

ANIMALS

CHAPTER 2

S. B. No. 2—(Stucke and Young, by request)

HUMANE COYOTE TRAPS

An Act to amend and re-enact Section 9498 of the 1913 Compiled Laws prohibiting the setting of spring or other gun or trap or device, operated by firing or exploding of gunpowder or other explosive; providing certain exceptions, and declaring an emergency; and repealing all acts and parts of acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every person who sets any spring or other gun or trap or device, operating by the firing or exploding of gunpowder or other explosive, and leaves or permits the same to be left, except in the immediate presence of some competent person, shall be deemed to have committed a misdemeanor; and the killing of any person by the firing of a gun or other device so set shall be deemed to be manslaughter in the first degree.

§ 2. That the provisions of this act shall not be construed to prohibit the use of any device, which may be approved by the State Game and Fish Commissioner as hereinafter provided, which is operated by the explosion of small amounts of gunpowder or other explosive, and which device is designed to discharge poison into the mouth of a wolf, coyote, fox, wildcat or other predator, upon the grabbing or seizing of the bait attached to such device by such predator, and which device does not discharge any ball, slug, shot or other missile, and thus endanger the life and limb of any human being or animal. That such device, operated by the explosion of small amounts of gunpowder or other explosive, designed to discharge poison into the mouth of such predator, and which device does not discharge any missile, shall, nevertheless, be legal only if set not less than one hundred feet from any Federal, State or approved County Highway, and not less than five hundred yards from any rural school while functioning, or any inhabited dwelling without permission of the resident of said building; nor may any such device be used on the land without the permission of the owner or operator.

§ 3. EMERGENCY.] An emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval; and repealing all acts or parts of acts in conflict herewith.

Approved March 27, 1944.

CHAPTER 3

S. B. No. 1—(Stucke and Young, by request)

PREDATORY ANIMAL CONTROL

An Act to appropriate Fifteen Thousand (\$15,000.00) Dollars for the biennium beginning July 1, 1943 and ending June 30, 1945, to provide for the control of predatory animals such as wolves, coyotes, bobcats and foxes which are injurious to livestock, poultry and game animals and birds; to authorize co-operation with the United States in the control of such predatory animals; and in addition thereto appropriating for the same purpose the net proceeds of furs, skins or specimens sold, making such proceeds available in a sum (sum) not to exceed Twenty Thousand (\$20,000.00) Dollars, and to provide for funds to enable the Department of Agriculture and Labor of the State of North Dakota to carry out the provisions of this Act; providing for a transfer to the State Emergency Fund of \$5000.00 from the appropriation herein made to reimburse said fund for monies transferred therefrom in anticipation of said appropriation; declaring an emergency and repealing all acts or parts of acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The Department of Agriculture and Labor of the State of North Dakota is hereby authorized and directed to co-operate with the United States Department of the Interior, Fish and Wildlife Service, in the control and destruction of coyotes, wolves, bobcats and foxes in this state that are injurious to livestock, poultry, and game animals and birds, in accordance with organized and systematic plans of the Department of the Interior for the destruction of such predatory animals; and for this purpose to enter into written agreements with the Fish and Wildlife Service covering the methods and procedure to be followed in the control and destruction of such predatory animals, the extent of supervision to be exercised by either or both the Department of Agriculture and Labor and the Fish and Wildlife Service, and the use and expenditure of the funds hereinafter appropriated; Provided, that the Department of Agriculture and Labor, in cooperation with the Fish and Wildlife Service may enter into agreements with other governmental agencies, and counties, associations, corporations, or individuals when such co-operation is deemed to be necessary to promote the control and destruction of predatory animals.

§ 2. (a) The Department of Agriculture and Labor is hereby authorized to make such expenditures for equipment, supplies and other expenses, including expenditures for personal services of hunters and trappers, as may be necessary to execute the functions imposed upon it by this act and as may be provided for by the State Legislature from time to time; provided, that hunters and trappers employed under the provisions of this act shall be

residents of the State of North Dakota, but shall not be entitled to bounty provided by the laws of this State for the killing or extermination of predatory animals; and further provided, that all vouchers for such expenditures made by the Department of Agriculture and Labor shall be approved as to correctness by the duly authorized agent of the Fish and Wildlife Service.

(b) For such expenditures there is hereby appropriated out of money in the State Treasury not otherwise appropriated the sum of fifteen thousand (\$15,000.00) dollars, which appropriation shall be available until expended.

(c) Five thousand dollars (\$5000.00) of the appropriation made in (b) above shall be transferred to the State Contingency Fund to reimburse said fund for monies already transferred therefrom to the fund created by said appropriation in anticipation thereof.

§ 3. All furs, skins and specimens taken by hunters whose salaries are paid out of funds hereinbefore appropriated shall be disposed of in such manner as the Department of Agriculture and Labor shall determine to be in the best interest of the State; provided that if such furs, skins or specimens are sold, the net proceeds of such sales but not in excess of twenty thousand (\$20,000.00) dollars, shall be available and are hereby appropriated for payment of expenditures for equipment, supplies and other expenses including expenditures for personal services of hunters and trappers as may be necessary to execute the functions imposed upon it by this act as set forth in Section 2 hereof.

§ 4. EMERGENCY.] An emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

§ 5. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved April 3, 1944.