

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1202

Introduced by

Representatives Brown, Carlson, Hanson, Kempenich

Senators O'Connell, Traynor

1 A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 of the North Dakota
2 Century Code, relating to landowner preference licenses to hunt elk.

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

4 **SECTION 1. AMENDMENT.** Subsection 7 of section 20.1-03-11 of the 1995
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6 7. A resident who has executed a lease for at least one hundred sixty acres [64.75
7 hectares] of land and who actively farms or ranches that land or a resident who
8 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
9 apply for a license to hunt elk upon filing an affidavit describing that land and
10 payment of the fee requirement for a resident big game license. The land must be
11 within a unit open for the hunting of elk. The license must include a legal
12 description of the eligible land described in the affidavit and may be used to hunt
13 elk within the district or unit in which the land described in the affidavit is located.
14 Upon request a lessee shall provide proof that the land described in the affidavit is
15 leased for agricultural purposes. A resident who is eligible for a license under this
16 subsection may transfer that eligibility for the license to a spouse or legal
17 dependent residing customarily with the resident, but no more than one license
18 may be issued under this subsection for any qualifying land. A resident
19 transferring eligibility under this subsection is not eligible to apply for a license to
20 hunt elk in future years but is eligible to participate in the Rocky Mountain elk
21 foundation raffle under section 20.1-08-04.6. If not otherwise specified in an
22 agricultural lease, the landowner is entitled to receive the license. The governor's
23 proclamation may restrict the districts or units for which preferential licenses may
24 be issued under this subsection. However, the governor shall give primary

1 consideration to allowing preferential licenses under this subsection to be issued to
2 persons owning or leasing land in the following areas: that portion of township one
3 hundred forty-seven north, range ninety-five west which is north and west of state
4 highway ~~twenty-two~~ 22; township one hundred forty-six north, range ninety-six
5 west; township one hundred forty-seven north, range ninety-six west; township one
6 hundred forty-eight north, range ninety-six west; township one hundred forty-six
7 north, range ninety-seven west; township one hundred forty-seven north, range
8 ninety-seven west; township one hundred forty-eight north, range ninety-seven
9 west of the fifth principal meridian, in Dunn County; the west one-half of township
10 one hundred forty-nine north, range ninety-five west; township one hundred
11 forty-nine north, range ninety-six west, and township one hundred forty-nine north,
12 range ninety-seven west of the fifth principal meridian, in McKenzie County; and
13 other areas within a district or unit open for hunting of elk as prescribed in the
14 governor's proclamation. The number of licenses issued under this subsection for
15 each designated district or unit for hunting elk may not exceed fifteen percent of
16 the total licenses prescribed in the governor's proclamation for each district or unit.
17 If the number of applications for licenses to be issued under this subsection in a
18 district or unit exceeds the maximum number of such licenses allocated to that
19 district or unit, the licenses to be issued must be issued by lottery as prescribed in
20 the governor's proclamation. A person who receives a license under this
21 subsection is not eligible to apply for a license to hunt elk in future years but is
22 eligible to participate in the Rocky Mountain elk foundation raffle under section
23 20.1-08-04.6. Notwithstanding this subsection, if a person other than the
24 transferee of license eligibility is unsuccessful in harvesting an elk under this
25 subsection, that person may return the unused license to the department and is
26 eligible to apply for, but not transfer, an additional license to hunt elk in future
27 years. A person who receives a second license under this subsection is not
28 eligible to participate in the Rocky Mountain elk foundation raffle under section
29 20.1-08-04.6. Licenses to hunt elk may not be issued under this subsection when
30 the total number of licenses prescribed in the governor's proclamation is less than
31 twenty. If a person receives a license under this subsection, the person's spouse,

1 children, and parents living with the person are not eligible to receive a license
2 under this subsection for the district or unit in which the land described in the
3 affidavit is located, unless the person has sold or otherwise transferred the
4 person's rights to the land described in the affidavit.