹² **SECTION 1. AMENDMENT.** Subsection 10 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

10. Issue special permits to shoot wildlife from a stationary motor vehicle upon application from individuals who are physically unable to walk for purposes of hunting or taking wildlife or who have lost the use of an arm at or below the elbow. The application must be accompanied by a ~~physician's statement verifying from a physician, physician assistant, or advanced practice registered nurse which verifies the person's individual's~~ condition, and if used to hunt on lands controlled by the board of university and school lands, must designate the land on which the individual intends to hunt. The permittee must have permission from the lessee and the commissioner of university and school lands to hunt on lands controlled by the board of university and school lands. A permit issued under this subsection allows the permittee to drive, or to be driven, onto any land for the purposes of hunting wildlife, except that neither any other passenger within the vehicle nor the driver, if someone other than the permittee, may be a hunter, unless the other ~~person~~individual ~~also~~ is ~~also~~ a permittee. ~~Provided, however, that if~~ the land is privately owned and if the permittee is not going to drive or be driven along an established road or trail, the permittee ~~first~~ must ~~first~~ obtain the consent of the owner or lessee to hunt on the land in the manner provided in this title.

Approved April 8, 2019

Filed April 9, 2019

⁹² Section 20.1-02-05 was also amended by section 1 of House Bill No. 1366, chapter 197.

CHAPTER 197

HOUSE BILL NO. 1366

(Representatives Schauer, K. Koppelman, Pyle, Satrom, Toman)

AN ACT to amend and reenact subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹³ **SECTION 1. AMENDMENT.** Subsection 11 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

11. Issue to any individual who is blind, is a paraplegic, or who has lost the use of one or both arms a special permit to hunt game with a crossbow if that individual otherwise complies with and qualifies under the licensing and other provisions of this title. Battery-powered and electronic-lighted sight pins and telescopic sights not exceeding a maximum power of ~~four by thirty-two millimeter~~^{eight} may be attached to crossbows used for hunting under this subsection. However, an individual who is blind and who receives a special permit to hunt game with a crossbow under this subsection may hunt only on a preserve or area approved by the director. For purposes of this subsection, an individual who is blind means an individual who is totally blind, whose central visual acuity does not exceed twenty/two hundred in the better eye with corrective lenses, or in whom the widest diameter of the visual field is no greater than twenty degrees.

Approved April 23, 2019

Filed April 24, 2019

⁹³ Section 20.1-02-05 was also amended by section 1 of Senate Bill No. 2138, chapter 196.

CHAPTER 198

SENATE BILL NO. 2293

(Senators Oehlke, Kreun, J. Roers)
(Representatives Jones, Mock, Porter)

AN ACT to create and enact a new section to chapter 20.1-02, a new section to chapter 20.1-03, and a new section to chapter 20.1-13 of the North Dakota Century Code, relating to the creation of the aquatic nuisance species program fund and surcharges for fishing, combination, and waterfowl licenses and requiring aquatic nuisance species fees for motorboats; to amend and reenact sections 20.1-02-16.1 and 20.1-03-12 of the North Dakota Century Code, relating to the investment of the state game and fish fund and aquatic nuisance species fees for motorboats; to provide a penalty; to provide an appropriation; to provide for a transfer; to provide an exemption; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Aquatic nuisance species program fund.

There is created in the state treasury a special fund known as the aquatic nuisance species program fund. The fund consists of transfers and deposits made in accordance with section 20.1-02-16.1 and section 5 of this Act.

⁹⁴ **SECTION 2. AMENDMENT.** Section 20.1-02-16.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.

All income of the state game and fish department deposited by the director with the state treasurer must be credited to the state game and fish fund and the fund may be used only by the department. All money derived from the investment of the fund, special accounts, or portions of the fund ~~must~~ may be credited to the game and fish department private land habitat and access improvement fund. The department shall spend moneys in the game and fish fund within the limits of legislative appropriations, only to the extent the balance of the fund is not reduced below fifteen million dollars, unless otherwise authorized by the budget section.

