

GAME, FISH, AND PREDATORS

CHAPTER 173

S. B. No. 64

(Trenbeath, Christensen)

DEFINITION OF "BIG GAME"

AN ACT

To amend and reenact subsection 8 of section 20-01-01 of the North Dakota Century Code and to amend and reenact section 20-05-02 of the 1965 Supplement to the North Dakota Century Code, relating to the definition of "big game".

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

§ 1. Amendment.) Subsection 8 of section 20-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. "Big game" shall mean deer, moose, elk, big horn sheep, mountain goats, and antelope;

§ 2. Amendment.) Section 20-05-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-05-02. Season for Taking and Transporting Big Game—Bag Limit.) Any person having a big game hunting license as prescribed in this title may take, kill, and transport one "big game" animal for each license held as defined in subsection 8 of section 20-01-01, as the case may be, in this state, during the open or lawful season therefor which shall open at twelve o'clock noon central standard time on any Friday in November or at such earlier date as may be established by proclamation of the governor in accordance with the provisions of this title, except that any earlier opening date proclaimed by the governor shall be at twelve o'clock noon central standard time on a Friday. Nothing contained in this section shall be construed as prohibiting the transportation, shipment, or possession within this state of big game lawfully taken in other states when properly tagged with evidence that it has been lawfully taken.

Approved March 14, 1967.

CHAPTER 174

H. B. No. 809
(Boyum)

FISH HATCHERIES, GAME AND FISH LICENSES, AND
POSSESSION OF GAME AND FISH

AN ACT

To create and enact subsection 19 of section 20-01-01 and section 20-06-15 of the North Dakota Century Code, relating to the definition and regulation of private fish hatcheries, and to amend and reenact sections 20-03-02, 20-03-07, 20-06-01, 20-06-10, and 20-07-01 of the North Dakota Century Code, relating to circumstances under which residents and nonresidents are not required to possess a hunting, trapping, or fishing license, the duration of fishing seasons, commercial sales of fish, and property rights in wild fur-bearing animals and fish, and declaring an emergency.

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

§ 1.) Subsection 19 of section 20-01-01 of the 1965 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

19. "Private fish hatchery" shall mean a body of water, whether natural or artificial, and any other facilities used, maintained, or operated by any private person, firm, or corporation for the propagation and production of fish for sale or planting in other waters. The commissioner may, by establishing rules and regulations, regulate the species of fish which may be raised in a private fish hatchery. No waters stocked by any state or federal governmental agency shall be considered a private fish hatchery.

§ 2. Amendment.) Section 20-03-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-03-02. When Licenses to Hunt, Fish, or Trap Not Required of Residents—Exceptions.) Subject to the other provisions of this title:

- *1. Any resident of this state, or any member of his family residing customarily with him, may hunt, fish, or trap during the open season without a license upon land owned or leased by such resident. No such person, however, shall hunt, take or kill deer without first having procured a big game hunting license as prescribed in

*Note: Subsection 1 of section 20-03-02 is also contained in chapter 180.

this title, but upon the execution and filing of an affidavit by any person owning or leasing a minimum of a quarter section of land within a district opened for the hunting of deer, such person shall receive a license to hunt deer upon such land described in said affidavit without charge therefor, and such license so issued without charge shall have endorsed on it the description of such land and it may be used to hunt deer only upon such land.

2. Any resident of this state under the age of sixteen years may fish without first having obtained a resident fishing license as prescribed in this chapter.
3. Any resident of this state may fish in the waters of a private fish hatchery without a resident fishing license.

§ 3. Amendment.) Section 20-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-03-07. When Licenses to Fish Not Required of Nonresidents.) Subject to the other provisions of this title, any non-resident person under the age of twelve years may fish without first having obtained a nonresident fishing license as prescribed in this chapter and any nonresident may fish in the waters of a private fish hatchery without having first obtained a non-resident fishing license.

