GAME AND FISH

CHAPTER 251

SENATE BILL NO. 2184
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

FUR-BEARERS AND GUN DOGS

AN ACT to amend and reenact subsections 9 and 36 of section 20.1-01-02 and section 20.1-07-03 of the North Dakota Century Code, relating to the definition of fur-bearers and gun dogs and the protection of fur-bearers during closed seasons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 9 and 36 of section 20.1-01-02 of the 1979 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

9. "Fur-bearers" shall include mink, muskrats, weasels, wolverines, otters, martens, fishers, ~~and~~ kit or swift foxes~~----Beavers~~, beavers, raccoons, badgers, wolves, coyotes, bobcats, lynx, and red or gray foxes ~~shall--be considered--fur-bearers--if-so-designated-by-gubernatorial proclamation~~.

36. "Gun dogs" shall include any dog ~~bred~~ used to hunt~~,-scent,-point,-flush,-or-retrieve-game-birds~~ protected wildlife.

SECTION 2. AMENDMENT. Section 20.1-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-07-03. 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,-or-weasels~~ fur-bearer, except during the open or lawful season thereon as established under sections 20.1-07-04 or 20.1-08-02. ~~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-as long--as--he-may-deem-reasonable-and-necessary.--If-such-fur-bearers are--placed--on--the--protective--list,---the---governor---may,---by proclamation,--prescribe--the--area,--manner,-and-number-that-may-be hunted,-trapped,-shot,-or-taken.~~

Approved March 31, 1981

CHAPTER 252

HOUSE BILL NO. 1367
(L. Hanson)

CRANE HUNTING FROM MOTOR-DRIVEN VEHICLE

AN ACT to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to the hunting of cranes from motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-07. HUNTING BIG GAME OR SMALL GAME OTHER THAN WATERFOWL OR CRANES WITH MOTOR VEHICLES PROHIBITED - EXCEPTION - MOTOR VEHICLE USE IN TRANSPORTING BIG GAME RESTRICTED. Except as provided in subsection 11 of section 20.1-02-05, no person, while hunting big game or small game, other than waterfowl or cranes, statewide, may 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 retrieval, 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 or small game, statewide, may 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 such game with the use or aid of any motor-driven vehicle. No person, while hunting big game or small game, other than waterfowl or cranes, statewide, may 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 2, 1981

CHAPTER 253

HOUSE BILL NO. 1191
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

RACCOON TAKING WITH FLASHLIGHT AND HANDGUN

AN ACT to amend and reenact section 20.1-01-09 and subsection 3 of section 20.1-05-04 of the North Dakota Century Code, relating to the taking of raccoon with the use of a flashlight and use of artificial lights in the taking of big game.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-09. TYPES OF GUNS LAWFULLY USABLE IN TAKING RACCOON WITH FLASHLIGHT. In the killing, shooting, pursuit, taking or in attempting to take raccoon with the use of a flashlight of not over two cells in the aggregate of ~~three~~ four volts, it is illegal to use a rifle or handgun capable of firing a shell larger than a twenty-two caliber [5.59 millimeter] long rifle shell, or a shotgun larger than four-ten gauge [10.41 millimeters].

SECTION 2. AMENDMENT. Subsection 3 of section 20.1-05-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Engage in the practice commonly known as shining for deer. Any person who shines any area commonly frequented by big game animals with any artificial light, between the hours of sunset and sunrise, is in violation of this section. However, any person may use a flashlight of not over two cells in the aggregate of ~~three~~ four volts to take raccoon.

Approved March 2, 1981

CHAPTER 254

HOUSE BILL NO. 1193
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

TRAP TAMPERING

AN ACT to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to tampering with and disturbing state wildlife traps; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

TAMPERING WITH TRAPS UNLAWFUL. No person shall in any manner willfully destroy, molest, disturb, or tamper with any net, trap, crib, or other contrivance being used by the department for the purpose of catching or holding wildlife. No unauthorized person shall remove any wildlife from any net, trap, crib, or other contrivance being used by the department. Any person violating this section shall be guilty of a class B misdemeanor.

