

# GAME, FISH, PREDATORS, AND BOATING

## CHAPTER 188

### SENATE BILL NO. 2242

(Senators Oehlke, Hogue, Lyson)  
(Representatives Hofstad, D. Johnson, Hunskor)

AN ACT to create and enact a new subsection to section 20.1-01-02 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to disabled veterans and hunting fees.

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

**SECTION 1.** A new subsection to section 20.1-01-02 of the North Dakota Century Code is created and enacted as follows:

"Disabled veteran" means a veteran who has a one hundred 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 one hundred percent as determined by the department of veterans' affairs.

<sup>90</sup> **SECTION 2.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.

Approved May 2, 2013  
Filed May 2, 2013

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<sup>90</sup> Section 20.1-03-12 was also amended by section 4 of House Bill No. 1264, chapter 193, section 5 of House Bill No. 1264, chapter 193, section 1 of House Bill No. 1434, chapter 196, and section 1 of Senate Bill No. 2231, chapter 195.

## CHAPTER 189

### HOUSE BILL NO. 1282

(Representatives Heilman, Anderson, Beadle,  
Dosch, Hatlestad, Porter, Vigesaa, Weisz)  
(Senator Schaible)

AN ACT to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to using a suppressor for hunting.

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

**SECTION 1.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

#### **Suppressor allowed for hunting.**

An individual in lawful possession of a device that will silence or deaden the sound or natural report of a firearm when the firearm is discharged may hunt any game for which the individual is licensed and for which a firearm is allowed with that device for or attached to the firearm.

Approved March 27, 2013  
Filed March 27, 2013

## CHAPTER 190

### HOUSE BILL NO. 1354

(Representatives Oversen, Amerman, Klemin, Trottier, Vigesaa)  
(Senators Armstrong, Marcellais, Wardner)

AN ACT to amend and reenact section 20.1-02-04 of the North Dakota Century Code, relating to special deer licenses.

#### 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 ~~wounded warrior project~~ injured military wildlife project of North Dakota for distribution. A license issued under this subsection is valid ~~from~~ during the ~~opening of the youth deer season through the close of the~~ period of the deer ~~bow~~ season.

Approved March 27, 2013

Filed March 27, 2013

## CHAPTER 191

### HOUSE BILL NO. 1161

(Representatives Porter, Froseth, Hunsakor)  
(Senators Armstrong, Lyson, Schneider)

AN ACT to amend and reenact subsection 12 of section 20.1-02-05 of the North Dakota Century Code, relating to game and fish department licenses; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Subsection 12 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

12. ~~Issue any resident license prescribed by this title to an individual who has come to the state with a bona fide intention of becoming a resident, even though that individual has not been a resident of this state for the required time period immediately preceding the application for the license; to any individual who is a member of the United States armed forces and who is within the state on duty or leave; to any employee of the United States fish and wildlife service or the conservation department of any state or province of Canada in the state to advise or consult with the department; or to any nonresident full time student living in this state who is attending an institution under the jurisdiction of the state board of higher education, a private institution of higher education, or a tribal college. Except for a license issued to a nonresident full-time student living in this state who is attending an institution under the jurisdiction of the state board of higher education, a private institution of higher education, or a tribal college, a license may not be issued under this subsection unless an affidavit of a bona fide resident, setting forth the actual conditions, accompanies the application. This subsection does not apply to lottery permits, except that the director shall issue a resident deer hunting license to any resident of this state who is a member of the United States armed forces stationed outside this state and who shows proof of North Dakota residence and who pays the appropriate licensing fee. A deer license issued to a member of the United States armed forces under this subsection must be issued without being subject to the lottery for deer hunting licenses.~~ Issue any resident license and adopt rules if necessary to carry out resident licensing for each of the following, except a lottery permit or license may be issued only to an individual who qualifies as a resident under subdivision a:
  - a. A resident who is eligible for a license under this title, except that the director shall issue a license on proper application. A resident who is eighteen years of age or older must submit a valid driver's license number from this state or valid nondriver photo identification number issued by this state before the director may issue a license.
  - b. An individual who has come to the state with a bona fide intention of becoming a resident, even though that individual has not been a resident of this state for the required time period immediately preceding the application for the license. However, an individual who is eighteen years of