§ 4. Amendment.) Section 20-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-06-01. Fishing Seasons.) No person except as provided by sections 20-06-06 and 20-06-15 shall take, attempt to take, catch or kill any species of fish except during the open and lawful season for the taking thereof as provided in the governor's order or proclamation.

§ 5. Amendment.) Section 20-06-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-06-10. Commercial Sales of Fish.) No sale, barter or trading of fish of a species abounding in any waters of this state, shall be legal except that:

1. Persons authorized by section 20-06-06 may sell fish as directed by the commissioner.
2. Any person, firm or corporation that peddles fish, may sell such fish only after procuring a license so to do, issued by the commissioner upon the payment of the

required annual fee of one dollar. Such person, firm or corporation shall keep a full and complete record of the source of such fish as prescribed by the commissioner.

3. Any person, firm or corporation operating a permanently located wholesale fish market, jobbing house or other place for the wholesale marketing of fish or grocery store or retail fish market may sell such fish from its permanent location without obtaining a license, but must keep records of purchases.
4. Any person operating a private fish hatchery may sell fish owned or raised for market or for stocking waters.

§ 6.) Section 20-06-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

20-06-15. Regulations Governing Private Fish Hatcheries.)

Any person operating a private fish hatchery shall not be subject to fishing seasons, limits, legal size restrictions, or other methods of taking fish as provided in any governor's proclamation. The commissioner is hereby authorized to promulgate rules and regulations governing the operation of private fish hatcheries. No license shall be required of any person for taking fish by angling at a licensed private fish hatchery operated in accordance with the rules and regulations of the commissioner, provided, however, the operator shall furnish to each person taking such fish a written certificate in such form as the commissioner shall prescribe, giving the number and description of the fish taken and such other information as the commissioner requires, whereupon such fish may be possessed, shipped, or transported within the state in like manner as fish taken by a resident under a license. The commissioner shall issue an annual license to operate said hatchery during a calendar year or a portion of a year upon application and the payment of twenty-five dollars by the owner or operator. Such license may be suspended for noncompliance with the commissioner's regulations.

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

20-07-01. Property Rights — Wild Fur-bearing Animals — Fish.) Any person, firm, or corporation raising and owning any fish or protected fur-bearing animal or in possession of the pelt of any wild animal lawfully obtained, shall have the same property rights therein as those enjoyed by owners of domestic animals or fish. They shall, however, be subject to all rules and regulations promulgated by the commissioner in regard

to the introduction into the state of such animals or their release, as provided in section 20-01-28.

§ 8. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1967.

CHAPTER 175

S. B. No. 65
(Trenbeath)

HUNTING FROM AIRCRAFT

AN ACT

To amend and reenact section 20-01-07 of the North Dakota Century Code, relating to hunting game from aircraft, and to repeal section 20-01-08 of the North Dakota Century Code, pertaining to hunting from aircraft.

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

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

20-01-07. Hunting Game from Aircraft Prohibited.) No person, while in flight in this state in any aircraft, shall intentionally kill or attempt to kill any game bird or game animal.

§ 2. Repeal.) Section 20-01-08 of the North Dakota Century Code is hereby repealed.

Approved February 27, 1967.

CHAPTER 176

H. B. No. 925

(Rundle, Simonson, Johnson(39), Unruh, Rivinius)

HUNTING ON PRIVATE PREMISES

AN ACT

To repeal section 20-01-18 of the North Dakota Century Code, relating to the enforcement of laws governing hunting on private premises.

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

§ 1. Repeal.) Section 20-01-18 of the North Dakota Century Code is hereby repealed.

Approved March 14, 1967.

CHAPTER 177

S. B. No. 60

(Morgan, Trenbeath, Ringsak, Kautzmann, Freed, Redlin)

HUNTING WITH CROSSBOW

AN ACT

To allow a person who is a paraplegic or has lost the use of one or both hands to hunt game with a crossbow.

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

§ 1. Certain Handicapped Persons May Hunt Game with Crossbow.) Any person who is a paraplegic or has lost the use of one or both arms and who otherwise complies with and qualifies under the licensing and other provisions of title 20 may hunt with a crossbow.

