

June 2009

TITLE 20.1

Game, Fish, Predators, and Boating

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 20.1. Bills primarily affecting other titles may also affect this title, but those bills are not summarized in this memorandum.

The legislation relating to game, fish, predators, and boating may be classified in these subject areas: licenses and permits, Game and Fish Department, game and fish law violations, posting, and miscellaneous.

LICENSES AND PERMITS

Senate Bill No. 2165 requires the Game and Fish Department director to provide an online Internet hunter safety education program for individuals age 16 and over to complete the hunter safety education requirement. The bill revises the provisions governing youth deer hunting to provide that youth age 12 and 13 are entitled to receive a statewide white-tailed antlerless deer permit valid for only the youth deer season. The bill also establishes an apprentice hunter validation for individuals born after December 31, 1961, who are age 16 or older and who do not possess a hunter safety education course certificate of completion. The apprentice hunter validation entitles the holder to hunt small game and deer when accompanied by an adult licensed to hunt whose license was not obtained using an apprentice hunter validation. The apprentice hunter validation is for only one license year in a lifetime.

House Bill No. 1167 allows individuals who are under age 14 and who will be eligible to hunt on the opening date of the regular deer hunting season to hunt during the youth deer season.

House Bill No. 1567 provides that a guide or outfitter license is not required for a person that acts as a booking agent for a person that legally conducts business as an outfitter. The bill defines booking agent as a person who receives only a fee for referring or marketing the services of a legal outfitter in this state. The bill became effective April 9, 2009, and expires July 31, 2011.

House Bill No. 1240 provides that a landowner or lessee who has been convicted of a federal criminal game or fish violation within the last three years or whose license to hunt or fish is under suspension or revocation is not exempt from licensure as a guide or outfitter and is subject to a provision that an individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation may not be licensed as a guide or outfitter.

GAME AND FISH DEPARTMENT

House Bill No. 1017 appropriates \$59,463,938 to the Game and Fish Department. The bill requires the department to have land sought to be acquired appraised by a certified appraiser and prohibits the department from acquiring land for an amount that exceeds the appraised value except for parcels or tracts of land less than 40 acres which may be acquired for up to 200 percent of appraised value. The bill allows a professional gun dog trainer to apply to and obtain from the department a permit designating a specific training area not to exceed 40 acres as an exempt training area and train or run gun dogs in the exempt training area for a fee not to exceed \$10 per year. The bill also requires the department to conduct a cost-benefit analysis for proposed rules.

GAME AND FISH LAW VIOLATIONS

House Bill No. 1188 makes it a Class C felony to commit five or more Title 20.1 Class A misdemeanor offenses within a two-year period; commit seven or more Title 20.1 misdemeanor offenses within a two-year period; furnish assistance, management, or supervision to an individual who commits or assists in the commission of seven or more Title 20.1 misdemeanor offenses within a two-year period; or commit a Title 20.1 misdemeanor offense after having been previously convicted of seven or more Title 20.1 misdemeanor offenses within a 10-year period.

House Bill No. 1217 makes it illegal to hunt on lands having unharvested oil seed crops defined as sunflower, safflower, rapeseed or canola, crambe, soybeans, or flax.

House Bill No. 1288 revises the uniform complaint and summons procedure to provide that if an individual fails to appear in court after promising to do so, the court may issue an arrest warrant and in addition to other conditions

order the department to suspend an individual's hunting, fishing, and trapping privileges until after the final disposition of the case. The bill becomes effective January 1, 2010.

House Bill No. 1175 provides that an individual's hunting, fishing, or trapping privileges may be suspended by the Department of Human Services for nonpayment of child support.

POSTING

House Bill No. 1239 provides that an individual authorized by the owner may post land. The bill provides that a person may not post property without the permission of the owner or tenant or an individual authorized by the owner and provides that even if the conduct of the owner, tenant, or individual authorized by the owner varies from the posting requirements, an individual may be found guilty of violating the posting statute if the owner, tenant, or individual authorized by the owner substantially complied with the posting requirements and notice against hunting or trespassing is clear from the circumstances.

MISCELLANEOUS

Senate Bill No. 2146 changes the date of the state gas tax payment to the Game and Fish Department from July 1 to any time in the month of July.