- age or older is not eligible for a resident license under this subsection unless that individual first produces a driver's license number from this state or a nondriver photo identification number issued by this state and submits an affidavit of a bona fide resident setting forth the actual conditions of residency. An individual is not eligible for a resident license under this subsection if the individual maintains a valid resident hunting-related or fishing-related license from another state or country, unless the license is a lifetime license.
- c. An individual who is a member of the United States armed forces and who is within the state on duty or leave.
  - d. An employee of the United States fish and wildlife service or the conservation department of any state or province of Canada in the state to advise or consult with the department.
  - e. A nonresident full-time student living in this state who is attending an institution under the jurisdiction of the state board of higher education, a private institution of higher education, or a tribal college. A license may not be issued under this subdivision unless a valid student identification number accompanies the application.
  - f. A resident of this state who applies for a resident deer hunting license, is a member of the United States armed forces stationed outside this state, who shows proof of North Dakota residence, including a driver's license number from this state or a nondriver photo identification number from this state, and who pays the appropriate licensing fee, except the director shall issue the resident deer hunting license on proper application. A deer license issued to a member of the United States armed forces under this subdivision must be issued without being subject to the lottery for deer hunting licenses.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on April 1, 2014.

Approved April 2, 2013  
Filed April 2, 2013

## CHAPTER 192

### HOUSE BILL NO. 1322

(Representatives Hofstad, Damschen, D. Johnson)  
(Senators Miller, Oehlke)

AN ACT to amend and reenact section 20.1-02-05.1 of the North Dakota Century Code, relating to game and fish department land purchases.

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

**SECTION 1. AMENDMENT.** Section 20.1-02-05.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **20.1-02-05.1. Land acquisitions - Statewide land acquisition plan.**

1. The director shall establish a comprehensive statewide land acquisition plan that must be approved by the budget section of the legislative management. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section. ~~Prior to any~~
2. Before a land acquisition, the department shall have the land in question appraised by a certified appraiser. The department may not acquire any land for an amount that exceeds the appraised value except for parcels or tracts of land less than forty acres [16.19 hectares] which may be acquired for up to two hundred percent of the appraised value.
3. Before the appraisal, the director shall give notice of the intent to purchase to every landowner within one mile [1.16 kilometers] of the boundary of the land to be appraised unless the landowner is within the boundary of a city, then the director shall send notice to the governing body of the city or unless the landowner is within the geographical boundary of a rural subdivision where the lots are ten acres [4.04 hectares] or less, then the director shall send notice to the governing body of the township or other governing authority for the rural subdivision. The director shall send notice to the board of county commissioners in the county of the land to be appraised, the board of township supervisors if the land to be appraised is in an organized township, and the governing body of a city within twelve miles [19.32 kilometers] of the boundary of the land to be appraised. The director shall publish notice in the official newspaper of the county of the land to be appraised, once a week for two consecutive weeks. The notice must contain the amount of acreage, the legal description, and the fact that the department intends to purchase the land.

Approved April 18, 2013  
Filed April 18, 2013

## CHAPTER 193

### HOUSE BILL NO. 1264

(Representatives Brandenburg, Kempenich)  
(Senators Erbele, Wanzek)

AN ACT to create and enact a new section to chapter 20.1-02, two new subsections to section 20.1-03-12, and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to depredation kill permits for geese and an early Canada goose season; to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to the early Canada goose season; 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:

##### **Canada goose depredation kill permits.**

The department shall implement a web-based online application process for Canada goose kill permits, publicize in select agricultural publications and trade journals the availability of Canada goose kill permits, and implement a program to match volunteers with agricultural producers with kill permits.

**SECTION 2. AMENDMENT.** Section 20.1-03-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. (~~Effective through July 31, 2013~~) Nonresident waterfowl hunting license required.**

1. Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license.
2. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period.
3. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program.
4. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be

available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued.

5. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.
6. The fourteen-day and two 7-day hunting period restrictions do not apply to nonresidents hunting in Richland and Sargent Counties or in Benson, Ramsey, or Towner Counties during the early September Canada goose season.

