

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1025

Introduced by

Legislative Management

(Agriculture and Natural Resources)

1 A BILL for an Act to create and enact chapter 20.1-05.1 of the North Dakota Century Code,
2 relating to authorization for issuance of special allocation hunting licenses; to amend and
3 reenact sections 20.1-02-04, 20.1-04-07, 20.1-08-04.1, 20.1-08-04.2, and 20.1-08-04.6 of the
4 North Dakota Century Code, relating to authorization for issuance of special allocation hunting
5 licenses; to repeal sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the North Dakota
6 Century Code, relating to authorization for issuance of special allocation hunting licenses; and
7 to declare an emergency.

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

9 **SECTION 1. AMENDMENT.** Section 20.1-02-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **20.1-02-04. Duties of director.**

12 The director shall:

- 13 1. Maintain an office in Bismarck.
- 14 2. Adopt rules necessary to the conduct of the department.
- 15 3. Keep an accurate record of all the transactions and expenditures of the department
16 and submit a biennial report to the governor and the secretary of state in accordance
17 with section 54-06-04.
- 18 4. Enforce state laws involving wildlife.
- 19 5. Collect and distribute statistics and information germane to this title and publish
20 information and reports, including a monthly bulletin, for the education of the public in
21 conservation matters.
- 22 6. Examine all waters of the state and, wherever suitable waters are found, arrange to
23 plant, stock, or deposit available fish, spawn, or fry.

- 1 7. Cooperate with the United States fish and wildlife service, or any other appropriate
- 2 federal agency, and make applications for fish, spawn, and fry, to apportion and
- 3 deposit in waters of the state.
- 4 8. Cooperate with and assist clubs and individuals in stocking the waters of this state
- 5 with fish.
- 6 9. Remove or take from any public waters containing a surplus of fish any reasonable
- 7 quantity of fish for stocking other public waters, hatching or propagating purposes, or
- 8 exchange with other states and countries.
- 9 10. Control, construct, mark, designate, manage, and have charge of all state fish
- 10 hatcheries, state game farms, game refuges, and game reserves owned, leased, or
- 11 controlled for the propagation and protection of game birds, game animals, and fish.
- 12 11. Supervise the breeding, propagation, capture, distribution, and preservation of game
- 13 birds, game animals, and fish as the director deems advisable.
- 14 12. Adopt rules necessary for carrying out section 20.1-10-01 and these rules have the
- 15 force of law after one publication in the daily newspapers of this state.
- 16 13. Provide the necessary blank forms for making applications for licenses of all kinds and
- 17 distribute them among those authorized to sell licenses.
- 18 14. Keep a record of all permits issued for the purpose of propagation and domestication
- 19 of game birds or protected animals.
- 20 ~~15. Issue four any deer licenses and six any white-tailed deer licenses annually to the~~
- 21 ~~injured military wildlife project of North Dakota for distribution. A license issued under~~
- 22 ~~this subsection is valid during the period of the deer bow season.~~

23 **SECTION 2. AMENDMENT.** Section 20.1-04-07 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **20.1-04-07. Governor's proclamation concerning the taking of wild turkeys - National-**
26 ~~**wild turkey federation raffle - Youth spring wild turkey licenses - Outdoor adventure-**~~
27 ~~**foundation**~~**Spring wild turkey licenses.**

- 28 1. ~~By proclamation the~~The governor by proclamation may provide for a permit season to
- 29 take wild turkeys in the manner, number, places, and times deemed in the state's best
- 30 interests; ~~however;.~~