Approved March 14, 1967.

CHAPTER 178

H. B. No. 639

(Saugstad, Dick, Solberg(9), Schaffer)

RESIDENT HUNTING LICENSES

AN ACT

To amend and reenact subsection 1 of section 20-03-01 and subsection 1 of section 20-03-06 of the North Dakota Century Code, relating to authorizing the taking of game birds and game animals with a regular hunting license.

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

§ 1. Amendment.) Subsection 1 of section 20-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Hunt, catch, take, or kill any game bird or game animal without having a resident hunting license as prescribed in this chapter;

§ 2. Amendment.) Subsection 1 of section 20-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- *1. Hunt, catch, take, or kill any game bird or game animal without having a hunting license as prescribed in this chapter;

Approved March 14, 1967.

***Note:** Subsection 1 of section 20-03-06 is also contained in chapter 181.

CHAPTER 179

H. B. No. 638

(Saugstad, Dick, Solberg(9), Schaffer)

GENERAL GAME LICENSES

AN ACT

To require residents and nonresidents to obtain a general game license before obtaining any specific license to hunt game birds or game animals.

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

§ 1.) No person shall acquire any resident or nonresident license to hunt, catch, take, or kill any game animal or game bird in this state unless he shall first obtain an annual general game license.

§ 2.) The state game and fish commissioner shall design and furnish, for sale to residents and nonresidents, an annual general game license upon application therefor on a form furnished by the commissioner and upon payment of a fee in the amount of fifty cents.

§ 3.) No person shall hunt, catch, take, trap, or kill any game animal or game bird in this state unless he shall have in his possession an annual general game license duly issued to such person, together with the specific license required under the laws of this state.

§ 4.) A stamp may be prepared by the commissioner to be affixed to a general game license in place of each separate game animal or bird hunting license.

Approved March 14, 1967.

CHAPTER 180

H. B. No. 636

(Burke, Metzger, Lang, Brown, Boustead, Wagner)

PROPERTY OWNERS' AND LESSEES' GAME
AND FISH LICENSES

AN ACT

To amend and reenact subsection 1 of section 20-03-02 of the North Dakota Century Code, relating to game and fish licenses required of owners and lessees of land.

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

§ 1. **Amendment.)** Subsection 1 of section 20-03-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- *1. Any resident of this state, or any member of his family residing customarily with him, may hunt, fish, or trap during the open season without a license upon land owned or leased by such resident. No such person, however, shall hunt, take or kill deer without first having procured a big game hunting license as prescribed in this title, but upon the execution and filing of an affidavit by any person owning or leasing a minimum of a quarter section of land within a district opened for the hunting of deer, such person shall receive a license to hunt deer upon such land described in said affidavit without charge therefor, and such license so issued without charge shall have endorsed on it the description of such land and it may be used to hunt deer only upon such land. No statement from the county register of deeds or the county agricultural stabilization committee as to the ownership, leasing, or operating of any lands shall be required on the affidavit herein provided for;

Approved March 14, 1967.

*Note: Subsection 1 of section 20-03-02 is also contained in chapter 174.

CHAPTER 181

S. B. No. 111
(Morgan, Nasset, Redlin)

HUNTING BY NONRESIDENTS

AN ACT

To amend and reenact sections 20-03-06 and 20-03-12 of the North Dakota Century Code, relating to hunting by nonresidents and nonresident hunting licenses and fees.

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

§ 1. Amendment.) Section 20-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-03-06. Licenses to Hunt, Trap, or Fish Required of Nonresidents—Penalty.) No nonresident of this state except as otherwise provided in sections 20-03-05 and 20-03-07, shall:

*1. Hunt, catch, take, or kill any game bird without having a hunting license as prescribed in this chapter;

2. Trap, catch, attempt to catch, take or kill any protected fur-bearing animal unless such nonresident is a resident of a state which permits trapping by residents of North Dakota and has obtained a nonresident trapping license as prescribed in this chapter;

3. Catch, attempt to catch, take, or kill any fish without having a nonresident fishing license as prescribed in this chapter;

4. Hunt, catch, take, or kill any unprotected bird or animal without having a predator hunting license as prescribed in this chapter. Any person who shall violate any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, 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. Each violation of this section shall be a distinct and separate offense.

