

GAME, FISH, AND PREDATORS

CHAPTER 194

H. B. No. 706
(Gronhovd, Sorlie, Diehl,
Breum, Strand)

LEASING LAND FOR DEVELOPMENT AND IMPROVEMENT

AN ACT

To authorize the state game and fish department to lease land which is under its jurisdiction to nonprofit corporations for development and improvement.

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

§ 1. State Game and Fish Department Land: Leasing of.)

The state game and fish department is hereby authorized to lease, for a period of not more than ninety-nine years, any land under its jurisdiction, for the purpose of development and improvement, to any nonprofit corporation upon the consideration of specified improvements to be made by such corporation and such other improvements as the state game and fish department and the leasing nonprofit corporation may subsequently agree upon. Such lease shall provide that all funds received by the corporation from such property shall be expended upon the leased premises for development and improvements and such other terms and conditions as may be agreed upon. The participating nonprofit corporation shall have the authority, subject to the approval of the state game and fish department, to sublease the premises for cabin sites and other recreational purposes. Upon the termination of the lease, the leased property, together with all improvements shall revert to the state game and fish department.

Approved March 14, 1959.

CHAPTER 195

H. B. No. 683
(Goebel, Schuler, Dahl)

TURTLE REGULATIONS

AN ACT

Providing for the regulating of the taking of turtles within this state.

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

§ 1. Turtles Not To Be Taken Without Permit or Contract From Game and Fish Commissioner.) No person shall engage in the commercial taking, trapping or hooking of turtles within this state, without first having obtained a permit so to do, from the game and fish commissioner, who shall have authority to issue such permits at his discretion, when he deems it advisable and he shall have the authority to designate the form of such permits, the areas or waters in which such permits shall be valid and such other restrictions as he may deem advisable.

The commissioner shall have authority to contract with any person at his discretion, to engage in the removal of turtles from any waters or areas of this state. Any moneys derived from the sale of turtle permits or from turtle removal contracts shall be credited to the game and fish fund in the same manner as income from sale of fishing licenses.

Approved March 13, 1959.

CHAPTER 196

S. B. No. 62
(Krause)

TAKING OF FUR-BEARING ANIMALS

AN ACT

To amend and reenact subsection 7 of section 20-0101, subsection 1 of section 20-0302 and section 20-0702 of the 1957 Supplement to the North Dakota Revised Code of 1943 and to repeal sections 20-0711, 20-0712, 20-0714, 20-0715, 20-0716, 20-0717, and 20-0718 of the North Dakota Revised Code of 1943 and sections 20-0710 and 20-0713 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the definition of game animals, license to take beaver, season for taking fur-bearing animals and to authorize the governor by proclamation to protect beavers, raccoons, and badgers.

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

§ 1. **Amendment.**) Subsection 7 of section 20-0101 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. "Game animals" shall include big game animals, as herein defined and mink, muskrats, and weasels;

§ 2. **Amendment.**) Subsection 1 of section 20-0302 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

§ 3. **Amendment.**) Section 20-0702 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0702. Fur-Bearing Animals Which Are Protected: Not To Be Taken or Disturbed During Closed Seasons.) No person

shall hunt, shoot, trap, or take, in this state, any mink, muskrats, weasels, or tree squirrels, except during the open or lawful season thereon as established under the provisions of section 20-0801 or section 20-0704. The governor may, by proclamation, place beavers, raccoons and badgers on the protected list of fur-bearing animals at any time, and may keep such fur-bearers on the protected list for such length of time as he may deem reasonable and necessary. If such fur-bearers are placed on the protective list as provided for in this section, the governor may, by proclamation, prescribe the area, manner and number that may be hunted, trapped, shot or taken.

§ 4. Repeal.) Sections 20-0711, 20-0712, 20-0714, 20-0715, 20-0716, 20-0717, and 20-0718 of the North Dakota Revised Code of 1943 and sections 20-0710 and 20-0713 of the 1957 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 17, 1959.

