

GAME AND FISH

CHAPTER 199

HOUSE BILL NO. 1176
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

ENDANGERED SPECIES OF WILDLIFE

AN ACT to create and enact five new subsections to section 20.1-01-02 of the North Dakota Century Code, relating to definitions; to amend and reenact subsection 9 of section 20.1-01-02 and subsection 16 of section 20.1-02-05 of the North Dakota Century Code, relating to a definition, the power of the state game and fish commissioner to protect endangered species, and the creation of a penalty; and to repeal subsection 29 of section 20.1-01-02 of the North Dakota Century Code, relating to a definition.

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

SECTION 1. AMENDMENT.) Subsection 9 of section 20.1-01-02 of the 1975 Supplement to the North Dakota Century Code is 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, raccoons, badgers, wolves, coyotes, bobcats, lynx, and red or gray foxes shall be considered fur-bearers if so designated by gubernatorial proclamation.

SECTION 2.) A new subsection to section 20.1-01-02 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Species" shall include any subspecies of wildlife and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

SECTION 3.) A new subsection to section 20.1-01-02 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Wildlife" means any member of the animal kingdom including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile,

mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

SECTION 4.) A new subsection to section 20.1-01-02 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Resident species" means any species nearly all of whose individuals in this state are located within this state for at least three-fourths of annual cycle of the species.

SECTION 5.) A new subsection to section 20.1-01-02 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Endangered species" means any species whose prospects of survival or recruitment within the state are in jeopardy due to any of the following factors:

- a. The destruction, drastic modification, or severe curtailment of its habitat.
- b. Its overutilization for scientific, commercial, or sporting purposes.
- c. The effect on it of disease, pollution, or predation.
- d. Other natural or man-made factors affecting its prospects of survival or recruitment within the state.
- e. Any combination of the foregoing factors.

The term shall also include any species classified as endangered pursuant to the Endangered Species Act of 1975, Public Law 93-205, 93rd Congress, S. 1983.

SECTION 6.) A new subsection to section 20.1-01-02 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Threatened species" means any species which is likely to become an endangered species within the foreseeable future and shall include any species classified as threatened pursuant to the Endangered Species Act of 1973, Public Law 93-205, 93rd Congress, S. 1983.

SECTION 7. AMENDMENT.) Subsection 16 of section 20.1-02-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16. Exercise authority to establish programs, rules, and regulations and administer state and federal funds provided to the state for the preservation and management of resident species determined by the commissioner to be threatened or endangered species of wildlife. The authority exercised shall be in compliance with the Endangered Species Act of 1973, Public Law 93-205, 93rd Congress, S. 1983. Any person who violates rules and regulations established under this subsection shall be guilty of a class B misdemeanor.

SECTION 8. REPEAL.) Subsection 29 of section 20.1-01-02 of the 1975 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 23, 1977

CHAPTER 200

SENATE BILL NO. 2299
(Smykowski, Iszler)

HUNTING OR TRAPPING ON POSTED OR PRIVATE LAND

AN ACT to amend and reenact section 20.1-01-18 of the North Dakota Century Code, relating to hunting on posted land without permission as being unlawful, and providing that written permission must be obtained for trapping fur-bearing animals.

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

SECTION 1. AMENDMENT.) Section 20.1-01-18 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-18. HUNTING ON POSTED LAND AND TRAPPING ON PRIVATE LAND WITHOUT PERMISSION UNLAWFUL.) No person shall hunt or pursue game, or enter for those purposes, upon legally posted land belonging to another without first obtaining the permission of the person legally entitled to grant the same. No person shall enter upon privately owned land for the purpose of trapping protected fur-bearing animals without first gaining the written permission of the owner or operator of such land.

Approved March 12, 1977

CHAPTER 201

SENATE BILL NO. 2370
(Walsh)

RESIDENT LICENSE

AN ACT to amend and reenact subsection 13 of section 20.1-02-05 of the North Dakota Century Code, relating to residency requirements for hunting licenses.