Approved March 11, 1981

CHAPTER 255

SENATE BILL NO. 2188
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

PERMIT TO SHOOT WILDLIFE FROM VEHICLE

AN ACT to amend and reenact subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to special permits issued by the game and fish commissioner for the shooting of game from a stationary motor vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 11 of section 20.1-02-05 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. Issue, at his discretion, special permits to shoot ~~game~~ wildlife from a stationary motor vehicle upon application from individuals who are physically unable to walk for purposes of hunting or taking ~~game~~ wildlife. The application shall be accompanied by a physician's statement verifying the person's condition. Permits issued under this subsection shall allow the permittee to drive, or to be driven, on to any land for the purposes of hunting ~~big--game~~ wildlife, except that neither any other passenger within the vehicle nor the driver, if someone other than the permittee, shall be a hunter, unless such other person is also a permittee. Provided, however, that such land is privately owned and if the permittee is not going to drive or be driven along an established road or trail, the permittee shall first obtain the consent of the owner or tenant to hunt on such land in the manner provided in this title.

Approved March 16, 1981

CHAPTER 256

HOUSE BILL NO. 1281
(Murphy)

POLICE POWERS OF GAME AND FISH PERSONNEL

AN ACT to amend and reenact section 20.1-02-15 of the North Dakota Century Code, relating to the police powers of the game and fish commissioner and his appointees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-02-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-15. POLICE POWERS OF COMMISSIONER, DEPUTY COMMISSIONER, AND BONDED APPOINTEES OF COMMISSIONER. The commissioner, deputy commissioner, and any bonded appointees of the commissioner shall have the power:

1. Of a peace officer for the purpose of enforcing this title and any other state laws, rules, or regulations relating to big game, small game, fur-bearers, fish, and other wildlife.

2. To make arrests upon view and without warrant for any violation, committed in his presence, of this title and any other state laws, rules, or regulations relating to big game, small game, fur-bearers, fish, and other wildlife.

~~3.--To--enter--and-inspect-any-hotel,-restaurant,-cold-storage warehouse,-plant,-icehouse,-or-any-building-used--for--the storage--of--dressed--meat,--game,-or-fish-to-determine-if game-or-fish,-or-parts-thereof,-are-kept-or-stored-therein contrary-to-this-title.~~

~~4.--To---open,---enter,--and--examine,--without--warrant,--all buildings,---camps,---tents,---vessels,---boats,---wagons, automobiles,--or--other-vehicles,-cars,-crates,-boxes,-and other-receptacles-and-places-when-he-has-reason-to-believe that--game--or-fish,-or-parts-thereof,-or-green-furs-which have-been-taken-or-are-held-or-possessed-contrary-to--this~~

~~title may be found. The right to enter and search without a warrant, however, shall not apply to the dwelling house or living quarters of any person or of a sealed railroad car.~~

~~5. To open and examine any package in the possession of a common carrier which he suspects or has reason to believe contains game or fish, or parts thereof, taken, held, or falsely labeled contrary to this title. Every such common carrier, and every agent, servant, or employee thereof, shall permit any such officer to open and examine any such package. Any package so opened and not confiscated shall be restored to its original condition by the officer making the examination.~~

~~6. To enter, without warrant, upon the premises of any dealer or trader in green furs to inspect any warehouses, storerooms, or other storage places, and may call for and inspect records of buying, shipping, or selling of green furs. The right to enter and search without a warrant, however, shall not apply to the dwelling house or the living quarters of any person or of a sealed railroad car.~~

~~7. To seize and hold, subject to court order, any green furs obtained illegally.~~

~~8. To inspect all premises used for the purpose of propagating and domesticating game birds or protected animals.~~

3. To regulate dealers in green furs, propagation or possession of live protected wildlife, taxidermists, shooting preserves, guides and outfitters, commercial fishing operations, private fish hatcheries and commercial bait vendors. In the regulation of these licensed activities, the premises used to conduct the business and records required by law shall be open for inspection at reasonable hours by game and fish law enforcement officers.

