

GAME, FISH, PREDATORS, AND BOATING

CHAPTER 224

HOUSE BILL NO. 1181

(Representatives Hanson, Brown, Kroeber, Wardner)
(Senator Urlacher)

TRAPPING INTERFERENCE

AN ACT to amend and reenact section 20.1-01-31 of the North Dakota Century Code, relating to interference with rights of trappers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-31 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-31. Interference with rights of hunters and trappers. No person may intentionally interfere with the lawful taking of wildlife on public or private land by another or intentionally harass, drive, or disturb any wildlife on public or private land for the purpose of disrupting a lawful hunt. Except for department personnel, the person setting the trap or snare, or that person's agent, no person may remove or tamper with a trap or snare legally set to take fur-bearing animals or unprotected wild animals or remove the fur-bearing animal or unprotected wild animal from a trap or snare. This section does not apply to any incidental interference arising from lawful activity by public or private land users or to landowners or operators interfering with hunters on land owned or operated by that individual.

Approved March 14, 1995
Filed March 14, 1995

CHAPTER 225**HOUSE BILL NO. 1108**

(Representative Torgerson)

(Senator Nalewaja)

(At the request of the Game and Fish Department)

GUIDES AND OUTFITTERS

AN ACT to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to acting as a guide or outfitter without a license; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

17. Subject to the provisions of chapter 28-32, adopt rules for the licensing of guides or outfitters, and may require records and reports as the director determines necessary. The director may, after due hearing as provided in chapter 28-32, revoke or refuse to renew the license of any person who violates the rules or fails to provide the records and reports. Any person who acts as a guide or outfitter without a license is guilty of a class B misdemeanor.

Approved March 14, 1995

Filed March 14, 1995

CHAPTER 226

SENATE BILL NO. 2451

(Senators B. Stenehjerm, Mathern, St. Aubyn)
(Representatives Carlson, Hanson, D. Henegar)

MOTORBOAT PROGRAMS AND SAFETY ACCOUNT

AN ACT to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to funding of the motorboat programs and safety account from the highway tax distribution fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Motorboat programs and safety account - Transfer from highway tax distribution fund. On July first of each year the state treasurer shall transfer from the highway tax distribution fund, before allocation of the fund under section 54-27-19, to the motorboat programs and safety account an amount equal to two dollars and fifty cents multiplied by the number of motor boats licensed with the game and fish department as of July first of that year.

Approved March 17, 1995
Filed March 17, 1995

CHAPTER 227**SENATE BILL NO. 2142**

(Senator Nalewaja)

(Representative Wilkie)

(At the request of the Game and Fish Department)

**HUNTER SAFETY EDUCATION COURSE
REQUIREMENTS**

AN ACT to amend and reenact section 20.1-03-01.2 of the North Dakota Century Code, relating to hunter safety education course completion requirements; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.2. Instruction required before issuance of hunting license - Age limits - Penalty. No person born after December 31, 1961, except as provided in section 20.1-03-01.3, may be issued any hunting license in this state unless he that person submits or exhibits the certificate of completion earned by him that person for successful completion of the course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 or the person submits or exhibits a prior North Dakota hunting license issued to that person with that person's hunter education certificate number on the license. A certificate of completion issued by any other state or province of Canada is valid for all purposes. Any person who ~~violates this section~~ purchases a hunting license without successfully completing the course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 is guilty of a class 2 noncriminal offense.

Approved April 11, 1995

Filed April 12, 1995

CHAPTER 228

HOUSE BILL NO. 1070

(Representative Hanson)

NONRESIDENT RECIPROCAL TRAPPING LICENSE

AN ACT to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to the fee for a nonresident reciprocal trapping license; and to amend and reenact subsection 2 of section 20.1-03-07 and section 20.1-03-10 of the North Dakota Century Code, relating to nonresident reciprocal trapping licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal except that nonresidents holding a valid nonresident fur-bearer and nongame hunting license may hunt only fox and coyote and residents of a state that allows North Dakota residents to trap within that state may purchase a nonresident reciprocal trapping license to trap in this state. However, a nonresident holding a valid nonresident reciprocal trapping license may not trap, catch, attempt to catch, take, or kill bobcats.

