

SENATE BILL NO. 2215

Introduced by

Senators Wardner, Fischer

Representatives Hanson, F. Klein

1 A BILL for an Act to amend and reenact subsection 8 of section 20.1-03-11 and sections
2 20.1-08-04.2 and 20.1-08-04.6 of the North Dakota Century Code, relating to the moose and elk
3 hunting license raffles.

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

5 **SECTION 1. AMENDMENT.** Subsection 8 of section 20.1-03-11 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 8. A resident who has executed a lease for at least one hundred sixty acres [64.75
8 hectares] of land and who actively farms or ranches that land or a resident who
9 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
10 apply for a license to hunt moose without charge upon filing a signed application
11 describing that land. The land must be within a unit open for the hunting of moose.
12 The license must include a legal description of the eligible land described in the
13 completed application and may be used to hunt moose only upon that land. Upon
14 request, a lessee shall provide proof that the land described in the completed
15 application is leased for agricultural purposes. A resident who is eligible for a
16 license under this subsection may transfer that eligibility for the license to a spouse
17 or a legal dependent residing customarily with the resident, but no more than one
18 license 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 moose in future years but is eligible to participate in the ~~North Dakota game~~
21 ~~warden association~~ raffle under section 20.1-08-04.2. If not otherwise specified in
22 an agricultural lease, the landowner is entitled to receive the license. The number
23 of licenses issued under this subsection for a district or unit may not exceed fifteen
24 percent of the total licenses prescribed in the governor's proclamation for that

1 district or unit. If the number of eligible persons who apply for a license under this
2 subsection exceeds the number of licenses available under this subsection, the
3 licenses must be issued by lottery as prescribed in the governor's proclamation. A
4 person who receives a license under this subsection and who is successful in
5 harvesting a moose is not eligible to apply for a license to hunt moose in future
6 years but is eligible to participate in the ~~North Dakota game warden association~~
7 raffle under section 20.1-08-04.2. Notwithstanding this subsection, if a person
8 other than the transferee of license eligibility is unsuccessful in harvesting a moose
9 under this subsection, that person may return the unused license to the department
10 and is eligible to apply for, but not transfer, an additional license to hunt moose in
11 future years. A person who receives a second license under this subsection is not
12 eligible to participate in the ~~North Dakota game warden association~~ raffle under
13 section 20.1-08-04.2. If a person receives a license under this subsection, the
14 person's spouse, children, and parents living with the person are not eligible to
15 receive a license under this subsection for the district or unit in which the land
16 described in the completed application is located, unless the person has sold or
17 otherwise transferred the person's rights to the land described in the completed
18 application. The governor's proclamation may restrict the area of land within a unit
19 open for the hunting of moose for which a preferential license is issued under this
20 subsection. If the proclamation restricts the area for issuance of preferential
21 licenses, an applicant must own or lease land within the restricted area to be
22 eligible to apply for a license to hunt moose upon payment of the fee required for a
23 resident big game license. The license may be used to hunt moose within the
24 entire unit in which the land described in the completed application is located. A
25 successful applicant from a restricted area may not return an unused license to
26 regain eligibility for a license to hunt moose in future years.

27 **SECTION 2. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code
28 is amended and reenacted as follows:

29 **20.1-08-04.2. Governor's proclamation concerning the hunting of moose - ~~North~~**
30 **~~Dakota game warden association raffle - Raffle.~~** The governor may by proclamation provide
31 for a season to hunt moose in a manner, number, places, and times as the governor prescribes.

1 Licenses to hunt moose must be issued by lottery, except as provided under subsection 8 of
2 section 20.1-03-11, with only residents eligible to apply; however, the governor may by
3 proclamation make available to the ~~North Dakota game warden association~~ rocky mountain elk
4 foundation one license per year to hunt moose in a manner, places, and times as the governor
5 prescribes. The ~~North Dakota game warden association~~ rocky mountain elk foundation shall
6 hold a raffle under rules adopted by the director with residents and nonresidents eligible to
7 participate. The person who receives the license from the raffle may not transfer the license.
8 No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle.
9 ~~Fifteen~~ Fifty percent of all net proceeds must be remitted to the department and used for
10 ~~moose~~ elk management and related projects in this state. All remaining net proceeds must be
11 used for construction and maintenance of the North American wildlife enforcement officers
12 association game warden museum located at the international peace garden. ~~The governor~~
13 ~~may not make more than a total of ten licenses available to the North Dakota game warden~~
14 ~~association under this section~~ The rocky mountain elk foundation shall submit reports
15 concerning the moose license raffle as the director requires. A person may only receive one
16 license to hunt moose issued by lottery and one license to hunt moose through the ~~North~~
17 ~~Dakota game warden association~~ rocky mountain elk foundation moose license raffle in a
18 lifetime.

19 **SECTION 3. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code
20 is amended and reenacted as follows:

21 **20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky**
22 **mountain elk foundation raffle.** The governor may by proclamation provide for a season to
23 hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt
24 elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with
25 only residents eligible to apply; however, the governor may by proclamation make available to
26 the rocky mountain elk foundation a license to hunt elk in a manner, places, and times as the
27 governor prescribes. The rocky mountain elk foundation shall hold a raffle under rules adopted
28 by the ~~commissioner~~ director with only residents and nonresidents eligible to participate. No
29 more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and
30 all net proceeds must be used for elk management and related projects in North Dakota as
31 described under rocky mountain elk foundation policies and objectives. The rocky mountain elk

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- 1 foundation shall submit reports concerning the raffle as the ~~commissioner~~ director requires.
- 2 Except for landowners who receive special elk depredation management licenses issued to
- 3 landowners under subsection 7 of section 20.1-03-11 and persons who receive a special elk
- 4 depredation management license issued by lottery under this section, a person may only
- 5 receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk
- 6 through the rocky mountain elk foundation raffle in a lifetime.