

GAME AND FISH

CHAPTER 236

H. B. No. 231
(Dawson, K. Johnson)

HUNTING OR HARASSING BIG GAME FROM MOTOR VEHICLES

AN ACT

To create and enact subsections 20, 21 and 22 of section 20-01-01 of the North Dakota Century Code, relating to the definition of a motor-driven vehicle, and to create and enact section 20-01-04.2 of the North Dakota Century Code, to prohibit the use of motor-driven vehicles in running, driving, molesting, flushing or harassing big game and to restrict the use of motor-driven vehicles in the process of hunting big game.

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

Section 1.) Subsections 20, 21 and 22 of section 20-01-01 of the 1967 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

20. "Motor-driven vehicle" shall mean any land vehicle, with or without wheels, that is propelled by any motor;
21. "Retrieve" shall mean to have taken possession and made ready for transportation;
22. "Established road or trail" shall mean any public highway or road, improved or otherwise, that has been dedicated for purposes of public ingress or egress, or any other road or trail that is normally used for travel.

Section 2.) Section 20-01-04.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

20-01-04.2. Hunting Big Game with Motor Vehicles Prohibited; Exception—Motor Vehicle Use in Transporting Big Game Restricted.) No person, while hunting big game, shall use a

motor-driven vehicle on any other than an established road or trail, unless he has reduced a big game animal to possession and cannot easily retrieve said big game animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, provided that after such retrieve, such motor-driven vehicle is again returned to the established road or trail along the same route it originally departed. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the roadside or directly adjacent to said road or trail. No person, while hunting big game, shall drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass any big game with the use or aid of any motor-driven vehicle. No person, while hunting big game, shall drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail.

Approved March 10, 1969.

S. B. No. 212
(Litten)

**DEFINITION OF SMALL GAME
AND HUNTING LICENSE FEES**

AN ACT

To amend and reenact section 20-01-01 of the North Dakota Century Code by creating a new subsection, relating to the definition of small game, and to amend and reenact subsections 1, 2 and 3 of section 20-03-12 of the North Dakota Century Code, relating to the schedule of fees for certain hunting licenses.

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

Section 1. Amendment.) Section 20-01-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted by creating a new subsection to read as follows:

“Small game” shall mean all game birds and tree squirrels.

Section 2. Amendment.) Subsections 1, 2 and 3 of section 20-03-12 of the 1967 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. For a resident small game hunting license, the sum of two dollars;
2. For a nonresident small game hunting license, the sum of thirty-five dollars;
3. For a resident big game hunting license, the sum of six dollars;

Approved March 28, 1969.

S. B. No. 99
(Longmire)

**HARASSMENT OF GAME BIRDS
AND GAME ANIMALS**

AN ACT

To amend and reenact sections 20-01-07 and 20-05-01 of the North Dakota Century Code, relating to protection of any game bird or game animal.

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

Section 1. Amendment.) Section 20-01-07 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-01-07. Hunting and Harassing Game from Aircraft Prohibited.) No person, flying or controlling the flight of any aircraft in this state, shall intentionally kill, chase, or harass or attempt to kill, chase, or harass any game bird or game animal except when necessary for the protection of life or property.

Section 2. Amendment.) Section 20-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-05-01. Big Game Animals Protected.) No person shall hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common or private carrier, sell, barter, or exchange any big game animal except as provided in this title.

Approved March 29, 1969.

CHAPTER 239

S. B. No. 302
(G. Larson, Trenbeath)

SHOOTING PERMITS FOR PHYSICALLY
HANDICAPPED

AN ACT

To create and enact subsection 9 of section 20-02-05 of the North Dakota Century Code, relating to powers of the game and fish commissioner.

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

Section 1.) Subsection 9 of section 20-02-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

9. Issue, at his discretion, special permits to shoot game from a stationary motor vehicle upon application from individuals who are physically unable to walk for purposes of hunting or taking game. The application shall be accompanied by a statement from such individual's physician, verifying the claims made by such individual on his application.

Approved March 4, 1969.

CHAPTER 240

S.B. No. 80
(Longmire)

FISHING LICENSE EXEMPTION FOR
MENTALLY DEFICIENT

AN ACT

To create and enact subsection 4 of section 20-03-02 of the 1967 Supplement to the North Dakota Century Code, relating to fishing license exemptions.

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

Section 1.) Subsection 4 of section 20-03-02 of the 1967 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

4. Any patient of the Grafton state school for the mentally deficient and any student at the state industrial school may fish without first having obtained a resident fishing license as prescribed in this chapter.

Approved March 10, 1969.

CHAPTER 241

S. B. No. 191
(Morgan, Luick)

NONRESIDENT PREDATOR HUNTING LICENSES

AN ACT

To amend and reenact subsection 11 of section 20-03-12 of the North Dakota Century Code, relating to fees for nonresident licenses to hunt predators.

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

Section 1. Amendment.) Subsection 11 of section 20-03-12 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. For a nonresident predator hunting license, the sum of fifteen dollars.