SECTION 2. AMENDMENT. Section 20.1-03-10 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-10. Contents of nonresident general game or, fishing, or reciprocal trapping licenses - Licenses not transferable - Nonresident short-term fishing license. A nonresident general game ~~or,~~ fishing, or reciprocal trapping license is not transferable. Each ~~such~~ license ~~shall~~ must:

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 detachable shipping tags as the director may deem advisable.
6. Be issued in the name of the director.

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

¹³⁵ SECTION 3. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For a nonresident reciprocal trapping license, two hundred fifty dollars.

Approved March 7, 1995

Filed March 7, 1995

¹³⁵ Section 20.1-03-12 was also amended by section 1 of House Bill No. 1139, chapter 231, and sections 1 and 2 of House Bill No. 1107, chapter 232.

CHAPTER 229

SENATE BILL NO. 2143

(Senator Nalewaja)

(Representative Wilkie)

(At the request of the Game and Fish Department)

NONRESIDENT YOUTH HUNTING LICENSES

AN ACT to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to nonresident youth hunting licenses; and to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

20.1-03-07.1. Nonresident waterfowl hunting license required. ★ Except as provided in section 2 of this Act, a nonresident may not hunt waterfowl unless ~~he~~ that person first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license ~~shall entitle~~ entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each and in specified waterfowl hunting zones. A license authorizing two 7-day hunting periods may allow hunting in a different zone during each period. The governor, in ~~his~~ the governor's 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 is entitled to purchase only one nonresident waterfowl hunting license per year.

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

Nonresident youth hunting licenses. A nonresident youth who is less than sixteen years of age may purchase a resident small game hunting license and may hunt small game and waterfowl except swans and wild turkeys; provided, that the nonresident youth's state, or province or territory of Canada, of residence provides a reciprocal licensing agreement for North Dakota residents who are less than sixteen years of age. To be eligible to purchase a license under this section, a nonresident youth may not have arrived at the age of sixteen before September first of the year for which the license is issued and must possess a certificate of completion for a certified hunter education course. The nonresident youth may only hunt under the supervision of an adult family member or legal guardian who is licensed to hunt small game or waterfowl in this state and is subject to the same regulations as that youth's adult family member or legal guardian. This section does not apply to the hunting of big game or to a license issued by lottery.

Approved April 6, 1995

Filed April 6, 1995

CHAPTER 230

SENATE BILL NO. 2072

(Legislative Council)
(Interim Natural Resources Committee)
(Senator Urlacher)
(Representatives Brown, Hanson)

GRATIS AND LANDOWNER PREFERENCE HUNTING
LICENSES

AN ACT to amend and reenact subsections 3, 5, 7, and 8 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and landowner preference hunting licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 3, 5, 7, and 8 of section 20.1-03-11 of the 1993 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. A person who leases land for agricultural purposes and who actively farms or ranches that land or a landowner is entitled to receive without charge, upon filing an affidavit describing a minimum of a quarter section [64.75 hectares] of land that is leased for agricultural purposes or owned by that person and which is within a district open for hunting of deer; a license to hunt deer. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer without charge upon filing an affidavit describing that land. The land must be within a unit open for the hunting of deer. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt deer only upon that land. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection may not receive a license under this subsection for the season for which the eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.