~~(Effective after July 31, 2013) Nonresident waterfowl hunting license required.~~

~~Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.~~

**SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Early Canada goose season.**

A resident or nonresident may purchase an early Canada goose license to hunt geese during an early season as determined by the governor by proclamation. The governor by proclamation may specify the number of licenses that may be issued and the manner in which the licenses are issued. A nonresident is not required to purchase any other license to hunt Canada geese during an early Canada goose season. A nonresident is not entitled to more than one nonresident early Canada goose season license and still may obtain a nonresident waterfowl hunting license under section 20.1-03-07.1.

<sup>91</sup> **SECTION 4.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a nonresident early Canada goose season license, fifty dollars.

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<sup>91</sup> Section 20.1-03-12 was also amended by section 5 of House Bill No. 1264, chapter 193, section 1 of House Bill No. 1434, chapter 196, section 1 of Senate Bill No. 2231, chapter 195, and section 2 of Senate Bill No. 2242, chapter 188.

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<sup>92</sup> **SECTION 5.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a resident early Canada goose season license, five dollars.

**SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 27, 2013

Filed March 27, 2013

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<sup>92</sup> Section 20.1-03-12 was also amended by section 4 of House Bill No. 1264, chapter 193, section 1 of House Bill No. 1434, chapter 196, section 1 of Senate Bill No. 2231, chapter 195, and section 2 of Senate Bill No. 2242, chapter 188.

## CHAPTER 194

### HOUSE BILL NO. 1131

(Representatives Hofstad, Schmidt, Vigessaa)  
(Senators Carlisle, Lyson, Schaible)

AN ACT to amend and reenact section 20.1-03-11 of the North Dakota Century Code, relating to big game and gratis licenses; and to declare an emergency.

#### 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 ~~if unless~~ that individual's fourteenth or subsequent birthday ~~does not occur on or before the opening date of~~ occurs in the same year as the respective big game hunting season ~~provided, however, that an individual who is under fourteen years of age and who will be eligible to hunt on the opening date of or during the regular deer hunting season may hunt during the youth deer 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 twelfth or thirteenth birthday ~~occurs on or before the opening date of or during the~~ in the same year as a youth deer hunting season but is younger than fourteen years of age is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in ~~the~~ that youth deer hunting season.
  - b. An individual whose twelfth or thirteenth birthday ~~occurs on or before the opening date of or during the~~ in the same year as an antelope hunting season but is younger than fourteen years of age 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 not exceed the number of licenses authorized by the governor's proclamation issued pursuant to section 20.1-08-04.

3. ~~An individual who is a resident, corporation, limited liability company, limited liability partnership, limited partnership, or partnership that has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and that actively farms or ranches that land or an individual, corporation, limited liability company, limited liability partnership, limited partnership, or partnership that holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer without charge, or if that entity is a nonresident upon payment of the fee requirement for a nonresident big game license, upon filing a signed application describing that land. If the license is issued to a corporation, limited liability company, limited liability partnership, limited partnership, or partnership, only one license may be issued and the license must be issued in the name of an individual shareholder, member, or partner. The land must be within a unit open for the hunting of deer. The license must include a legal description of the eligible land described in the completed application and may be used to hunt deer only upon that land. A license issued under this subsection is valid for the deer bow, deer gun, and muzzleloader seasons until filled. However, an individual, that individual's spouse, and their children who have a license issued under this subsection may hunt together on land described in any of the affidavits making them eligible for the license. Family members hunting together under this provision shall hunt within the same unit within which the land described in the affidavit making them eligible for the license is located. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. An individual who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with that individual, but no more than one license may be issued under this subsection for any qualifying land. An individual transferring eligibility under this subsection may not receive a license under this subsection for the season for which the eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.~~
- 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 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 [60.7028 hectares] of land and that actively farms or ranches that land is eligible to apply 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 subsections 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 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 resident who has executed a lease for at least ~~one hundred sixty acres [64.75 hectares]~~ one hundred fifty acres [60.78 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least ~~one hundred sixty acres [64.75 hectares]~~ one hundred fifty acres [60.78 hectares] of land is eligible to apply 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. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection may not receive a license under this subsection for the season for which eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number