Approved March 4, 1969.

CHAPTER 242

H. B. No. 275

(K. Johnson, Wilkie, Rivinius, Rundle, Dick)

(Dawson, Backes)

REVOCATION OF HUNTING LICENSES

AN ACT

To amend and reenact section 20-03-37 of the North Dakota Century Code, relating to hunting licenses and providing that any person who has his hunting license revoked shall be ineligible to have his hunting privileges restored for two years; and providing a penalty for purchasing or attempting to purchase a hunting license or permit within two years after a revocation.

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

Section 1. Amendment.) Section 20-03-37 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-03-37. Violators May Have Licenses or Permits Revoked—Revoked Licenses or Permits Not To Be Replaced—Reinstating License or Permit—Penalty for Attempting to Purchase Hunting after Revocation.) Any person convicted of violating any of the provisions of this section, in addition to the fine and imprisonment provided, may have any license or permit held by him revoked for the privileges he has violated, and no license or permit shall be issued to such person, except as hereinafter provided, for the remainder of the year in which such violation occurred. However, in the case of a revocation of a fishing license for a first violation, such license or permit shall be reinstated thirty days from the date of such revocation. In the case of a revocation of a hunting license for a violation of any of the provisions of this section, the person having his license revoked shall also be ineligible to have his hunting privileges restored for two years after the year of such revocation. Any person purchasing or attempting to purchase a hunting license or permit during such revocation period may be punished by imprisonment in the county jail for not more than thirty days, or by a fine of not more than one hundred dollars, or by both such fine and imprisonment.

Approved March 25, 1969.

CHAPTER 243

H.B. No. 118

(Eagles, Boyum, Goodman, Hensrud, Aafedt, Dick)

PROTECTED FUR-BEARING ANIMALS

AN ACT

To amend and reenact section 20-07-02 of the North Dakota Century Code, relating to the protected list of fur-bearing animals.

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

Section 1. Amendment.) Section 20-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-07-02. Fur-Bearing Animals Which are Protected Not To Be Taken or Disturbed During Closed Seasons.) No person shall hunt, shoot, trap, or take, in this state, any mink, muskrats, weasels, or tree squirrels, except during the open or lawful season thereon as established under the provisions of section 20-08-01 or section 20-07-04. The governor may, by proclamation, place beavers, raccoons, badgers, foxes, wolves, and coyotes on the protected list of fur-bearing animals at any time, and may keep such fur-bearers on the protected list for such length of time as he may deem reasonable and necessary. If such fur-bearers are placed on the protective list as provided for in this section, the governor may, by proclamation, prescribe the area, manner and number that may be hunted, trapped, shot or taken.

Approved February 20, 1969.

CHAPTER 244

H. B. No. 98

(Eagles, Boyum, Dick, Goodman, K. Johnson)

(McDonald, Boustead, Aafedt)

PROCLAMATION ON BAG LIMIT ON
UPLAND GAME BIRDS

AN ACT

To amend and reenact section 20-08-02 of the North Dakota Century Code, relating to bag limit on upland game and migratory waterfowl.

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

Section 1. Amendment.) Section 20-08-02 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-08-02. Limitations on Governor's Powers.) The governor may not establish:

1. A bag limit on upland game birds which exceeds fifteen birds in the aggregate.

Approved March 10, 1969.

CHAPTER 245

H. B. No. 431
(Streibel, Backes, W. Erickson)
(E. Johnson, Burke, Reimers, Davis)

POSTING WATERFOWL REST
AREAS

AN ACT

Requiring consent before land is posted for hunting.

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

Section 1.) Before the North Dakota game and fish department, by department decision or at the request of any group or individual, posts any land as a waterfowl rest area they must first have on file in the department the consent, in writing, of any resident landowner of the land to be posted.

Approved March 14, 1969.

S. B. No. 461
(Morgan, Trenbeath)

PRIVATE SHOOTING PRESERVES

AN ACT

To permit private game bird shooting preserves and the operation thereof, and to provide for fees, permits, surety bonds, types of game birds that may be hunted, registration of guests, rules and regulations, and providing a penalty.

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

Section 1. Definitions.) In this Act, unless the context otherwise requires:

1. "Shooting preserve" or "preserve" shall mean any acreage either privately owned or leased on which hatchery-raised game birds are released for the purpose of hunting for a fee, over an extended season.
2. "Commissioner" shall mean the state game and fish commissioner.

Section 2. Permit for Shooting Preserve—Fees.) Any person owning, holding or controlling, by lease or otherwise, any contiguous tract of land of not more than one thousand two hundred eighty acres, who desires to establish a shooting preserve under this Act, may make application to the commissioner for a shooting preserve operating permit. The application shall be made by the applicant, his agent, or his attorney; shall be in such form as the commissioner may prescribe; shall be accompanied by the surety bond required by this Act, and by a fee determined as follows:

1. One hundred dollars, if the shooting preserve consists of an area of six hundred forty acres or less; or
2. One hundred dollars, if the shooting preserve consists of an area of more than six hundred forty acres, plus fifty cents per acre for each acre over six hundred forty acres.