5. A person who leases land for agricultural purposes and who actively farms or ranches that land or a landowner is entitled to receive without charge, upon filing an affidavit describing a minimum of a quarter section [64.75 hectares] of land that is leased for agricultural purposes or owned by that person and which is within a district or unit open for hunting of antelope; a license to hunt antelope. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt antelope without charge upon filing

an affidavit describing that land. The land must be within a unit open for the hunting of antelope. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt antelope only upon that land. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection may not receive a license under this subsection for the season for which eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued without charge under this subsection may not exceed the total number of licenses prescribed for each district or unit in the governor's proclamation. If the number of applications eligible persons who apply for licenses issued without charge under this subsection exceeds the number of licenses prescribed for the district or unit in the governor's proclamation less any licenses that are otherwise designated to be issued with a charge under this subsection, the licenses to be issued without charge must be issued by lottery as prescribed in the governor's proclamation. If the number of licenses prescribed for the district or unit in the governor's proclamation exceeds fifty and if the number of applications for these licenses exceeds the number of licenses prescribed for the district or unit in the governor's proclamation, then one-half of the licenses exceeding fifty must be issued by lottery as prescribed in the governor's proclamation and may not be issued to landowners without charge. The licenses issued by lottery as prescribed in this subsection are not subject to the provisions of subdivision a of subsection 2 of section 20.1-08-04.

7. A person who leases land for agricultural purposes and who actively farms or ranches that land or a landowner is entitled to receive, upon payment of the fee requirement for a resident big game license and filing an affidavit describing a minimum of a quarter section [64.75 hectares] of land that is leased for agricultural purposes or owned by that person and which is within a district or unit open for hunting of elk; a preferential landowner license to hunt elk within the district or unit in which the land described in the affidavit is located. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt elk upon filing an affidavit describing that land and payment of the fee requirement for a resident big game license. The land must be within a unit open for the hunting of elk. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt elk within the district or unit in which the land described in the affidavit is located. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection is not eligible to apply for a license to hunt elk in future years but is eligible to participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6. If not otherwise specified in an agricultural lease, the

landowner is entitled to receive the license. The governor's proclamation may restrict the districts or units for which preferential licenses may be issued under this subsection. However, the governor shall give primary consideration to allowing preferential licenses under this subsection to be issued to persons owning or leasing land in the following areas: that portion of township one hundred forty-seven north, range ninety-five west which is north and west of state highway twenty-two; township one hundred forty-six north, range ninety-six west; township one hundred forty-seven north, range ninety-six west; township one hundred forty-eight north, range ninety-six west; township one hundred forty-seven north, range ninety-seven west; township one hundred forty-eight north, range ninety-seven west of the fifth principal meridian, in Dunn County; the west one-half of township one hundred forty-nine north, range ninety-five west; township one hundred forty-nine north, range ninety-six west, and township one hundred forty-nine north, range ninety-seven west of the fifth principal meridian, in McKenzie County; and other areas within a district or unit open for hunting of elk as prescribed in the governor's proclamation. The number of licenses issued under this subsection for each designated district or unit for hunting elk may not be less than one permit, nor exceed fifteen percent of the total licenses prescribed in the governor's proclamation for each district or unit. If the number of applications for licenses to be issued under this subsection in a district or unit exceeds the maximum number of such licenses allocated to that district or unit, the licenses to be issued must be issued by lottery as prescribed in the governor's proclamation. A person who receives a license under this subsection is not eligible to apply for a license to hunt elk in future years but is eligible to participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6. Licenses to hunt elk may not be issued under this subsection when the total number of licenses prescribed in the governor's proclamation is less than twenty. If a person receives a license under this subsection, the person's spouse, children, and parents living with the person are not eligible to receive a license under this subsection for the district or unit in which the land described in the affidavit is located, unless the person has sold or otherwise transferred the person's rights to the land described in the affidavit.

