

**SENATE BILL NO. 2215
with House Amendments**Fifty-eighth
Legislative Assembly
of North Dakota**SENATE BILL NO. 2215**

Introduced by

Senators Wardner, Fischer

Representatives Hanson, F. Klein

1 A BILL for an Act to amend and reenact subsections 7 and 8 of section 20.1-03-11 and
2 sections 20.1-08-04.2 and 20.1-08-04.6 of the North Dakota Century Code, relating to the
3 moose and elk hunting license raffles.

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

5 **SECTION 1. AMENDMENT.** Subsections 7 and 8 of section 20.1-03-11 of the North
6 Dakota Century Code are amended and reenacted as follows:

7 7. 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 elk upon filing a signed application describing that land
11 and payment of the fee requirement for a resident big game license. The land
12 must be within a unit open for the hunting of elk. The license must include a legal
13 description of the eligible land described in the completed application and may be
14 used to hunt elk within the district or unit in which the land described in the
15 completed application is located. Upon request, a lessee shall provide proof that
16 the land described in the completed application is leased for agricultural purposes.
17 A resident who is eligible for a license under this subsection may transfer that
18 eligibility for the license to a spouse or legal dependent residing customarily with
19 the resident, but no more than one license may be issued under this subsection for
20 any qualifying land. A resident transferring eligibility under this subsection is not
21 eligible to apply for a license to hunt elk in future years but is eligible to participate
22 in the ~~rocky mountain elk foundation~~ raffle under section 20.1-08-04.6. If not
23 otherwise specified in an agricultural lease, the landowner is entitled to receive the
24 license. The governor's proclamation may restrict the districts or units for which

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

1 proclamation is less than twenty. If a person receives a license under this
2 subsection, the person's spouse, children, and parents living with the person are
3 not eligible to receive a license under this subsection for the district or unit in which
4 the land described in the completed application is located, unless the person has
5 sold or otherwise transferred the person's rights to the land described in the
6 completed application. The director may issue special elk depredation
7 management licenses to landowners in designated areas around Theodore
8 Roosevelt national park upon payment of the fee requirement for a resident big
9 game license. The provisions of this section governing the number of licenses
10 issued for each designated district or unit for hunting elk do not apply to special elk
11 depredation management licenses and a person who receives such a license
12 under this subsection is eligible to apply for a license to hunt elk in future years
13 and is eligible to participate in the ~~rocky mountain elk foundation~~ raffle under
14 section 20.1-08-04.6.

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

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

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

30 **20.1-08-04.2. Governor's proclamation concerning the hunting of moose - ~~North~~**
31 **~~Dakota game warden association raffle~~ Raffle.** The governor may by proclamation provide

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

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

25 **20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky**
26 **mountain elk foundation raffle.** The governor may by proclamation provide for a season to
27 hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt
28 elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11,
29 with only residents eligible to apply; however, the governor may by proclamation make
30 available to the rocky mountain elk foundation and the North American wildlife enforcement
31 memorial museum and educational center a license to hunt elk in a manner, places, and times

1 as the governor prescribes. The rocky mountain elk foundation and the North American wildlife
2 enforcement memorial museum and educational center shall hold a raffle under rules adopted
3 by the ~~commissioner~~ director with ~~only~~ residents and nonresidents eligible to participate. No
4 more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and
5 fifty percent of all net proceeds must be used for elk management ~~and~~ or other wildlife and
6 conservation related projects in North Dakota as described under rocky mountain elk
7 foundation policies and objectives and all remaining net proceeds must be used for
8 construction and maintenance of the North American wildlife enforcement memorial museum
9 and educational center located at the international peace garden. The rocky mountain elk
10 foundation and the North American wildlife enforcement memorial museum and educational
11 center shall submit reports concerning the raffle as the ~~commissioner~~ director requires. Except
12 for landowners who receive special elk depredation management licenses issued to
13 landowners under subsection 7 of section 20.1-03-11 and persons who receive a special elk
14 depredation management license issued by lottery under this section, a person may only
15 receive one license to hunt elk issued by lottery ~~and one nontransferable license to hunt elk~~
16 ~~through the rocky mountain elk foundation raffle~~ in a lifetime.