of licenses issued without charge under this subsection may not exceed the total number of licenses prescribed for each district or unit in the governor's proclamation. If the number of eligible persons who apply for licenses issued without charge under this subsection exceeds the number of licenses prescribed for the district or unit in the governor's proclamation less any licenses that are otherwise designated to be issued with a charge under this subsection, the licenses to be issued without charge must be 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 resident who has executed a lease for at least ~~one hundred sixty acres [64.75 hectares]~~ one hundred fifty acres [60.78 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least ~~one hundred sixty acres [64.75 hectares]~~ one hundred fifty acres [60.78 hectares] of land is eligible to apply 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. 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. 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 ~~such~~ 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. 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. 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 resident who has executed a lease for at least ~~one hundred sixty acres [64.75 hectares]~~ one hundred fifty acres [60.78 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least ~~one hundred sixty acres [64.75 hectares]~~ one hundred fifty acres [60.78 hectares] of land is eligible to apply 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. 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. The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit. If the number of eligible persons who apply for a license under this subsection exceeds the number of licenses available under this subsection, the licenses must be issued by lottery as prescribed in the governor's proclamation. A person who receives a license under this subsection and who is successful in harvesting a moose is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the 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. 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.

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

Approved April 10, 2013  
Filed April 10, 2013

## CHAPTER 195

### SENATE BILL NO. 2231

(Senators Laffen, Burckhard, Murphy)  
(Representatives Kreun, Porter, Ruby)

AN ACT to amend and reenact sections 20.1-03-12, 20.1-03-12.1, and 20.1-03-12.2 of the North Dakota Century Code, relating to hunting fees.

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

<sup>93</sup> **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 various license and permit fees are as follows:

1. For a resident, age sixteen and over, small game hunting license, ~~sixteen~~ sixteen dollars.
2. For a nonresident small game hunting license, ~~eighty-five~~ one hundred dollars.
3. For a resident big game hunting license, ~~twenty~~ 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, ~~seven~~ fifteen dollars.
6. For a resident fishing license, ~~ten~~ sixteen dollars, except that for a resident sixty-five years or over or a resident totally or permanently disabled, the license fee is ~~three~~ five dollars.
7. For a nonresident fishing license, ~~thirty-five~~ forty-five dollars.
8. ~~For a nonresident short-term seven-day fishing license, twenty dollars.~~

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<sup>93</sup> Section 20.1-03-12 was also amended by section 4 of House Bill No. 1264, chapter 193, section 5 of House Bill No. 1264, chapter 193, section 1 of House Bill No. 1434, chapter 196, and section 2 of Senate Bill No. 2242, chapter 188.

9. For a resident husband and wife fishing license, ~~fourteen~~twenty-two dollars.
- ~~10-9.~~ For a nonresident nongame hunting license, fifteen dollars.
- ~~11-10.~~ For a resident wild turkey permit, ~~eight~~fifteen dollars.
- ~~12-11.~~ For an annual general game license, three dollars.
- ~~13-12.~~ 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.
- ~~14-13.~~ 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.
- ~~15-14.~~ For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
- ~~16-15.~~ For an annual license to practice taxidermy, twenty-five dollars.
- ~~17-16.~~ 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.
- ~~18-17.~~ For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
- ~~19-18.~~ 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, ~~twelve~~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, ~~twenty-four~~thirty-six dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, ~~thirty-three~~forty-five dollars.
- ~~20-19.~~ 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.

~~21-20.~~ 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.

~~22-21.~~ For a resident paddlefish tag annual license, ~~threeten~~ thirteen dollars per tag.

~~23-22.~~ For a nonresident paddlefish tag annual license, ~~seventwenty-five~~ seventy-five dollars and fifty cents per tag.

~~24-23.~~ For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.

~~25-24.~~ 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.

~~26-25.~~ For an annual license to operate a private fish hatchery, seventy-five dollars.

~~27-26.~~ For a resident commercial frog license, fifty dollars.

~~28-27.~~ For a nonresident commercial frog license, two hundred dollars.

~~29-28.~~ For a resident frog license, three dollars.

