

GAME, FISH, PREDATORS, AND BOATING

CHAPTER 218

HOUSE BILL NO. 1224

(Representatives Nelson, D. Anderson, Mock, Porter)
(Senator Klein)

AN ACT to amend and reenact sections 20.1-01-02 and 20.1-05-04 of the North Dakota Century Code, relating to the possession of handguns and use of dogs in the recovery of big game animals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-02 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-02. Definitions.

In this title, unless the context otherwise requires:

1. "Afield" means being away from one's home or camp. The term does not include driving or being in actual physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance.
2. "Any part thereof" or "the parts thereof" includes the hide, horns, or hoofs of any animal specified and the plumage, skin, and every other part of any bird specified.
3. "Aquatic nuisance species" means any nonindigenous, obligate aquatic species of plant or animal which is injurious to native and desirable aquatic species or which has a negative effect on aquatic habitats, environment, or the economy of the state.
4. "Associated equipment" means:
 - a. Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;
 - b. Any accessory or equipment for, or appurtenance to, a boat; and
 - c. Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but
 - d. Excluding radio equipment.

5. "Big game" means deer, moose, elk, bighorn sheep, mountain goats, and antelope.
6. "Boat" means any vessel:
 - a. Manufactured or used primarily for noncommercial use;
 - b. Leased, rented, or chartered to another for the latter's noncommercial use; or
 - c. Engaged in the carrying of six or fewer passengers.
7. "Confiscate" or "confiscated" means to hold subject to the order of a court of competent jurisdiction.
8. "Consideration" means something of value given or done in exchange for something of value given or done by another.
9. "Crops" means any plant that has been harvested, collected, or stored as livestock feed, fodder, or fuel.
10. "Day leasing" means the practice of an outfitter entering a short-term lease agreement that is intended to and does last less than twenty-four hours.
11. "Department" means the game and fish department.
12. "Depredation" means damage to or destruction of private property.
13. "Deputy director" means the deputy director of the department.
14. "Director" means the director of the department.
15. "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.
16. "Endangered species" means any species whose prospects of survival or recruitment within the state are in jeopardy due to any of the following factors:
 - a. The destruction, drastic modification, or severe curtailment of its habitat.
 - b. Its overutilization for scientific, commercial, or sporting purposes.
 - c. The effect on it of disease, pollution, or predation.
 - d. Other natural or manmade factors affecting its prospects of survival or recruitment within the state.
 - e. Any combination of the foregoing factors.

The term also includes any species classified as endangered pursuant to the Endangered Species Act of 1973, Public Law 93-205.

17. "Established road or trail" means any public highway or road, improved or otherwise, dedicated for public ingress or egress, or any other road or trail normally used for travel but does not include temporary trails across cultivated land used for agricultural purposes.
18. "Fur-bearers" includes mink, muskrats, weasels, wolverines, otters, martens, fishers, kit or swift foxes, beavers, raccoons, badgers, wolves, coyotes, bobcats, lynx, mountain lions, black bears, and red or gray foxes.
19. "Game birds" includes all varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sagehens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, wild turkeys, mourning doves, and crows.
20. "Guide" means an individual who is employed by or contracts with a licensed outfitter to help the outfitter furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed.
21. "Gun dogs" includes any dog used to hunt protected wildlife.
22. "Harmful wild birds" includes blackbirds, magpies, English sparrows, and starlings.
23. "Harmless wild birds" includes all wild birds not defined herein as "harmful wild birds" or "game birds".
24. "Hunt" or "hunting" means shooting, shooting at, pursuing, taking, attempting to take, or killing any game animals and game birds; searching for or attempting to locate or flush any game animals and game birds; luring, calling, or attempting to attract game animals and game birds; hiding for the purpose of taking or attempting to take game animals and game birds; and walking, crawling, or advancing toward wildlife while possessing implements or equipment useful in the taking of game animals or game birds. The term does not include possessing or using photographic equipment.
25. "Hunt through the internet" means to hunt wildlife in real time using internet services to remotely control actual firearms and to remotely discharge live ammunition allowing a person who is not physically present to take wildlife. The term includes using any remotely controlled device to hunt the animal such as a hand-held communication device, cellular telephone, or global-positioning device.
26. "Immediate area" means the surrounding area within one hundred yards [91.44 meters] of the big game animal.
27. "Indian land" means land within the exterior boundaries of an Indian reservation held in trust by the federal government for the benefit of an Indian tribe or an Indian and land within the exterior boundaries of an Indian reservation owned in fee by an Indian tribe or an Indian.
- 27-28. "Introduce" means to place, release, or allow the escape of a non-native species into a free-living state.
- 28-29. "Manufacturer" means any person engaged in:

