

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1131**

Introduced by

Representatives Hofstad, Schmidt, Vigesaa

Senators Carlisle, Lyson, Schaible

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

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

4 **SECTION 1. AMENDMENT.** Section 20.1-03-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **20.1-03-11. License to hunt big game required - Limitations on licenses.**

7 1. An individual may not hunt, kill, take, or attempt to take any big game without having
8 the appropriate big game hunting license and a locking seal bearing a number
9 corresponding to the number of the big game hunting license or stamp. The locking
10 seal must be issued as an integral part of the big game hunting license. Except as
11 otherwise provided in this subsection, an individual may not apply for or be issued a
12 big game hunting license if that individual's fourteenth birthday does not occur on or
13 before the opening date of the respective big game hunting season ~~provided, however,~~
14 ~~that~~ but an individual who is under fourteen years of age and who will be eligible to
15 hunt on the opening date of or during the regular deer hunting season may hunt during
16 the youth deer season. This age limitation does not apply to applicants for big game
17 licenses for hunting by bow and arrow. Each violation of this section is a distinct and
18 separate offense. The following provisions govern youth deer and antelope hunting:
19 a. An individual whose twelfth birthday occurs on or before the opening date of or
20 during the youth deer hunting season but is younger than fourteen years of age is
21 entitled to receive a statewide white-tailed antlerless deer permit but may hunt
22 only in ~~the~~that youth deer hunting season.

- 1 b. An individual whose twelfth birthday occurs on or before the opening date of or
2 during the antelope hunting season but is younger than fourteen years of age is
3 entitled to apply for an antelope permit for that season.
- 4 c. An individual hunting under subdivision a or b must be accompanied by the
5 individual's parent, guardian, or other individual authorized by the individual's
6 parent or guardian. As used in this section, "accompanied" means to stay within a
7 distance that permits uninterrupted visual contact and unaided verbal
8 communication.
- 9 2. The number of licenses issued, including those licenses issued without charge under
10 the provisions of this section, shall not exceed the number of licenses authorized by
11 the governor's proclamation issued pursuant to section 20.1-08-04.
- 12 3. ~~An individual who is a resident, corporation, limited liability company, limited liability~~
13 ~~partnership, limited partnership, or partnership that has executed a lease for at least~~
14 ~~one hundred sixty acres [64.75 hectares] of land and that actively farms or ranches~~
15 ~~that land or an individual, corporation, limited liability company, limited liability~~
16 ~~partnership, limited partnership, or partnership that holds title to at least one hundred~~
17 ~~sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer~~
18 ~~without charge, or if that entity is a nonresident upon payment of the fee requirement~~
19 ~~for a nonresident big game license, upon filing a signed application describing that~~
20 ~~land. If the license is issued to a corporation, limited liability company, limited liability~~
21 ~~partnership, limited partnership, or partnership, only one license may be issued and~~
22 ~~the license must be issued in the name of an individual shareholder, member, or~~
23 ~~partner. The land must be within a unit open for the hunting of deer. The license must~~
24 ~~include a legal description of the eligible land described in the completed application~~
25 ~~and may be used to hunt deer only upon that land. A license issued under this~~
26 ~~subsection is valid for the deer bow, deer gun, and muzzleloader seasons until filled.~~
27 ~~However, an individual, that individual's spouse, and their children who have a license~~
28 ~~issued under this subsection may hunt together on land described in any of the~~
29 ~~affidavits making them eligible for the license. Family members hunting together under~~
30 ~~this provision shall hunt within the same unit within which the land described in the~~
31 ~~affidavit making them eligible for the license is located. Upon request, a lessee shall~~

1 provide proof that the land described in the completed application is leased for
2 agricultural purposes. An individual who is eligible for a license under this subsection
3 may transfer that eligibility for the license to a spouse or legal dependent residing
4 customarily with that individual, but no more than one license may be issued under
5 this subsection for any qualifying land. An individual transferring eligibility under this
6 subsection may not receive a license under this subsection for the season for which
7 the eligibility was transferred. If not otherwise specified in an agricultural lease, the
8 landowner is entitled to receive the license.

9 a. An individual, corporation, limited liability company, limited liability partnership,
10 limited partnership, partnership, trust, or life estate that holds title to at least three
11 hundred acres [121.41 hectares] of land is eligible to apply for a license to hunt
12 deer without charge, or if the individual named to receive the license is a
13 nonresident, upon payment of the fee required for a nonresident big game
14 license.

