

GAME AND FISH

CHAPTER 269

SENATE BILL NO. 2061
(Legislative Council)
(Interim Judiciary Committee)

NONCRIMINAL GAME AND FISH OFFENSES

AN ACT to amend and reenact sections 20.1-01-28, 20.1-01-29, and 20.1-01-30 of the North Dakota Century Code, relating to the procedures applicable to noncriminal violations of rules approved by the game and fish commissioner and orders issued by the governor.

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

SECTION 1. AMENDMENT. Section 20.1-01-28 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-28. Certain game and fish violations noncriminal - Procedures. Any person who has been cited for a violation that is designated as a noncriminal offense under in this title or in related rules or proclamations may appear before a court of competent jurisdiction and pay the statutory fee at or prior to the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. A person appearing at the time scheduled in the citation may make a statement in explanation of that person's action and the judge may at that time waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, that person has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the judge must be identical to the statutory fee established by section 20.1-01-30. Within ten days after forfeiture of bond or payment of the statutory fee, the judge shall certify to the commissioner admission of the violation.

This section does not allow a halting officer to receive the statutory fee or bond.

SECTION 2. AMENDMENT. Section 20.1-01-29 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-29. Hearing procedures.

1. If a person cited for a violation that is designated as a noncriminal offense in this title or in related rules or proclamations does not choose to follow one of the procedures set forth in section 20.1-01-28, that person may request a hearing on the issue of the commission of the violation charged. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance.
2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the court an appearance bond equal to the statutory fee for the violation charged.
3. The state must prove the commission of a charged violation at the hearing under this section by a preponderance of the evidence. If, after a hearing, the court finds that the person had committed a noncriminal violation of this title or of related proclamations or rules, the court shall notify the department within ten days of the date of hearing.

SECTION 3. AMENDMENT. Section 20.1-01-30 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-30. Amount of statutory fees. The fees required for a noncriminal disposition pursuant to section 20.1-01-28 or 20.1-01-29 are as follows:

1. For a class 1 noncriminal offense, a fee of fifty dollars.
2. For a class 2 noncriminal offense, a fee of twenty-five dollars.
3. For violation of a rule approved by the commissioner or of an order or proclamation issued by the governor, the amount set in the rule, order, or proclamation up to a maximum of two hundred fifty dollars.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 270

HOUSE BILL NO. 1086
(Representative L. Hanson)
(Senator Freborg)

HUNTERS' RIGHTS INTERFERENCE

AN ACT to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to interference with rights of hunters.

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

SECTION 1. A new section to chapter 20.1-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Interference with rights of hunters. No person may intentionally interfere with the lawful taking of wildlife on public land by another or intentionally harass, drive, or disturb any wildlife on public land for the purpose of disrupting a lawful hunt. This section does not apply to any incidental interference arising from lawful activity by public land users.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 271

HOUSE BILL NO. 1609
(Representatives Whalen, Thompson, Wald)
(Senators Bakewell, Langley)

FREE FISHING LICENSES

AN ACT to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to complimentary fishing licenses.

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

SECTION 1. A new subsection to section 20.1-02-05 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Issue, as a means of encouraging and promoting economic development in this state, complimentary fishing licenses to nonresident visiting dignitaries. The circumstances and conditions of complimentary fishing licenses issued shall be determined by the commissioner. The number of complimentary licenses shall not exceed fifty licenses per year. The visiting dignitaries shall be determined by the commissioner to be of national or international stature before being eligible for complimentary licenses.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 272

HOUSE BILL NO. 1483
(Representatives Hamerlik, Shaft, J. DeMers)
(Senators Ingstad, Krauter)

NONGAME WILDLIFE FUND

AN ACT to establish a nongame wildlife fund and provide for uses of the fund; to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution to the nongame wildlife fund to be included on North Dakota income tax returns; and to provide an effective date.

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

SECTION 1. Nongame wildlife fund established - Uses - Appropriation. There is hereby established in the state treasury a special fund known as the nongame wildlife fund. The fund may be expended subject to appropriation by the legislative assembly to the game and fish department and must be used only for the purposes of preservation, inventory, perpetuation, and conservation of nongame wildlife, natural areas, and nature preserves in this state. The game and fish department shall allocate a portion of the fund to other state agencies for the purpose stated in this section, and with approval of the game and fish commissioner. For the purpose of this section, "nongame wildlife" means all species of native animals not commonly taken for sport or commercial purposes and does not include animals determined by the game and fish department to be harmful animals. "Natural areas" and "nature preserves" mean areas as defined in section 55-11-02.

