

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 [section 20.1-04-07.1 and](#) chapter 20.1-05.1 of the North
2 Dakota Century Code, relating to [wild turkey hunting licenses for individuals receiving hunting](#)
3 [expeditions from a nonprofit organization and](#) authorization for issuance of special allocation
4 hunting licenses; to amend and reenact sections 20.1-02-04, 20.1-04-07, 20.1-08-04.1,
5 20.1-08-04.2, and 20.1-08-04.6 of the North Dakota Century Code, relating to authorization for
6 issuance of special allocation hunting licenses; to repeal sections 20.1-08-04.8, 20.1-08-04.12,
7 and 20.1-08-04.13 of the North Dakota Century Code, relating to authorization for issuance of
8 special allocation hunting licenses; and to declare an emergency.

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

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

12 **20.1-02-04. Duties of director.**

13 The director shall:

- 14 1. Maintain an office in Bismarck.
- 15 2. Adopt rules necessary to the conduct of the department.
- 16 3. Keep an accurate record of all the transactions and expenditures of the department
17 and submit a biennial report to the governor and the secretary of state in accordance
18 with section 54-06-04.
- 19 4. Enforce state laws involving wildlife.
- 20 5. Collect and distribute statistics and information germane to this title and publish
21 information and reports, including a monthly bulletin, for the education of the public in
22 conservation matters.
- 23 6. Examine all waters of the state and, wherever suitable waters are found, arrange to
24 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.** Section 20.1-04-07.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **20.1-04-07.1. Spring wild turkey licenses - Nonprofit organizations.**

8 The director shall issue four spring wild turkey licenses and permits to hunt wild turkeys to
9 individuals residing in North Dakota who are selected by a nonprofit organization as provided
10 under section 20.1-05.1-01.

11 **SECTION 4.** Chapter 20.1-05.1 of the North Dakota Century Code is created and enacted
12 as follows:

13 **20.1-05.1-01. Special allocation hunting license authorization.**

14 The director shall authorize issuance of the following annual special allocation hunting
15 licenses:

- 16 1. Four any deer licenses and six any white-tailed deer licenses per year to the injured
17 military wildlife project of North Dakota for distribution. A license issued under this
18 subsection is valid during the period of the deer bow season.
- 19 2. One license per year to the national wild turkey federation to hunt wild turkeys in the
20 spring in the manner, places, and times as the governor provides by proclamation. The
21 national wild turkey federation shall hold a raffle for, or may auction to the highest
22 bidder, whether resident or nonresident, the license to hunt wild turkeys. If an
23 individual receives a wild turkey license through the raffle or auction, the individual is
24 not eligible to receive a wild turkey license through the game and fish department that
25 year. No more than ten percent of the gross proceeds of the raffle may be used to
26 promote the raffle. Ten percent of the net proceeds of the raffle may be retained by the
27 local, state, or national wild turkey federation entity conducting the raffle. All remaining
28 net proceeds must be deposited in the national wild turkey federation superfund and
29 used for wild turkey management and related projects in this state. The national wild
30 turkey federation shall submit reports concerning the raffle as the director requires.

- 1 3. Up to two licenses per year to the outdoor adventure foundation to hunt a turkey in the
2 spring season. The foundation shall make authorized licenses available to sponsored
3 qualified youths to hunt as the governor provides by proclamation. A qualified youth
4 receiving a license under this section must comply with hunter education requirements
5 and if under the age of eighteen must be accompanied by an adult twenty-one years
6 of age or older. As used in this section, "qualified youth" means an individual who has
7 cancer or a life-threatening illness, is of legal age to hunt a turkey, is under twenty-five
8 years of age, is a resident, and is sponsored by the foundation. The foundation must
9 provide the department supporting documentation demonstrating compliance with this
10 section.
- 11 4. One license per year to the midwest chapter of the wild sheep foundation to hunt
12 bighorn sheep in the manner, places, and times as the governor provides by
13 proclamation. The midwest chapter of the wild sheep foundation shall hold a raffle or
14 auction under rules adopted by the director with residents and nonresidents eligible to
15 participate. An individual who has been convicted of illegally taking a moose, elk, or
16 bighorn sheep is not eligible to apply for or receive a license under this subsection.
17 Ten percent of gross raffle proceeds may be retained by the midwest chapter of the
18 wild sheep foundation and ninety percent of gross raffle proceeds must be remitted to
19 the department. All auction proceeds must be remitted to the department. An individual
20 who receives a license through the raffle or auction may not transfer the license.
- 21 5. One license per year to the North American wildlife enforcement memorial museum
22 and educational center ~~and the rocky mountain elk foundation~~ to hunt moose in a
23 manner, places, and times as the governor provides by proclamation. The North
24 ~~yrtyrtyr~~American wildlife enforcement memorial museum and educational center ~~and~~
25 ~~the rocky mountain elk foundation~~ shall hold a raffle under rules adopted by the
26 director with residents and nonresidents eligible to participate. The individual who
27 receives the license from the raffle may not transfer the license. No more than ten
28 percent of the gross proceeds of the raffle may be used to promote the raffle. ~~Fifty-~~
29 ~~percent of all net proceeds must be used for elk management or other wildlife and in-~~
30 ~~conservation-related projects in this state as described under rocky mountain elk-~~
31 ~~foundation policies and objectives. All remaining~~The net proceeds ~~distributed to the~~

1 North American wildlife enforcement memorial museum and educational center must
2 be used for construction and maintenance of the North American wildlife enforcement
3 memorial museum and educational center located at the international peace garden.