~~30-29.~~ For a resident husband and wife frog license, five dollars.

~~31-30.~~ For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].

~~32-31.~~ For a nonresident waterfowl hunting license, ~~eighty-five~~ one hundred dollars.

~~33-32.~~ For a nonresident husband and wife fishing license, ~~forty-five~~ sixty dollars.

~~34-33.~~ For a nonresident short-term three-day fishing license, ~~fifteen~~ twenty-five dollars.

~~35-34.~~ For a nonresident fur-bearer and nongame hunting license, ~~twenty-five~~ forty dollars.

~~36-35.~~ For a combination license, ~~thirty-two~~ fifty dollars.

~~37-36.~~ For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.

~~38-37.~~ For a resident swan license, ~~five~~ ten dollars.

~~39-38.~~ For a nonresident swan license, ~~twenty-five~~ thirty dollars.

- ~~40-39.~~ For a resident ~~and nonresident~~ sandhill crane license, ~~five~~ten dollars.
- ~~41-40.~~ For a nonresident sandhill crane license, thirty dollars.
- ~~41.~~ For a resident commercial clam license, one hundred dollars.
  - ~~42.~~ For a nonresident commercial clam license, one thousand dollars.
  - ~~43.~~ 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.~~ For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
  - ~~45.~~ For a bighorn sheep license issued to a nonresident, five hundred dollars.
  - ~~46.~~ For a nonresident reciprocal trapping license, ~~two~~three hundred fifty dollars.
  - ~~47.~~ For a nonresident spring white goose license, fifty dollars.
  - ~~48.~~ 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.~~ For a nonresident short-term ten-day fishing license, ~~twenty-five~~thirty-five dollars.
  - ~~50.~~ For a nonresident wild turkey permit, eighty dollars.
  - ~~51.~~ For a statewide nonresident waterfowl hunting license, one hundred ~~twenty-five~~fifty dollars.
  - ~~52.~~ For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred 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. AMENDMENT.** Section 20.1-03-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-12.1. Habitat restoration stamp required - Use of revenue - Land purchases not allowed.**

Except for licenses issued under section 20.1-03-07.3, a habitat restoration stamp is required for every resident and nonresident general game license for which a stamp fee of ~~ten~~seventeen dollars must be charged. The habitat restoration stamp fee is in addition to the annual general game license fee charged under section 20.1-03-12. Land may not be purchased with habitat restoration stamp moneys. All moneys generated by habitat restoration stamp fees must be placed in the game and fish private land habitat and access improvement fund with ~~five~~eight dollars of the fee allocated to the private land open to sportsmen program.

**SECTION 3. AMENDMENT.** Section 20.1-03-12.2 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-12.2. Hunting license and permit application fees.**

Each resident applying for a license or permit to hunt elk, moose, or bighorn sheep under this chapter must be assessed a nonrefundable application fee of ~~three~~five dollars for each license or permit application in addition to the fee charged for the issuance of the license or permit under this chapter. Each nonresident applying for a license or permit to hunt bighorn sheep under this chapter must be assessed a nonrefundable application fee of one hundred dollars in addition to the fee charged for the issuance of a license or permit to hunt bighorn sheep under this chapter.

Approved April 8, 2013

Filed April 8, 2013

## CHAPTER 196

### HOUSE BILL NO. 1434

(Representatives Schatz, Fehr, Heller, N. Johnson, Monson, Steiner, Thoreson)  
(Senators Laffen, Poolman, Schneider)

AN ACT to amend and reenact subsection 6 of section 20.1-03-12 of the North Dakota Century Code, relating to fishing license fees for the disabled.

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

<sup>94</sup> **SECTION 1. AMENDMENT.** Subsection 6 of section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

6. For a resident fishing license, ten dollars, except that for a resident sixty-five years or over or, 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 threefive dollars.

Approved April 2, 2013

Filed April 2, 2013

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<sup>94</sup> Section 20.1-03-12 was also amended by section 4 of House Bill No. 1264, chapter 193, section 5 of House Bill No. 1264, chapter 193, section 1 of Senate Bill No. 2231, chapter 195, and section 2 of Senate Bill No. 2242, chapter 188.

