

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; ~~and~~ to repeal sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the North  
6 Dakota Century Code, relating to authorization for issuance of special allocation hunting  
7 licenses; and 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  
28 authorize issuance ~~to~~ eligible organizations ~~of~~ the following annual special  
29 allocation hunting licenses:

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



- 1       5. For purposes of this section, "eligible organization" means an organization that:  
2           a. Is exempt from federal income taxation under section 501(c)(3) of the Internal  
3           Revenue Code [26 U.S.C. 501(c)(3)] and provides with its application a copy of  
4           the letter from the internal revenue service to that effect.  
5           b. Is on file as a nonprofit corporation in good standing in the office of the secretary  
6           of state.  
7           c. Agrees in its application to contribute at least ten percent of the net proceeds of  
8           any raffle of a license under this section to a conservation-related project to be  
9           conducted in this state and approved by the director.  
10          d. Is not the recipient of a special allocation hunting license under section  
11          20.1-05.1-01.

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

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

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

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

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

12 **20.1-08-04.2. Governor's proclamation concerning the hunting of moose - Raffle.**

13 The governor may by proclamation provide for a season to hunt moose in a manner,  
14 number, places, and times as the governor prescribes. Licenses to hunt moose must be issued  
15 by lottery, except as provided under subsection 8 of section 20.1-03-11, with only residents  
16 eligible to apply; however, the governor may by proclamation make available to the North-  
17 American wildlife enforcement memorial museum and educational center and the rocky  
18 mountain elk foundation one license per year to hunt moose in a manner, places, and times as  
19 the governor prescribes. In addition, the governor may by proclamation make available a  
20 license under section 20.1-08-04.13. The North American wildlife enforcement memorial  
21 museum and educational center and the rocky mountain elk foundation shall hold a raffle under  
22 rules adopted by the director with residents and nonresidents eligible to participate. The person  
23 who receives the license from the raffle may not transfer the license. No more than ten percent  
24 of the gross proceeds of the raffle may be used to promote the raffle. Fifty percent of all net  
25 proceeds must be used for elk management or other wildlife and in conservation-related  
26 projects in this state as described under rocky mountain elk foundation policies and objectives.  
27 All remaining net proceeds must be used for construction and maintenance of the North  
28 American wildlife enforcement memorial museum and educational center located at the  
29 international peace garden. The North American wildlife enforcement memorial museum and  
30 educational center and the rocky mountain elk foundation shall submit reports concerning the  
31 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.