

# GAME, FISH, PREDATORS, AND BOATING

## CHAPTER 200

### HOUSE BILL NO. 1239

(Representatives Hofstad, S. Meyer, Porter)  
(Senators Heckaman, Oehlke)

AN ACT to amend and reenact section 20.1-01-17 of the North Dakota Century Code, relating to posting of lands to prohibit hunting; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 20.1-01-17 of the North Dakota Century Code is amended and reenacted as follows:

#### **20.1-01-17. Posting of lands by owner ~~or tenant~~ to prohibit hunting - How posted - Signs defaced.**

1. Only the owner or tenant or an individual authorized by the owner of ~~any~~ land may post ~~# the land~~ by placing signs alongside the public highway or the land giving notice that ~~no~~ hunting is not permitted on the land. The name of the person posting the land must appear on each sign in legible characters. The signs must be readable from the outside of the land and must be placed conspicuously not more than eight hundred eighty yards [804.68 meters] apart. As to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed land. ~~No~~
2. A person may in any manner not deface, take down, or destroy posting signs, or post property without the permission of the owner or tenant or an individual authorized by the owner.
3. Even if the conduct of the owner, tenant, or individual authorized by the owner varies from the provisions of subsection 1, an individual may be found guilty of violating section 20.1-01-18 if the owner, tenant, or individual authorized by the owner substantially complied with subsection 1 and notice against hunting or trespassing is clear from the circumstances.

Approved April 24, 2009  
Filed April 29, 2009

**CHAPTER 201**

**HOUSE BILL NO. 1217**

(Representatives Kerzman, Froelich, Hanson, Porter)  
(Senators Krauter, Lyson, Wanzek)

AN ACT to amend and reenact section 20.1-01-22 of the North Dakota Century Code, relating to hunting on lands having unharvested oilseed crops; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 20.1-01-22 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-01-22. Hunting game on lands having unharvested crops unlawful.**

It is unlawful to hunt or pursue game in unharvested cereal or oilseed crops without permission of the owner or tenant. ~~Such Cereal~~ crops include alfalfa, clover, and other grasses grown for seed. Oilseed crops include sunflower, safflower, rapeseed or canola, crambe, soybeans, and flax.

Approved April 21, 2009  
Filed April 22, 2009

**CHAPTER 202****HOUSE BILL NO. 1188**

(Representatives Porter, Damschen, DeKrey, Hanson)  
(Senators Hogue, Lyson)

AN ACT to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to exploitation of wildlife; to amend and reenact section 20.1-01-26 of the North Dakota Century Code, relating to suspension of hunting, trapping, or fishing privileges; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 20.1-01-26 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-01-26. Suspension of hunting, trapping, or fishing privileges - Surrender and return of license.** In addition to the penalty provided upon conviction under this title, the court may suspend the defendant's hunting, trapping, or fishing privileges for up to three years; however, if the defendant is convicted of an offense under section 2 of this Act, the court may suspend the defendant's hunting, trapping, or fishing privileges for up to the life of the defendant but not less than five years. The court may not suspend the defendant's privileges for a noncriminal violation if the defendant has not been convicted for a violation of this title in the last three years. Upon conviction for a violation of section 20.1-01-18, the court shall suspend the defendant's hunting, fishing, and trapping privileges for a period of at least one year, two years for the second conviction, and three years for the third or subsequent conviction. At the time of the suspension, the court shall determine whether the defendant must successfully complete the hunter education course provided for in section 20.1-03-01.1, as prescribed by the proper state or provincial natural resources or wildlife management agency, before the defendant may purchase a new or obtain the return of a valid hunting license.

Upon imposition of the suspension, the court shall take any hunting, trapping, or fishing license or permit held by the defendant and forward it, together with a certified copy of the suspension order, to the director. Except as otherwise provided in this section, upon expiration of the suspension, the director shall return the person's license or permit if it is still valid. No person may purchase, or attempt to purchase, a hunting, trapping, or fishing license or permit during a suspension period. If the court so ordered, no person who has had a hunting license suspended may purchase or attempt to purchase a hunting license nor may the director return a valid hunting license until the person has successfully completed the course provided for in section 20.1-03-01.1 and as prescribed by the proper state or provincial natural resources or wildlife management agency. A certificate of completion for a similar course issued by any other state or province of Canada is sufficient to meet this requirement. The person shall file proof of that completion with the court.

For the purpose of this section, the term "conviction" includes an admission or adjudication of a noncriminal violation.

**SECTION 2.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

**Exploitation of wildlife - Penalty.**

1. A person is guilty of exploitation of wildlife if that person intentionally:
  - a. Commits five or more title 20.1 class A misdemeanor offenses within a two-year period;
  - b. Commits seven or more title 20.1 misdemeanor offenses within a two-year period;
  - c. Furnishes assistance, management, or supervision to an individual who commits or assists in the commission of seven or more title 20.1 misdemeanor offenses within a two-year period; or
  - d. Commits a title 20.1 misdemeanor offense after having been previously convicted of seven or more title 20.1 misdemeanor offenses within a ten-year period.
  