SECTION 3. 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, except aquatic

⁹⁴ Section 20.1-02-16.1 was also amended by section 4 of Senate Bill No. 2017, chapter 42, and section 4 of Senate Bill No. 2055, chapter 438.

nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program 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. 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.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
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.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.

36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
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.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
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.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

SECTION 4. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Fishing, combination, and waterfowl license surcharge.

The director shall establish a surcharge of two dollars on each resident fishing license and combination license except for the resident sixty-five years of age or older license, permanently or totally disabled license, or a disabled veteran license as defined in subsection 6 of section 20.1-03-12. The director also shall establish a surcharge of three dollars on each nonresident fishing license and each nonresident waterfowl hunting license issued under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.

SECTION 5. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

Operation of motorboat without payment of aquatic nuisance species fee prohibited - Penalty.

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
 - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
 - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person that violates this section is guilty of a class 2 noncriminal offense.

SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION. There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

SECTION 7. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND. There is appropriated out of any moneys in the aquatic nuisance species program fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the game and fish department for use in aquatic nuisance species education, inspection, and monitoring programs under chapter 20.1-17, for the period beginning with the effective date of this Act, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose.

SECTION 8. EFFECTIVE DATE. Section 3 of this Act becomes effective on January 1, 2020.

SECTION 9. EFFECTIVE DATE. Section 4 of this Act becomes effective on April 1, 2020.

SECTION 10. EMERGENCY. Sections 6 and 7 of this Act are declared to be an emergency measure.

Approved May 1, 2019

Filed May 2, 2019

CHAPTER 199

HOUSE BILL NO. 1246

(Representatives D. Anderson, Porter, Schreiber-Beck, Strinden)

AN ACT to amend and reenact section 20.1-03-11 of the North Dakota Century Code, relating to gratis tags for hunting big game; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-11. License to hunt big game required - Limitations on licenses.

1. An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal must be issued as an integral part of the big game hunting license. Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license unless that individual's fourteenth or subsequent birthday occurs in the same year as the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section is a distinct and separate offense. The following provisions govern youth deer and antelope hunting:
 - 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.
 - b. An individual whose twelfth or thirteenth birthday occurs in the same year as an antelope hunting season is entitled to apply for an antelope permit for that season.
 - c. An individual hunting under subdivision a or b must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section, "accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.
2. The number of licenses issued, including those licenses issued without charge under the provisions of this section, ~~shall~~may not exceed the number of licenses authorized by the governor's proclamation issued pursuant to section 20.1-08-04.
3. a. An individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate that hold title to at least one hundred fifty acres [60.70 hectares] of land is eligible to ~~apply~~submit one application for a license to hunt deer without charge, or if

- the individual named to receive the license is a nonresident, upon payment of the fee required for a nonresident big game license.
- b. A resident that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate that has executed a lease for at least one hundred fifty acres [60.70 hectares] of land and that actively farms or ranches that land is eligible to applysubmit one application for a license to hunt deer without charge. Upon request, a lessee shall provide proof the land described in the completed application is leased for agricultural purposes. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual issued a license under this subsection must be a resident.
 - c. Applications must include a legal description of the eligible land, must be within a unit open for the hunting of deer, and must be signed. A license issued under this subsection is valid for the deer bow, deer gun, and muzzleloader seasons until filled and only upon the land described in the application.
 - d. If the eligible applicant in subdivisions a and b is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license may be issued and the license must be issued in the name of an individual shareholder, member, partner, beneficiary, or holder of a life estate.
 - e. An individual who is eligible for a license under subsections a and b may transfer that eligibility for the license to a spouse or legal dependent residing customarily with that individual. An individual may be eligible for only one license. No more than one license may be issued under this subsection for all qualifying land. An individual transferring eligibility under this subsection may not receive a license under subsections a and b for seasons for which the eligibility was transferred.
 - f. An individual, that individual's spouse, and their children who have a license issued under subsections a and b may hunt together on land described in any of the applications making them eligible for the license. Family members hunting together under this provision must hunt within the same unit within which the land described in the application making them eligible for the license is located.
 - g. Applications for license issued under subsections a, b, and f received by the game and fish department on or before the date of the application deadline for deer gun lottery will be issued as any legal deer. Applications for license issued under subsections a, b, and f received by the game and fish department after the application deadline will be issued based on licenses available.
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 who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, a nonresident may participate

on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents.