CHAPTER 197

H. B. No. 563

(Saugstad, Breum, Wheeler, Magnuson)

GAME AND FISH COMMISSIONER, TERM OF OFFICE

AN ACT

To amend and reenact section 20-0201 of the North Dakota Revised Code of 1943, relating to the term of office of the state game and fish commissioner.

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

§ 1. Amendment.) Section 20-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0201. State Game and Fish Commissioner: Office To Be Maintained; Appointment; Term; Removal.) A state game and fish commissioner shall be appointed by the governor, and he shall hold office for a term of two years beginning on the first day of July of each odd numbered year, and until his successor is appointed and qualified. Such commissioner shall be subject to removal by the governor for cause only.

Approved March 14, 1959.

CHAPTER 198

S. B. No. 111
(Hernett, Fiedler, Krause,
(Wadeson, Vendsel)

GAME AND FISH DEPARTMENT EMPLOYEES

AN ACT

To amend subsection 1 of section 20-0205 of the North Dakota Revised Code of 1943 to provide for the appointment and removal of a chief warden, district deputy wardens, biologists and technicians, and other employees and to repeal sections 20-0208 of the North Dakota Revised Code of 1943 and 20-0211 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the appointment of a chief warden and deputy district wardens.

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

§ 1.) Subsection 1 of section 20-0205 of the North Dakota Revised Code of 1943 is amended and reenacted to read as follows:

20-0205. Powers of Commissioner.) The commissioner may:

1. Employ such part-time, temporary or probationary wardens, biologists, technicians or other assistants as may be necessary in performing the duties of his office and may remove such employees at will. The salaries and necessary traveling and other expenses of such appointees shall be authorized, audited, and paid in the same manner as the salaries and expenses of state officers are authorized, audited, and paid. The total expenditures for such salaries and expenses, however, shall not exceed the amount appropriated therefor;

§ 2. Chief Game Warden, District Deputy Game Wardens, Biologists and Technicians; Appointment; Removal.) The commissioner with the approval of the governor, may appoint the following permanent employees:

1. A chief game warden who shall enforce all game and fish laws of this state and supervise all deputy game wardens;
2. Twenty-three district deputy game wardens, to be assigned to such district as shall be determined by the commissioner, whose duty it shall be to enforce all game and fish laws of this state; and
3. Such biologists and technicians with specialized training and experience as shall be necessary, who shall perform such duties as may be specified by the commissioner.

Such appointees shall be removed for cause only and in the manner specified in this Act.

§ 3. Bond and Oath of Deputy Commissioner, Chief Game Warden and Deputy Game Wardens.) The deputy commissioner and chief game warden, within ten days of appointment, shall take the oath prescribed for civil officers and file the same with the secretary of state and shall furnish a bond in the penal sum of five thousand dollars. Each deputy game warden, before entering upon the discharge of his duties shall furnish a bond in the penal sum of one thousand dollars.

§ 4. Removal Proceedings; Game and Fish Hearing Board.) The removal of all game and fish employees other than the deputy commissioner, and temporary, part-time or probation appointees may be instituted only by the filing of a verified written charge with the governor. If the governor believes that such charges constitute grounds for removal he shall order a hearing thereon, on fifteen days notice to the individual accused, before a hearing board which shall consist of the governor as chairman and the secretary of state and the attorney general. If the governor believes that such charge or charges do not constitute grounds for removal, he shall dismiss the charges forthwith.

§ 5. Time of Hearing; Notice of Hearing and of Determination.) The hearing specified in section four hereof shall be held within sixty days of the filing of the charges. Not less than fifteen days before the time set for the hearing, notice thereof, signed by the governor, together with a copy of the written charges, shall be served upon the individual accused, by personal service if his whereabouts is known, within the state of North Dakota, otherwise by publication in the manner provided by law for the service of summons in a civil action. The hearing board shall have authority to hear such charge or charges and make an appropriate order in the proceedings, which order shall be filed with the governor, and if it shall be an order of removal, it shall be served upon the individual removed either in person or by registered mail within ten days after its issuance.