2. Violation of this section is a class C felony and, in addition to other penalties imposed by law, is subject to section 20.1-01-26. The defendant being over a daily or possession limit of fish, small game, or waterfowl is not sufficient as a predicate offense for a conviction under subdivision b or c of subsection 1 unless the state proves that the conduct occurred over more than three days or the person takes or possesses more than four times a daily limit and the state alleges and proves beyond a reasonable doubt that the minimum number of predicate offenses required were committed intentionally. Except for a charge under subdivision d of subsection 1, the state may not charge an individual for both the predicate offense and a charge under this section. A conviction from another state or a federal court for an offense similar to one prescribed in title 20.1 may be used as a conviction under this section.

Approved April 28, 2009  
Filed May 1, 2009

**CHAPTER 203****SENATE BILL NO. 2146**  
(Transportation Committee)  
(At the request of the State Treasurer)

AN ACT to amend and reenact section 20.1-02-16.6 of the North Dakota Century Code, relating to the transfer of motorboat registration fee revenues.

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

**SECTION 1. AMENDMENT.** Section 20.1-02-16.6 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-02-16.6. Motorboat programs and safety account - Transfer from highway tax distribution fund.** ~~On Each year in the month of 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 motorboats licensed with the game and fish department as of July first of that year.

Approved April 8, 2009  
Filed April 9, 2009

**CHAPTER 204****SENATE BILL NO. 2165**

(Senators Krauter, Lyson)

(Representatives Damschen, DeKrey, Kerzman, Nottestad)

AN ACT to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion.** The director 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 director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

<sup>106</sup> **SECTION 2. AMENDMENT.** Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
  - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in the youth deer hunting season.

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<sup>106</sup> Section 20.1-03-11 was also amended by section 1 of House Bill No. 1167, chapter 205.

- b. An individual hunting under subdivision a must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section, "accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.

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

**Apprentice hunter validation.** An individual born after December 31, 1961, who is sixteen years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication.

Approved April 30, 2009

Filed May 1, 2009

**CHAPTER 205****HOUSE BILL NO. 1167**

(Representatives Delzer, Nottestad, Weiler)

(Senators Freborg, Fischer)

AN ACT to amend and reenact subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to eligibility to hunt during the youth deer hunting season.

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

<sup>107</sup> **SECTION 1. AMENDMENT.** Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No~~ A person ~~shall~~ may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ An individual may not apply for or be issued a big game hunting license if that person's individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season provided, however, that an individual who is under fourteen years of age and who will be eligible to hunt on the opening date of the regular deer hunting season may hunt during the youth deer season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense.

Approved April 16, 2009  
Filed April 17, 2009

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<sup>107</sup> Section 20.1-03-11 was also amended by section 2 of Senate Bill No. 2165, chapter 204.

**CHAPTER 206****HOUSE BILL NO. 1240**

(Representatives Hofstad, Hanson, Porter)  
(Senators Hogue, Oehlke)

AN ACT to amend and reenact subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code, relating to guide and outfitter license exemptions.

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

<sup>108</sup> **SECTION 1. AMENDMENT.** Subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code is amended and reenacted as follows:

4. A Except as otherwise provided in this subsection, a license is not required for a person to provide services on real property that person owns or leases for the primary pursuit of bona fide agricultural interests or for a nonprofit organization registered with the secretary of state. However, a person who has been convicted of a state or federal criminal game or fish violation within the last three years or whose license to hunt or fish is under suspension or revocation is not exempt from licensure and is subject to subsection 5 of section 20.1-03-37. The director shall determine the number of acres by county exempted from licensure by this subsection and shall publish the results. The director shall provide written information to the public on the possible liability exposure for outfitting under this subsection and on the benefits of liability insurance and proper training.

Approved April 21, 2009  
Filed April 22, 2009

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<sup>108</sup> Section 20.1-03-36.1 was also amended by section 1 of House Bill No. 1567, chapter 207.

**CHAPTER 207****HOUSE BILL NO. 1567**

(Representatives Kasper, Griffin, Hofstad, Ruby, Schneider)

AN ACT to amend and reenact subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code, relating to licensing of outfitters; to provide an expiration date; and to declare an emergency.

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

<sup>109</sup> **SECTION 1. AMENDMENT.** Subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code is amended and reenacted as follows:

4. A license is not required for a person to provide services on real property that person owns or leases for the primary pursuit of bona fide agricultural interests ~~or~~, for a nonprofit organization registered with the secretary of state, or for a person that acts as a booking agent for a person that legally conducts business as an outfitter. A booking agent that refers an individual to an outfitter under this subsection may receive a fee or commission for the referral. The director shall determine the number of acres by county exempted from licensure by this subsection and shall publish the results. The director shall provide written information to the public on the possible liability exposure for outfitting under this subsection and on the benefits of liability insurance and proper training. For purposes of this section, a booking agent means a person that receives only a fee for referring or marketing the services of a legal outfitter in this state.

**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2011, and after that date is ineffective.

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

Approved April 8, 2009  
Filed April 9, 2009

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<sup>109</sup> Section 20.1-03-36.1 was also amended by section 1 of House Bill No. 1240, chapter 206.