8. A person who leases land for agricultural purposes and who actively farms or ranches that land or a landowner is entitled to receive, upon paying the fee for a resident big game license and filing an affidavit describing a minimum of a quarter section [64.75 hectares] of land that is leased for agricultural purposes or owned by that person and which is within a district or unit open for hunting of moose, a preferential landowner license to hunt moose. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt moose without charge upon filing an affidavit describing that land. The land must be within a unit open for the hunting of moose. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt moose only upon that land. If a license under this section is issued for a district or unit, at least one license must be issued under this subsection for that district or unit for hunting moose. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A resident who is eligible for a license under this subsection

may transfer that eligibility for the license to a spouse or a legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit. If the number of eligible persons who apply for a license under this subsection exceeds the number of licenses available under this subsection, the licenses must be issued by lottery as prescribed in the governor's proclamation. A license to hunt moose may not be issued under this subsection for a district or unit open for the hunting of moose when the total number of licenses allocated to that district or unit is less than ten. A person who receives a license under this subsection and who is successful in harvesting a moose is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. Notwithstanding this subsection, if a person other than the transferee of license eligibility is unsuccessful in harvesting a moose under this subsection, that person may return the unused license to the department and is eligible to apply for, but not transfer an additional license to hunt moose in future years. A person who receives a second license under this subsection is not eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2. If a person receives a license under this subsection, the person's spouse, children, and parents living with the person are not eligible to receive a license under this subsection for the district or unit in which the land described in the affidavit is located, unless the person has sold or otherwise transferred the person's rights to the land described in the affidavit.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 231

HOUSE BILL NO. 1139

(Representative D. Henegar)

(Senator Redlin)

(At the request of the Game and Fish Department)

RESIDENT FISHING LICENSE FEES

AN ACT to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to resident fishing license fees; to repeal section 20.1-03-10.1 of the North Dakota Century Code, relating to trout and salmon license stamps; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁶ SECTION 1. AMENDMENT. Section 20.1-03-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

20.1-03-12. Schedule of fees for licenses and permits. The various license and permit fees are as follows:

1. For a resident, age sixteen and over small game hunting license, six dollars.
2. For a nonresident small game hunting license, seventy-five dollars.
3. For a resident big game hunting license, twenty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. For a nonresident big game hunting license, one hundred fifty-five dollars, and for a nonresident bow license, one hundred fifty-five dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
5. For a resident fur-bearer license, seven dollars.
6. For a resident fishing license, ~~nine~~ ten dollars, except that for a resident sixty-five years or over or a resident totally or permanently disabled, the license fee is three dollars.
7. For a nonresident fishing license, twenty-five dollars.
8. For a nonresident short-term seven-day fishing license, fifteen dollars.
9. For a resident husband and wife fishing license, ~~thirteen~~ fourteen dollars.

¹³⁶ Section 20.1-03-12 was also amended by section 3 of House Bill No. 1070, chapter 228, and sections 1 and 2 of House Bill No. 1107, chapter 232.

10. For a nonresident nongame hunting license, fifteen dollars.
11. For a wild turkey permit, eight dollars.
12. For an annual general game license, three dollars.
13. For a permit to propagate, domesticate, or possess protected wildlife, five dollars.
14. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
15. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
16. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
17. For an annual license to practice taxidermy, twenty-five dollars.
18. 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 that person's home or to points outside this state, three dollars. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
19. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
20. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, nine dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, twenty-one dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, thirty dollars.
21. To operate watercraft used for hire, the following license fees apply for three years:
 - Class 1. Each craft capable of carrying two adults of average weight, six dollars.
 - Class 2. Each craft capable of carrying three adults of average weight, six dollars.
 - Class 3. Each craft capable of carrying four adults of average weight, six dollars.
 - Class 4. Each craft capable of carrying five adults of average weight, six dollars.