Approved March 5, 1981

CHAPTER 257

HOUSE BILL NO. 1147
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

REWARD UPON CONVICTION OF VIOLATOR

AN ACT to amend and reenact section 20.1-02-16 of the North Dakota Century Code, relating to rewards upon conviction of game and fish violators.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-02-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-16. COMMISSIONER MAY PAY REWARDS IN CONNECTION WITH THE CONVICTION OF VIOLATORS - AMOUNTS - EXCEPTIONS. The commissioner, out of legislative reward appropriation, may pay complainants, upon the arrest and conviction of any person violating this title, a reward ~~in the amount of~~ not to exceed:

1. ~~Twenty-five~~ One hundred dollars if the offense involves a violation relating to big game ~~or to beavers~~.

2. ~~Ten~~ Fifty dollars if the offense involves a violation relating to game birds, fish, fur-bearers, or protected animals not mentioned in subsection 1.

This section shall not apply when the complaint is made or required information is furnished by an officer, employee, or game warden who is regularly employed and who receives a salary from the department, or by a sheriff or other peace officer who receives a regular salary.

Approved March 3, 1981

CHAPTER 258

HOUSE BILL NO. 1609
(Berg, Mattson, Mertens, Nicholas)

FEDERAL LAND ACQUISITION AUTHORITY

AN ACT to suspend federal authority to acquire certain interests in land; to amend and reenact subsection 1 of section 20.1-02-18.2 of the North Dakota Century Code, relating to the federal acquisition of land in North Dakota; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 20.1-02-18.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Negotiate the time period of the lease, easement, or servitude being sought. ~~A lease, easement, or servitude shall terminate upon the death of a landowner or upon change of ownership.~~

SECTION 2. SUSPENSION OF FEDERAL AUTHORITY TO ACQUIRE INTERESTS IN LAND. Notwithstanding the provisions of section 20.1-02-18, or any other provision of law, the United States shall not acquire by any means any land or interests in land for migratory bird reservations, and the governor shall not approve the acquisition of any land or interests in land with moneys from the migratory bird conservation fund until December 31, 1983, or until the date a management plan for such land is approved by both the legislative assembly and the governor, whichever date is first. The management plan shall be jointly prepared by the secretary of the interior and the governor and shall address the extent and general locations of all proposed acquisitions with moneys from the migratory bird conservation fund, the management of all such lands whether already acquired or to be acquired, and the relationship of such acquisitions to mitigation acquisitions for federally financed or permitted projects.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved March 16, 1981

CHAPTER 259

HOUSE BILL NO. 1395
(Representative Berg)
(Senators Moore, Wright)

NONRESIDENT WATERFOWL HUNTING LICENSE

AN ACT to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to authorization for nonresidents to hunt waterfowl in specified hunting zones, and removing time limits on nonresident waterfowl hunting licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-07.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-07.1. NONRESIDENT WATERFOWL HUNTING LICENSE REQUIRED. A nonresident shall not hunt waterfowl unless he first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license shall entitle the nonresident to hunt waterfowl for any period of ~~ten~~ fourteen consecutive days or any two periods of ~~five~~ seven consecutive days each and in specified waterfowl hunting zones. A license authorizing two ~~five-~~ seven-day hunting periods may allow hunting in a different zone during each period. The governor, in his proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident shall be entitled to purchase only one nonresident waterfowl hunting license per year.

