

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2254

Introduced by

Senator Mathern

1 A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota
2 Century Code, relating to hunting on big game and farmed elk facilities; to amend and reenact
3 sections 36-25-05 and 36-25-08 of the North Dakota Century Code, relating to escape and
4 identification of farmed elk; and to provide a penalty.

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

6 **SECTION 1.** A new section to chapter 36-01 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Big game and farmed elk facilities - Fee shooting prohibited - Penalty.** After the
9 effective date of this Act, the shooting of big game, as defined in section 20.1-01-02, or farmed
10 elk for a fee or other remuneration on a licensed big game or farmed elk facility is prohibited. A
11 person who willfully violates this section is guilty of a class B misdemeanor.

12 **SECTION 2. AMENDMENT.** Section 36-25-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **36-25-05. Confinement - Rules - Escape.** Farmed elk must be confined in a manner
15 designed to prevent escape. Unless otherwise required by rule, fencing for farmed elk must be
16 at least ~~eighty-four~~ ninety-six inches [~~243.36~~ 243.84 centimeters] in height. If any farmed elk
17 escape, their owner shall report the escape to the board within one business day of the
18 discovery and shall notify the board upon recapture. The owner shall cause any farmed elk to
19 be recaptured or destroyed within four days of the escape. The owner is liable for the expenses
20 incurred by another person in capturing, caring for, and returning farmed elk that have escaped,
21 provided the other person notifies the owner as soon as practicable after discovering the
22 escape.

23 **SECTION 3. AMENDMENT.** Section 36-25-08 of the North Dakota Century Code is
24 amended and reenacted as follows:

- 1 **36-25-08. Identification.** The owner of farmed elk shall identify each animal by a
2 ~~means of identification approved by the board~~ an ear tag visible at one hundred yards [91.44
3 meters] in low-light conditions.