- Class 5. Each craft capable of carrying up to eight adults of average weight, nine dollars.
- Class 6. Each craft capable of carrying up to ten adults of average weight, twelve dollars.
- Class 7. Each craft capable of carrying up to fifteen adults of average weight, twenty-four dollars.
- Class 8. Each craft capable of carrying sixteen or more adults of average weight, thirty dollars.
22. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
23. 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, ten dollars for each unit.
24. For a resident or nonresident paddlefish tag annual license, three dollars per tag.
25. For an annual resident license to sell minnows or other live bait at wholesale, thirty dollars.
26. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
27. For an annual license to operate a private fish hatchery, seventy-five dollars.
28. For a resident commercial frog license, fifty dollars.
29. For a nonresident commercial frog license, two hundred dollars.
30. For a resident frog license, three dollars.
31. For a resident husband and wife frog license, five dollars.
32. For a shooting preserve operating permit:
- One hundred dollars, if the shooting preserve consists of an area of six hundred forty acres [259 hectares] or less; or
 - 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].
33. For an annual license to guide for both hunting and fishing, one hundred fifty dollars.
34. For an annual license to guide only for hunting, one hundred dollars.

- 35. For an annual license to guide only for fishing, one hundred dollars.
- 36. For a nonresident waterfowl hunting license, ten dollars.
- 37. For a nonresident husband and wife fishing license, thirty-five dollars.
- 38. ~~For a trout and salmon license stamp, four dollars.~~
- 39. For a nonresident short-term three-day fishing license, ten dollars.
- ~~40.~~ 39. For a nonresident fur-bearer and nongame hunting license, twenty-five dollars.
- ~~41.~~ 40. For a combination license, twenty-five dollars.
- ~~42.~~ 41. For a white-tailed deer license sold to guides or outfitters and provided by them to nonresidents, two hundred ~~and~~ fifty dollars.
- ~~43.~~ 42. For a resident swan license, five dollars.
- ~~44.~~ 43. For a nonresident swan license, twenty-five dollars.
- ~~45.~~ 44. For a resident and nonresident sandhill crane license, five dollars.
- ~~46.~~ 45. For a resident commercial clam license, one hundred dollars.
- ~~47.~~ 46. For a nonresident commercial clam license, one thousand dollars.
- ~~48.~~ 47. For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
- ~~49.~~ 48. For an annual nonresident license to sell minnows or other live bait at wholesale, two hundred dollars.
- ~~50.~~ 49. For a bighorn sheep license issued to a nonresident, five hundred dollars.

The fees for these licenses and permits, except for motorboat license fees, must be deposited with the state treasurer and credited to the game and fish fund.

SECTION 2. REPEAL. Section 20.1-03-10.1 of the North Dakota Century Code is repealed.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on April 1, 1996.

Approved March 14, 1995
Filed March 14, 1995

CHAPTER 232**HOUSE BILL NO. 1107**

(Representative D. Henegar)

(Senator Redlin)

(At the request of the Game and Fish Department)

NONRESIDENT PADDLEFISH LICENSE FEES

AN ACT to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident paddlefish license fees; to amend and reenact subsection 24 of section 20.1-03-12 of the North Dakota Century Code, relating to paddlefish license fees; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁷ **SECTION 1. AMENDMENT.** Subsection 24 of section 20.1-03-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24. For a resident ~~or nonresident~~ paddlefish tag annual license, three dollars per tag.

¹³⁸ **SECTION 2.** A new subsection to section 20.1-03-12 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

For a nonresident paddlefish tag annual license, seven dollars and fifty cents per tag.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 1, 1995
Filed March 1, 1995

¹³⁷ Section 20.1-03-12 was also amended by section 3 of House Bill No. 1070, chapter 228, and section 1 of House Bill No. 1139, chapter 231.

¹³⁸ Section 20.1-03-12 was also amended by section 3 of House Bill No. 1070, chapter 228, and section 1 of House Bill No. 1139, chapter 231.