- a. The manufacture, construction, or assembly of boats or associated equipment.
- b. The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly.
- c. The importation into the state for sale of boats, associated equipment, or components thereof.

29-30. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion. The term does not include a vessel having a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

30-31. "Motor-driven vehicle" means any land vehicle, with or without wheels, that is propelled by any motor.

31-32. "Native aquatic species" means an animal or plant species that is naturally present and reproducing within this state or which naturally expands from its historic range into this state.

32-33. "Non-native species" means a species that is not a native species.

33-34. "Operate" means to navigate or otherwise use a motorboat or a vessel.

34-35. "Outfitter" means a person that holds the person's business operation out to the public for hire or consideration; provides facilities or services for consideration; maintains, leases, or otherwise provides compensation for the use of land and which receives compensation from a third party for use of that land; or otherwise uses equipment or accommodations for consideration for the conduct of outdoor recreational activities, including hunting animals or birds and fishing on lakes, reservoirs, rivers, and streams. An outfitter may act as a guide. The term does not include a person holding title or an equitable interest in business operations if the purpose of the business operation is to provide food or lodging to the general public, chamber of commerce activities, travel agencies, or others that offer free information to attract outdoor and recreational use of their communities.

35-36. "Owner" means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

36-37. "Passenger" means every person carried on board a vessel other than:

- a. The owner or the owner's representative.
- b. The operator.
- c. Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services.

- d. Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for that person's carriage.
- 37-38. "Person" includes every partnership, association, corporation, and limited liability company. No violation of this title may be excused because it was done as the agent or employee of another, nor because it was committed by or through an agent or employee of the person charged.
- 38-39. "Personal watercraft" means a motorboat that is powered by an inboard motor powering a water jet pump or by an inboard or outboard marine engine and which is designed to be operated by a person sitting, standing, or kneeling on the craft, rather than in a conventional manner of sitting or standing inside a motorboat.
- 39-40. "Possession" means control, actual possession, and constructive possession of the article or thing specified.
- 40-41. "Private fish hatchery" means a body of water, whether natural or artificial, and any other facilities used, maintained, or operated by any private person, firm, corporation, or limited liability company for the propagation and production of fish for sale or planting in other waters. Except in the case of trout, walleye, northern pike, and crappie, which may be raised in a private fish hatchery without the director's approval, the director may, by rule, regulate the species of fish which may be raised in a private fish hatchery. No waters stocked by any state or federal governmental agency may be considered a private fish hatchery.
- 41-42. "Public waters" means waters to which the general public has a right to access.
- 42-43. "Resident" means any person who has actually lived within this state or maintained that person's residence therein for at least six months immediately preceding the date that residence is to be determined. A person's residence is the place where the person remains when not called elsewhere for special or temporary purposes. A resident can only have one residence and a residence cannot be lost until another is gained. A residence or home is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. A rental property, vacant lot, or house, cabin, or premises used primarily for business or recreational pursuits may not be considered a residence. A "nonresident" is any person who has not actually lived within this state or maintained that person's residence within this state for at least six months immediately preceding the date that residence is to be determined.
- 43-44. "Resident species" means any species nearly all of whose individuals in this state are located within this state for at least three-fourths of annual cycle of the species.
- 44-45. "Retrieve" means to have taken possession and made ready for transportation.
- 45-46. "Sell" and "sale" means any sale or offer to sell, or possession with intent to sell, use, or dispose of, the article or thing specified, contrary to law.