SECTION 2. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

Optional contributions to nongame wildlife fund. On all tax returns under this chapter, a taxpayer may designate a contribution to the nongame wildlife fund of any amount of one dollar or more to be added to tax liability or deducted from any refund that would otherwise be payable by or to the taxpayer. On all state income tax returns the tax commissioner shall notify taxpayers of this optional contribution. The amount of these optional contributions must be transferred by the tax commissioner to the state treasurer for deposit in the nongame wildlife fund for use as provided in section 1 of this Act.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1987.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 273

SENATE BILL NO. 2033
(Legislative Council)
(Interim Agriculture Committee)

WETLANDS MEDIATION ADVISORY BOARD

AN ACT to create and enact three new sections to chapter 20.1-02 of the North Dakota Century Code, establishing a wetlands mediation advisory board.

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

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

Wetlands mediation advisory board. The wetlands mediation advisory board consists of the governor, or the governor's duly authorized designee, as chairman; the commissioner of agriculture, or the commissioner's duly authorized designee; the president, or a member selected by the president, of the North Dakota farmers union; the president, or a member selected by the president, of the North Dakota farm bureau; the president, or a member selected by the president, of the North Dakota national farmers organization; the state engineer of the water commission, or the state engineer's duly authorized designee; the state game and fish commissioner, or the commissioner's duly authorized designee; the regional director of the United States fish and wildlife service, or the regional director's duly authorized designee; the executive director, or a member selected by the executive director, of the state association of counties; and the executive vice president, or a member selected by the executive vice president, of the state association of soil conservation districts.

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

Wetlands mediation advisory board - Meetings - Staff - Compensation and expenses. The wetlands mediation advisory board shall meet at the call of the governor. The governor's office shall provide staff services to the board. Compensation and expenses of any board

member are the responsibility of the organization or entity represented.

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

Wetlands mediation advisory board - Petition - Mediation - Hearing. Any person aggrieved by a decision of the United States fish and wildlife service pertaining to wetlands may petition the governor in writing for aid after all administrative remedies have been exhausted. The petition must establish that all such administrative remedies have been exhausted. The governor shall submit the dispute or conflict to the wetlands mediation advisory board. The board shall mediate the dispute or conflict. The board may hold a hearing upon not less than ten days' written notice to the parties involved in the dispute for the purpose of receiving evidence from all interested parties. The board shall make a recommendation to the governor and the regional director of the United States fish and wildlife service within thirty days of submission of the dispute or conflict to the board. A recommendation of the board is not subject to judicial review under chapter 28-32.

Approved April 4, 1987

Filed April 6, 1987

CHAPTER 274

HOUSE BILL NO. 1284
(Representatives Belter, Lindgren)
(Senator D. Meyer)

BOWHUNTER SAFETY

AN ACT to amend and reenact sections 20.1-03-01.1 and 20.1-03-01.3 of the North Dakota Century Code, relating to bowhunter safety requirements.

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

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-01.1. Commissioner to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The commissioner shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates 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. AMENDMENT. Section 20.1-03-01.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-01.3. Exemptions. ~~The provisions of sections~~ Sections 20.1-03-01.1 through 20.1-03-01.3 shall do 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.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 275

SENATE BILL NO. 2412
(Senator D. Meyer)
(Representative Murphy)

ELK HUNTING

AN ACT to create and enact a new subsection to section 20.1-03-11 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to licenses issued to landowners to hunt elk and the governor's proclamation on the hunting of elk.

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 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Upon execution and filing of an affidavit describing a minimum of one-quarter section [64.75 hectares] of land owned or leased and actively farmed or ranched by any person within a district or unit open for hunting of elk, that person is entitled to receive, upon payment of the fee requirement for a resident big game license, a preferential landowner license to hunt elk within the district or unit in which the land described in the affidavit is located. 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: 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; and 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 the east one-half of township one hundred forty-nine north, range ninety-seven west of the fifth principal meridian, in McKenzie County. 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. 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.

