

SENATE BILL NO. 2089

Introduced by

Natural Resources Committee

(At the request of the Game and Fish Department)

1 A BILL for an Act to amend and reenact subsections 3, 5, 7, and 8 of section 20.1-03-11 of the
2 North Dakota Century Code, relating to gratis and preferential landowner big game hunting
3 licenses; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsections 3, 5, 7, and 8 of section 20.1-03-11 of the
6 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

7 3. 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 person 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 deer without charge, or if that person is a nonresident
11 upon payment of the fee requirement for a nonresident big game license, upon
12 filing ~~an affidavit~~ a signed application describing that land. The land must be within
13 a unit open for the hunting of deer. The license must include a legal description of
14 the eligible land described in the ~~affidavit~~ completed application and may be used
15 to hunt deer only upon that land. Upon request, a lessee shall provide proof that
16 the land described in the ~~affidavit~~ completed application is leased for agricultural
17 purposes. A person who is eligible for a license under this subsection may transfer
18 that eligibility for the license to a spouse or legal dependent residing customarily
19 with that person, but no more than one license may be issued under this
20 subsection for any qualifying land. A person transferring eligibility under this
21 subsection may not receive a license under this subsection for the season for
22 which the eligibility was transferred. If not otherwise specified in an agricultural
23 lease, the landowner is entitled to receive the license.

- 1 5. A resident who has executed a lease for at least one hundred sixty acres [64.75
2 hectares] of land and who actively farms or ranches that land or a resident who
3 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
4 apply for a license to hunt antelope without charge upon filing ~~an affidavit~~ a signed
5 application describing that land. The land must be within a unit open for the
6 hunting of antelope. The license must include a legal description of the eligible
7 land described in the ~~affidavit~~ completed application and may be used to hunt
8 antelope only upon that land. Upon request, a lessee shall provide proof that the
9 land described in the ~~affidavit~~ completed application is leased for agricultural
10 purposes. A resident who is eligible for a license under this subsection may
11 transfer that eligibility for the license to a spouse or legal dependent residing
12 customarily with the resident, but no more than one license may be issued under
13 this subsection for any qualifying land. A resident transferring eligibility under this
14 subsection may not receive a license under this subsection for the season for
15 which eligibility was transferred. If not otherwise specified in an agricultural lease,
16 the landowner is entitled to receive the license. The number of licenses issued
17 without charge under this subsection may not exceed the total number of licenses
18 prescribed for each district or unit in the governor's proclamation. If the number of
19 eligible persons who apply for licenses issued without charge under this subsection
20 exceeds the number of licenses prescribed for the district or unit in the governor's
21 proclamation less any licenses that are otherwise designated to be issued with a
22 charge under this subsection, the licenses to be issued without charge must be
23 issued by lottery as prescribed in the governor's proclamation. If the number of
24 licenses prescribed for the district or unit in the governor's proclamation exceeds
25 fifty and if the number of applications for these licenses exceeds the number of
26 licenses prescribed for the district or unit in the governor's proclamation, then
27 one-half of the licenses exceeding fifty must be issued by lottery as prescribed in
28 the governor's proclamation and may not be issued to landowners without charge.
- 29 7. A resident who has executed a lease for at least one hundred sixty acres [64.75
30 hectares] of land and who actively farms or ranches that land or a resident who
31 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to

1 apply for a license to hunt elk upon filing ~~an affidavit~~ a signed application
2 describing that land and payment of the fee requirement for a resident big game
3 license. The land must be within a unit open for the hunting of elk. The license
4 must include a legal description of the eligible land described in the ~~affidavit~~
5 completed application and may be used to hunt elk within the district or unit in
6 which the land described in the ~~affidavit~~ completed application is located. Upon
7 request, a lessee shall provide proof that the land described in the ~~affidavit~~
8 completed application is leased for agricultural purposes. A resident who is eligible
9 for a license under this subsection may transfer that eligibility for the license to a
10 spouse or legal dependent residing customarily with the resident, but no more than
11 one license may be issued under this subsection for any qualifying land. A
12 resident transferring eligibility under this subsection is not eligible to apply for a
13 license to hunt elk in future years but is eligible to participate in the rocky mountain
14 elk foundation raffle under section 20.1-08-04.6. If not otherwise specified in an
15 agricultural lease, the landowner is entitled to receive the license. The governor's
16 proclamation may restrict the districts or units for which preferential licenses may
17 be issued under this subsection. However, the governor shall give primary
18 consideration to allowing preferential licenses under this subsection to be issued to
19 persons owning or leasing land in the following areas: that portion of township one
20 hundred forty-seven north, range ninety-five west which is north and west of state
21 highway 22; township one hundred forty-six north, range ninety-six west; township
22 one hundred forty-seven north, range ninety-six west; township one hundred
23 forty-eight north, range ninety-six west; township one hundred forty-six north, range
24 ninety-seven west; township one hundred forty-seven north, range ninety-seven
25 west; township one hundred forty-eight north, range ninety-seven west of the fifth
26 principal meridian, in Dunn County; the west one-half of township one hundred
27 forty-nine north, range ninety-five west; township one hundred forty-nine north,
28 range ninety-six west, and township one hundred forty-nine north, range
29 ninety-seven west of the fifth principal meridian, in McKenzie County; and other
30 areas within a district or unit open for hunting of elk as prescribed in the governor's
31 proclamation. The number of licenses issued under this subsection for each