§ 6. Suspension Pending Hearing.) In the event that the governor orders a hearing, he may at his discretion, suspend such accused individual pending the final determination of the hearing board and if the charges are dismissed, such suspended individual shall be reinstated without loss of salary during the period of suspension.

§ 7. Appeal to District Court.) Any individual who is dismissed by order of the hearing board, may appeal to the district court of Burleigh County, North Dakota, which appeal

shall be taken and determined in the manner provided by chapter thirty-two of the title, Judicial Procedure, Civil.

§ 8. Repeal.) Section 20-0208 of the North Dakota Revised Code of 1943 and section 20-0211 of the 1957 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 17, 1959.

CHAPTER 199

H. B. No. 645
(Diehl, Breum, Bye, Sorlie)

SPECIAL PERMITS TO HUNT DEER

AN ACT

To amend and reenact section 20-0310 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to licenses to hunt big game and special permits to hunt deer.

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

§ 1. Amendment.) Section 20-0310 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0310. License to Hunt Big Game Required; Special Permits to Hunt Deer; Penalty.) No person shall hunt, kill, take, or attempt to take in this state any big game without having a big game hunting license as prescribed in this chapter. In addition to the regular big game hunting license the governor by order or proclamation may authorize the issuance of special permits to hunt deer in certain restricted areas which he shall designate. The number of special permits issued shall be determined by order or proclamation of the governor and shall be issued to those applicants who first apply for such permits, until all the authorized permits have been issued. The fee for such permits shall be one dollar for both residents and nonresidents. No big game hunting license or special permit shall be sold to any person or purchased for any person under the age of fourteen years, but the age limitation herein prescribed shall not apply to applicants for big game licenses for hunting big game by bow and arrow during any open bow and arrow season. Any person violating the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the

county jail for not less than twenty days nor more than thirty days, or by both such fine and imprisonment. Each violation of this section shall be a distinct and separate offense.

Approved March 14, 1959.

CHAPTER 200

H. B. No. 771
(Saugstad)

FISHING LICENSES

AN ACT

To provide authorization for the issuance to nonresidents of a short term fishing license; to provide for a resident family fishing license; and to amend and reenact section 20-0312 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the schedule of fees for hunting and fishing licenses.

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

§ 1. Nonresident Short Term Fishing License.) In addition to the regular nonresident fishing license provided for in section 20-0309 there is hereby authorized a nonresident short term fishing license. This license shall be valid for a period not to exceed seven days from date of issue, and the fee for such license shall be one dollar.

§ 2. Resident Family Fishing License.) In addition to the regular resident fishing license provided for in section 20-0304 there is hereby authorized a resident family fishing license which shall allow only the husband and wife of a family to fish in this state under one family license. Such license shall be valid for the same period as other resident fishing licenses and the fee for such license shall be three dollars. Such license shall be issued in duplicate, and one copy of such license shall be in the possession of the husband and one copy in the possession of the wife while such parties are actually engaged in fishing.

§ 3. Amendment.) Section 20-0312 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0312. Schedule of Fees for all Hunting, Trapping, or Fishing Licenses.) The various hunting, trapping or fishing license fees shall be as follows:

1. For a resident hunting license, the sum of two dollars of which fifty cents shall be credited to the state game and fish bounty fund;
2. For a nonresident hunting license, the sum of twenty-five dollars;
3. For a resident big game hunting license, the sum of six dollars of which one dollar shall be credited to the game and fish bounty fund;
4. For a nonresident big game hunting license, the sum of fifty dollars and for a nonresident bow license, the sum of twenty-five dollars;
5. For a resident trapping license, the sum of one dollar;
6. For a nonresident trapping license, the sum of one hundred dollars;
7. For a resident fishing license, the sum of two dollars;
8. For a nonresident fishing license, the sum of five dollars;
9. For a nonresident short term fishing license, the sum of one dollar; and
10. For a resident family fishing license, the sum of three dollars.

Approved March 13, 1959.