15 b. A resident that is an individual, corporation, limited liability company, limited
16 liability partnership, limited partnership, partnership, trust, or life estate that has
17 executed a lease for at least three hundred acres [121.41 hectares] of land and
18 that actively farms or ranches that land is eligible to apply for a license to hunt
19 deer without charge. Upon request, a lessee shall provide proof the land
20 described in the completed application is leased for agricultural purposes. If not
21 otherwise specified in an agricultural lease, the landowner is entitled to receive
22 the license. An individual issued a license under this subdivision must be a
23 resident.

24 c. Applications must include a legal description of the eligible land, must be within a
25 unit open for the hunting of deer, and must be signed. A license issued under this
26 subsection is valid for the deer bow, deer gun, and muzzleloader seasons until
27 filled and only upon the land described in the application.

28 d. If the eligible applicant in subdivisions a and b is a corporation, limited liability
29 company, limited liability partnership, limited partnership, partnership, trust, or life
30 estate, only one license may be issued and the license must be issued in the

- 1 name of an individual shareholder, member, partner, beneficiary, or holder of a
2 life estate.
- 3 e. An individual who is eligible for a license under subdivisions a and b may transfer
4 that eligibility for the license to a spouse or legal dependent residing customarily
5 with that individual. An individual may be eligible for only one license. No more
6 than one license may be issued under this subdivision for all qualifying land. An
7 individual transferring eligibility under this subdivision may not receive a license
8 under subdivisions a and b for seasons for which the eligibility was transferred.
- 9 f. An individual, that individual's spouse, and their children who have a license
10 issued under subdivisions a and b may hunt together on land described in any of
11 the applications making them eligible for the license. Family members hunting
12 together under this provision must hunt within the same unit within which the land
13 described in the application making them eligible for the license is located.
- 14 g. Applications for license issued under subdivisions a, b, and f received by the
15 game and fish department before the end date of the deer gun season will be
16 issued an any legal deer license.
- 17 4. One percent of the total deer licenses and permits to hunt deer with guns to be issued
18 in any unit or subunit as described in the governor's proclamation, including licenses
19 issued to nonresidents under subsection 3, must be allocated for nonresidents.
20 Notwithstanding the number of licenses allocated under this subsection, upon
21 payment of the fee requirement for a nonresident who participates on the same basis
22 as a resident in a lottery for deer licenses remaining after the second lottery for
23 residents, a nonresident may participate on the same basis as a resident in a lottery
24 for deer licenses remaining after the second lottery for residents.
- 25 5. A resident who has executed a lease for at least ~~one hundred sixty acres~~ [64.75-
26 ~~hectares~~]three hundred acres [121.41 hectares] of land and who actively farms or
27 ranches that land or a resident who holds title to at least ~~one hundred sixty acres~~-
28 ~~[64.75 hectares]~~three hundred acres [121.41 hectares] of land is eligible to apply for a
29 license to hunt antelope without charge upon filing a signed application describing that
30 land. The land must be within a unit open for the hunting of antelope. The license must
31 include a legal description of the eligible land described in the completed application

1 and may be used to hunt antelope only upon that land. Upon request, a lessee shall
2 provide proof that the land described in the completed application is leased for
3 agricultural purposes. A resident who is eligible for a license under this subsection may
4 transfer that eligibility for the license to a spouse or legal dependent residing
5 customarily with the resident, but no more than one license may be issued under this
6 subsection for any qualifying land. A resident transferring eligibility under this
7 subsection may not receive a license under this subsection for the season for which
8 eligibility was transferred. If not otherwise specified in an agricultural lease, the
9 landowner is entitled to receive the license. The number of licenses issued without
10 charge under this subsection may not exceed the total number of licenses prescribed
11 for each district or unit in the governor's proclamation. If the number of eligible persons
12 who apply for licenses issued without charge under this subsection exceeds the
13 number of licenses prescribed for the district or unit in the governor's proclamation
14 less any licenses that are otherwise designated to be issued with a charge under this
15 subsection, the licenses to be issued without charge must be issued by lottery as
16 prescribed in the governor's proclamation. If the number of licenses prescribed for the
17 district or unit in the governor's proclamation exceeds fifty and if the number of
18 applications for these licenses exceeds the number of licenses prescribed for the
19 district or unit in the governor's proclamation, then one-half of the licenses exceeding
20 fifty must be issued by lottery as prescribed in the governor's proclamation and may
21 not be issued to landowners without charge.

- 22 6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch,
23 brace, or other mechanical support or prosthetic device or who is unable to walk any
24 distance because of a permanent lung, heart, or other internal disease that requires
25 the person to use supplemental oxygen to assist breathing and who receives or
26 obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to
27 convert one license to take any sex or species of deer in the unit or subunit for which
28 the license is issued. Notwithstanding any other law or any provision contained in the
29 governor's proclamation concerning the hunting of deer, a person who is unable to
30 step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical
31 support or prosthetic device or who is unable to walk any distance because of a

1 permanent lung, heart, or other internal disease that requires the person to use
2 supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer
3 regardless of whether that person received a license to hunt deer in any prior year.