1 designated district or unit for hunting elk may not exceed fifteen percent of the total
2 licenses prescribed in the governor's proclamation for each district or unit. If the
3 number of applications for licenses to be issued under this subsection in a district
4 or unit exceeds the maximum number of such licenses allocated to that district or
5 unit, the licenses to be issued must be issued by lottery as prescribed in the
6 governor's proclamation. A person who receives a license under this subsection is
7 not eligible to apply for a license to hunt elk in future years but is eligible to
8 participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6.
9 Notwithstanding this subsection, if a person other than the transferee of license
10 eligibility is unsuccessful in harvesting an elk under this subsection, that person
11 may return the unused license to the department and is eligible to apply for, but not
12 transfer, a one-time additional license to hunt elk in future years. A person who
13 receives a second license under this subsection is not eligible to participate in the
14 rocky mountain elk foundation raffle under section 20.1-08-04.6. Licenses to hunt
15 elk may not be issued under this subsection when the total number of licenses
16 prescribed in the governor's proclamation is less than twenty. If a person receives
17 a license under this subsection, the person's spouse, children, and parents living
18 with the person are not eligible to receive a license under this subsection for the
19 district or unit in which the land described in the ~~affidavit~~ completed application is
20 located, unless the person has sold or otherwise transferred the person's rights to
21 the land described in the ~~affidavit~~ completed application. The director may issue
22 special elk depredation management licenses to landowners in designated areas
23 around Theodore Roosevelt national park upon payment of the fee requirement for
24 a resident big game license. The provisions of this section governing the number
25 of licenses issued for each designated district or unit for hunting elk do not apply to
26 special elk depredation management licenses and a person who receives such a
27 license under this subsection is eligible to apply for a license to hunt elk in future
28 years and is eligible to participate in the rocky mountain elk foundation raffle under
29 section 20.1-08-04.6.

30 8. A resident who has executed a lease for at least one hundred sixty acres [64.75
31 hectares] of land and who actively farms or ranches that land or a resident who

1 holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to
2 apply for a license to hunt moose without charge upon filing ~~an affidavit~~ a signed
3 application describing that land. The land must be within a unit open for the
4 hunting of moose. The license must include a legal description of the eligible land
5 described in the ~~affidavit~~ completed application and may be used to hunt moose
6 only upon that land. Upon request, a lessee shall provide proof that the land
7 described in the ~~affidavit~~ completed application is leased for agricultural purposes.
8 A resident who is eligible for a license under this subsection may transfer that
9 eligibility for the license to a spouse or a legal dependent residing customarily with
10 the resident, but no more than one license may be issued under this subsection for
11 any qualifying land. A resident transferring eligibility under this subsection is not
12 eligible to apply for a license to hunt moose in future years but is eligible to
13 participate in the North Dakota game warden association raffle under section
14 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is
15 entitled to receive the license. The number of licenses issued under this
16 subsection for a district or unit may not exceed fifteen percent of the total licenses
17 prescribed in the governor's proclamation for that district or unit. If the number of
18 eligible persons who apply for a license under this subsection exceeds the number
19 of licenses available under this subsection, the licenses must be issued by lottery
20 as prescribed in the governor's proclamation. A person who receives a license
21 under this subsection and who is successful in harvesting a moose is not eligible to
22 apply for a license to hunt moose in future years but is eligible to participate in the
23 North Dakota game warden association raffle under section 20.1-08-04.2.
24 Notwithstanding this subsection, if a person other than the transferee of license
25 eligibility is unsuccessful in harvesting a moose under this subsection, that person
26 may return the unused license to the department and is eligible to apply for, but not
27 transfer, an additional license to hunt moose in future years. A person who
28 receives a second license under this subsection is not eligible to participate in the
29 North Dakota game warden association raffle under section 20.1-08-04.2. If a
30 person receives a license under this subsection, the person's spouse, children, and
31 parents living with the person are not eligible to receive a license under this

1 subsection for the district or unit in which the land described in the ~~affidavit~~
2 completed application is located, unless the person has sold or otherwise
3 transferred the person's rights to the land described in the ~~affidavit~~ completed
4 application. The governor's proclamation may restrict the area of land within a unit
5 open for the hunting of moose for which a preferential license is issued under this
6 subsection. If the proclamation restricts the area for issuance of preferential
7 licenses, an applicant must own or lease land within the restricted area to be
8 eligible to apply for a license to hunt moose upon payment of the fee required for a
9 resident big game license. The license may be used to hunt moose within the
10 entire unit in which the land described in the ~~affidavit~~ completed application is
11 located. A successful applicant from a restricted area may not return an unused
12 license to regain eligibility for a license to hunt moose in future years.

13 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.