CHAPTER 201

S. B. No. 194

(Hernett, Wadeson, Krause, Fiedler)

TRANSPORTATION OF GAME AND FISH BY NONRESIDENTS

AN ACT

To amend and reenact section 20-0328 and subsection 1 of section 20-0329 of the North Dakota Revised Code of 1943, relating to the transportation of game or fish by nonresidents and to provide for a limitation on the total number of certain game birds which may be taken during the year by nonresidents and providing a penalty.

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

§ 1. **Amendment.**) Section 20-0328 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0328. Transportation of Game or Fish By Nonresidents Having a Hunting, Trapping or Fishing License.) Any nonresident having a nonresident hunting, trapping or fishing license who is lawfully in possession of any game animals, or fish, may:

1. Carry such animals, or fish with him on leaving this state; or

2. Ship by common carrier, upon identifying himself by displaying his nonresident license, such animals, or fish, if such shipment is carried openly for the inspection of its contents and is plainly marked with a suitable tag bearing his name and address and the number of his nonresident hunting, trapping, or fishing license, and has attached to it a special shipping tag provided on the nonresident license form. The total number of such game animals, or fish shipped in any one season shall not exceed the number he may lawfully possess.

§ 2. Amendment.) Subsection 1 of section 20-0329 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. To any person having a resident hunting license, a permit or permits to ship, during the respective open seasons, not to exceed in any one season twenty-five protected game birds, to points within this state other than his home or to points outside of this state;

§ 3.) Subject to such limitations as may be specified by law or governor's proclamation, a nonresident shall not take or kill in this state nor transport or ship from this state nor carry from this state more than the following prescribed number of game birds during any one calendar year, to-wit:

ducks—20	geese and brant—12
pheasants—16	sharp-tailed grouse—12
Hungarian partridge—12	ruffed grouse—12

The number of swans, plovers, snipes, wood cocks, sage hens, quails, partridges, cranes, rails, coots, wild turkeys, and doves which may be taken, killed, possessed, transported or carried from this state by a nonresident shall be prescribed in the governor's proclamation.

The form of nonresident license to take game birds shall be prescribed by the commissioner and shall contain as a part thereof locking seals for the number of each prescribed species of game bird, and each seal shall bear the name of the species, and a number corresponding to the number of the license.

Each nonresident licensee shall immediately after killing a game bird, affix the prescribed seal around the leg of his kill in such a manner that the seal may not be removed without destroying same. Such seal shall remain attached until such time as the game bird is consumed or removed from this state and seal shall not be reused in any manner.

The license and unused seal shall be carried by the licensee at all times while hunting or in possession of game and shall be displayed for inspection to any game warden or peace officer.

Any person violating the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than thirty days or by both such fine and imprisonment.

Approved March 17, 1959.

CHAPTER 202

H. B. No. 685

(Schuler, Goebel, Saugstad)

POSSESSION OF GAME TAKEN LAWFULLY OUTSIDE THIS STATE

AN ACT

To amend and reenact sections 20-0332 and 20-0404 of the North Dakota Revised Code of 1943 and sections 20-0502 and 20-0603 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to possession of game lawfully taken outside the state.

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

§ 1. **Amendment.**) Section 20-0332 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0332. Game or Fish May Be Held After Close of Season Only Under Permit and When Tagged.) Except as otherwise provided in this title, no person shall take, kill, or wound, nor attempt to take, kill, or wound, any protected fish, game bird, or game animal, except during the open season therefor, nor have any such fish, bird, or animal, either dead or alive, except such as was lawfully taken during the open season, in his possession or under his control. It shall be presumed that any protected fish, bird, or animal, or any part thereof, found in the possession of any person after the close of the open season therefor was taken illegally unless the same is possessed under a permit issued under, and tagged in the manner prescribed in, section 20-0330 or was legally taken outside of the state and properly tagged with evidence indicating that such game was legally taken. The possession, transportation, or control of any protected fish, game bird, or game animal, or any part thereof, contrary to any provision of this section shall constitute a misdemeanor and shall be punishable by the same penalty as is provided for the illegal killing, catching, taking, or hunting thereof.

