

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1081

Introduced by

Representative Zubke

1 A BILL for an Act to create and enact sections 15-08-28, 15-08-29, 15-08-30, 15-08-31, and  
2 15-08-32 of the North Dakota Century Code, relating to access to and activities on trust lands;  
3 to amend and reenact section 20.1-02-15.1 of the North Dakota Century Code, relating to  
4 authority of the game and fish department employees to enforce laws; and to provide a penalty.

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

6 **SECTION 1.** Section 15-08-28 of the North Dakota Century Code is created and enacted as  
7 follows:

8 **15-08-28. Vehicular access.**

9 The use of vehicles on trust lands is prohibited, except:

- 10 1. Within thirty-three feet [10.06 meters] of section lines;  
11 2. As allowed by the terms of a lease, permit, or easement issued by the board of  
12 university and school lands;  
13 3. When used for travel on a public road easement issued by the board;  
14 4. When used by government personnel in the performance of official duties; or  
15 5. When hunting under a special permit issued by the director of the game and fish  
16 department to shoot from a stationary vehicle and with written permission from the  
17 lessee and commissioner.

18 **SECTION 2.** Section 15-08-29 of the North Dakota Century Code is created and enacted as  
19 follows:

20 **15-08-29. Public access.**

- 21 1. Nonvehicular public access to leased and unleased trust lands is allowed if in the best  
22 interests of the trusts, unless:  
23 a. Specifically prohibited by the commissioner; or

- 1           b. A lessee of any lands under the control of the board of university and school  
2           lands posts the land with signage issued by the department, which:  
3           (1) Requires notification to the lessee before entry by the public; or  
4           (2) Closes the trust lands to all public access.  
5           2. A lessee of any lands under the control of the board may not lease, sell, or otherwise  
6           be compensated for access to, on, across, or over leased trust lands.

7           **SECTION 3.** Section 15-08-30 of the North Dakota Century Code is created and enacted as  
8 follows:

9           **15-08-30. Prohibited activities - Penalty.**

- 10          1. The following activities and items are prohibited on trust lands:  
11          a. Target shooting, explosives, and exploding targets;  
12          b. Camping, picnicking, or campfires;  
13          c. Unattended trail cameras, hunting blinds, tree stands, and screw-in steps unless  
14          otherwise authorized by the commissioner of university and school lands;  
15          d. Using bait to attract, lure, feed, or habituate wildlife for any purpose. For  
16          purposes of this subsection "bait" includes grains, screenings, minerals, salt,  
17          fruits, vegetables, hay, or any other natural or manufactured feeds, but not the  
18          use of lures, scents, or liquid attractants for hunting;  
19          e. Disturbing or removing artifacts or any cultural, historical, archeological, or  
20          paleontological resources found on trust lands without written permission from  
21          the board of university and school lands;  
22          f. Disposing of refuse, including garbage, bottles, cans, trees, branches, or other  
23          waste materials;  
24          g. Dog training;  
25          h. Metal detecting;  
26          i. Guiding and outfitting;  
27          j. Collecting plant parts for sale or other commercial purposes;  
28          k. Trapping, unless authorized in writing by the commissioner;  
29          l. Tree cutting and firewood gathering, unless authorized in writing by the  
30          commissioner;  
31          m. Beehives, unless specifically authorized in a surface land lease; and

1           n. Organized events for which the commissioner has not issued a written  
2           agreement or permit in accordance with section 15-08-31.

3           2. An individual who violates subdivision n of subsection 1 is guilty of a class B  
4           misdemeanor.

5           **SECTION 4.** Section 15-08-31 of the North Dakota Century Code is created and enacted as  
6 follows:

7           **15-08-31. Organized event.**

8           1. Upon written request, the commissioner of university and school lands may allow by  
9           written agreement or permit, an organized event involving public access or activity on  
10           trust lands if the event:

11           a. Is an appropriate use of trust lands;

12           b. Does not damage trust lands;

13           c. Does not have a negative impact on the value or financial return of the trust lands  
14           in violation of the board of university and school lands' fiduciary duty to the  
15           applicable trusts as determined by the commissioner;

16           d. Protects the state from liability and other claims for damage; and

17           e. Has been approved by the current surface land lessee, if the trust lands are  
18           leased.

19           2. The commissioner may refuse to issue or renew a permit if the permit applicant has  
20           repeatedly violated the provisions of this chapter or rules or orders of the  
21           commissioner.

22           **SECTION 5.** Section 15-08-32 of the North Dakota Century Code is created and enacted as  
23 follows:

24           **15-08-32. Penalty.**

25           An individual who violates any provision of this chapter, for which another penalty is not  
26           specifically provided, or any applicable administrative rule for a substantially similar offense, is  
27           guilty of a noncriminal offense for which a fee of one hundred dollars must be assessed.

28           **SECTION 6. AMENDMENT.** Section 20.1-02-15.1 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **20.1-02-15.1. Additional powers of director, deputy director, chief game wardens, or**  
2 **district game wardens.**

3           1. The director, deputy director, chief game wardens, or district game wardens have the  
4 power of a peace officer in the following circumstances:

5           ~~1.~~ a. To enforce state laws and rules on any game refuge, game management area, or  
6 other land or water owned, leased, or managed by the department ~~and~~ on  
7 sovereign lands as defined by section 61-33-01, and on state-owned lands  
8 managed by the board of university and school lands as defined in sections  
9 15-06-01 and 15-07-01.

10          ~~2.~~ b. When responding to requests from other law enforcement agencies or officers for  
11 aid and assistance. For the purposes of this ~~subsection~~subdivision, a request  
12 from a law enforcement agency or officer means only a request for assistance as  
13 to a particular and singular violation or suspicion of violation of law, and does not  
14 constitute a continuous request for assistance outside the purview of  
15 enforcement of the provisions of this title.

16          ~~3.~~ c. The powers and duties conferred are supplemental to other powers and duties  
17 conferred upon the director, deputy director, chief game wardens, or district game  
18 wardens and do not constitute an obligation beyond the regular course of duty of  
19 those officers.

20          ~~4.~~ d. To enforce chapter 20.1-15.

21          ~~5.~~ e. To enforce chapter 20.1-13.1.

22          ~~6.~~ f. To enforce chapter 39-24.1.

23          2. This section may not be construed to limit the powers or duties of any peace officer  
24 within this state.