- 1 a. ~~By proclamation the governor may make available to the national wild turkey~~
2 ~~federation one license per year to hunt wild turkeys in the spring in the manner,~~
3 ~~places, and times as the governor prescribes. The national wild turkey federation~~
4 ~~shall hold a raffle or may auction to the highest bidder, whether resident or~~
5 ~~nonresident, a license to hunt wild turkeys. If an individual receives a wild turkey~~
6 ~~license through the raffle or the auction, the individual is not eligible to apply for a~~
7 ~~wild turkey license through the game and fish department that year. No more~~
8 ~~than ten percent of the gross proceeds of the raffle may be used to promote the~~
9 ~~raffle. Ten percent of the net proceeds of the raffle or auction may be retained by~~
10 ~~the local, state, or national wild turkey federation entity conducting the raffle or~~
11 ~~auction. All remaining net proceeds must be deposited in the national wild turkey~~
12 ~~federation superfund and used for wild turkey management and related projects~~
13 ~~in this state. The national wild turkey federation shall submit reports concerning~~
14 ~~the raffle or auction as the director requires.~~
- 15 b. ~~By proclamation the~~ The governor also by proclamation may allow individuals
16 who are first-time youth spring wild turkey hunters to receive one spring wild
17 turkey license valid for the regular spring wild turkey season. To be eligible to
18 receive a spring wild turkey license, an individual must be fifteen years of age or
19 younger on the opening day of the spring wild turkey season and have never
20 received a spring wild turkey license.
- 21 c. ~~By proclamation the governor may make available to the outdoor adventure~~
22 ~~foundation up to two licenses to hunt a turkey in the spring season. The~~
23 ~~foundation shall make one license available to each qualified youth to hunt as~~
24 ~~provided in the governor's proclamation. A qualified youth receiving a license~~
25 ~~under this section must comply with hunter education requirements and if under~~
26 ~~the age of eighteen must be accompanied by an adult twenty-one years of age or~~
27 ~~older. As used in this section, "qualified youth" means an individual who has~~
28 ~~cancer or a life-threatening illness, is of legal age to hunt a turkey, is under~~
29 ~~twenty-five years of age, is a resident, and is sponsored by the foundation. The~~
30 ~~foundation must provide the department supporting documentation.~~

1 ~~demonstrating compliance with this section. The director may adopt rules to~~
2 ~~implement this section.~~

3 2. The governor by proclamation shall make available to residents and nonresidents any
4 ~~permits~~licenses remaining after the resident fall drawing.

5 **SECTION 3.** Chapter 20.1-05.1 of the North Dakota Century Code is created and enacted
6 as follows:

7 **20.1-05.1-01. Special allocation hunting license authorization.**

8 The director shall authorize issuance of the following annual special allocation hunting
9 licenses:

- 10 1. Four any deer licenses and six any white-tailed deer licenses per year to the injured
11 military wildlife project of North Dakota for distribution. A license issued under this
12 subsection is valid during the period of the deer bow season.
- 13 2. One license per year to the national wild turkey federation to hunt wild turkeys in the
14 spring in the manner, places, and times as the governor provides by proclamation. The
15 national wild turkey federation shall hold a raffle for, or may auction to the highest
16 bidder, whether resident or nonresident, the license to hunt wild turkeys. If an
17 individual receives a wild turkey license through the raffle or auction, the individual is
18 not eligible to receive a wild turkey license through the game and fish department that
19 year. No more than ten percent of the gross proceeds of the raffle may be used to
20 promote the raffle. Ten percent of the net proceeds of the raffle may be retained by the
21 local, state, or national wild turkey federation entity conducting the raffle. All remaining
22 net proceeds must be deposited in the national wild turkey federation superfund and
23 used for wild turkey management and related projects in this state. The national wild
24 turkey federation shall submit reports concerning the raffle as the director requires.
- 25 3. Up to two licenses per year to the outdoor adventure foundation to hunt a turkey in the
26 spring season. The foundation shall make authorized licenses available to sponsored
27 qualified youths to hunt as the governor provides by proclamation. A qualified youth
28 receiving a license under this section must comply with hunter education requirements
29 and if under the age of eighteen must be accompanied by an adult twenty-one years
30 of age or older. As used in this section, "qualified youth" means an individual who has
31 cancer or a life-threatening illness, is of legal age to hunt a turkey, is under twenty-five

1 years of age, is a resident, and is sponsored by the foundation. The foundation must
2 provide the department supporting documentation demonstrating compliance with this
3 section.

4 4. One license per year to the midwest chapter of the wild sheep foundation to hunt
5 bighorn sheep in the manner, places, and times as the governor provides by
6 proclamation. The midwest chapter of the wild sheep foundation shall hold a raffle or
7 auction under rules adopted by the director with residents and nonresidents eligible to
8 participate. An individual who has been convicted of illegally taking a moose, elk, or
9 bighorn sheep is not eligible to apply for or receive a license under this subsection.
10 Ten percent of gross raffle proceeds may be retained by the midwest chapter of the
11 wild sheep foundation and ninety percent of gross raffle proceeds must be remitted to
12 the department. All auction proceeds must be remitted to the department. An individual
13 who receives a license through the raffle or auction may not transfer the license.