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

SECTION 1. AMENDMENT.) Subsection 13 of section 20.1-02-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

13. Issue any resident license prescribed by this title to a person who has come to the state with a bona fide intention of becoming a resident, even though he has not been a resident of this state for the required time period immediately preceding the application for the license, or to any person who is a member of the United States armed forces and who is within the state on duty or leave, or to any employee of the United States fish and wildlife service or the conservation department of any state or province of Canada in the state to advise or consult with the department. No license shall be issued under this subsection unless an affidavit of a bona fide resident, setting forth the actual conditions, accompanies the application. This subsection shall not apply to lottery permits.

Approved March 23, 1977

CHAPTER 202

HOUSE BILL NO. 1142
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

DISTRICT DEPUTY GAME WARDENS

AN ACT to amend and reenact subsection 2 of section 20.1-02-07 of the North Dakota Century Code, relating to the number of district deputy game wardens the commissioner may appoint.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 20.1-02-07 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. District deputy game wardens, assigned by him, to enforce all state game and fish laws within specific appropriation limitations; and

Approved March 12, 1977

CHAPTER 203

SENATE BILL NO. 2018
(Legislative Council)
(Interim Committee on Agriculture)

WILDLIFE RESTORATION PROJECT CONDITIONS

AN ACT to create and enact section 20.1-02-17.1 of the North Dakota Century Code, relating to conditions and procedures in the acquisition of interests in land for wildlife and fish restoration projects, including county commissioner approval, public comment, impact statements, and negotiation of terms; and to amend and reenact section 20.1-02-17 of the North Dakota Century Code, relating to federal aid to North Dakota in wildlife and fish restoration projects.

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

SECTION 1. AMENDMENT.) Section 20.1-02-17 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-17. CONDITIONAL ASSENT TO FEDERAL AID PROJECTS - PROCEEDS FROM LICENSE FEES TO BE USED FOR ADMINISTRATION OF DEPARTMENT.) North Dakota assents to the Act of Congress entitled "An Act to provide that the United States shall aid the states in wildlife restoration projects and for other purposes" approved September 2, 1937, Public Law No. 415, 75th Congress (16 U.S.C. 669 et seq.), and the Act of Congress entitled "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes" approved August 9, 1950, Public Law No. 681, 81st Congress (16 U.S.C. 777a et seq.) subject to the conditions of section 20.1-02-17.1. The commissioner may conduct and establish cooperative wildlife and fish restoration projects as defined in these Acts, in compliance with the Acts and with rules and regulations promulgated by the federal agency administering these Acts.

Hunting and fishing license fees shall only be used for departmental programs and administration.

SECTION 2.) Section 20.1-02-17.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

20.1-02-17.1. PROCEDURES AND CONDITIONS FOR LAND ACQUISITIONS FOR WILDLIFE AND FISH RESTORATION.)

1. The state game and fish commissioner shall submit proposed wildlife and fish restoration programs or projects and updated segments thereof involving proposed acquisitions by purchase, lease, easement, or servitude of wetlands, water, or land areas to the board of county commissioners of the county or counties in which the affected areas are located for the board's approval prior to agreement with and approval by the secretary of the interior.
2. The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice shall be published once each week for two consecutive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice shall set forth the substance of the proposed action, and shall include a legal description of the proposed acquisitions. The board of county commissioners shall give its approval or disapproval within sixty days after receipt of an acquisition proposal.
3. A detailed impact analysis from the state game and fish department shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. The analysis by the game and fish department shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisition. The state game and fish department shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the state planning division which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the state planning division. Upon expiration of the thirty-day period, all comments received by the state planning division shall be forwarded to the state game and fish department. The state game and fish department may, after consideration of such comments, file a final impact analysis with the state planning division and the board of county commissioners.

4. Any landowner may negotiate the time period of a lease, easement, or servitude sought under the federal acts cited in section 20.1-02-17. Except with respect to flowage and access easements, a lease, easement, or servitude shall terminate upon the death of a landowner or upon change in ownership of the affected land.
5. A landowner may restrict a lease, easement, or servitude by legal description to the wetlands, water, or land areas sought under the Acts, and may drain any expanded wetland or water area in excess of the legal description.