SECTION 2. A new section to chapter 20.1-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Governor's proclamation concerning the hunting of elk - License recipients not eligible to apply again. The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor shall prescribe. Licenses to hunt elk must be issued by lottery, except as provided under section 1 of this Act, with only residents eligible to apply. A person who has received a license to hunt elk is not eligible to apply for another such license.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 276

SENATE BILL NO. 2543
(Lips)

HANDICAPPED OR DISABLED HUNTERS

AN ACT to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to deer hunting licenses issued to handicapped or permanently disabled persons.

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 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Any person who is permanently unable to walk for purposes of hunting or taking wildlife and who receives or obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to take any sex or species of deer in the unit or subunit for which the license is issued. Notwithstanding any other law or any provision contained in the governor's proclamation concerning the hunting of deer, any person who is permanently unable to walk for purposes of hunting or taking wildlife is entitled to apply for a license to hunt deer regardless of whether that person received a license to hunt deer in any prior year.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 277

SENATE BILL NO. 2239
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

FISHING 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 fees for nonresident fishing licenses; and to amend and reenact subsections 6, 8, and 9 of section 20.1-03-12 of the North Dakota Century Code, relating to fees for fishing licenses; and to provide an effective date.

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

SECTION 1. AMENDMENT. Subsections 6, 8, and 9 of section 20.1-03-12 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

6. For a resident fishing license, ~~six~~ nine dollars, except that for a resident sixty-five years or over or a resident totally or permanently disabled, the license fee shall be ~~two~~ three dollars.
8. For a nonresident short-term seven-day fishing license, ~~eight~~ thirteen dollars.
9. For a resident husband and wife fishing license, ~~ten~~ thirteen dollars.

SECTION 2. A new subsection to section 20.1-03-12 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

For a nonresident short-term three-day fishing license, eight dollars.

SECTION 3. EFFECTIVE DATE. This Act is effective for the fishing seasons starting on or after May 7, 1988.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 278

SENATE BILL NO. 2482
(Senator Nelson)
(Representatives Belter, Dalrymple)

HABITAT RESTORATION STAMPS

AN ACT to amend and reenact section 20.1-03-12.1 of the North Dakota Century Code, relating to habitat restoration stamps; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 20.1-03-12.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-12.1. Habitat restoration stamp required - Use of revenue - No land purchases allowed. A habitat restoration stamp shall be is required for every resident and nonresident ~~small~~ general game hunting license for which a stamp fee of three dollars shall be charged. The habitat restoration stamp fee shall be is in addition to the annual general game license and ~~small game hunting license fees~~ fee charged pursuant to section 20.1-03-12. No land shall may be purchased with habitat restoration stamp moneys. ~~The All~~ moneys generated by the habitat restoration stamp fee program, including the habitat restoration stamp print, the interest earned on the habitat restoration stamp program, the interest earned on any unspent habitat restoration stamp program funds, and any and all other moneys resulting from the habitat restoration stamp program must be placed in the habitat restoration stamp fund and are intended to provide a fund to lease privately owned lands for wildlife habitat. Not more than ten percent of this fund may be used for administrative purposes. All other moneys generated by the habitat restoration stamp fee shall program must be used for lease payments. Any moneys generated by the habitat restoration stamp fee program and not expended during a biennium shall remain in the fund ~~to~~ must be expended for the same purposes during the next biennium. Any land needed for reestablishing the wildlife population and habitat may be leased for periods up to six years, but no more than ~~twenty acres~~ {8.09 hectares} forty acres [16.18 hectares] in any section [259.00 hectares] of land may be leased for such purposes. Hunting shall may not be prohibited on such lands. In those judicial districts encompassing the historically prime pheasant range, as determined by the state game and fish commissioner, fifty percent of the expenditures within that judicial district must be for pheasant restoration and enhancement.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 1988.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 279

HOUSE BILL NO. 1263
(Representatives L. Hanson, Marks)
(Senators Langley, Wogsland)

HUNTING WITH HORSES OR MULES

AN ACT to amend and reenact section 20.1-05-04 of the North Dakota Century Code, relating to the use of horses and mules in the taking of big game.