Approved March 26, 1981

CHAPTER 260

HOUSE BILL NO. 1190
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

LICENSE AND PERMIT FEES

AN ACT to amend and reenact section 20.1-03-12 and subsections 6 through 9 of section 20.1-03-12 of the North Dakota Century Code, relating to the schedule of fees for licenses and permits; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-12 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-12. SCHEDULE OF FEES FOR LICENSES AND PERMITS. The various license and permit fees shall be as follows:

1. For a resident, age nineteen and over small game hunting license, ~~five~~ six dollars, and for a resident, under the age of nineteen small game hunting license, three dollars.

2. For a nonresident small game hunting license, ~~forty~~ fifty dollars.

3. For a resident big game hunting license, ~~ten~~ eighteen dollars.

4. For a nonresident big game hunting license, ~~sixty~~ one hundred dollars, and for a nonresident bow license, ~~thirty~~ one hundred dollars.

5. For a resident fur-bearer license, ~~five~~ seven dollars.

6. ~~Repealed by S.L. 1977, ch. 207, § 4.~~

~~7.~~ For a resident fishing license, five dollars, except that for a resident sixty-five years or over or a resident totally or permanently disabled, the license fee shall be one dollar.

~~8.~~ 7. For a nonresident fishing license, ten dollars.

~~9.~~ 8. For a nonresident short-term fishing license, two dollars.

~~10.~~ 9. For a resident husband and wife fishing license, eight dollars.

~~11.~~ 10. For a nonresident nongame hunting license, fifteen dollars.

~~12.~~ 11. For resident and nonresident special permits to hunt deer in certain restricted areas, one dollar.

~~13.~~ 12. For a wild turkey permit, ~~three~~ five dollars.

~~14.~~ 13. For an annual general game license, ~~one-dollar~~ three dollars.

~~15.~~ 14. For a permit to propagate ~~and~~, domesticate or possess protected ~~birds-and--animals~~ wildlife, ~~one--dollar~~ five dollars.

~~16.~~ 15. For a license to a nonresident buyer or shipper of green furs, or his agent, five hundred dollars.

~~17.~~ 16. For a license to a resident buyer or shipper of green furs, ~~five~~ eight dollars for each place of business maintained by him within this state.

~~18.~~ 17. For a license to a resident traveling agent, buyer, or shipper of green furs, ~~fifteen~~ twenty dollars.

~~19.~~ 18. For an annual license to practice taxidermy, ~~two~~ four dollars.

~~20.~~ 19. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than his home or to points outside of this state, ~~one-dollar~~ three dollars.

~~21.~~ 20. For a permit to make collections of protected birds and animals for scientific purposes, ~~twenty-five--cents~~ two dollars.

~~22.~~ 21. For a permit to ship live protected birds or animals to points either within or outside this state, ~~one-dollar~~ two dollars per permit. A permit shall be attached to each shipment.

~~23.~~ 22. For a motorboat certificate of number and license, ~~three dollars~~ the following license fees shall be used: Each motorboat under sixteen feet in length, and all canoes, regardless of length, powered by a motor, six dollars.

Each motorboat sixteen feet in length and over, excluding canoes, fifteen dollars. It is the intent of the legislative assembly that the increase in motorboat license fees, as provided in this section, be used for providing matching funds for construction and installation of boat launching facilities.

~~24.~~ 23. To operate watercraft used for hire, the following license fees shall apply for three years:

Class 1. Each craft capable of carrying two adults of average weight, ~~one-dollar~~ six dollars.
Class 2. Each craft capable of carrying three adults of average weight, ~~one-dollar~~ six dollars.
Class 3. Each craft capable of carrying four adults of average weight, ~~one-dollar~~ six dollars.
Class 4. Each craft capable of carrying five adults of average weight, ~~one-dollar~~ six dollars.
Class 5. Each craft capable of carrying up to eight adults of average weight, ~~one-dollar and fifty cents~~ nine dollars.
Class 6. Each craft capable of carrying up to ten adults of average weight, ~~two~~ twelve dollars.
Class 7. Each craft capable of carrying up to fifteen adults of average weight, ~~five~~ twenty-four dollars.
Class 8. Each craft capable of carrying sixteen or more adults of average weight, ~~ten~~ thirty dollars.