Approved April 21, 1977

CHAPTER 204

SENATE BILL NO. 2016
(Legislative Council)
(Interim Committee on Agriculture)

FEDERAL WILDLIFE AREA APPROVAL

AN ACT to create and enact sections 20.1-02-18.1 and 20.1-02-18.2 of the North Dakota Century Code, relating to board of county commissioner approval prior to final approval of land, wetland, and water acquisitions by the department of the interior for waterfowl or wildlife purposes; providing for inspection of proposed acquisitions, public notice, opportunity for comment, and impact analyses; allowing the landowner to negotiate time period of a lease, easement, or servitude, and to restrict the land or water areas sought by legal description and to drain any expanded wetland or water area in excess of the legal description; and to amend and reenact section 20.1-02-18 of the North Dakota Century Code, relating to the state's consent to United States' acquisition of areas for migratory bird reservations.

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

SECTION 1. AMENDMENT.) Section 20.1-02-18 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-18. STATE'S CONDITIONAL CONSENT TO UNITED STATES' ACQUISITION OF AREAS FOR MIGRATORY BIRD RESERVATIONS - STATE RETAINS JURISDICTION.) North Dakota consents, subject to the conditions of sections 20.1-02-18.1 and 20.1-02-18.2, to the United States acquiring, by purchase, gift, devise, or lease, land or water in this state as the United States may deem necessary to establish migratory bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes". North Dakota reserves such full and complete jurisdiction and authority over all such areas of land or water so acquired by the United States as is not incompatible with the administration,

maintenance, protection, and control of such areas by the United States under the terms of said Act of Congress.

SECTION 2.) Section 20.1-02-18.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

20.1-02-18.1. FEDERAL WILDLIFE AREA ACQUISITIONS - SUBMISSION TO COUNTY COMMISSIONERS, OPPORTUNITY FOR PUBLIC COMMENT, AND IMPACT ANALYSIS REQUIRED.) The governor, the game and fish commissioner, or their designees, responsible under federal law for final approval of land, wetland, and water acquisitions by the United States department of the interior, its bureaus or agencies, for waterfowl production areas, wildlife refuges or other wildlife or waterfowl purposes, shall submit the proposed acquisitions to the board of county commissioners of the county or counties in which the land, wetland, and water areas are located for the board's recommendations. An affirmative recommendation by the board must be obtained prior to final approval of all such proposed acquisitions, whether by transfer of title, lease, easement, or servitude.

The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice shall be published once each week for two successive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice shall set forth the substance of the proposed action, and shall include a legal description of the proposed acquisitions. The board of county commissioners shall make its recommendations within sixty days after receipt of an acquisition proposal.

A detailed impact analysis from the federal agency involved shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. Such analysis shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisitions. The department of the interior shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the state planning division which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the state planning division. Upon expiration of the thirty-day period, all comments received by the state planning division shall be forwarded to the federal agency involved and to the state official or agency responsible for final acquisition approval. The federal

agency may, after consideration of such comments, file a final impact analysis with the governor, the board of county commissioners, and any other state official or agency responsible for final acquisition approval.

SECTION 3.) Section 20.1-02-18.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

20.1-02-18.2. NEGOTIATION OF LEASES, EASEMENTS, AND SERVITUDES FOR WILDLIFE PRODUCTION PURPOSES.) A landowner may negotiate the terms of a lease, easement, or servitude for land, wetland, or water areas sought to be acquired by the United States department of the interior, its bureaus or agencies with moneys from the migratory bird conservation fund (16 U.S.C. 718d) for use as waterfowl production areas, wildlife refuges, or for other wildlife purposes. A landowner may:

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.
2. Restrict a lease, easement, or servitude by legal description to the land, wetland, or water areas being sought, and may drain any after-expanded wetland or water area in excess of the legal description in the lease, easement, or servitude.