§ 2. Amendment.) Section 20-03-12 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

***Note:** Subsection 1 of section 20-03-06 is also contained in chapter 178.

20-03-12. Schedule of Fees for All Hunting, Trapping, or Fishing Licenses.) The various hunting, trapping, or fishing license fees shall be as follows:

1. For a resident hunting license, the sum of two dollars;
2. For a nonresident hunting license, the sum of twenty-five dollars;
3. For a resident big game hunting license, the sum of six dollars;
4. For a nonresident big game hunting license, the sum of fifty dollars and for a nonresident bow license, the sum of twenty-five dollars;
5. For a resident trapping license, the sum of one dollar;
6. For a nonresident trapping license, the sum of one hundred dollars;
7. For a resident fishing license, the sum of three dollars; except that for a resident sixty-five years of age or over, the license fee shall be one dollar;
8. For a nonresident fishing license, the sum of five dollars;
9. For a nonresident short term fishing license, the sum of two dollars;
10. For a resident family fishing license, the sum of four dollars;
11. For a nonresident predator hunting license, the sum of five dollars.

Approved February 25, 1967.

CHAPTER 182

S. B. No. 240
(Trenbeath, Pyle)

ISSUANCE OF GAME LICENSES

AN ACT

To amend and reenact section 20-03-21 of the North Dakota Century Code, relating to the issuance of game licenses.

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

§ 1. Amendment.) Section 20-03-21 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-03-21. Issuance of Licenses — Who to Issue — County Auditor May Appoint Agents Who Shall Receive Service Fees—Disposition of Proceeds.) All hunting, trapping, fishing, and taxidermists' licenses shall be issued by the several county auditors, the commissioner, the deputy commissioner, and the bonded game wardens. The deputy commissioner and each bonded game warden shall transmit to the commissioner all moneys collected from the issuance of licenses. For each license issued by him, the county auditor shall collect the charges authorized under this title and shall record the same in his record of cash received. He shall retain as his compensation for the issuance of each resident hunting, fishing, or trapping license the sum of ten cents; for the issuance of each non-resident hunting or trapping license the sum of one dollar; and for the issuance of each nonresident fishing license the sum of twenty-five cents.

The county auditor may appoint agents to distribute hunting and fishing licenses. Such agents may charge the purchaser of any hunting, fishing or trapping license or stamp a service fee of fifteen cents. Services fees shall be retained by the agent. The remainder of the license fees shall be deposited with the county treasurer at least once each month, and not later than three days after the close of the month, accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold such fees, subject to warrant for payment thereof drawn by the county auditor in favor of the state game and fish commissioner. The commissioner shall deposit all receipts from the issuance of licenses or stamps received by him with the state treasurer to be credited to the game and fish fund.

Approved March 14, 1967.

CHAPTER 183

S. B. No. 354
(Coughlin, Decker)

NONRESIDENT SHIPPING OF UPLAND GAME
AND MIGRATORY WATERFOWL

AN ACT

To create and enact section 20-03-28.1 of the North Dakota Century Code, relating to the shipment of upland game and migratory waterfowl by nonresidents licensed to hunt in this state.

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

§ 1.) Section 20-03-28.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

20-03-28.1. Transportation of Upland Game and Migratory Waterfowl by Nonresidents Having a Hunting License.) Any nonresident having a nonresident hunting license who is lawfully in possession of any upland game or migratory waterfowl may ship by common carrier, upon identifying himself by displaying his nonresident license, such upland game or migratory waterfowl if such shipment is carried openly for the inspection of its contents and is plainly marked with tags issued by the commissioner. The tags issued by the commissioner under the authority of this section shall be so designed that they may be used only once. Any person who shall ship upland game or migratory waterfowl not properly tagged as required by this section shall be guilty of a misdemeanor.