~~25.~~ 24. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, ~~five~~ six dollars for each hoop-net or trap, ~~one-dollar~~ two dollars for each setline, and ~~five~~ six dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.

~~26.~~ 25. For a license to erect, have, and maintain on the ice in this state a fishhouse used or to be used to protect one while ice fishing or a dark house used or to be used for spearfishing, five dollars for each unit.

~~27.~~ 26. For an annual license to peddle fish species abounding in waters of this state, ~~one-dollar~~ three dollars.

~~28.~~ 27. For an annual license to sell minnows or other live bait at wholesale, ~~twenty-five~~ thirty dollars.

~~29.~~ 28. For an annual license to sell minnows or other live bait at retail, ~~five~~ eight dollars.

~~30.~~ 29. For an annual license to operate a private fish hatchery, ~~twenty-five~~ thirty dollars.

~~31.~~ 30. For a resident commercial frog license, fifty dollars.

~~31.~~ 31. For a nonresident commercial frog license, two hundred dollars.

~~32.~~ 32. For a resident frog license, three dollars.

~~33.~~ 33. For a resident husband and wife frog license, five dollars.

~~34.~~ 34. For a shooting preserve operating permit:

a. One hundred dollars, if the shooting preserve consists of an area of six hundred forty acres [259 hectares] or less; or

b. One hundred dollars, if the shooting preserve consists of an area of more than six hundred forty acres [259 hectares], plus fifty cents per acre [.40 hectare] for each acre [.40 hectare] over six hundred forty acres [259 hectares].

~~35.~~ 35. For an annual license to guide, one hundred dollars.

~~36.~~ 36. For a nonresident waterfowl hunting license, ~~five~~ eight dollars.

The fees for these licenses and permits shall be deposited with the state treasurer and credited to the game and fish fund.

SECTION 2. AMENDMENT. Subsections 6 through 9 of section 20.1-03-12 of the 1979 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

~~7.~~ For a resident fishing license, ~~five~~ six dollars; except that for a resident sixty-five years or over or a resident totally or permanently disabled, the license fee shall be ~~one-dollar~~ two dollars.

~~8.~~ 7. For a nonresident fishing license, ~~ten~~ fifteen dollars.

~~9.~~ 8. For a nonresident short-term fishing license, ~~two~~ four dollars.

~~10.~~ 9. For a resident husband and wife fishing license, ~~eight~~ ten dollars.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act shall become effective on May 1, 1982.

Approved April 1, 1981

CHAPTER 261

HOUSE BILL NO. 1520
(Representatives D. Olson, Hughes, Kent)
(Senator Nelson)

HABITAT RESTORATION STAMP

AN ACT to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to the requirement of a habitat restoration stamp for resident and nonresident small game hunting licenses and for the use of stamp revenue for wildlife habitat and propagation restoration in the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

HABITAT RESTORATION STAMP REQUIRED - USE OF REVENUE - NO LAND PURCHASES ALLOWED. A habitat restoration stamp shall be required for every resident and nonresident small game hunting license for which a stamp fee of three dollars shall be charged. The habitat restoration stamp fee shall be in addition to the annual general game license and small game hunting license fees charged pursuant to section 20.1-03-12. No land shall be purchased with habitat restoration stamp moneys. The moneys generated by the habitat restoration stamp fee are intended to provide a fund to lease privately owned lands for wildlife habitat. Not more than ten percent of this fund may be used for administrative purposes. All other moneys generated by the habitat restoration stamp fee shall be used for lease payments. Any moneys generated by the stamp fee and not expended during a biennium shall remain in the fund to be expended for the same purposes during the next biennium. Any land needed for reestablishing the wildlife population and habitat may be leased for periods up to six years, but no more than twenty acres in any section of land may be leased for such purposes. Hunting shall not be prohibited on such lands.

Approved March 26, 1981

CHAPTER 262

HOUSE BILL NO. 1245
(Koski)

GAME BIRD PART USE FOR DECORATION

AN ACT to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to the use of game bird parts for decorative purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

GAME BIRD PARTS - DECORATIVE PURPOSES. Nothing in this title shall prohibit the use of any part of a legally taken game bird for decorative purposes or in the making of art works for private use or sale, except that any part of any legally taken migratory bird may not be sold or bartered except as provided under federal regulations.

Approved March 2, 1981

CHAPTER 263

HOUSE BILL NO. 1144
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

WILD TURKEY TAKING PROCLAMATION

AN ACT to amend and reenact section 20.1-04-07 of the North Dakota Century Code, relating to the taking of wild turkeys.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-04-07. GOVERNOR'S PROCLAMATION CONCERNING THE TAKING OF WILD TURKEYS. The governor may, by proclamation, provide for a permit season to take wild turkeys in manner, number, places, and times deemed in the state's best interests. ~~In addition to payment of the appropriate permit fee, all applicants must have a resident small game hunting license.~~

Approved February 16, 1981

CHAPTER 264

HOUSE BILL NO. 1501
(Dotzenrod)

PROPANE EXPLODER USE

AN ACT providing for the regulation of propane exploders; and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. USE OF PROPANE EXPLODERS. Any propane exploder or similar noisemaking device designed to ward off blackbirds which is located within one hundred sixty rods of an inhabited dwelling shall only be used during the period between sunrise and sunset.

SECTION 2. PENALTY. Any person who violates any provision of this Act is guilty of an infraction.

Approved March 16, 1981

CHAPTER 265

SENATE BILL NO. 2164
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

BIG GAME HUNTER ORANGE GARMENT VIOLATION PENALTY

AN ACT to amend and reenact section 20.1-05-06 of the North Dakota Century Code, relating to garments to be worn by big game hunters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-05-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-05-06. BIG GAME HUNTERS TO WEAR DAYLIGHT FLUORESCENT ORANGE GARMENTS - EXCEPTION. Every person, while hunting big game, shall wear a head covering and an outer garment above the waistline, both of daylight fluorescent orange color, totaling four hundred square inches [2580.64 square centimeters] or more of clothing, and both to be worn conspicuously on the person. This section shall not apply to any person hunting big game with bow and arrow during special bow hunting seasons. Any person violating this section shall be guilty of an infraction.

Approved March 6, 1981

CHAPTER 266

SENATE BILL NO. 2134
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

GOVERNOR'S PROCLAMATION CONCERNING FISHHOUSES

AN ACT to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to removal of fishhouses by an order of proclamation issued by the governor; and to amend and reenact section 20.1-06-07 of the North Dakota Century Code, relating to the licensing and removal of fishhouses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-06-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-06-07. FISHHOUSES - LICENSE - REMOVAL. No person, except as provided in section 20.1-06-05, shall erect, have, or maintain on the ice in any waters of this state, a fishhouse used or to be used while ice fishing, or a dark house used or to be used for spearfishing, without first obtaining a separate license for each unit used. Licenses shall be issued by the commissioner, for the period of five winter fishing seasons, including the season commencing in the year of purchase. Fishhouse licenses are not transferable and must be relicensed for a five-year period by the new owner of the fishhouse. Licenses shall be subject to the rules the commissioner may adopt governing the construction, maintenance, and use of such units. The outside of each licensed unit shall have inscribed on it, in readily distinguishable characters at least six inches [15.24 centimeters] high, the license number and the owner's name. Each unit shall be removed from the ice ~~within five days after the close of the winter fishing season as~~ by that date established by the governor's proclamation. Failure to remove a unit shall be deemed an abandonment and the commissioner is authorized to remove or destroy abandoned units.

SECTION 2. A new section to chapter 20.1-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

GOVERNOR'S PROCLAMATION CONCERNING FISHHOUSES. The governor may by proclamation prescribe those areas where a fishhouse, used or to be used while ice fishing, or a dark house, used or to be used for spearfishing, shall be permitted. Such proclamation may set forth the dates during which fishhouses or dark houses may be used or that date by which fishhouses or dark houses shall be removed from the ice.

Approved March 9, 1981

CHAPTER 267

HOUSE BILL NO. 1201
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

ILLEGAL WATERCRAFT OPERATION PENALTY

AN ACT to create and enact a new subsection to section 20.1-13-03, a new subsection to section 20.1-13-05, and a new subsection to section 20.1-13-10 of the North Dakota Century Code, relating to motorboat identification numbers and licenses, equipment of vessels, and water skis and surfboards; to amend and reenact sections 20.1-13-02 and 20.1-13-04 of the North Dakota Century Code, relating to operation of unnumbered and unlicensed motorboats and licensing watercraft for hire; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-13-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-02. OPERATION OF UNNUMBERED AND UNLICENSED MOTORBOATS PROHIBITED. Every motorboat propelled by a motor on the waters of this state, shall be numbered and licensed as prescribed in this chapter. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and licensed in accordance with this chapter, with applicable federal law, or with a federally approved numbering system of another state, and unless:

1. The certificate of number awarded to such motorboat is in full force and effect.

2. The identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

Any person who violates any provision of this section is guilty of an infraction.

SECTION 2. A new subsection to section 20.1-13-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any person who violates any provision of this section is guilty of an infraction.

SECTION 3. AMENDMENT. Section 20.1-13-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-04. RULES AND REGULATIONS - LICENSING WATERCRAFT FOR HIRE - ANNUAL INSPECTION. The commissioner, to promote the public safety, shall adopt rules and regulations to license watercraft used for hire, or furnished with cottages let for hire, and to prescribe the safety equipment, construction, and manner of operation of such craft. The commissioner shall provide for annual inspection of all watercraft used for hire to determine if rules and regulations governing such watercraft have been complied with, and may issue licenses to operate such watercraft. It shall be the commissioner's duty to issue, along with each license, some evidence that the craft has been inspected and conforms to the standards governing such craft. No person shall operate watercraft used for hire or furnished with cottages let for hire without a current year's license. Any person who violates any provision of this section is guilty of an infraction.

SECTION 4. A new subsection to section 20.1-13-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any person who violates any provision of this section is guilty of an infraction.

SECTION 5. A new subsection to section 20.1-13-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any person who violates any provision of this section is guilty of an infraction.

Approved March 2, 1981

CHAPTER 268

HOUSE BILL NO. 1591
(Gerl, Berg)

MOTORBOAT OPERATION AND TOWING REQUIREMENTS

AN ACT to create and enact a new subsection to section 20.1-13-10 of the North Dakota Century Code, requiring an observer in a vessel towing a person on water skis or similar devices; to amend and reenact section 20.1-13-07 of the North Dakota Century Code, requiring certain minors to have an adult or boating course to operate a motorboat; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-13-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-07. PROHIBITED OPERATION.

1. No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

2. No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

3. No person under twelve years of age shall operate a motorboat propelled by over a ten horsepower motor unless the operator is accompanied by a person eighteen years of age or older.

4. No person of twelve through fifteen years of age shall operate a motorboat propelled by over a ten horsepower motor unless the operator is accompanied by a person eighteen years of age or older or the operator has taken and passed a boating course approved by the department.

SECTION 2. A new subsection to section 20.1-13-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

No person shall operate a vessel on any waters of this state towing a person or persons on water skis, a surfboard, or similar device unless there is another person in the towing vessel observing the person or persons being towed. However, this subsection shall not apply 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.

SECTION 3. EFFECTIVE DATE. Subsection four of section 20.1-13-07 shall become effective after June 30, 1982.

Approved April 1, 1981