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

SECTION 1. AMENDMENT. Section 20.1-05-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-05-04. Using ~~dogs, horses,~~ certain animals and artificial lights in taking big game unlawful. No person, to hunt, pursue, kill, take, or attempt to take, or to aid in the hunting or taking of, any big game animal, shall:

1. Use any ~~dog, horse, mule, or other~~ animal except horses or mules.
2. Use any artificial light, including spotlights and automobile and motorcycle headlights.
3. Engage in the practice commonly known as shining for deer. Any person who shines any area commonly frequented by big game animals with any artificial light, between the hours of sunset and sunrise, is in violation of this section. However, any person may use a flashlight of not over two cells in the aggregate of four volts to take raccoon.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 280

**SENATE BILL NO. 2451
(Schoenwald)**

BIG GAME HUNTING BY BLIND PERSONS

AN ACT to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to the taking of big game by blind persons.

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

SECTION 1. A new section to chapter 20.1-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

Taking of big game by blind persons. Any individual who is totally or partially blind and who holds a valid big game hunting license may be accompanied by and have a person designated on the license, who is otherwise qualified, hunt big game for that individual except as provided by section 20.1-01-12.

Approved April 7, 1987
Filed April 9, 1987

CHAPTER 281

HOUSE BILL NO. 1437
(Gunsch, C. Williams)

SPEARFISHING

AN ACT to amend and reenact section 20.1-08-04.4 of the North Dakota Century Code, relating to the governor's proclamation concerning underwater spearfishing.

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

SECTION 1. AMENDMENT. Section 20.1-08-04.4 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-08-04.4. Governor's proclamation concerning underwater spearfishing. The governor shall by proclamation provide for a season for resident underwater spearfishing for game fish in this state in a manner as the governor shall prescribe ~~for the fishing seasons beginning in 1986 and 1987.~~

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 282

HOUSE BILL NO. 1497
(Marks, J. Nelson, Hokana, W. Williams, R. Berg)

MUZZLELOADER HUNTING SEASON

AN ACT to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the hunting of deer with muzzleloading long guns.

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 North Dakota Century Code is hereby created and enacted to read as follows:

Governor's proclamation concerning the hunting of deer with muzzleloading long guns. The governor shall by proclamation provide for a one-week season following the regular deer hunting season to hunt deer with muzzleloading long guns in such manner, number, places, and times as the governor prescribes. Licenses to hunt deer with muzzleloading long guns shall be issued by the commissioner in the order the applications for the licenses are received by the commissioner, with a maximum of five 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 20, 1987
Filed March 23, 1987

CHAPTER 283

SENATE BILL NO. 2400
(Nelson)GAME AND FISH VIOLATORS PROPERTY
CONFISCATION

AN ACT to amend and reenact sections 20.1-10-03 and 20.1-10-04 of the North Dakota Century Code, relating to confiscation of property taken or used during game and fish violations.

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

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

20.1-10-03. Confiscated property - Courts having jurisdiction - When it may be sold Requisites for disposition. A court having jurisdiction of an alleged offense against this title may order the sale disposition of all birds, animals, or fish, or any part thereof, or other property which that has been confiscated. This order may be entered only after a hearing duly had upon proper notice to the owner and after due and proper finding by the court that the property:

1. Was taken, killed, possessed, or being transported contrary to law by the person from whom it was seized.
2. Was being used in violation of this title at the time it was seized.
3. Had been used in violation of this title within six months previous to the time it was seized.

SECTION 2. AMENDMENT. Section 20.1-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-10-04. Who to sell confiscated property - Bills of sale - Disposition of proceeds of sale. All confiscated property ordered sold shall be sold by the commissioner, or by any of his bonded appointees, that a court has ordered to be disposed of by the commissioner must be turned over to the North Dakota wildlife federation to be sold for

the highest price obtainable. On any such sale of animals, birds, or fish, or parts thereof, the seller shall issue to each purchaser a bill of sale on forms prepared and furnished by the commissioner. The sale proceeds, after the ~~expense~~ expenses of the seizure and the sale ~~is~~ are deducted, shall ~~must~~ be remitted ~~to the commissioner~~ promptly by the person under whose authority and supervision the sale was made to the North Dakota wildlife federation report all poachers fund. The remittance shall ~~must~~ be accompanied by a complete and certified report of the sale supported by proper vouchers covering all deductions made for expenses. This report shall ~~must~~ be filed for record with the commissioner. The commissioner shall pay into the state treasury for credit to the game and fish fund all money received by him from these sales-

