

**SENATE BILL NO. 2089
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2089

Introduced by

Natural Resources Committee

(At the request of the Game and Fish Department)

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

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

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

10 **20.1-03-02. General game license - Stamps allowed for specific licenses. ~~Re~~**

11 Except as provided in section 4 of this Act, a person may not:

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

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

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

23 **20.1-03-07. Licenses to hunt, trap, or fish required of nonresidents.** Nonresidents,
24 except as provided in sections 20.1-02-05, section 4 of this Act, and 20.1-03-08, may not:

- 1 1. Hunt, catch, take, or kill any small game without a nonresident small game license.
- 2 2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal except
- 3 that nonresidents holding a valid nonresident fur-bearer and nongame hunting
- 4 license may hunt only fox and coyote and residents of a state that allows North
- 5 Dakota residents to trap within that state may purchase a nonresident reciprocal
- 6 trapping license to trap in this state. However, a nonresident holding a valid
- 7 nonresident reciprocal trapping license may not trap, catch, attempt to catch, take,
- 8 or kill bobcats.
- 9 3. Catch, attempt to catch, take, or kill any fish without having a nonresident fishing
- 10 license.
- 11 4. Hunt, catch, take, or kill any unprotected bird or animal without having a
- 12 nonresident nongame hunting license or nonresident fur-bearer and nongame
- 13 hunting license.
- 14 5. Hunt, catch, take, or kill any big game animal without having the respective
- 15 nonresident big game license.

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

17 **SECTION 3. AMENDMENT.** Section 20.1-03-07.1 of the 1997 Supplement to the
18 North Dakota Century Code is amended and reenacted as follows:

19 **20.1-03-07.1. Nonresident waterfowl hunting license required.** Except as provided
20 in ~~section~~ sections 20.1-03-07.2 and section 4 of this Act, a nonresident may not hunt
21 waterfowl unless that person first obtains a nonresident waterfowl hunting license, in addition to
22 a nonresident small game hunting license. The nonresident waterfowl hunting license entitles
23 the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two
24 periods of seven consecutive days each and in specified waterfowl hunting zones. A license
25 authorizing two 7-day hunting periods may allow hunting in a different zone during each period.
26 The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for
27 which nonresident waterfowl hunting licenses will be available, and may specify the number of
28 licenses which may be issued in each zone and the manner in which they are to be issued. A
29 nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

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

1 **Nonresident spring white goose license.** A nonresident may purchase a nonresident
2 spring white goose license to hunt white geese during a spring season as determined by the
3 governor by proclamation. The governor, in the governor's proclamation, may specify the
4 number of licenses that may be issued and the manner in which they are to be issued.
5 Nonresidents are not required to purchase any other license to hunt white geese during a
6 spring white goose season. A nonresident is entitled to purchase only one nonresident spring
7 white goose license per year; however, a nonresident may still purchase a nonresident
8 waterfowl hunting license under section 20.1-03-07.1.

9 **SECTION 5. AMENDMENT.** Subsections 3, 5, 7, and 8 of section 20.1-03-11 of the
10 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

11 3. A resident who has executed a lease for at least one hundred sixty acres [64.75
12 hectares] of land and who actively farms or ranches that land or a person who
13 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
14 apply for a license to hunt deer without charge, or if that person is a nonresident
15 upon payment of the fee requirement for a nonresident big game license, upon
16 filing ~~an affidavit~~ a signed application describing that land. The land must be within
17 a unit open for the hunting of deer. The license must include a legal description of
18 the eligible land described in the ~~affidavit~~ completed application and may be used
19 to hunt deer only upon that land. Upon request, a lessee shall provide proof that
20 the land described in the ~~affidavit~~ completed application is leased for agricultural
21 purposes. A person who is eligible for a license under this subsection may transfer
22 that eligibility for the license to a spouse or legal dependent residing customarily
23 with that person, but no more than one license may be issued under this
24 subsection for any qualifying land. A person transferring eligibility under this
25 subsection may not receive a license under this subsection for the season for
26 which the eligibility was transferred. If not otherwise specified in an agricultural
27 lease, the landowner is entitled to receive the license.