Failure by the department of the interior, its bureaus or agencies, to agree to and comply with the above provisions shall nullify North Dakota's consent to the federal acts under section 20.1-02-18.

Approved April 21, 1977

CHAPTER 205

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

ADVISORY BOARD MEMBER MEETINGS

AN ACT to amend and reenact section 20.1-02-25 of the North Dakota Century Code, relating to the months of the year during which advisory board members shall hold public meetings.

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

SECTION 1. AMENDMENT.) Section 20.1-02-25 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-25. MEETINGS AND DUTIES.) Each board member shall hold a public meeting at least twice each fiscal year in his respective district to make their presentations and to determine the needs and the opinions of those interested in such activities. The board shall meet at least twice each fiscal year, once in August and once in April. Four members shall constitute a quorum. The board has the authority to advise the commissioner regarding any policy of hunting, fishing, and trapping regulations, and may make general recommendations concerning the operation of the department and its programs which the commissioner may carry out. This section does not limit or restrict the powers, duties, and authority of the governor in the issuance of orders and proclamation as provided in chapter 20.1-08.

Approved March 12, 1977

CHAPTER 206

HOUSE BILL NO. 1458
(Weber, Mund, Richter)

FIREARM SAFETY AND HUNTER RESPONSIBILITY INSTRUCTION

AN ACT to provide for instruction by the state game and fish commissioner on the safe use of firearms and hunter responsibilities; and to provide an effective date.

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

SECTION 1. COMMISSIONER TO APPOINT AND TRAIN INSTRUCTORS - PRESCRIBE COURSE MATERIAL AND CLASSROOM SITES - CERTIFY COMPLETION.) The state game and fish commissioner shall supervise classroom instruction on, and shall select, train, and certify persons qualified to provide instruction on, firearms safety and hunter responsibility, and shall prescribe the course material to be used and the classroom locations for teaching the course in this state. The commissioner shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. INSTRUCTION REQUIRED BEFORE ISSUANCE OF HUNTING LICENSE - AGE LIMITS.) No person born after December 31, 1961, except as provided in section 4 of this Act, shall be issued any hunting license in this state unless he submits or exhibits the certificate of completion earned by him for successful completion of the course of instruction required by this Act. A certificate of completion issued by any other state or province of Canada shall be valid for all purposes.

SECTION 3. EXEMPTIONS.) The provisions of this Act shall not apply to:

1. Persons under twelve years of age who hunt only with their parent or legal guardian.
2. Persons who hunt only with a bow.
3. Persons who hunt exclusively on land of which they are the record title owner or operator.

SECTION 4. EFFECTIVE DATE.) The provisions of this Act shall become effective on January 1, 1979.

CHAPTER 207

HOUSE BILL NO. 1112
(Gronneberg)

NO NONRESIDENT FUR-BEARER LICENSE

AN ACT to amend and reenact subsection 2 of section 20.1-03-07 and sections 20.1-03-09 and 20.1-03-10 of the North Dakota Century Code, relating to the issuance and contents of nonresident fur-bearer licenses; and to repeal subsection 6 of section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident fur-bearer licenses.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 20.1-03-07 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal.

SECTION 2. AMENDMENT.) Section 20.1-03-09 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-09. APPLICATION FOR NONRESIDENT GENERAL GAME OR FISHING LICENSE - CONTENTS.) Each application for a nonresident general game or fishing license shall be signed by the applicant and state the applicant's residential address, including street and post office, and his weight, height, color of hair, and color of eyes.

SECTION 3. AMENDMENT.) Section 20.1-03-10 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 20.1-03-10. CONTENTS OF NONRESIDENT GENERAL GAME OR FISHING LICENSES - LICENSES NOT TRANSFERABLE - NONRESIDENT SHORT-TERM FISHING LICENSE.) A nonresident general game or fishing license is not transferable. Each such license shall:

1. Describe the licensee;
2. Designate the licensee's place of residence;
3. Have printed upon it in large figures the year for which it is issued;

*NOTE: Section 20.1-03-10 was also amended by section 1 of Senate Bill No. 2199, chapter 208.