5.
 - a. A resident who that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and has executed a lease for at least one hundred fifty acres [60.70 hectares] of land and who that the resident actively farms or ranches that land; or a resident who that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and holds title to at least one hundred fifty acres [60.70 hectares] of land, is eligible to apply submit one application for a license to hunt antelope without charge upon filing 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 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 completed application is leased for agricultural purposes. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual licensed under this subsection must be a resident.
 - b. If the eligible applicant is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license may be issued, and the license must be issued in the name of an individual shareholder, member, partner, beneficiary, or holder of a life estate.
 - c. 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.
 - d. 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 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.
6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist

breathing and who receives or obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to convert one license to take any sex or species of deer in the unit or subunit for which the license is issued. Notwithstanding any other law or any provision contained in the governor's proclamation concerning the hunting of deer, a person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer regardless of whether that person received a license to hunt deer in any prior year.

7.
 - a. A resident who that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and has executed a lease for at least one hundred fifty acres [60.70 hectares] of land and who that the resident actively farms or ranches that land; or a resident who that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate and holds title to at least one hundred fifty acres [60.70 hectares] of land, is eligible to apply submit one application for a license to hunt elk upon filing 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 completed application and may be used to hunt elk within the district or unit in which the land described in the completed application is located. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual issued a license under this subsection must be a resident.
 - b. If the eligible applicant is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license may be issued, and the license must be issued in the name of an individual shareholder, member, partner, beneficiary, or holder of a life estate.
 - c. 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. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.
 - d. The governor's proclamation may restrict the districts or units for which preferential licenses may be issued under this subsection. 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 licenses allocated to that district or unit, the licenses to be issued must be issued by weighted lottery as prescribed in the governor's proclamation. Licenses to hunt elk may not be issued under this subsection when the total number of licenses prescribed in the governor's proclamation is fewer than twenty.

- e. 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 raffle under section 20.1-08-04.6.
- f. 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.
8. a. A resident who that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and has executed a lease for at least one hundred fifty acres [60.70 hectares] of land and who that the resident actively farms or ranches that land; or a resident who that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate and holds title to at least one hundred fifty acres [60.70 hectares] of land, is eligible to apply submit one application for a license to hunt moose without charge upon filing 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 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 completed application is leased for agricultural purposes. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual issued a license under this subsection must be a resident.
- b. If the eligible applicant is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license may be issued, and the license must be issued in the name of an individual shareholder, member, partner, beneficiary, or holder of a life estate.
- c. 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 raffle under section 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.
- d. 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.

- e. 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 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 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 completed application is located, unless the person has sold or otherwise transferred the person's rights to the land described in the completed application.
- f. 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 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. 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.
- g. The director may issue special moose depredation management licenses to landowners in areas designated by the director upon payment of the fee required 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 moose do not apply to special moose depredation management licenses. A person receiving a moose depredation management license under this subsection is eligible to apply for a license to hunt moose in future years and is eligible to participate in the raffle under section 20.1-08-04.2.
9. A person who holds a valid license to hunt deer may hunt the same species and sex of deer, for which that person's license is valid, on land in an adjoining unit for which that person would be eligible for a gratis deer license under subsection 3.
10. Fifteen percent of the total mule deer licenses and permits to hunt mule deer made available in the immediately preceding year for the regular gun season must be made available to nonresidents to hunt any deer with bow and arrow.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - GRATIS HUNTING LICENSES. During the 2019-20 interim, the legislative management shall consider studying gratis licenses to hunt deer, antelope, elk, and moose. The study must include consideration of the minimum acreage requirements for a gratis license, restrictions on where individuals with gratis licenses to hunt moose may hunt, how gratis licenses to hunt deer are allocated in units to ensure an adequate supply remains available for individuals with other licenses to hunt deer, and whether

eligibility for a gratis license to hunt moose should be annual or once in a lifetime. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