- 46-47. "Shooting preserve" or "preserve" means any privately owned or leased acreage [hectarage] on which hatchery-raised game birds are released to be hunted for a fee over an extended season.
- 47-48. "Sinkbox" or "sunken device" means a raft or any type of low floating device having a depression that affords a hunter a means of concealing that person below the surface of the water.
- 48-49. "Slow or no wake speed" means the slowest possible speed necessary to maintain steerage.
- 49-50. "Small game" includes all game birds and tree squirrels.
- 50-51. "Species" includes any subspecies of wildlife and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.
- 51-52. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and includes any species classified as threatened pursuant to the Endangered Species Act of 1973, Public Law 93-205.
- 52-53. "Transport" means to cause or attempt to cause a species to be carried or moved into or within the state and includes accepting or receiving the species for transportation or shipment. The term does not include the unintentional transport of a species while on a specific water of the state or to a connected water of the state where the species being transported is already present.
- 53-54. "Undocumented vessel" means a vessel which does not have a valid marine document as a vessel of the United States.
- 54-55. "Vessel" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- 55-56. "Waterfowl" includes all varieties of geese, brant, swans, ducks, rails, and coots.
- 56-57. "Waters" when not qualified means waters not open to the general public.
- 57-58. "Waters of the state" means all waters of this state, including boundary waters. This title extends to and is in force and effect over, upon, and in all such waters.
- 58-59. "Wildlife" means any member of the animal kingdom including any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals as defined by section 36-01-00.1 or birds or animals held in private ownership.

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.

1. 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:
 - a. Use any animal except:
 - (1) Horses;
 - (2) Mules; or
 - (3) For the recovery of big game animals, dogs which must be:
 - (a) ~~The dog must be leashed~~Leashed and under the physical control of a handler at all times; and
 - (b) ~~The dog must be accompanied~~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.~~
 - b. Carry a firearm or archery equipment while using a dog during the recovery; of a big game animal, except a dog handler may carry a handgun during the recovery of a big game animal when in the presence of the dog. A dog handler carrying a handgun may not use the handgun in any manner to assist in the recovery of a big game animal. A dog handler carrying a handgun must have permission from the landowner or individual authorized by the landowner before entering private land for the recovery of a big game animal.
 - (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-c. Use artificial light, including a spotlight or automobile or motorcycle headlight, except artificial light may be used in the recovery process of big game animals.
 - e-d. Engage in the practice commonly known as shining for deer. An individual who shines an area commonly frequented by big game animals with artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use an artificial light, night vision, thermal vision, or infrared light with a power source of not more than six volts in the area while hunting afoot to take coyote, fox, 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 15, 2023

Filed March 16, 2023

CHAPTER 219

HOUSE BILL NO. 1538

(Representative Porter)

AN ACT to create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fishing contests, surcharge fees, and the fishing conservation fund; to amend and reenact subsection 20 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide a continuing appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁵ **SECTION 1. AMENDMENT.** Subsection 20 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

20. ~~Adopt rules and issue~~Issue permits for conducting fishing contests involving public waters of the state ~~in accordance with section 2 of this Act. The director by rule shall define the term "fishing contest" and shall set criteria for which a fishing contest permit is required.~~ The director may deny permits. ~~No~~A person may ~~not~~ conduct a fishing contest on public waters without first receiving a permit issued by the director.

SECTION 2. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Fishing contests.

1. A "fishing contest" means an event at which a prize or cash is given to a contestant for catching fish from waters open to the public. The term includes high-value tag contests, fishing tournaments, biggest fish contests, contests providing a prize for the largest number or weight of fish, and fishing leagues and tournaments comprised of multiple fishing events which have a cumulative fee of fifty dollars or more per event. The term does not include:
 - a. A fishing event with fewer than fifty participants or fewer than fifteen boats for which an entry or participation fee of less than fifty dollars is charged.
 - b. An individual big fish promotion for which an entry or participation fee is not charged.
 - c. An organized youth fishing event if participants are under the age of nineteen or enrolled in a high school.
 - d. An online contest not held on a single body of water.