28 5. A resident who has executed a lease for at least one hundred sixty acres [64.75
29 hectares] of land and who actively farms or ranches that land or a resident who
30 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
31 apply for a license to hunt antelope without charge upon filing ~~an affidavit~~ a signed

1 application describing that land. The land must be within a unit open for the
2 hunting of antelope. The license must include a legal description of the eligible
3 land described in the ~~affidavit~~ completed application and may be used to hunt
4 antelope only upon that land. Upon request, a lessee shall provide proof that the
5 land described in the ~~affidavit~~ completed application is leased for agricultural
6 purposes. A resident who is eligible for a license under this subsection may
7 transfer that eligibility for the license to a spouse or legal dependent residing
8 customarily with the resident, but no more than one license may be issued under
9 this subsection for any qualifying land. A resident transferring eligibility under this
10 subsection may not receive a license under this subsection for the season for
11 which eligibility was transferred. If not otherwise specified in an agricultural lease,
12 the landowner is entitled to receive the license. The number of licenses issued
13 without charge under this subsection may not exceed the total number of licenses
14 prescribed for each district or unit in the governor's proclamation. If the number of
15 eligible persons who apply for licenses issued without charge under this
16 subsection exceeds the number of licenses prescribed for the district or unit in the
17 governor's proclamation less any licenses that are otherwise designated to be
18 issued with a charge under this subsection, the licenses to be issued without
19 charge must be issued by lottery as prescribed in the governor's proclamation. If
20 the number of licenses prescribed for the district or unit in the governor's
21 proclamation exceeds fifty and if the number of applications for these licenses
22 exceeds the number of licenses prescribed for the district or unit in the governor's
23 proclamation, then one-half of the licenses exceeding fifty must be issued by
24 lottery as prescribed in the governor's proclamation and may not be issued to
25 landowners without charge.

26 7. A resident who has executed a lease for at least one hundred sixty acres [64.75
27 hectares] of land and who actively farms or ranches that land or a resident who
28 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
29 apply for a license to hunt elk upon filing ~~an affidavit~~ a signed application
30 describing that land and payment of the fee requirement for a resident big game
31 license. The land must be within a unit open for the hunting of elk. The license

1 must include a legal description of the eligible land described in the ~~affidavit~~
2 completed application and may be used to hunt elk within the district or unit in
3 which the land described in the ~~affidavit~~ completed application is located. Upon
4 request, a lessee shall provide proof that the land described in the ~~affidavit~~
5 completed application is leased for agricultural purposes. A resident who is
6 eligible for a license under this subsection may transfer that eligibility for the
7 license to a spouse or legal dependent residing customarily with the resident, but
8 no more than one license may be issued under this subsection for any qualifying
9 land. A resident transferring eligibility under this subsection is not eligible to apply
10 for a license to hunt elk in future years but is eligible to participate in the rocky
11 mountain elk foundation raffle under section 20.1-08-04.6. If not otherwise
12 specified in an agricultural lease, the landowner is entitled to receive the license.
13 The governor's proclamation may restrict the districts or units for which preferential
14 licenses may be issued under this subsection. However, the governor shall give
15 primary consideration to allowing preferential licenses under this subsection to be
16 issued to persons owning or leasing land in the following areas: that portion of
17 township one hundred forty-seven north, range ninety-five west which is north and
18 west of state highway 22; township one hundred forty-six north, range ninety-six
19 west; township one hundred forty-seven north, range ninety-six west; township one
20 hundred forty-eight north, range ninety-six west; township one hundred forty-six
21 north, range ninety-seven west; township one hundred forty-seven north, range
22 ninety-seven west; township one hundred forty-eight north, range ninety-seven
23 west of the fifth principal meridian, in Dunn County; the west one-half of township
24 one hundred forty-nine north, range ninety-five west; township one hundred
25 forty-nine north, range ninety-six west, and township one hundred forty-nine north,
26 range ninety-seven west of the fifth principal meridian, in McKenzie County; and
27 other areas within a district or unit open for hunting of elk as prescribed in the
28 governor's proclamation. The number of licenses issued under this subsection for
29 each designated district or unit for hunting elk may not exceed fifteen percent of
30 the total licenses prescribed in the governor's proclamation for each district or unit.
31 If the number of applications for licenses to be issued under this subsection in a