4. Have printed upon it in large letters the words "nonresident license" and "nontransferable";
5. Have connected to it such detachable shipping tags as the commissioner may deem advisable; and
6. Be issued in the name of the commissioner.

In addition to the regular nonresident fishing license, there is hereby authorized a nonresident short-term fishing license. This license shall be valid up to seven days from date of issue.

SECTION 4. REPEAL.) Subsection 6 of section 20.1-03-12 of the 1975 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 12, 1977

CHAPTER 208

SENATE BILL NO. 2199
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

LICENSE FEES INCREASED

AN ACT to amend and reenact section 20.1-03-10 and subsections 1, 2, 3, 4, 5, 7, 8, 10, 14, 20, and 22 of section 20.1-03-12 of the North Dakota Century Code, relating to non-resident fur-bearer licenses and certain license and permit fees; and declaring an effective date.

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

SECTION 1. AMENDMENT.) Section 20.1-03-10 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 20.1-03-10. CONTENTS OF NONRESIDENT GENERAL GAME OR FISHING LICENSES - LICENSES NOT TRANSFERABLE - NONRESIDENT SHORT-TERM FISHING LICENSE.) A nonresident general game or fishing license is not transferable. Each such license shall:

1. Describe the licensee;
2. Designate the licensee's place of residence;
3. Have printed upon it in large figures the year for which it is issued;
4. Have printed upon it in large letters the words "nonresident license" and "nontransferable";
5. Have connected to it such detachable shipping tags as the commissioner may deem advisable; and
6. Be issued in the name of the commissioner.

In addition to the regular nonresident fishing license, there is hereby authorized a nonresident short-term fishing license. This license shall be valid up to seven days from date of issue.

*NOTE: Section 20.1-03-10 was also amended by section 3 of House Bill No. 1112, chapter 207.

SECTION 2. AMENDMENT.) Subsections 1, 2, 3, 4, 5, 7, 8, 10, 14, 20, and 22 of section 20.1-03-12 of the 1975 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. For a resident small game hunting license, five dollars.
2. For a nonresident small game hunting license, forty dollars.
3. For a resident big game hunting license, ten dollars.
4. For a nonresident big game hunting license, sixty dollars, and for a nonresident bow license, thirty dollars.
5. For a resident fur-bearer license, five dollars.
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. For a nonresident fishing license, ten dollars.
10. For a resident husband and wife fishing license, eight dollars.
14. For an annual general game license, one dollar.
20. 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.
22. For a permit to ship live protected birds or animals to points either within or outside this state, one dollar per permit. A permit shall be attached to each shipment.

SECTION 3. EFFECTIVE DATE.) The provisions of this Act shall become effective on May 1, 1978.

Approved April 14, 1977

CHAPTER 209

SENATE BILL NO. 2406
(Nothing)

NONRESIDENT DEER LICENSE LIMITATION

AN ACT to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to limitations on licenses to hunt big game.

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

SECTION 1.) A new subsection to section 20.1-03-11 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The number of nonresident deer licenses and permits issued for the season to hunt deer with guns shall not exceed one percent of the total deer licenses and permits to be issued in any unit or subunit as described in the governor's proclamation.

Approved April 20, 1977

CHAPTER 210

SENATE BILL NO. 2174
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

BIG HORN SHEEP HUNTING

AN ACT to create a new section to chapter 20.1-08 of the North Dakota Century Code, relating to designation of a big horn sheep hunting season and providing that recipients of a big horn sheep hunting license shall not be eligible to apply for another such license.

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

SECTION 1.) A new section to chapter 20.1-08 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

GOVERNOR'S PROCLAMATION CONCERNING THE HUNTING OF BIG HORN SHEEP - LICENSE RECIPIENTS NOT ELIGIBLE TO APPLY AGAIN.) The governor may by proclamation provide for a season to hunt big horn sheep in such manner, number, places, and times as he shall prescribe. Licenses to hunt big horn sheep shall be issued by lottery with only residents eligible to apply. Each person who has received a license to hunt big horn sheep shall not be eligible to apply for another such license.