## CHAPTER 197

### HOUSE BILL NO. 1130

(Representatives Porter, Damschen, Hofstad)  
(Senators Burckhard, Carlisle, Lyson)

AN ACT to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to computerized issuance of game and fish licenses.

#### 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. Issuance of licenses - Who to issue - County auditor may appoint agents to receive service fees - Disposition of proceeds - Continuing appropriation.**

All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by county auditors, the director, deputy director, and bonded game wardens. The county auditors, deputy director, and each bonded game warden shall send the director all license fees. For each license the county auditor issues, the county auditor shall collect the authorized charges and record them in the county auditor's record of cash received. Unless the county auditor and the board of county commissioners execute a written agreement providing for the disposition of compensation for the issuance of licenses, the county auditor is entitled to be reimbursed, as compensation, twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and fifteen cents for the issuance of each resident hunting, fishing, or fur-bearer license issued in excess of the first one thousand licenses issued each year; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license. The compensation due for the issuance of licenses is hereby appropriated as a standing and continuing appropriation from the game and fish fund for the purposes of this section. By March 1, 2015, each county auditor shall implement a computerized online licensing system approved by the department. The county auditor is responsible for any equipment, supplies, and technical support associated with selling licenses online.

The county auditor may appoint agents to distribute hunting and fishing licenses or stamps. A county auditor may not provide hunting or fishing licenses to agents located outside this state, but 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. The director and county auditor may require agents to show evidence of adequate financial security before the agents are appointed. Adequate financial security may be evidenced by a letter of credit, cash deposit, or bond. Agents may be bonded through the state bonding fund. The agents may charge purchasers a service fee of fifty cents for each license. Service fees may be retained by the agent. The agent shall return the remainder of the license fees to the county auditor for deposit with the county treasurer, or to the director if the agent is appointed by the director, at least once each month, and not later than three days after the close of the month. Notwithstanding section 26.1-21-11, if a claim against the

state bonding fund is not filed within sixty days of the expiration of the reporting period provided in this section, the claim is waived. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the director. The director shall deposit all license or stamp fees received with the state treasurer to be credited to the game and fish fund. By March 1, 2016, each agent appointed by a county auditor to distribute hunting and fishing licenses or stamps 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.

Approved April 16, 2013

Filed April 16, 2013

## CHAPTER 198

### HOUSE BILL NO. 1195

(Representatives Porter, Hawken, Louser, Rohr, Streyle, Weisz)  
(Senators Klein, Lyson)

AN ACT to amend and reenact section 20.1-03-27 of the North Dakota Century Code, relating to carrying a game and fish license.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-27 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-27. Licenses to be carried on person -- LicensesProof of license to be shownprovided officers upon demand - Penalty.**

~~Any person holding a hunting, trapping, or fishing license required under this title shall carry the license on that person's person when hunting, trapping, or fishing. Upon the request or demand of the director, the deputy director, any game warden, or any policepeace officer, that person an individual who is hunting, trapping, or fishing immediately shall show the license immediatelyprovide the appropriate license in paper or electronic format to the officer making the request or demand. Any personindividual who violates this section is guilty of a class 2 noncriminal offense.~~

Approved April 2, 2013  
Filed April 2, 2013

## CHAPTER 199

### HOUSE BILL NO. 1336

(Representatives Wall, Anderson, J. Nelson, Williams)  
(Senators Luick, Dotzenrod)

AN ACT to create and enact a new subsection to section 20.1-08-04 of the North Dakota Century Code, relating to the proclamation for paddlefish tags.

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

**SECTION 1.** A new subsection to section 20.1-08-04 of the North Dakota Century Code is created and enacted as follows:

The governor in the governor's order or proclamation may determine the number of resident and nonresident paddlefish snagging tags to be issued for the taking of paddlefish. If a limited number of paddlefish tags are to be issued, the governor shall by order or proclamation declare the manner of issuance of the tag. The governor may by order or proclamation determine the time period for which a recipient of a paddlefish tag obtained by lottery is ineligible to apply for the same type of tag.

Approved April 15, 2013  
Filed April 16, 2013