

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1201

Introduced by

Representatives Wardner, Hanson, Brown

1 A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section
2 20.1-08-04.6 of the North Dakota Century Code, relating to landowner preference licenses to
3 hunt elk and the governor's proclamation concerning the hunting of elk.

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

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

7 7. A resident who has executed a lease for at least ~~one hundred sixty~~ six hundred
8 forty acres [64.75 259 hectares] of land and ~~who~~ holds title in fee to at least six
9 hundred forty acres [259 hectares] of land and actively farms or ranches that land
10 or a resident who holds title in fee to at least one hundred sixty one thousand two
11 hundred eighty acres [64.75 518 hectares] of land is eligible to ~~apply for~~ receive a
12 license or licenses to hunt elk in accordance with this subsection and upon filing an
13 affidavit describing that land and payment of the fee requirement for a resident big
14 game license. Each resident accepting a license or licenses under this subsection
15 is eligible to receive up to ten percent of the licenses made available by the
16 governor to hunt elk and is entitled to receive at least one license. The governor
17 shall set the number of licenses available under this subsection for each resident.
18 All other licenses must be issued as provided in section 20.1-08-04.6. If a resident
19 accepts a license or licenses under this subsection, that person must allow all
20 licenseholders assigned to that person's land under section 20.1-08-04.6 to hunt
21 on that person's land. The land must be within a unit open for the hunting of elk.
22 The license must include a legal description of the eligible land described in the
23 affidavit and may be used only to hunt elk upon that land during the first half of the
24 elk season but may be used to hunt within the entire district or unit in which the

land described in the affidavit is located during the second half of the elk season.
Upon request a lessee shall provide proof that the land described in the affidavit is
leased for agricultural purposes. A resident who ~~is eligible for~~ receives a license or
licenses under this subsection may transfer ~~that eligibility for~~ or sell the license or
licenses to ~~a spouse or legal dependent residing customarily with the resident, but~~
~~no more than one license may be issued under this subsection for any qualifying~~
~~land~~ any person. A resident ~~transferring eligibility under this subsection is not~~
~~eligible to apply for a license to hunt elk in future years but~~ is eligible to participate
in the Rocky Mountain elk foundation raffle under section 20.1-08-04.6. If not
otherwise specified in an agricultural lease, the landowner is entitled to receive the
license. ~~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:~~
~~that portion of township one hundred forty seven north, range ninety five west~~
~~which is north and west of state highway twenty two; township one hundred~~
~~forty six north, range ninety six west; 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; 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 township one hundred forty nine north, range ninety seven~~
~~west of the fifth principal meridian, in McKenzie County; and other areas within a~~
~~district or unit open for hunting of elk as prescribed in the governor's proclamation.~~
~~The number of licenses issued under this subsection for each designated district or~~
~~unit for hunting elk may not 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 but is eligible to participate in the Rocky Mountain elk foundation raffle under section 20.1-08-04.6. 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. AMENDMENT. Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky Mountain elk foundation raffle. The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Each license must specify a one thousand two hundred eighty acre [518 hectare] parcel of land described under section 20.1-03-11 upon which the person issued the license must hunt during the first half of the elk season. The license may be used to hunt within the entire district or unit in which the land described in the affidavit under section 20.1-03-11 is located during the second half of the elk season. Licenses to hunt elk must be issued by lottery, except as provided under ~~subsection 7 of~~ section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the Rocky Mountain elk foundation a license to hunt elk in a manner, places, and times as the governor prescribes. The Rocky Mountain elk foundation shall hold a raffle under rules adopted by the commissioner with only residents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds must be used for elk management and related projects in North Dakota as described under Rocky Mountain elk foundation policies and objectives. The Rocky Mountain elk foundation shall submit reports concerning the raffle as the commissioner requires. A person may only receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk through the Rocky Mountain elk foundation raffle in a lifetime.