1 district or unit exceeds the maximum number of such licenses allocated to that
2 district or unit, the licenses to be issued must be issued by lottery as prescribed in
3 the governor's proclamation. A person who receives a license under this
4 subsection is not eligible to apply for a license to hunt elk in future years but is
5 eligible to participate in the rocky mountain elk foundation raffle under section
6 20.1-08-04.6. Notwithstanding this subsection, if a person other than the
7 transferee of license eligibility is unsuccessful in harvesting an elk under this
8 subsection, that person may return the unused license to the department and is
9 eligible to apply for, but not transfer, a one-time additional license to hunt elk in
10 future years. A person who receives a second license under this subsection is not
11 eligible to participate in the rocky mountain elk foundation raffle under section
12 20.1-08-04.6. Licenses to hunt elk may not be issued under this subsection when
13 the total number of licenses prescribed in the governor's proclamation is less than
14 twenty. If a person receives a license under this subsection, the person's spouse,
15 children, and parents living with the person are not eligible to receive a license
16 under this subsection for the district or unit in which the land described in the
17 ~~affidavit~~ completed application is located, unless the person has sold or otherwise
18 transferred the person's rights to the land described in the ~~affidavit~~ completed
19 application. The director may issue special elk depredation management licenses
20 to landowners in designated areas around Theodore Roosevelt national park upon
21 payment of the fee requirement for a resident big game license. The provisions of
22 this section governing the number of licenses issued for each designated district or
23 unit for hunting elk do not apply to special elk depredation management licenses
24 and a person who receives such a license under this subsection is eligible to apply
25 for a license to hunt elk in future years and is eligible to participate in the rocky
26 mountain elk foundation raffle under section 20.1-08-04.6.

27 8. A resident who has executed a lease for at least one hundred sixty acres [64.75
28 hectares] of land and who actively farms or ranches that land or a resident who
29 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
30 apply for a license to hunt moose without charge upon filing ~~an affidavit~~ a signed
31 application describing that land. The land must be within a unit open for the

1 hunting of moose. The license must include a legal description of the eligible land
2 described in the affidavit completed application and may be used to hunt moose
3 only upon that land. Upon request, a lessee shall provide proof that the land
4 described in the affidavit completed application is leased for agricultural purposes.
5 A resident who is eligible for a license under this subsection may transfer that
6 eligibility for the license to a spouse or a legal dependent residing customarily with
7 the resident, but no more than one license may be issued under this subsection for
8 any qualifying land. A resident transferring eligibility under this subsection is not
9 eligible to apply for a license to hunt moose in future years but is eligible to
10 participate in the North Dakota game warden association raffle under section
11 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is
12 entitled to receive the license. The number of licenses issued under this
13 subsection for a district or unit may not exceed fifteen percent of the total licenses
14 prescribed in the governor's proclamation for that district or unit. If the number of
15 eligible persons who apply for a license under this subsection exceeds the number
16 of licenses available under this subsection, the licenses must be issued by lottery
17 as prescribed in the governor's proclamation. A person who receives a license
18 under this subsection and who is successful in harvesting a moose is not eligible to
19 apply for a license to hunt moose in future years but is eligible to participate in the
20 North Dakota game warden association raffle under section 20.1-08-04.2.
21 Notwithstanding this subsection, if a person other than the transferee of license
22 eligibility is unsuccessful in harvesting a moose under this subsection, that person
23 may return the unused license to the department and is eligible to apply for, but not
24 transfer, an additional license to hunt moose in future years. A person who
25 receives a second license under this subsection is not eligible to participate in the
26 North Dakota game warden association raffle under section 20.1-08-04.2. If a
27 person receives a license under this subsection, the person's spouse, children,
28 and parents living with the person are not eligible to receive a license under this
29 subsection for the district or unit in which the land described in the affidavit
30 completed application is located, unless the person has sold or otherwise
31 transferred the person's rights to the land described in the affidavit completed

1 application. The governor's proclamation may restrict the area of land within a unit
2 open for the hunting of moose for which a preferential license is issued under this
3 subsection. If the proclamation restricts the area for issuance of preferential
4 licenses, an applicant must own or lease land within the restricted area to be
5 eligible to apply for a license to hunt moose upon payment of the fee required for a
6 resident big game license. The license may be used to hunt moose within the
7 entire unit in which the land described in the ~~affidavit~~ completed application is
8 located. A successful applicant from a restricted area may not return an unused
9 license to regain eligibility for a license to hunt moose in future years.

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

12 For a nonresident spring white goose license, fifty dollars.

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

15 **20.1-03-12.1. Habitat restoration stamp required - Use of revenue - ~~No-land~~ Land**
16 **purchases not allowed.** A Except for licenses issued under section 4 of this Act, a habitat
17 restoration stamp is required for every resident and nonresident general game license for which
18 a stamp fee of five dollars must be charged. The habitat restoration stamp fee is in addition to
19 the annual general game license fee charged under section 20.1-03-12. ~~No-land~~ Land may not
20 be purchased with habitat restoration stamp moneys. All moneys generated by habitat
21 restoration stamp fees must be placed in the game and fish private land habitat and access
22 improvement fund.

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