CHAPTER 233

HOUSE BILL NO. 1105

(Representative D. Henegar)

(Senator Redlin)

(At the request of the Game and Fish Department)

COMPUTER LICENSE SYSTEM

AN ACT to create and enact sections 20.1-03-32, 20.1-03-33, and 20.1-03-34 of the North Dakota Century Code, relating to establishing a computer hunting and fishing license system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 20.1-03-32 of the North Dakota Century Code is created and enacted as follows:

20.1-03-32. Computer-generated license. In addition to the license system under this chapter, licenses may be generated by a telephone, computer, or electronic system designated by the director. The director may accept payment by wire transfer, electronic transfer, or a nationally recognized credit or debit card for licenses issued pursuant to this section. A reasonable fee not exceeding the discount charged by the credit card issuer may be added to the payment as a service charge for the acceptance of the credit or debit card. The director shall determine which nationally recognized cards will be accepted for payments made under this section. If payment is made by a credit or debit card, the liability for a license purchased under this section is not discharged until the director receives payment or credit from the institution responsible for making the payment or credit.

SECTION 2. Section 20.1-03-33 of the North Dakota Century Code is created and enacted as follows:

20.1-03-33. When an individual considered licensed. An individual is considered licensed upon:

1. Submittal of any required information;
2. Payment of the appropriate fee; and
3. Approval of the director or representatives designated by the director.

SECTION 3. Section 20.1-03-34 of the North Dakota Century Code is created and enacted as follows:

20.1-03-34. Signature and possession requirements. Signature and possession of license requirements may be waived by the director by rule for individuals licensed through license systems established under section 20.1-03-32.

Approved March 7, 1995
Filed March 7, 1995

CHAPTER 234

HOUSE BILL NO. 1370

(Representatives Brown, Delzer, Hanson, Stenehjem)
(Senators Sand, B. Stenehjem)

**MOUNTAIN LION, WOLF, AND WOLF HYBRID
IDENTIFICATION**

AN ACT to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the identification of mountain lions, wolves, and wolf hybrids held in captivity; and to amend and reenact section 20.1-07-04 of the North Dakota Century Code, relating to the destruction and disposition of depredating fur-bearing animals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

20.1-07-04. Depredating fur-bearing animals - Destruction and disposition. A landowner or tenant or that person's agent may catch or kill any wild fur-bearing animal that is committing depredations upon that person's poultry, domestic animals, or crops. A landowner or tenant or that person's agent shall notify and obtain the approval of the ~~commissioner~~ director before catching or killing a ~~mountain lion or~~ black bear. Except as provided in this section, a landowner or tenant or that person's agent may not commercialize in, sell, or ship an animal or the pelt or any part of an animal caught or killed under this section during the closed season. The landowner or tenant or that person's agent may possess a ~~mountain lion or~~ black bear killed under this section.

SECTION 2. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

Mountain lions, wolves, and wolf hybrids held in captivity - Identification required. Any person who keeps a mountain lion, wolf, or wolf hybrid in captivity must obtain an identification number from the board. The number must be tattooed in indelible ink inside the ear of the animal for permanent identification purposes.

Approved March 21, 1995
Filed March 21, 1995

CHAPTER 235

SENATE BILL NO. 2493

(Senator Grindberg)
(Representative Clayburgh)

FUR-BEARERS TAKING FOR WILDLIFE MANAGEMENT

AN ACT to amend and reenact section 20.1-07-05 of the North Dakota Century Code, relating to the taking of protected fur-bearing animals for wildlife management purposes; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-07-05 of the North Dakota Century Code is amended and reenacted as follows:

20.1-07-05. Manner of taking protected fur-bearing animals restricted - Destruction of property of others unlawful - Penalty. It is unlawful to molest or destroy the natural burrow, den, or retreat of any protected fur-bearer, or to damage or injure the property of another while taking or attempting to take that fur-bearer. The governor, at the advice of the director, may by proclamation determine the manner in which fur-bearing animals may be taken in accordance with this section. The director, by permit, may allow the taking of fur-bearing animals for wildlife management purposes. Any person who violates this section is guilty of a class 2 noncriminal offense.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 2, 1995
Filed March 3, 1995

CHAPTER 236**HOUSE BILL NO. 1106**

(Representative D. Henegar)