4 The North American wildlife enforcement memorial museum and educational center
5 and the rocky mountain elk foundation shall submit reports concerning the raffle as the
6 director requires. An individual who has been convicted of illegally taking a moose, elk,
7 or bighorn sheep is not eligible to apply for or receive a license under this subsection.

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

25 7. One license per year to the mule deer foundation to hunt mule deer in the manner,
26 places, and times as the governor provides by proclamation. The mule deer
27 foundation shall hold a raffle or auction under rules adopted by the director with
28 residents and nonresidents eligible to participate. If an individual receives a mule deer
29 license through the raffle or auction, the individual is not eligible to receive a mule deer
30 license through the game and fish department that year. 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 or auction must be used for mule deer management and related projects
2 in North Dakota. The mule deer foundation shall submit reports concerning the raffle
3 or auction as the director requires.
- 4 8. One license per year to the North Dakota hunter educators association to hunt
5 antelope in the manner, places, and times as the governor prescribes by proclamation.
6 The North Dakota hunter educators association shall hold a raffle under rules adopted
7 by the director. Only residents are eligible to participate. No more than ten percent of
8 the gross proceeds of the raffle may be used to promote the raffle and all net proceeds
9 of the raffle must be used for sponsoring mentored hunts for youth who may otherwise
10 not have the means to go afield to hunt, establishing a statewide network of shooting
11 locations for youth to become familiar with archery equipment and firearms under the
12 supervision of a certified volunteer hunter education instructor, and purchasing
13 advertising in news media during hunting season concerning firearms safety and
14 hunting ethics and the promotion of safe and responsible hunting. If an individual
15 receives an antelope license through the raffle, the individual is not eligible to apply for
16 an antelope license through the game and fish department that year. The North
17 Dakota hunter educators association shall submit reports concerning the raffle as the
18 director requires.
- 19 9. One any elk license, one any moose license, up to seven white-tailed deer licenses,
20 and up to two antelope licenses to the outdoor adventure foundation to hunt the
21 species indicated on the license in the manner, places, and times as the governor
22 prescribes by proclamation. The foundation shall make one license available to each
23 qualified youth to hunt the species of big game indicated on the license as provided in
24 the governor's proclamation. A qualified youth receiving a license under this section
25 must comply with hunter education requirements and if under the age of eighteen
26 must be accompanied by an adult twenty-one years of age or older. As used in this
27 section, "qualified youth" means an individual who has been diagnosed with cancer or
28 a life-threatening illness, is of legal age to hunt the species for which the license is
29 valid, is under twenty-five years of age, is a resident, and is sponsored by the
30 foundation. The foundation must provide the department supporting documentation
31 demonstrating compliance with this section.

1 **20.1-05.1-02. Discretionary special allocation hunting license authorization.**

2 1. Subject to the restrictions under this section and in addition to the special allocation
3 licenses authorized under section 20.1-05.1-01, if determined appropriate by the
4 director based on the sustainability of the species population, the director may issue to
5 eligible organizations the following annual special allocation hunting licenses:

6 a. Not more than two elk licenses, but the total issued under this subdivision may
7 not exceed two percent of the general lottery allocation of elk licenses for the
8 season.

9 b. Not more than two moose licenses, but the total issued under this subdivision
10 may not exceed two percent of the general lottery allocation of moose licenses
11 for the season.

12 c. Not more than two antelope licenses, but the total issued under this subdivision
13 may not exceed two percent of the general lottery allocation of antelope licenses
14 for the previous season.

15 d. Not more than ten white-tailed deer licenses.

16 2. An eligible organization may apply annually to be considered for issuance of up to two
17 special allocation hunting licenses under this section. Applications under this
18 subsection must be filed at the times, in the manner, and containing the information
19 required by rules adopted by the director. If more applications are filed than the
20 number of licenses under this section available for that species for a season, the
21 director shall determine by lottery which organizations will receive the available
22 licenses.

23 3. An eligible organization that obtains a license under this section and conducts a raffle
24 or auction to determine the recipient of the license must conduct the raffle or auction in
25 compliance with rules adopted by the director. An eligible organization that obtains a
26 license under this section shall submit reports concerning a raffle or auction as the
27 director requires. An individual may apply to receive an elk or moose license through a
28 raffle or auction under this section as well as through the game and fish department
29 general lottery. If an individual receives an elk or moose license under this section, the
30 individual is not eligible to receive an elk or moose license through the game and fish
31 department general lottery that year and may not obtain an elk or moose license under

1 section 20.1-05.1-01 that year. If an individual receives an elk or moose license under
2 section 20.1-05.1-01, the individual is not eligible to receive an elk or moose license
3 under this section that year.