Approved March 14, 1967.

CHAPTER 184

H. B. No. 597

(Aas, Allen, Peterson(1), Peterson(5), Aafedt)

MISREPRESENTATIONS IN APPLICATION FOR LICENSES

AN ACT

To create section 20-03-35.1 of the North Dakota Century Code, relating to applications for special antelope licenses, and to amend and reenact section 20-03-35 of the North Dakota Century Code, relating to misrepresentation in application for license or permit.

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

§ 1. **Amendment.)** Section 20-03-35 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-03-35. Making Misrepresentation in Application for, or Alteration in License or Permit Unlawful—Penalty.) Any person who makes any willful misrepresentation except as provided in section 20-03-35.1 in his application for a license or permit, or who makes any alteration in a license or permit already issued, is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than twenty days or more than thirty days, or by both such fine and imprisonment.

§ 2.) Section 20-03-35.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

20-03-35.1. Processing Fee for Application for Antelope License When Not Eligible.) Any person who shall make application for a special resident antelope license when by any law or proclamation such person is ineligible to apply for such license because of any waiting period, the remitted fee required for such license shall be determined to be a fee for processing the application to determine such ineligibility and shall not be returned by the state game and fish department to such applicant. However, the commissioner shall notify the applicant that he is ineligible for such reason. The fees so received by the department pursuant to the provisions of this section shall be deposited in the state game and fish fund.

Approved February 28, 1967.

CHAPTER 185

H. B. No. 760
(Kelsch)

TRAINING OF BIRD DOGS

AN ACT

To amend and reenact section 20-04-09 of the North Dakota Century Code, relating to when bird dogs may not be trained or permitted to run loose.

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

§ 1. **Amendment.)** Section 20-04-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-04-09. When Bird Dogs Not To Be Trained or Permitted to Run Loose—Retrievers May Be Used.) No person, between the first day of April and the following fourteenth day of July of each year, both dates inclusive, shall train or run any dog or dogs known as "bird dogs", including pointers, setters, or droppers, or allow any such dog to run loose in fields or upon lands which are apt to be frequented by game birds or on which game birds may be found. This section shall not be construed as prohibiting the use of dogs for retrieving water birds, including any or all of the several species of ducks and geese which it is lawful to hunt and kill; nor shall it be construed as prohibiting the use of retrievers or spaniels for the purpose of retrieving dead or wounded upland game birds during the open season thereon.

Approved March 3, 1967.

CHAPTER 186

H. B. No. 744
(Kelsch)

METHODS OF TAKING FISH

AN ACT

To amend and reenact section 20-06-07 of the North Dakota Century Code, relating to methods of taking fish.

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

§ 1. **Amendment.)** Section 20-06-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-06-07. Illegal Methods for Taking Fish.) No person except as provided in sections 20-06-05 and 20-06-06 shall lay, set or use any drug, poison, lime, medicated bait, fish berries, dynamite or other lethal or injurious substance whatever; or lay, stretch or place any tip-up snare, trap, set or trot line, wire string, rope or cable of any sort in any of the waters of this state for the purpose of catching, taking, killing or destroying any fish. However, any person may take minnows by the use of a minnow trap or dip net not exceeding twenty-four inches in diameter or thirty-six inches in depth. Except as otherwise provided for in this section, dip nets may only be used as an aid in landing fish which have been legally taken by hook and line. One minnow trap per license holder, other than those holding bait vendor's license, may be used for the purpose of taking bait minnows. Such trap shall not be larger than specified in the governor's proclamation and shall be emptied at least once in every forty-eight hour period.

Approved March 14, 1967.

CHAPTER 187

S. B. No. 287
(Wenstrom)

SPEARING OF FISH AND FISH HOUSES

AN ACT

Authorizing the spearing of fish and to amend and reenact section 20-06-08 of the North Dakota Century Code, relating to licensing fish houses.

