

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2290
(Senators Heitkamp, Erbele, Tollefson)
(Representatives Amerman, Carlson, Gulleson)

AN ACT to amend and reenact subsection 32 of section 20.1-03-12 and sections 20.1-12-04, 20.1-12-05, and 20.1-12-06 of the North Dakota Century Code, relating to the operation and regulation of private shooting preserves.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 32 of section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

32. For a shooting preserve operating permit:
- a. ~~One, one~~ hundred dollars, if the shooting preserve consists of an area of six hundred forty acres [~~259~~ hectares] or less; or
 - b. ~~One hundred dollars, if the shooting preserve consists of an area of more than six hundred forty acres [259 hectares];~~ plus fifty thirty cents per acre [.40 hectare] for each acre [.40 hectare] ~~over six hundred forty acres [259 hectares].~~

SECTION 2. AMENDMENT. Section 20.1-12-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-04. Types of game that may be hunted on shooting preserve - Identification of game. Game birds that may be stocked on a shooting preserve and hunted under this chapter must be artificially propagated pheasants, quail, partridges, turkeys, prairie chickens, and any other species allowed by the director. The director shall determine the minimum stock of each species to be hunted and released on the permit area during the shooting preserve season. All game birds ~~propagated, possessed, or released on a shooting preserve must be marked prior to release as prescribed by the director by rule.~~ All mallard ducks released on a shooting preserve must have the right hind toenails clipped before the birds attain the age of four weeks have one front toe or one hind toe on either foot removed back to the first joint, including the nail, before becoming six weeks of age. An antipecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least fifteen weeks old is acceptable in lieu of toe clipping if the antipecking device leaves a permanent, easily identifiable mark through the nares.

SECTION 3. AMENDMENT. Section 20.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-05. Operation of shooting preserve - Season - Search of premises permitted. Any guest of a shooting preserve operator may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish that person's own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The exterior boundaries of each shooting preserve must be clearly defined ~~and posted~~ with signs ~~erected~~ around the extremity at intervals of three hundred feet yards [~~91.44~~ 274.32 meters] or less. Each shooting preserve operator and that person's guest shall comply with and be subject to chapter 20.1-01. Shooting preserve operators may restrict or set the hours during which game birds may be hunted, subject to gubernatorial proclamation. The season for shooting preserves may be all or part of the nine-month period beginning August first and ending April thirtieth of the following year. All permits must be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the director may enter and search the

premises or any part thereof at any reasonable time to ensure compliance with state laws and the director's rules.

SECTION 4. AMENDMENT. Section 20.1-12-06 of the North Dakota Century Code is amended and reenacted as follows:

20.1-12-06. Game birds to be tagged. Each shooting preserve operator shall tag all game birds harvested by guests before the birds are consumed or removed from the shooting preserve premises. The director shall provide tags to shooting preserve operators, at nominal cost to them. Once affixed, tags must remain attached until the game birds are prepared for consumption. If a wild upland bird of the same species hunted on the shooting preserve is taken accidentally by a client out of the regular hunting season proclaimed by the governor, or is taken by a client not in possession of a proper small game license, the client may keep the bird. At no time following release may a shooting preserve operator allow the number of wild and released birds harvested to exceed one hundred percent of the number of birds that have been released. All birds must be healthy when released. The total percent of harvested wild birds kept by clients may not exceed twenty-five percent of the birds harvested during the season. Other than those wild birds allowed to be retained by a client, the shooting preserve operator shall deliver to the department all wild birds harvested.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2290.

Senate Vote: Yeas 43 Nays 1 Absent 3

House Vote: Yeas 82 Nays 8 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State