§ 2. Amendment.) Section 20-0404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0404. Possession Limit of Game Birds.) No person at any time shall possess, control, ship, transport, or store or can or otherwise preserve, more than a two days' bag limit of any species of game bird mentioned in this chapter, except that game birds legally taken outside of this state that are properly tagged with evidence that such bird had been legally taken, may be possessed, transported or shipped in this state.

§ 3. Amendment.) Section 20-0502 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0502. Season for Taking and Transporting Deer; Bag Limit on Deer.) Any person having a deer hunting license as prescribed in this title may take, kill, and transport one deer, in this state, during the open or lawful season therefor which shall be between the twentieth day of November and the following thirtieth day of November, both days inclusive, of each year, unless changed by proclamation of the governor in accordance with the provisions of this title, except that any big game, which has been lawfully taken in other states may be transported, shipped, possessed within this state when properly tagged with evidence that it has been lawfully taken.

§ 4. Amendment.) Section 20-0603 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0603. Legal Size Fish.) No person at any time, shall take, catch, kill, have in his possession or under his control any fish whose size is less than that prescribed and made legal by the governor's order and proclamation. Any person catching any fish that is under the legal size limit, immediately shall return the same to the water from which it was taken, with as little harm as possible to such fish. Fish of a species abounding in the waters of this state, which has been legally taken outside of this state, may be possessed, transported or shipped in this state, but evidence of having been legally taken shall accompany such fish, except that this provision shall not apply to persons, firms or corporations that peddle fish or sell such fish from a permanently located wholesale fish market, jobbing house or other place for the wholesale marketing of fish or grocery store or retail fish market which may legally possess such fish taken in other states by complying with section 20-0610.

Approved March 14, 1959.

CHAPTER 203

S. B. No. 106
(Freed and Krause)

REINSTATEMENT OF FISHING LICENSES

AN ACT

To amend and reenact section 20-0337 of the North Dakota Revised Code of 1943, relating to forfeiture and reinstatement of fishing licenses.

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

§ 1. **Amendment.)** Section 20-0337 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0337. Violators to Forfeit Licenses or Permits; Forfeited Licenses or Permits Not To Be Replaced; Reinstating License or Permit.) Any person convicted of violating any of the provisions of this title, in addition to the fine and imprisonment provided, shall forfeit any license or permit held by him for the privileges he has violated, and no license or permit shall be issued to such person, except as hereinafter provided, for the remainder of the year in which such violation occurred. However, in the case of a forfeiture of a fishing license for a first violation, such license or permit shall be reinstated thirty days from the date of such forfeiture.

Approved March 10, 1959.

CHAPTER 204

H. B. No. 684
(Schuler, Saugstad, Goebel)

HUNTING BLINDS

AN ACT

To amend and reenact section 20-0407 of the North Dakota Revised Code of 1943, relating to the use of blinds in hunting.

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

§ 1. **Amendment.)** Section 20-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0407. Blinds, Boats, and Decoys Lawfully Usable in Taking Ducks and Geese; When.) Stationary blinds on land, boats anchored in natural cover, blinds in waters within natural cover, and artificial decoys may be used in the taking of wild ducks and geese. In the taking of such waterfowl the use, directly or indirectly, of live duck or goose decoys shall not be permitted.

Approved March 13, 1959.

CHAPTER 205

H. B. No. 564
(Saugstad, Wheeler,
(Magnuson, Breum)

COLOR OF CLOTHING OF HUNTERS

AN ACT

To amend and reenact section 20-0505 of the North Dakota Revised Code of 1943, relating to the displaying of red, yellow, or orange on clothing worn by all persons hunting big game and wild turkeys.