¹²⁵ Section 20.1-02-05 was also amended by section 1 of House Bill No. 1134, chapter 220, section 1 of House Bill No. 1260, chapter 221, and section 1 of Senate Bill No. 2297, chapter 222.

2. A fishing contest may not include a conservation fee if the fishing contest is held by a nonprofit veterans organization, charitable organization, educational organization, religious organization, fraternal organization, civic and service organization, or public-spirited organization, as those organizations are defined in chapter 53-06.1. A membership fee for a club or organization may not be classified as an entry fee or proceeds.
3. An organization desiring to hold a fishing contest shall submit an application to the director at least thirty days before the start of the contest. The application must list the recipient of the conservation fee and include a seventy-five dollar application fee. A conservation fee must be negotiated between the organization desiring to hold the fishing contest and a representative of the fishing league or fishing tournament.
4. The director may deny or revoke a permit if:
 - a. The director believes the fishing contest does not or will not comply with the rules of the department or could be harmful to the fishing resource;
 - b. An agency with jurisdiction deems the public use facilities such as a boat ramp, parking area, campground, or related facilities are inadequate to support the contest; or
 - c. The committee or sponsors have failed to submit timely reports.
5. A permittee shall submit a report to the director within thirty days after completion of the fishing contest. The report must include the number of contest participants, the quantity and species of fish taken in the contest, and the total amount and recipient of the conservation fee. Failure to submit this report is justification for denial of future fishing contest permits.
6. The director may adopt rules to administer this section.

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

Nonresident license surcharge - Fishing conservation fund - Continuing appropriation.

1. Notwithstanding any other provision of law, the director shall establish a surcharge of five dollars on each nonresident fishing license issued under section 20.1-03-12. The collected surcharge fees must be deposited with the state treasurer and credited to the fishing conservation fund.
2. There is created in the state treasury a special fund known as the fishing conservation fund. The fund consists of all money deposited in the fund pursuant to this section. All money deposited in the fund is appropriated as a continuing appropriation to the game and fish department for the purpose of fishery conservation, public access projects, and grant programs relating to fish and wildlife conservation. The game and fish department may adopt rules in accordance with chapter 28-32 for the purpose of administering the fishing conservation fund.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on April 1, 2024.

Approved May 5, 2023

Filed May 9, 2023

CHAPTER 220

HOUSE BILL NO. 1134

(Representatives Vetter, Brandenburg, Cory, Dockter, Rohr, M. Ruby, Schauer,
Steiner)
(Senators Burckhard, Magrum, Meyer, Paulson)

AN ACT to amend and reenact subdivision c of subsection 12 of section 20.1-02-05 of the North Dakota Century Code, relating to hunting and fishing license for national guard members.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁶ **SECTION 1. AMENDMENT.** Subdivision c of subsection 12 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- c. An individual who is a member of the United States armed forces and who is within the state on duty or leave or nonresident current North Dakota national guard member.

Approved March 14, 2023

Filed March 15, 2023

¹²⁶ Section 20.1-02-05 was also amended by section 1 of House Bill No. 1260, chapter 221, section 1 of House Bill No. 1538, chapter 219, and section 1 of Senate Bill No. 2297, chapter 222.

CHAPTER 221

HOUSE BILL NO. 1260

(Representatives J. Olson, Grueneich, Kempenich, Nathe, Porter, Pyle)
(Senators Elkin, Patten)

AN ACT to amend and reenact subsection 17 of section 20.1-02-05 and subsection 7 of section 20.1-03-11 of the North Dakota Century Code, relating to habitat development on private land and public access agreements and special antlerless elk depredation management licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁷ **SECTION 1. AMENDMENT.** Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other

¹²⁷ Section 20.1-02-05 was also amended by section 1 of House Bill No. 1134, chapter 220, section 1 of House Bill No. 1538, chapter 219, and section 1 of Senate Bill No. 2297, chapter 222.

winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.

- i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.
- j. Developing agreements to compensate private landowners for the development of habitat on private property specific to the geography, form, and function necessary for addressing fish and wildlife populations.
- k. Granting authority to program managers to carry out the duties of the program including signing for, negotiating, and renewing agreements and leases.