14 5. One license per year to the North American wildlife enforcement memorial museum
15 and educational center and the rocky mountain elk foundation to hunt moose in a
16 manner, places, and times as the governor provides by proclamation. The North
17 American wildlife enforcement memorial museum and educational center and the
18 rocky mountain elk foundation shall hold a raffle under rules adopted by the director
19 with residents and nonresidents eligible to participate. The individual who receives the
20 license from the raffle may not transfer the license. No more than ten percent of the
21 gross proceeds of the raffle may be used to promote the raffle. Fifty percent of all net
22 proceeds must be used for elk management or other wildlife and in
23 conservation-related projects in this state as described under rocky mountain elk
24 foundation policies and objectives. All remaining net proceeds must be used for
25 construction and maintenance of the North American wildlife enforcement memorial
26 museum and educational center located at the international peace garden. The North
27 American wildlife enforcement memorial museum and educational center and the
28 rocky mountain elk foundation shall submit reports concerning the raffle as the director
29 requires. An individual who has been convicted of illegally taking a moose, elk, or
30 bighorn sheep is not eligible to apply for or receive a license under this subsection.

- 1 6. One license per year to the rocky mountain elk foundation and the North American
2 wildlife enforcement memorial museum and educational center to hunt elk in a
3 manner, places, and times as the governor provides by proclamation. The rocky
4 mountain elk foundation and the North American wildlife enforcement memorial
5 museum and educational center shall hold a raffle under rules adopted by the director
6 with residents and nonresidents eligible to participate. No more than ten percent of the
7 gross proceeds of the raffle may be used to promote the raffle and fifty percent of all
8 net proceeds must be used for elk management or other wildlife and
9 conservation-related projects in North Dakota as described under rocky mountain elk
10 foundation policies and objectives. All remaining net proceeds must be used for
11 construction and maintenance of the North American wildlife enforcement memorial
12 museum and educational center located at the international peace garden. The rocky
13 mountain elk foundation and the North American wildlife enforcement memorial
14 museum and educational center shall submit reports concerning the raffle as the
15 director requires. An individual who has been convicted of illegally taking a moose, elk,
16 or bighorn sheep is not eligible to apply for or receive a license under this subsection.
- 17 7. One license per year to the mule deer foundation to hunt mule deer in the manner,
18 places, and times as the governor provides by proclamation. The mule deer
19 foundation shall hold a raffle or auction under rules adopted by the director with
20 residents and nonresidents eligible to participate. If an individual receives a mule deer
21 license through the raffle or auction, the individual is not eligible to receive a mule deer
22 license through the game and fish department that year. No more than ten percent of
23 the gross proceeds of the raffle may be used to promote the raffle and all net proceeds
24 of the raffle or auction must be used for mule deer management and related projects
25 in North Dakota. The mule deer foundation shall submit reports concerning the raffle
26 or auction as the director requires.
- 27 8. One license per year to the North Dakota hunter educators association to hunt
28 antelope in the manner, places, and times as the governor prescribes by proclamation.
29 The North Dakota hunter educators association shall hold a raffle under rules adopted
30 by the director. Only residents are eligible to participate. No more than ten percent of
31 the gross proceeds of the raffle may be used to promote the raffle and all net proceeds

1 of the raffle must be used for sponsoring mentored hunts for youth who may otherwise
2 not have the means to go afield to hunt, establishing a statewide network of shooting
3 locations for youth to become familiar with archery equipment and firearms under the
4 supervision of a certified volunteer hunter education instructor, and purchasing
5 advertising in news media during hunting season concerning firearms safety and
6 hunting ethics and the promotion of safe and responsible hunting. If an individual
7 receives an antelope license through the raffle, the individual is not eligible to apply for
8 an antelope license through the game and fish department that year. The North
9 Dakota hunter educators association shall submit reports concerning the raffle as the
10 director requires.

11 9. One any elk license, one any moose license, up to seven white-tailed deer licenses,
12 and up to two antelope licenses to the outdoor adventure foundation to hunt the
13 species indicated on the license in the manner, places, and times as the governor
14 prescribes by proclamation. The foundation shall make one license available to each
15 qualified youth to hunt the species of big game indicated on the license as provided in
16 the governor's proclamation. A qualified youth receiving a license under this section
17 must comply with hunter education requirements and if under the age of eighteen
18 must be accompanied by an adult twenty-one years of age or older. As used in this
19 section, "qualified youth" means an individual who has been diagnosed with cancer or
20 a life-threatening illness, is of legal age to hunt the species for which the license is
21 valid, is under twenty-five years of age, is a resident, and is sponsored by the
22 foundation. The foundation must provide the department supporting documentation
23 demonstrating compliance with this section.