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

§ 1. **Amendment.)** Section 20-0505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0505. Red, Yellow, or Orange Color To Be Displayed by Hunters of Wild Turkeys and Big Game.) All persons shall wear red, yellow, or orange caps while hunting big game animals or wild turkeys. In addition every person, while hunting big game animals or wild turkeys shall have one hundred and forty-four square inches of red, yellow, or orange color conspicuously displayed on his back and one hundred and forty-four square inches of red, yellow, or orange conspicuously displayed on his chest.

Approved March 14, 1959.

CHAPTER 206

H. B. No. 555
(Strege and Stallman)

ILLEGAL METHODS OF TAKING MINNOWS

AN ACT

To amend and reenact section 20-0607 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the taking of minnows, other than for resale, by the use of a dip net, minnow trap, or minnow seine.

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

§ 1. **Amendment.**) Section 20-0607 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0607. Illegal Methods for Taking Fish.) No person except as provided in section 20-0606 shall lay, set or use any drug, poison, lime, medicated bait, fish berries, dynamite or other lethal or injurious substance whatever; or lay, stretch or place any tip-up snare, trap, set or trot line, wire string, rope or cable of any sort in any of the waters of this state for the purpose of catching, taking, killing or destroying any fish. However, any person may take minnows by the use of a minnow trap or dip net not exceeding twenty-four inches in diameter or thirty-six inches in depth. A minnow seine not more than twenty-five feet in length may be used, however, by those persons holding a bait vendor's license for the taking of minnows for bait. Except as otherwise provided for in this section, dip nets may only be used as an aid in landing fish which have been legally taken by hook and line. One minnow trap per license holder, other than those holding bait vendor's license, may be used for the purpose of taking bait minnows. Such trap shall not be larger than specified in the governor's proclamation and shall be emptied at least once in every forty-eight hour period.

Approved March 14, 1959.

CHAPTER 207

S. B. No. 60
(Wadeson)

NONMIGRATORY WATERFOWL SEASON; REPEAL

AN ACT

To amend and reenact subsection 2 of section 20-0802 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the nonmigratory waterfowl bag limit and to repeal section 20-0806 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to nonmigratory waterfowl season.

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

§ 1. Amendment.) Subsection 2 of section 20-0802 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. A bag limit on migratory waterfowl which is less than the federal bag limit thereon;

§ 2. Repeal.) Section 20-0806 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 10, 1959.

CHAPTER 208

H. B. No. 561
(Saugstad, Wheeler, Magnuson, Breum)

BIG GAME, WILD TURKEYS

AN ACT

To amend and reenact section 20-0803 of the 1957 Supplement to the North Dakota Revised Code of 1943, which is section 2 of chapter 163 of the North Dakota Session Laws of 1953, relating to eligibility to apply for a license to hunt big game; to provide for authority of the governor to proclaim a permit season for taking wild turkey and to provide for a fee for such permits; and to repeal section 20-0803 of the 1957 Supplement to the North Dakota Revised Code of 1943, which is section 2 of chapter 156 of the North Dakota Session Laws of 1953, relating to contents of the governor's order or proclamation relating to the taking of game birds, fish and game animals.

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

§ 1. Amendment.) Section 20-0803 of the 1957 Supplement to the North Dakota Revised Code of 1943, section 2 of chapter

163 of the North Dakota Session Laws of 1953, is hereby amended and reenacted to read as follows:

20-0803. Contents of Governor's Order or Proclamation Relating to the Taking of Game Birds, Fish, and Game Animals.)

An order or proclamation issued by the governor pursuant to the provisions of this chapter shall prescribe, as to each species of game birds, fish, or game animals named therein, the following:

1. In what manner the same may be taken;
2. In what number the same may be taken and possessed and may limit such numbers by sex;
3. In what places the same may be taken; and
4. At what times the same may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued for the big game only. When a limited number of big game licenses are issued by lottery and the number of applicants is greater than the number of licenses to be issued, any applicant who is successful in obtaining such a license shall not be eligible to apply for a license to hunt the same species of big game for the four ensuing lottery years, except that owner operators or operators, living within the boundaries of the legal open area shall be entitled to apply for one such license for each farmstead unit in each consecutive season.