Approved April 10, 2019

Filed April 11, 2019

CHAPTER 200

HOUSE BILL NO. 1209

(Representatives M. Ruby, Eidson, Grueneich, Johnston, Monson, Simons)
(Senators Bekkedahl, O. Larsen, Meyer)

AN ACT to amend and reenact section 20.1-05-04 of the North Dakota Century Code, relating to the use of dogs in the recovery of big game.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹⁵ **SECTION 1. AMENDMENT.** Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

1. No person, to hunt, pursue, kill, take, or attempt to take, or to aid in the hunting or taking of, any big game animal, may:
 - a. Use any animal except horses or mules:
 - (1) Horses;
 - (2) Mules; or
 - (3) For the recovery of big game animals, dogs:
 - (a) The dog must be leashed and under the physical control of a handler at all times;
 - (b) The dog must be accompanied at all times by both a handler and the hunter responsible for the taking of the big game animal;
 - (c) Individuals involved in the recovery of the big game animal may not carry a firearm or archery equipment during the recovery;
 - (d) If a big game animal is found alive during the recovery, the dog and handler shall leave the immediate area; and
 - (e) Before the beginning of the recovery, the handler of the dog shall notify the district game warden of the involvement of the dog in the recovery of the big game animal and provide to the district game warden the contact information of all parties involved in the hunt and the location in which the big game animal was tracked.
 - b. Use any artificial light, including spotlights and automobile and motorcycle headlights, except artificial light may be used in the recovery process of big game animals.

⁹⁵ Section 20.1-05-04 was also amended by section 2 of House Bill No. 1412, chapter 195.

3. c. Engage in the practice commonly known as shining for deer. An individual who shines any area commonly frequented by big game animals with any artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use a flashlight with a power source of not over six volts to take raccoon or beaver.
2. For purposes of this section, "recovery" means the time after a firearm or archery equipment is used in the taking of a big game animal until the expired animal is located.

Approved March 26, 2019

Filed March 27, 2019

CHAPTER 201

HOUSE BILL NO. 1462

(Representatives Strinden, Beadle, Hager, Marschall, Schauer)
(Senator Clemens)

AN ACT to amend and reenact section 20.1-05.1-01 of the North Dakota Century Code, relating to special allocation hunting licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-05.1-01 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The director shall authorize issuance of the following annual special allocation hunting licenses:
 4. a. 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. b. 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. c. 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. d. 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. e. 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. f. 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. g. 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- h. 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- i. One any elk license, one any moose license, up to seven four any white-tailed deer licenses, up to three any 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 issued under this section is only valid during an open season for the species indicated as prescribed by the governor's proclamation and for the year indicated on the license or tag. If a qualified youth is hunting on private land with written permission from the landowner and with a license issued under this section, the qualified youth may use any weapon that is legal in any season for the species being hunted. 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.
2. An organization eligible to receive a license under this section shall provide an annual report on forms provided by the director. The annual report must include the name of the hunters, dates of the hunt, and the species harvested. If an organization fails to submit a complete report required under this subsection, the organization may not receive a license under this section until the organization submits the complete report. If the director determines by clear and convincing evidence that a criminal violation of a state hunting, fishing, or trapping law occurred during a hunt conducted with a license issued under this section, the director may not issue a license under this section for a period of one year to the organization that conducted the hunt. However, the

director may issue a license under section 20.1-05.1 to the organization during the one-year period if the organization is otherwise eligible for the license.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 202

SENATE BILL NO. 2342

(Senator Erbele)
(Representative Brandenburg)

AN ACT to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to regulation of boats to prevent excessive noise; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

Regulation of noise from boats - Penalty.

1. A boat operated on the waters of this state between the hours of twelve midnight and five a.m. may not produce a noise in excess of eighty-eight decibels for more than ten minutes.
2. For purposes of subsection 1, the decibel level of a boat must be measured from the shoreline closest to the location from which a complainant or other individual noticed the noise.
3. A boat operator who violates this section is guilty of a class 1 noncriminal offense.
4. A boat operator cited for a violation of this section may not operate the boat that produced the noise in violation of this section until a muffler is installed.

Approved April 23, 2019

Filed April 24, 2019