

HOUSE BILL NO. 1366

Introduced by

Representatives Hunskor, DeKrey, Hanson, Nelson

Senators Fischer, Tollefson

1 A BILL for an Act to amend and reenact subsections 7 and 8 of section 20.1-03-11 and sections
2 20.1-08-04.1, 20.1-08-04.2, and 20.1-08-04.6 of the North Dakota Century Code, relating to
3 limitations for individuals convicted of certain big game hunting violations.

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 raffle under section 20.1-08-04.6. If not otherwise specified in an agricultural
23 lease, the landowner is entitled to receive the license. The governor's
24 proclamation may restrict the districts or units for which preferential licenses may

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

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

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 raffle under section
29 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is
30 entitled to receive the license. The number of licenses issued under this
31 subsection for a district or unit may not exceed fifteen percent of the total licenses

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

28 **SECTION 2. AMENDMENT.** Section 20.1-08-04.1 of the North Dakota Century Code
29 is amended and reenacted as follows:

30 **20.1-08-04.1. Governor's proclamation concerning the hunting of bighorn sheep -**
31 **License recipients not eligible to apply again.** The governor may by proclamation provide

1 for a season to hunt bighorn sheep in such manner, number, places, and times as the governor
2 prescribes. Licenses to hunt bighorn sheep must be issued by lottery; however, the governor
3 may by proclamation auction to the highest bidder, whether resident or nonresident, a license to
4 hunt bighorn sheep in such manner, number, places, and times as the governor prescribes.
5 Upon payment of the nonrefundable application fee required by section 20.1-03-12.2, a
6 nonresident may participate in the lottery. One license to hunt bighorn sheep may be issued to
7 a nonresident participating in the lottery. If a nonresident is issued a license to hunt bighorn
8 sheep, no other nonresident may be issued a license to hunt bighorn sheep through the lottery.
9 If all of the licenses to hunt bighorn sheep made available through the lottery are issued to
10 residents, then a nonresident is not eligible to be issued a license to hunt bighorn sheep
11 through the lottery. Each person who has received a license to hunt bighorn sheep is not
12 eligible to apply for another bighorn sheep license. An individual who has been convicted of
13 illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license
14 under this section.

15 **SECTION 3. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code
16 is amended and reenacted as follows:

17 **20.1-08-04.2. Governor's proclamation concerning the hunting of moose - Raffle.**

18 The governor may by proclamation provide for a season to hunt moose in a manner, number,
19 places, and times as the governor prescribes. Licenses to hunt moose must be issued by
20 lottery, except as provided under subsection 8 of section 20.1-03-11, with only residents eligible
21 to apply; however, the governor may by proclamation make available to the North American
22 wildlife enforcement memorial museum and educational center and the rocky mountain elk
23 foundation one license per year to hunt moose in a manner, places, and times as the governor
24 prescribes. The North American wildlife enforcement memorial museum and educational
25 center and the rocky mountain elk foundation shall hold a raffle under rules adopted by the
26 director with residents and nonresidents eligible to participate. The person who receives the
27 license from the raffle may not transfer the license. No more than ten percent of the gross
28 proceeds of the raffle may be used to promote the raffle. Fifty percent of all net proceeds must
29 be used for elk management or other wildlife and in conservation-related projects in this state
30 as described under rocky mountain elk foundation policies and objectives. All remaining net
31 proceeds must be used for construction and maintenance of the North American wildlife

1 enforcement memorial museum and educational center located at the international peace
2 garden. The North American wildlife enforcement memorial museum and educational center
3 and the rocky mountain elk foundation shall submit reports concerning the raffle as the director
4 requires. A person may only receive one license to hunt moose issued by lottery in a lifetime.
5 An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not
6 eligible to apply for or receive a license under this section.

7 **SECTION 4. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code
8 is amended and reenacted as follows:

9 **20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky**
10 **mountain elk foundation raffle.** The governor may by proclamation provide for a season to
11 hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt
12 elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with
13 only residents eligible to apply; however, the governor may by proclamation make available to
14 the rocky mountain elk foundation and the North American wildlife enforcement memorial
15 museum and educational center a license to hunt elk in a manner, places, and times as the
16 governor prescribes. The rocky mountain elk foundation and the North American wildlife
17 enforcement memorial museum and educational center shall hold a raffle under rules adopted
18 by the director with residents and nonresidents eligible to participate. No more than ten percent
19 of the gross proceeds of the raffle may be used to promote the raffle and fifty percent of all net
20 proceeds must be used for elk management or other wildlife and conservation-related projects
21 in North Dakota as described under rocky mountain elk foundation policies and objectives and
22 all remaining net proceeds must be used for construction and maintenance of the North
23 American wildlife enforcement memorial museum and educational center located at the
24 international peace garden. The rocky mountain elk foundation and the North American wildlife
25 enforcement memorial museum and educational center shall submit reports concerning the
26 raffle as the director requires. Except for landowners who receive special elk depredation
27 management licenses issued to landowners under subsection 7 of section 20.1-03-11 and
28 persons who receive a special elk depredation management license issued by lottery under this
29 section, a person may only receive one license to hunt elk issued by lottery in a lifetime. An
30 individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not
31 eligible to apply for or receive a license under this section.