24 **20.1-05.1-02. Discretionary special allocation hunting license authorization.**

25 1. Subject to the restrictions under this section and in addition to the special allocation
26 licenses authorized under section 20.1-05.1-01, if determined appropriate by the
27 director based on the sustainability of the species population, the director may issue to
28 eligible organizations the following annual special allocation hunting licenses:
29 a. Not more than two elk licenses, but the total issued under this subdivision may
30 not exceed two percent of the general lottery allocation of elk licenses for the
31 season.

- 1 b. Not more than two moose licenses, but the total issued under this subdivision
2 may not exceed two percent of the general lottery allocation of moose licenses
3 for the season.
- 4 c. Not more than two antelope licenses, but the total issued under this subdivision
5 may not exceed two percent of the general lottery allocation of antelope licenses
6 for the previous season.
- 7 d. Not more than ten white-tailed deer licenses.
- 8 2. An eligible organization may apply annually to be considered for issuance of up to two
9 special allocation hunting licenses under this section. Applications under this
10 subsection must be filed at the times, in the manner, and containing the information
11 required by rules adopted by the director. If more applications are filed than the
12 number of licenses under this section available for that species for a season, the
13 director shall determine by lottery which organizations will receive the available
14 licenses.
- 15 3. An eligible organization that obtains a license under this section and conducts a raffle
16 or auction to determine the recipient of the license must conduct the raffle or auction in
17 compliance with rules adopted by the director. An eligible organization that obtains a
18 license under this section shall submit reports concerning a raffle or auction as the
19 director requires. An individual may apply to receive an elk or moose license through a
20 raffle or auction under this section as well as through the game and fish department
21 general lottery. If an individual receives an elk or moose license under this section, the
22 individual is not eligible to receive an elk or moose license through the game and fish
23 department general lottery that year and may not obtain an elk or moose license under
24 section 20.1-05.1-01 that year. If an individual receives an elk or moose license under
25 section 20.1-05.1-01, the individual is not eligible to receive an elk or moose license
26 under this section that year.
- 27 4. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep
28 is not eligible to apply for or receive a license under this section.
- 29 5. For purposes of this section, "eligible organization" means an organization that:

- 1 a. Is exempt from federal income taxation under section 501(c)(3) of the Internal
- 2 Revenue Code [26 U.S.C. 501(c)(3)] and provides with its application a copy of
- 3 the letter from the internal revenue service to that effect.
- 4 b. Is on file as a nonprofit corporation in good standing in the office of the secretary
- 5 of state.
- 6 c. Agrees in its application to contribute at least ten percent of the net proceeds of
- 7 any raffle of a license under this section to a conservation-related project to be
- 8 conducted in this state and approved by the director.
- 9 d.. Is not the recipient of a special allocation hunting license under section
- 10 20.1-05.1-01.

11 **SECTION 4. AMENDMENT.** Section 20.1-08-04.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **20.1-08-04.1. Governor's proclamation concerning the hunting of bighorn sheep -**
14 **~~Minnesota-Wisconsin chapter of the foundation for North American wild sheep raffle or~~**
15 **~~auction- Certain license recipients not eligible to apply again.~~**

16 The governor may by proclamation provide for a season to hunt bighorn sheep in the
17 manner, number, places, and times as the governor prescribes. Licenses to hunt bighorn sheep
18 must be issued by lottery; ~~however, the governor may by proclamation make available to the~~
19 ~~Minnesota-Wisconsin chapter of the foundation for North American wild sheep a license to hunt~~
20 ~~bighorn sheep in the manner, places, and times as the governor prescribes, except special~~
21 ~~allocation licenses issued under subsection 1 of section 20.1-05.1-01.~~ Upon payment of the
22 nonrefundable application fee required by section 20.1-03-12.2, a nonresident may participate
23 in the state lottery. One license to hunt bighorn sheep may be issued to a nonresident
24 participating in the state lottery. If a nonresident is issued a license to hunt bighorn sheep, no
25 other nonresident may be issued a license to hunt bighorn sheep through the state lottery. If all
26 of the licenses to hunt bighorn sheep made available through the state lottery are issued to
27 residents, then a nonresident is not eligible to be issued a license to hunt bighorn sheep
28 through the state lottery. ~~The Minnesota-Wisconsin chapter of the foundation for North American~~
29 ~~wild sheep shall hold either a raffle or an auction under rules adopted by the director with~~
30 ~~residents and nonresidents eligible to participate. Ten percent of gross raffle proceeds may be~~
31 ~~retained by the Minnesota-Wisconsin chapter of the foundation for North American wild sheep~~

1 and ninety percent of gross raffle proceeds must be remitted to the department. All auction-
2 proceeds must be remitted to the department. Individuals who receive a license through the
3 raffle or auction may not transfer the license. Individuals may participate in the state lottery and
4 the raffle or auction; ~~however, individuals under subsection 4 of section 20.1-05.1-01, but an~~
5 individual may not receive more than one license in any one year. An individual may only
6 receive one license to hunt bighorn sheep through the state lottery in a lifetime. An individual
7 who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply
8 for or receive a license under this section.