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 284

HOUSE BILL NO. 1501
(Knell, Gunsch)

PRIVATE SHOOTING PRESERVES

AN ACT to create and enact a new section to chapter 20.1-12 of the North Dakota Century Code, relating to the harvesting of game birds on private shooting preserves; and to amend and reenact sections 20.1-12-02, 20.1-12-03, 20.1-12-05, and 20.1-12-07 of the North Dakota Century Code, relating to private shooting preserves.

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

SECTION 1. AMENDMENT. Section 20.1-12-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-12-02. Operating permit for shooting preserve. Any person owning, holding, or controlling, by lease or otherwise, any contiguous tract of land of not more than one thousand two hundred eighty acres [548 hectares], who desires to establish a shooting preserve under this chapter, may apply to the commissioner for a shooting preserve operating permit. The application shall must be made by the applicant, his the applicant's agent, or his the applicant's attorney; shall must be in such form as the commissioner may prescribe; and shall must be accompanied by the surety bond required by this chapter and by the appropriate operating permit fee. Acreage [hectarage] amounts shall must include lands used for hatching, game production areas, or headquarters areas. Upon the receipt of the application, the commissioner shall inspect the area described therein, including the facilities, and shall investigate the ability of the applicant to operate an area of this character, in accordance with section 20.1-12-03. The permit, if granted, shall must be issued for one year, and may be renewed annually by payment of the appropriate operating permit fee and the renewal of any surety bond that may have expired, or shall expire, before the end of the next permit term.

SECTION 2. AMENDMENT. Section 20.1-12-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-12-03. Prerequisites for the issuance of permits - Bonds. Before issuing any permit under this chapter, the commissioner shall determine that:

1. The applicant is financially able to provide the necessary facilities and services to operate a shooting preserve.
2. The applicant proposes to comply with this chapter.
3. The operation of the preserve will not work a fraud upon persons permitted to hunt thereon.
4. The operation of the preserve is not designed to circumvent game laws or regulations.
5. The issuance of the permit will be in the public interest.

Before any permit is issued to the applicant, he that person must file a two thousand dollar bond to the state, executed by a surety company authorized to do business in the state, and conditioned that the applicant will comply with the provisions of this chapter and the rules and regulations promulgated adopted by the commissioner thereunder, and will pay any fine and costs upon conviction of the permittee for violation of this chapter and all reasonable costs arising from any hearing for revocation or suspension of the permit. The bond requirement of this section does not apply to any person who is both the record title owner and operator of a private shooting preserve.

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

20.1-12-05. Operation of shooting preserve - Game license required-- Season - Search of premises permitted. Any guest of a shooting preserve operator, in possession of a general game license, may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish his 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 shall must be clearly defined and posted with signs erected around the extremity at intervals of ~~one~~ three hundred ~~fifty~~ feet [~~45-72~~ 91.44 meters] or less. Each shooting preserve operator and his 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 section 20.1-01-10. The season for shooting preserves may be all or part of the seven-month period beginning September first and ending March thirty-first of the following year. All permits shall must be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the commissioner may enter and search the premises

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

SECTION 4. A new section to chapter 20.1-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

Game birds harvested. Twenty percent of the game birds released on any shooting preserve must remain unharvested. When eighty percent of the game birds released on the shooting preserve have been harvested, the operation of the shooting preserve must cease until additional birds have been released.

SECTION 5. AMENDMENT. Section 20.1-12-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-12-07. Guest register and records to be maintained. Each shooting preserve operator shall maintain a guest register listing the guest's name, his and address, the number of his North Dakota general game license, the date on which he the guest hunted, the number of game birds and species taken and their tag numbers, with wild birds and operator released birds listed separately. A record ~~shall~~ must also be maintained by each shooting preserve operator of the source of game released in his the operator's preserve, the date of release, and the number and kind of game bird or species released. The records required by this section ~~shall~~ must be open for inspection by the commissioner, his the commissioner's representative, or any law enforcement officer at any reasonable time.

Approved March 19, 1987
Filed March 20, 1987