- 4 7. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75-~~
5 ~~hectares]~~three hundred acres [121.41 hectares] of land and who actively farms or
6 ranches that land or a resident who holds title to at least ~~one hundred sixty acres-~~
7 ~~[64.75 hectares]~~three hundred acres [121.41 hectares] of land is eligible to apply for a
8 license to hunt elk upon filing a signed application describing that land and payment of
9 the fee requirement for a resident big game license. The land must be within a unit
10 open for the hunting of elk. The license must include a legal description of the eligible
11 land described in the completed application and may be used to hunt elk within the
12 district or unit in which the land described in the completed application is located.
13 Upon request, a lessee shall provide proof that the land described in the completed
14 application is leased for agricultural purposes. A resident who is eligible for a license
15 under this subsection may transfer that eligibility for the license to a spouse or legal
16 dependent residing customarily with the resident, but no more than one license may
17 be issued under this subsection for any qualifying land. If not otherwise specified in an
18 agricultural lease, the landowner is entitled to receive the license. The governor's
19 proclamation may restrict the districts or units for which preferential licenses may be
20 issued under this subsection. The number of licenses issued under this subsection for
21 each designated district or unit for hunting elk may not exceed fifteen percent of the
22 total licenses prescribed in the governor's proclamation for each district or unit. If the
23 number of applications for licenses to be issued under this subsection in a district or
24 unit exceeds the maximum number of ~~such~~ licenses allocated to that district or unit,
25 the licenses to be issued must be issued by weighted lottery as prescribed in the
26 governor's proclamation. Licenses to hunt elk may not be issued under this subsection
27 when the total number of licenses prescribed in the governor's proclamation is fewer
28 than twenty. The director may issue special elk depredation management licenses to
29 landowners in designated areas around Theodore Roosevelt national park upon
30 payment of the fee requirement for a resident big game license. The provisions of this
31 section governing the number of licenses issued for each designated district or unit for

1 hunting elk do not apply to special elk depredation management licenses and a person
2 who receives such a license under this subsection is eligible to apply for a license to
3 hunt elk in future years and is eligible to participate in the raffle under section
4 20.1-08-04.6. An individual who has been convicted of illegally taking a moose, elk, or
5 bighorn sheep is not eligible to apply for or receive a license under this subsection.

- 6 8. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75-~~
7 ~~hectares]~~three hundred acres [121.41 hectares] of land and who actively farms or
8 ranches that land or a resident who holds title to at least ~~one hundred sixty acres-~~
9 ~~[64.75 hectares]~~three hundred acres [121.41 hectares] of land is eligible to apply for a
10 license to hunt moose without charge upon filing a signed application describing that
11 land. The land must be within a unit open for the hunting of moose. The license must
12 include a legal description of the eligible land described in the completed application
13 and may be used to hunt moose only upon that land. Upon request, a lessee shall
14 provide proof that the land described in the completed application is leased for
15 agricultural purposes. A resident who is eligible for a license under this subsection may
16 transfer that eligibility for the license to a spouse or a legal dependent residing
17 customarily with the resident, but no more than one license may be issued under this
18 subsection for any qualifying land. A resident transferring eligibility under this
19 subsection is not eligible to apply for a license to hunt moose in future years but is
20 eligible to participate in the raffle under section 20.1-08-04.2. If not otherwise specified
21 in an agricultural lease, the landowner is entitled to receive the license. The number of
22 licenses issued under this subsection for a district or unit may not exceed fifteen
23 percent of the total licenses prescribed in the governor's proclamation for that district
24 or unit. If the number of eligible persons who apply for a license under this subsection
25 exceeds the number of licenses available under this subsection, the licenses must be
26 issued by lottery as prescribed in the governor's proclamation. A person who receives
27 a license under this subsection and who is successful in harvesting a moose is not
28 eligible to apply for a license to hunt moose in future years but is eligible to participate
29 in the raffle under section 20.1-08-04.2. Notwithstanding this subsection, if a person
30 other than the transferee of license eligibility is unsuccessful in harvesting a moose
31 under this subsection, that person may return the unused license to the department

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

19 9. A person who holds a valid license to hunt deer may hunt the same species and sex of
20 deer, for which that person's license is valid, on land in an adjoining unit for which that
21 person would be eligible for a gratis deer license under subsection 3.

22 10. Fifteen percent of the total mule deer licenses and permits to hunt mule deer made
23 available in the immediately preceding year for the regular gun season must be made
24 available to nonresidents to hunt any deer with bow and arrow.

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