(Senator Robinson)

(At the request of the Game and Fish Department)

MUZZLELOADING FIREARMS

AN ACT to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the governor's proclamation concerning the hunting of deer with muzzleloading firearms.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-08-04.5 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.5. Governor's proclamation concerning the hunting of deer with muzzleloading long guns firearms. The governor shall by proclamation provide for a one-week season following the regular deer hunting season to hunt deer with muzzleloading long guns firearms in the manner, number, places, and times as the governor prescribes. Licenses to hunt deer with muzzleloading long guns firearms must be issued by the director by lottery as prescribed by the director, with a maximum of seven hundred licenses issued each season. ~~As used in this section, the term "muzzleloading long gun" means any forty-five or larger caliber long gun loaded through the muzzle.~~

Approved March 7, 1995

Filed March 7, 1995

CHAPTER 237

HOUSE BILL NO. 1375

(Representatives K. Henegar, Hanson, Sveen, Torgerson)
(Senators Kringstad, B. Stenehjem)

PERSONAL WATERCRAFT

AN ACT to create and enact two new subsections to section 20.1-01-02 of the North Dakota Century Code, relating to definitions for the purpose of the regulation of boating; and to amend and reenact section 20.1-13-07 of the North Dakota Century Code, relating to the operation of motorboats, vessels, and personal watercraft.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁹ SECTION 1. Two new subsections to section 20.1-01-02 of the 1993 Supplement to the North Dakota Century Code are created and enacted as follows:

"Personal watercraft" means a motorboat that is powered by an inboard motor powering a water jet pump or by an inboard or outboard marine engine and which is designed to be operated by a person sitting, standing, or kneeling on the craft, rather than in a conventional manner of sitting or standing inside a motorboat.

"Slow or no wake speed" means the slowest possible speed necessary to maintain steerage.

SECTION 2. AMENDMENT. Section 20.1-13-07 of the North Dakota Century Code is amended and reenacted as follows:

20.1-13-07. Prohibited operation - Penalty.

1. No person may 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. Reckless or negligent operation of a motorboat or vessel includes weaving through congested motorboat or vessel traffic, jumping the wake of another motorboat or vessel within one hundred feet [30.48 meters] of the motorboat or vessel, or in any other manner that is not reasonable or prudent.
2. No person may 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 may operate a motorboat propelled by over a ten horsepower motor unless the operator is accompanied by

¹³⁹ Section 20.1-01-02 was also amended by section 3 of Senate Bill No. 2505, chapter 347.

a person eighteen years of age or older. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

4. No person of twelve through fifteen years of age may 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. Any person who violates this subsection is guilty of a class 2 noncriminal offense.
5. No person may cause or knowingly permit a minor under sixteen years of age to operate a motorboat propelled by over a ten horsepower motor unless the minor is otherwise authorized to do so by this section.
6. No person may operate a motorboat or vessel within one hundred feet [30.48 meters] of a person fishing from a shoreline, swimmer, swimming diving raft, or an occupied, anchored or nonmotorized, vessel, or within two hundred fifty feet [76.20 meters] of a reduced speed or slow or no wake sign at greater than slow or no wake speed.
7. No person may operate or permit the operation of a personal watercraft:
 - a. Without each person on board the personal watercraft wearing a United States coast guard approved type I, II, III, or V personal flotation device;
 - b. Within one hundred feet [30.48 meters] of a person fishing from a shoreline, swimmer, swimming diving raft, or an occupied, anchored or nonmotorized, vessel at greater than slow or no wake speed;
 - c. While towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless an observer is on board;
 - d. Without a lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;
 - e. If any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;
 - f. To chase or harass wildlife;
 - g. Through emergent or floating vegetation at other than slow or no wake speed;
 - h. In a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within one hundred feet [30.48 meters] of the other watercraft; or

- i. In any other manner that is not reasonable and prudent.

Approved April 6, 1995
Filed April 6, 1995