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

§ 1. Spear Fishing from Dark Houses Through the Ice.) Fish may be taken by spearing from dark houses through the ice. The seasons for such spear fishing and the species of fish which may be taken shall be provided for by the governor's order or proclamation. The license for fishing provided for in chapter 20-03 of the North Dakota Century Code shall include the privilege of spearing fish from a dark house through the ice. All dark houses shall be licensed pursuant to section 20-06-08 of the North Dakota Century Code.

§ 2. Amendment.) Section 20-06-08 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-06-08. Fish Houses — License — Removal.) No person except as provided in section 20-06-06 shall erect, have or maintain on the ice in any waters of this state any fish house used or to be used to protect one while engaged in fishing through the ice or a dark house used or to be used for spear fishing, without first obtaining a separate license for each such unit placed in use. Licenses shall be issued by the commissioner, for the period between December fifteenth and the end of the winter fishing season as established by the governor's proclamation or by executive order of the commissioner, upon the payment of a license fee of one dollar for each unit, and shall be subject to such rules and regulations as the commissioner may adopt governing the construction, maintenance and use of such units. Each licensed unit shall have inscribed on the exterior thereof, in readily distinguishable characters at least six inches high, the license number and the name of the owner. Each unit shall be removed from the ice within five days after the close of the period for which the license was issued. Failure to so remove such unit shall be deemed an abandonment and the commissioner is authorized to remove or destroy such abandoned units.

Approved March 14, 1967.

CHAPTER 188

H. B. No. 807
(Freeman, Fossum, Mueller)

POISONING OF ANIMALS, INSECTS, AND BIRDS

AN ACT

To amend and reenact sections 12-18-07 and 20-16-01 of the North Dakota Century Code, relating to the poisoning of predatory animals, insects, and rodents and the disposal of the same, and to authorize the poisoning of certain non-game species of birds.

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

§ 1. Amendment.) Section 12-18-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-18-07. Laying Out Poison — Punishment — Exception.) Every person who shall lay out strychnine or other poison within the limits of any city or village, or within one mile of any dwelling house, barn, stable, or outbuilding used at the time for the keeping or shelter of horses, cattle, sheep, or swine, or within one-half mile of any traveled highway, shall be guilty of a misdemeanor. Nothing in this section shall be construed to prohibit the putting out at any time of poisoned grain or bait for the purpose of killing gophers, grasshoppers, prairie dogs, and other food, crop, and tree destroying rodents or insects, or for the purpose of exterminating predatory animals, when such action is taken under warrant or authority of any law of this state or for the United States. Certain non-game species of birds committing crop depredations or causing substantial economic loss may be controlled by the department of agriculture by the use of toxicants as approved by the state game and fish commissioner, who is hereby authorized to promulgate such rules and regulations for such a purpose.

§ 2. Amendment.) Section 20-16-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20-16-01. State to Cooperate with Federal Bureau of Sport Fisheries and Wildlife and Other Agencies in Destruction of Predatory Animals and Injurious Field Rodents.) The commissioner of agriculture may cooperate with the United States department of the interior, bureau of sport fisheries and wildlife, 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, and in the control and destruction

of injurious field rodents in rural areas, and certain non-game species of birds committing crop depredations or causing substantial economic loss as approved by the game and fish commissioner, who is hereby authorized to promulgate such rules and regulations as necessary for the control of such birds, in accordance with organized and systematic plans of the department of the interior for the destruction of such predatory animals, birds, and injurious rodents. For this purpose the commissioner may enter into written agreements with the bureau of sport fisheries and wildlife and the state game and fish commissioner covering the methods and procedure to be followed in the control and destruction of such predatory animals, birds, and injurious rodents, the extent of supervision by either or both the commissioner of agriculture and the bureau of sport fisheries and wildlife, and the use and expenditure of the funds appropriated therefor by the legislative assembly. The commissioner of agriculture, in cooperation with the bureau of sport fisheries and wildlife may enter into agreements with other governmental agencies and with counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the control and destruction of such predatory animals, birds, and injurious rodents.

Approved March 15, 1967.