§ 2. Governor's Proclamation Relating to the Taking of Wild Turkeys.) The governor may by proclamation provide for a permit season to take wild turkeys in such manner, number, places and times as shall be deemed to be in the best interests of this state. The fee for a wild turkey permit shall be three dollars, provided however, that all applicants must have a resident hunting license.

§ 3. Repeal.) Section 20-0803 of the 1957 Supplement to the North Dakota Revised Code of 1943, which is section 2 of chapter 156 of the North Dakota Session Laws of 1953 is hereby repealed.

Approved March 14, 1959.

CHAPTER 209

H. B. No. 708
(Strege and Stallman)

DEPOSIT OF REFUSE UNLAWFUL

AN ACT

To create and enact section 20-1114 of the North Dakota Revised Code of 1943, prohibiting littering and deposit of refuse in and upon game refuges, lakes, rivers, parks, recreation areas, and in the immediate vicinity thereof, and providing a penalty for violations.

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

§ 1.) Section 20-1114 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

20-1114. The Deposit of Refuse Unlawful.) The deposit or leaving of any litter, refuse, rubbish, bottles, cans, or other waste materials on or about any game refuge, lake or river, public park or recreation area, or in the immediate vicinity thereof is prohibited. Any person violating any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment. Enforcement of the provisions of this Act shall be within the jurisdiction of police officers, sheriffs and deputies, as well as state game and fish department enforcement personnel.

Approved March 14, 1959.

CHAPTER 210

H. B. No. 545
(Poling, Berntson, Saugstad)
(From LRC Study)

PROOF OF KILL ON PREDATORY ANIMALS

AN ACT

To amend and reenact sections 20-1302, 20-1303, 20-1304, 20-1305, 20-1309, 20-1402, 20-1403, 20-1404, 20-1405, 20-1406, and 20-1410 of the North Dakota Revised Code of 1943, relating to proof of kill for the collection of bounties on predatory animals and birds, and to penalties.

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

§ 1. **Amendment.)** Section 20-1302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1302. Method and Time of Claiming Bounties on Wolves and Coyotes.) The state game and fish commissioner shall determine what part of the animal, if any, shall be exhibited for proof of kill for the collection of a bounty. Any person having killed an animal for which a bounty is provided in section 20-1301 may obtain the bounty by:

1. Exhibiting to the county auditor of the county in which the animal was killed the proof of kill as determined by the game and fish commissioner;
2. Filing with such auditor an affidavit stating that he killed such animal or caused it to be killed, and the name of the county in which, and the date upon which, the same was killed;
3. Filing with such auditor statements from two resident taxpayers of the county stating that they are acquainted with the person exhibiting the proof of kill, and that, to the best of their knowledge and belief, the animal from which the proof of kill exhibited was taken was killed within the limits of the county.

The proof of kill must be exhibited and the affidavit and statements filed within ninety days after the date upon which the animal was killed.

§ 2. **Amendment.)** Section 20-1303 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1303. Proof of Kill To Be Examined and Marked; Certificate Required; Issuance; Contents.) The county auditor and the county treasurer, or in the latter's absence, the clerk of

the district court, shall examine minutely and count all proof of kill exhibited for the purpose of obtaining the bounty. If such examination discloses that the proof of kill is adequate, the county auditor shall mark the proof of kill in such manner as the game and fish commissioner has directed. The county auditor then shall make out and deliver to the person exhibiting the proof of kill a certificate duly signed by him in his official capacity and attested by the other officer acting with him, showing:

1. The number and kinds of proofs of kill marked;
2. The name of the person exhibiting the proof of kill;
3. The filing of the affidavit and statements, as required in section 20-1302; and
4. The making of the examination required in this section.

§ 3. Amendment.) Section 20-1304 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1304. Additional Proof of Time, Place, and Manner of Killing Animal Required; When.) If any county auditor or officer acting with him has reason to believe that any person exhibiting a proof of kill, as provided in this chapter, has evaded the provisions of this chapter to obtain the bounty unlawfully, such officer shall require satisfactory evidence of the time, place, and manner of the killing of the animal from which such proof of kill was taken.