9 **SECTION 5. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **20.1-08-04.2. Governor's proclamation concerning the hunting of moose - Raffle.**

12 The governor may by proclamation provide for a season to hunt moose in a manner,
13 number, places, and times as the governor prescribes. Licenses to hunt moose must be issued
14 by lottery, except as provided under subsection 8 of section 20.1-03-11, with only residents
15 eligible to apply; ~~however, the governor may by proclamation make available to the North-~~
16 ~~American wildlife enforcement memorial museum and educational center and the rocky-~~
17 ~~mountain elk foundation one license per year to hunt moose in a manner, places, and times as~~
18 ~~the governor prescribes. In addition, the governor may by proclamation make available a~~
19 ~~license under section 20.1-08-04.13. The North American wildlife enforcement memorial-~~
20 ~~museum and educational center and the rocky mountain elk foundation shall hold a raffle under~~
21 ~~rules adopted by the director with residents and nonresidents eligible to participate. The person~~
22 ~~who receives the license from the raffle may not transfer the license. No more than ten percent~~
23 ~~of the gross proceeds of the raffle may be used to promote the raffle. Fifty percent of all net~~
24 ~~proceeds must be used for elk management or other wildlife and in conservation-related~~
25 ~~projects in this state as described under rocky mountain elk foundation policies and objectives.~~
26 All remaining net proceeds must be used for construction and maintenance of the North
27 American wildlife enforcement memorial museum and educational center located at the
28 international peace garden. The North American wildlife enforcement memorial museum and
29 educational center and the rocky mountain elk foundation shall submit reports concerning the
30 raffle as the director requires. A person may only receive one license to hunt moose issued by

1 lottery in a lifetime. An individual who has been convicted of illegally taking a moose, elk, or
2 bighorn sheep is not eligible to apply for or receive a license under this section.

3 **SECTION 6. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky**
6 **mountain elk foundation raffleSpecial elk depredation management licenses.**

7 The governor may by proclamation provide for a season to hunt elk in a manner, number,
8 places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery,
9 except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to
10 apply; however, the governor may by proclamation make available to the rocky mountain elk
11 foundation and the North American wildlife enforcement memorial museum and educational
12 center a license to hunt elk in a manner, places, and times as the governor prescribes. In
13 addition, the governor may by proclamation make available a license under section
14 20.1-08-04.13. The rocky mountain elk foundation and the North American wildlife enforcement
15 memorial museum and educational center shall hold a raffle under rules adopted by the director
16 with residents and nonresidents eligible to participate. No more than ten percent of the gross
17 proceeds of the raffle may be used to promote the raffle and fifty percent of all net proceeds
18 must be used for elk management or other wildlife and conservation related projects in North
19 Dakota as described under rocky mountain elk foundation policies and objectives and all
20 remaining net proceeds must be used for construction and maintenance of the North American
21 wildlife enforcement memorial museum and educational center located at the international
22 peace garden. The rocky mountain elk foundation and the North American wildlife enforcement
23 memorial museum and educational center shall submit reports concerning the raffle as the
24 director requires.

25 An owner of farmed elk who is experiencing elk depredation problems may contact the
26 director. Upon investigation, the director may issue special elk depredation management
27 licenses. The governor by proclamation shall establish a procedure to issue elk depredation
28 management licenses in a timely manner.

29 Except for landowners who receive a license under subsection 7 of section 20.1-03-11 and
30 landowners who receive special elk depredation management licenses issued to landowners
31 under subsection 7 of section 20.1-03-11, and persons who receive a special elk depredation

1 management license issued by lottery under this section, a person may only receive one license
2 to hunt elk issued by lottery in a lifetime. An individual who has been convicted of illegally taking
3 a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.

4 **SECTION 7. REPEAL.** Sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the
5 North Dakota Century Code are repealed.

6 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.