¹²⁸ **SECTION 2. AMENDMENT.** Subsection 7 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

- 7. a. A resident 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 that the resident actively farms or ranches; or a resident 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 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.
- d. The governor's proclamation may restrict the districts or units for which preferential licenses may be issued under this subsection. The number of

¹²⁸ Section 20.1-03-11 was also amended by section 1 of House Bill No. 1233, chapter 224.

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. The director may issue special antlerless elk depredation management licenses to landowners in the area and manner designated by the director upon payment of the fee required for a resident big game license. To be eligible for this license a landowner cannot charge a fee for elk hunting and must allow reasonable public access as determined by the director. 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 antlerless elk depredation management licenses. A person receiving an elk depredation management license under this subsection is eligible to apply for a license to hunt elk in future years and is eligible to participate in raffles under chapter 20.1-05.1.
- g. 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.

Approved April 6, 2023

Filed April 10, 2023

CHAPTER 222

SENATE BILL NO. 2297

(Senators Kannianen, Beard)
(Representatives D. Anderson, J. Olson)

AN ACT to amend and reenact subsection 25 of section 20.1-02-05 of the North Dakota Century Code, relating to a lifetime combination license; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁹ **SECTION 1. AMENDMENT.** Subsection 25 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

25. Issue, as a means of rewarding ~~dedication to teaching firearm hunter safety, complimentary lifetime resident certificates and combination licenses provided under section 20.1-03-11.1 to resident certified hunter education volunteer instructors. Eligible persons must have served as a lead or assistant certified hunter education volunteer instructor in this state for a minimum of one course in each of thirty years. The license is known as the "lifetime combination license" and must be signed by the director and the person receiving the license. The~~ dedication of certified game and fish department volunteer instructors:
- a. A complimentary resident certificate and combination license to resident instructors, provided under section 20.1-03-11.1; or
 - b. A complimentary composite of nonresident licenses to include a certificate, fishing license, general game and habitat license, small game license, statewide waterfowl license, spring white goose license, furbearer and nongame license, and a reciprocal trapping license to nonresident instructors.

Any license issued under this subsection is valid for the lifetime of the instructor. An individual is eligible for a license under this subsection if the individual has served and maintained an active status as a certified volunteer instructor in the state for thirty years. Any license issued under this subsection must be revoked by the director if the licenseholder is convicted of a felony or found to have violated any provision of this title.

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

Approved April 11, 2023

Filed April 12, 2023

¹²⁹ Section 20.1-02-05 was also amended by section 1 of House Bill No. 1134, chapter 220, section 1 of House Bill No. 1260, chapter 221, and section 1 of House Bill No. 1538, chapter 219.

CHAPTER 223

HOUSE BILL NO. 1409

(Representatives D. Anderson, Nelson, Novak, O'Brien)
(Senator Kannianen)

AN ACT to amend and reenact section 20.1-03-07.2 of the North Dakota Century Code, relating to nonresident youth hunting licenses for small game and waterfowl.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-07.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-07.2. Nonresident youth hunting licenses.

A nonresident youth who is less than sixteen years of age may purchase a ~~resident small~~general game hunting license and may hunt small game and waterfowl except swans and wild turkeys; ~~provided, that the nonresident youth's state, or province or territory of Canada, of residence provides a reciprocal licensing agreement for North Dakota residents who are less than sixteen years of age.~~ To be eligible to purchase a license under this section, a nonresident youth ~~may not have arrived at the age of sixteen before September first of the year for which the license is issued and~~ must possess a certificate of completion for a certified hunter education course. The nonresident youth may ~~only~~ hunt only under the supervision of an adult family member or legal guardian ~~who is licensed to hunt small game or waterfowl in this state and is subject to.~~ A nonresident youth may hunt during the entire youth and the same regulations as that youth's adult family member or legal guardian regular small game and waterfowl seasons. This section does not apply to the hunting of big game or to a license issued by lottery.