Approved March 12, 1977

CHAPTER 211

HOUSE BILL NO. 1177
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

MOOSE HUNTING

AN ACT to create a new section to chapter 20.1-08 of the North Dakota Century Code, relating to designation of a moose hunting season and providing that recipients of a moose hunting license shall not be eligible to apply for another such license.

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

SECTION 1.) A new section to chapter 20.1-08 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

GOVERNOR'S PROCLAMATION CONCERNING THE HUNTING OF MOOSE - LICENSE RECIPIENTS NOT ELIGIBLE TO APPLY AGAIN.) The governor may by proclamation provide for a season to hunt moose in such manner, number, places, and times as he shall prescribe. Licenses to hunt moose shall be issued by lottery with only residents eligible to apply. Each person who has received a license to hunt moose shall not be eligible to apply for another such license.

Approved March 12, 1977

CHAPTER 212

HOUSE BILL NO. 1525
(Fleming)

PROPERTY CONFISCATION PROCEDURE

AN ACT to create and enact a new subsection to section 27-05-06 of the North Dakota Century Code, relating to jurisdiction of district courts; and to amend and reenact sections 20.1-10-01 and 27-07-02 of the North Dakota Century Code, relating to confiscation of material by game and fish officials and jurisdiction of county courts.

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

SECTION 1. AMENDMENT.) Section 20.1-10-01 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-10-01. PROPERTY UNLAWFULLY TAKEN, TRANSPORTED, OR USED TO BE CONFISCATED BY CERTAIN GAME AND FISH OFFICIALS - PROCEDURE.) The commissioner, deputy commissioner, or any bonded game warden shall seize all wild birds, wild animals, or fish, or any part thereof, taken, killed, or possessed, or transported contrary to law, and shall seize all dogs, guns, seines, nets, boats, lights, automobiles, vehicles, instrumentalities, appliances, and devices unlawfully used, or held with intent to be unlawfully used, in pursuing, taking, or attempting to take, concealing, or disposing of wild birds, wild animals, or fish, or any part thereof. All property so seized shall be held subject to the order of a court of competent jurisdiction. When property is confiscated, the confiscating officer shall bring the alleged offender before a court of competent jurisdiction for the purpose of determining disposition. However, if the court having nominal jurisdiction over the alleged wrongdoer determines that the value of the confiscated property exceeds the court's jurisdictional limitations, the matter may, upon the motion of either party, be removed to district court for determination. In event the alleged offender desires an attorney, a reasonable time shall be given to secure counsel. If it is not feasible to bring the alleged offender immediately before the court, the property shall not be seized or confiscated if the alleged offender gives a receipt to the officer assuring delivery before the court when the matter comes up. The receipt shall contain the provisions of this section to advise the alleged offender of the law.

SECTION 2.) A new subsection to section 27-05-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Jurisdiction over actions by game and fish officials involving the confiscation of materials determined to be in excess of one thousand dollars in value.

SECTION 3. AMENDMENT.) Section 27-07-02 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-07-02. JURISDICTION OF COUNTY COURTS.) The county court of each county shall have exclusive original jurisdiction in probate and testamentary matters, including the appointment of administrators, and guardians, the settlement of the accounts of executors, administrators, and guardians, and the sale of lands by executors, administrators, and guardians, and it shall have such other probate jurisdiction as may be conferred by law including, without limitation, that conferred by title 30.1. In a county not having a county court of increased jurisdiction, the jurisdiction and powers formerly vested in the justices of the peace are hereby conferred concurrently upon the county court, unless and until a county justice is appointed. County courts shall have concurrent jurisdiction with the district court over actions of game and fish officials involving the confiscation of property determined by the county court to be in excess of one thousand dollars in value.

Approved April 21, 1977