§ 4. Amendment.) Section 20-1305 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1305. Record of Proof of Kill Exhibited and Marked To Be Kept by County Auditor; Contents.) The county auditor shall keep in a bound book an official record of all proofs of kill marked. Such record shall show:

1. The date the proofs of kill were marked;
2. The number and kinds of proofs of kill marked;
3. The name of the person exhibiting such proofs of kill; and
4. The names of the taxpayers submitting statements with reference thereto.

§ 5. Amendment.) Section 20-1309 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1309. General Penalty.) Any person who shall present to a county auditor any proof of kill which has been marked previously, with intent to defraud this state, and any officer who shall sign any certificate provided for in this chapter without first counting the proofs of kill exhibited to him,

or who shall intentionally evade any of the provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

§ 6. Amendment.) Section 20-1402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1402. Method and Time of Claiming Bounties on Magpies Killed.) The state game and fish commissioner shall determine what part of the magpie, if any, shall be exhibited for the proof of kill for the collection of a bounty. Any person who has killed a magpie may obtain the bounty by:

1. Exhibiting the proof of kill of such bird to the county auditor of the county in which the magpie was killed;
2. Filing with such auditor an affidavit stating that he killed such bird or caused it to be killed and giving the name of the county in which, and the date upon which, the same was killed; and
3. Filing statements from two resident taxpayers of the county stating that they are acquainted with the person exhibiting the proof of kill, and that, to the best of their knowledge and belief, the bird from which the proofs of kill exhibited were taken was killed within the limits of the county.

The proofs of kill must be exhibited and the affidavit and statements filed within sixty days after the date upon which the bird was killed.

§ 7. Amendment.) Section 20-1403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1403. Proofs of Kill To Be Examined; Certificate Required; Issuance; Contents.) The county auditor and the county treasurer, or in the latter's absence, the clerk of the district court, shall examine minutely and count all proofs of kill exhibited for the purpose of obtaining the bounty. If such examination discloses that the proofs of kill are from the magpie, the county auditor shall make out and deliver to the person exhibiting the proof of kill a certificate duly signed by him in his official capacity and attested by the other officer acting with him, showing:

1. The number of proofs of kill exhibited;
2. The name of the person exhibiting the proof of kill;
3. The filing of the affidavit and statements, as required in section 20-1402; and
4. The making of the examination required in this section.

§ 8. **Amendment.)** Section 20-1404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1404. Additional Proof of Time, Place, and Manner of Killing of Magpies Required; When.) If any county auditor or officer acting with him has reason to believe that any person exhibiting the proofs of kill of any bird, as provided in this chapter, has evaded the provisions of this chapter to obtain the bounty unlawfully, such officer shall require satisfactory evidence of the time, place, and manner of the killing of the bird from which such proofs of kill were taken.

§ 9. **Amendment.)** Section 20-1405 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1405. Record of Proofs of Kill Exhibited To Be Kept by County Auditor; Contents.) The county auditor shall keep in a bound book an official record of all proofs of kill exhibited to him as is provided in section 20-1402. The record shall show:

1. The date the proofs of kill were exhibited;
2. The number of proofs of kill exhibited;
3. The name of the person exhibiting the same; and
4. The names of the taxpayers submitting statements with reference thereto.

§ 10. **Amendment.)** Section 20-1406 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1406. Retention and Destruction of Proofs of Kill by County Auditor.) The county auditor shall retain all proofs of kill which have been exhibited to him as is provided in section 20-1402 and shall cause the same to be destroyed.

§ 11. **Amendment.)** Section 20-1410 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1410. General Penalty.) Any person who, with intent to defraud this state, shall exhibit any proof of kill which is not a part of a magpie or on which a bounty has been paid, and any officer who shall sign any certificate provided for in this chapter without first counting the proofs of kill exhibited to him, or who shall intentionally evade any of the provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved March 11, 1959.