Acreage amounts shall include any lands which are used for hatching, game production areas, or headquarters areas. Upon the receipt of the application for a shooting preserve permit, the commissioner shall inspect the area described in the application, including the facilities, and shall investigate the ability of the applicant to operate an area of this character, in accordance with section 3 of this Act. Such permit, if granted, shall be issued for one year, and may be renewed annually by payment of the fees as set forth under this section, and the renewal of any surety bond that may have expired, or shall expire before the end of the next permit term.

Section 3. Prerequisites for the Issuance of Permits—Bonds.) Before issuing any permit under this Act, the commissioner shall have found that:

1. The applicant is financially able to provide the necessary facilities and services to operate a shooting preserve.
2. The applicant proposes to comply with all of the provisions of this Act.
3. The operation of the preserve will not work a fraud upon persons who are permitted to hunt thereon.
4. The operation of the preserve is not designed to circumvent game laws or regulations.
5. The issuance of the permit will be in the public interest.

Provided that before any permit shall issue to the applicant, he shall have filed a bond to the state of North Dakota in the sum of two thousand dollars, executed by a surety company authorized to do business in the state of North Dakota, and conditioned that the applicant will observe and comply with the provisions of this Act and rules and regulations promulgated by the commissioner thereunder, and will pay any fine and costs upon conviction of the permittee for violation of the provisions of this Act, and all reasonable costs arising from any hearing for revocation or suspension of the permit.

Section 4. Types of Game That May Be Hunted on Shooting Preserve—Identification of Game.) Game birds that may be stocked on a shooting preserve and hunted under this Act shall be artificially propagated pheasants, quail, partridges,

turkey, prairie chickens, and such other game birds or species thereof as may be allowed by the commissioner. A minimum stock of one hundred of each species to be hunted on a shooting preserve shall be released on the permit area during the shooting preserve season.

All game birds released on a shooting preserve shall be marked prior to release as prescribed by the commissioner by rule or regulation. All mallard ducks released on a shooting preserve shall have the right hind toenails clipped before the birds attain the age of four weeks.

Section 5. Operation of Shooting Preserve—Game License Required—Season—Search of Premises Permitted.) Any guest of an operator of a shooting preserve, providing that he possesses a valid general game license issued by the state of North Dakota, may harvest any game bird within the defined limits of the shooting preserve, subject to the provisions of this Act. The shooting preserve operator may establish his own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The exterior boundaries of each shooting preserve shall be clearly defined and posted with signs erected around the extremity at intervals of one hundred fifty feet or less. Each shooting preserve operator and his guest shall comply with and be subject to the provisions of chapter 20-01 of the North Dakota Century Code in all respects. Any shooting preserve operator may restrict or set the hours during which game birds may be hunted, subject to the provisions of section 20-01-06 of the North Dakota Century Code. The season length for shooting preserves may be all or part of the seven-month period beginning September 1, and ending March 31 of the following year. All permits shall be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the commissioner may enter and search the premises or any part thereof at any reasonable time to ensure compliance with the laws of this state and the rules and regulations of the commissioner.

Section 6. Game Birds To Be Tagged.) Each operator of a shooting preserve shall tag all game birds that are harvested by guests before such birds are consumed or removed from the shooting preserve premises. Such tags shall clearly identify such birds as either game birds that have been released by the shooting preserve operator, or wild game birds. Tags shall

be numbered consecutively, dated by year of issuance, and shall be of the self-sealing type. The commissioner shall provide for the issuance of tags to shooting preserve operators, at nominal cost to them. Once affixed, tags shall remain attached until the game birds are actually prepared for consumption.

Section 7. Guest Register and Records To Be Maintained.)

Each shooting preserve operator shall maintain a guest register in which shall be listed the guest's name, his address, the number of his North Dakota general game license, the date on which he hunted, the number of game birds and species taken and their tag numbers with wild game birds and game birds that were released by the operator listed separately. A record shall also be maintained by each shooting preserve operator of the source of game released in his preserve, the date of release, and the number and kind of game bird or species released. The records required to be kept by this section shall be open for inspection by the commissioner, his representative, or any law enforcement officer at any reasonable time.

Section 8. Rules and Regulations To Be Promulgated by the Commissioner.) The commissioner shall promulgate rules and regulations reasonably necessary to implement the provisions of this Act.

Section 9. Penalties.) Any person violating the provisions of this Act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Section 10. Revocation of Permit.) The commissioner is hereby authorized, after due notice to the shooting preserve operator, and a hearing thereon, to revoke or suspend the permit of any operator for any violation of this Act or of the rules and regulations of the commissioner.

Section 11. Administrative Agencies Practice to Apply.) The provisions of chapter 28-32 of the North Dakota Century Code, Administrative Agencies Practice Act, shall apply to this Act.

Approved March 28, 1969.