Approved March 15, 2023

Filed March 16, 2023

CHAPTER 224

HOUSE BILL NO. 1233

(Representatives Mock, Hagert, Heinert, Ista, Novak, Porter, Roers Jones, M. Ruby)
(Senators Magrum, Patten)

AN ACT to amend and reenact subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to youth white-tailed antlerless deer permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁰ **SECTION 1. AMENDMENT.** Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

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.

Approved March 22, 2023

Filed March 23, 2023

¹³⁰ Section 20.1-03-11 was also amended by section 2 of House Bill No. 1260, chapter 221.

CHAPTER 225

SENATE BILL NO. 2382

(Senator Larsen)
(Representative Porter)

AN ACT to amend and reenact section 20.1-13-06 of the North Dakota Century Code, relating to motorboat numbering exemptions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-13-06 of the North Dakota Century Code is amended and reenacted as follows:

20.1-13-06. Exemption from numbering provisions of this chapter.

A motorboat may not be required to be numbered under this chapter if it is:

1. Already covered by a number, in full force and effect, awarded it pursuant to federal law or a federally approved numbering system of another state, provided such motorboat has not been within this state for more than ninety consecutive days.
2. A motorboat from a foreign country temporarily using the waters of this state.
3. A motorboat owned by the United States, a state, or a subdivision thereof.
4. A ship's lifeboat.
5. ~~A motorboat belonging to a class of boats exempted from numbering by the department after said agency has found that the numbering of motorboats of such class will not materially aid in their identification; and, if an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, after the department has further found that the motorboat would also be exempt from numbering if it were subject to the federal law.~~

Approved March 27, 2023

Filed March 28, 2023

CHAPTER 226

HOUSE BILL NO. 1366

(Representatives Nelson, Bahl, Mock, M. Ruby)
(Senator Weston)

AN ACT to amend and reenact section 20.1-13-10 of the North Dakota Century Code, relating to the wearing of a life preserver while barefoot skiing or surfing; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-13-10 of the North Dakota Century Code is amended and reenacted as follows:

20.1-13-10. Water skis and, surfboard, and barefoot skiing - Penalty.

1. An individual may not engage in barefoot skiing or manipulate any water skis, surfboard, or similar device without wearing a life preserver approved by the department, unless the individual is ~~sixteen~~:
 - a. Sixteen years of age or older and engaged in windsurfing or boardsailing;
or
 - b. Engaging or attempting to engage in barefoot skiing or surfing and the individual is wearing a wet suit specifically designed for barefoot skiing or surfing which is in good and serviceable condition and of appropriate size.
2. An individual engaging or attempting to engage in barefoot skiing or surfing under subdivision b of subsection 1, must have on board the towing vessel a life preserver approved by the department.
3. Any time between one hour after sunset to one hour before sunrise, an individual may not operate a vessel on any waters of this state towing an individual engaged in barefoot skiing or on water skis, a surfboard, or similar device, nor engage in barefoot skiing, water skiing, surfboarding, or similar activity.
- ~~3-4.~~ Subsections 1 and ~~23~~ do not apply to a performer engaged in a professional exhibition or an individual engaged in an activity authorized under section 20.1-13-11.
- ~~4-5.~~ An individual may not operate or manipulate any vessel, towrope, or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in a way as to cause the water skis, surfboard, or similar device, or an individual on the device or engaged in barefoot skiing, to collide with or strike against any object or individual.
- ~~5-6.~~ An individual may not operate a vessel on any waters of this state towing an individual engaged in barefoot skiing or on water skis, a surfboard, or similar device unless there is another individual in the towing vessel observing any individual being towed or the vessel is equipped with a mirror at least

seventy-eight square inches [198.12 square centimeters] which provides the operator an unobstructed field of vision to the rear. This subsection does not apply to a personal watercraft or to members of any organization regularly staging water ski shows, tournaments, or exhibitions while engaged in the performance of such shows, tournaments, or exhibitions. The department shall adopt rules to allow such organizations to practice in preparation for such events, as prescribed in section 20.1-13-11.

6-7. An individual who violates this section is guilty of a class 2 noncriminal offense.

Approved March 17, 2023

Filed March 17, 2023