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

6 5. For purposes of this section, "eligible organization" means an organization that:

7 a. Is exempt from federal income taxation under section 501(c)(3) of the Internal
8 Revenue Code [26 U.S.C. 501(c)(3)] and provides with its application a copy of
9 the letter from the internal revenue service to that effect.

10 b. Is on file as a nonprofit corporation in good standing in the office of the secretary
11 of state.

12 c. Agrees in its application to contribute at least ten percent of the net proceeds of
13 any raffle of a license under this section to a conservation-related project to be
14 conducted in this state and approved by the director.

15 d. Is not the recipient of a special allocation hunting license under section
16 20.1-05.1-01.

17 **SECTION 5. AMENDMENT.** Section 20.1-08-04.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **20.1-08-04.1. Governor's proclamation concerning the hunting of bighorn sheep -**
20 **~~Minnesota-Wisconsin chapter of the foundation for North American wild sheep raffle or~~**
21 **~~auction- Certain license recipients not eligible to apply again.~~**

22 The governor may by proclamation provide for a season to hunt bighorn sheep in the
23 manner, number, places, and times as the governor prescribes. Licenses to hunt bighorn sheep
24 must be issued by lottery; ~~however, the governor may by proclamation make available to the~~
25 ~~Minnesota-Wisconsin chapter of the foundation for North American wild sheep a license to hunt~~
26 ~~bighorn sheep in the manner, places, and times as the governor prescribes, except special~~
27 allocation licenses issued under subsection 1 of section 20.1-05.1-01. Upon payment of the
28 nonrefundable application fee required by section 20.1-03-12.2, a nonresident may participate
29 in the state lottery. One license to hunt bighorn sheep may be issued to a nonresident
30 participating in the state lottery. If a nonresident is issued a license to hunt bighorn sheep, no
31 other nonresident may be issued a license to hunt bighorn sheep through the state lottery. If all

1 of the licenses to hunt bighorn sheep made available through the state lottery are issued to
2 residents, then a nonresident is not eligible to be issued a license to hunt bighorn sheep
3 through the state lottery. ~~The Minnesota-Wisconsin chapter of the foundation for North American~~
4 ~~wild sheep shall hold either a raffle or an auction under rules adopted by the director with~~
5 ~~residents and nonresidents eligible to participate. Ten percent of gross raffle proceeds may be~~
6 ~~retained by the Minnesota-Wisconsin chapter of the foundation for North American wild sheep~~
7 ~~and ninety percent of gross raffle proceeds must be remitted to the department. All auction~~
8 ~~proceeds must be remitted to the department. Individuals who receive a license through the~~
9 raffle or auction may not transfer the license. Individuals may participate in the state lottery and
10 the raffle or auction; ~~however, individuals~~ under subsection 4 of section 20.1-05.1-01, but an
11 individual may not receive more than one license in any one year. An individual may only
12 receive one license to hunt bighorn sheep through the state lottery in a lifetime. An individual
13 who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply
14 for or receive a license under this section.

15 **SECTION 6. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code is
16 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,
19 number, places, and times as the governor prescribes. Licenses to hunt moose must be issued
20 by lottery, except as provided under subsection 8 of section 20.1-03-11, with only residents
21 eligible to apply; ~~however, the governor may by proclamation make available to the North~~
22 ~~American wildlife enforcement memorial museum and educational center and the rocky~~
23 ~~mountain elk foundation one license per year to hunt moose in a manner, places, and times as~~
24 ~~the governor prescribes. In addition, the governor may by proclamation make available a~~
25 ~~license under section 20.1-08-04.13. The North American wildlife enforcement memorial~~
26 ~~museum and educational center and the rocky mountain elk foundation shall hold a raffle under~~
27 ~~rules adopted by the director with residents and nonresidents eligible to participate. The person~~
28 ~~who receives the license from the raffle may not transfer the license. No more than ten percent~~
29 ~~of the gross proceeds of the raffle may be used to promote the raffle. Fifty percent of all net~~
30 ~~proceeds must be used for elk management or other wildlife and in conservation-related~~
31 ~~projects in this state as described under rocky mountain elk foundation policies and objectives.~~

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

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

10 **20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky-**
11 **mountain elk foundation raffle Special elk depredation management licenses.**

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

30 An owner of farmed elk who is experiencing elk depredation problems may contact the
31 director. Upon investigation, the director may issue special elk depredation management

1 licenses. The governor by proclamation shall establish a procedure to issue elk depredation
2 management licenses in a timely manner.

3 Except for landowners who receive a license under subsection 7 of section 20.1-03-11 and
4 landowners who receive special elk depredation management licenses issued to landowners
5 under subsection 7 of section 20.1-03-11, and persons who receive a special elk depredation
6 management license issued by lottery under this section, a person may only receive one license
7 to hunt elk issued by lottery in a lifetime. An individual who has been convicted of illegally taking
8 a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.

9 **SECTION 8. REPEAL.** Sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the
10 North Dakota Century Code are repealed.

11 **SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure.