

HOUSE BILL NO. 1246

Introduced by

Representatives D. Anderson, Porter, Schreiber-Beck, Strinden

1 A BILL for an Act to amend and reenact section 20.1-03-11 of the North Dakota Century Code,
2 relating to gratis tags for hunting moose and antelope.

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 unless that individual's fourteenth or subsequent birthday
13 occurs in the same year as the respective big game hunting season. This age
14 limitation does not apply to applicants for big game licenses for hunting by bow and
15 arrow. Each violation of this section is a distinct and separate offense. The following
16 provisions govern youth deer and antelope hunting:
- 17 a. An individual whose eleventh, twelfth, or thirteenth birthday occurs in the same
18 year as a youth deer hunting season is entitled to receive a statewide white-tailed
19 antlerless deer permit but may hunt only in that youth deer hunting season.
 - 20 b. An individual whose twelfth or thirteenth birthday occurs in the same year as an
21 antelope hunting season is entitled to apply for an antelope permit for that
22 season.
 - 23 c. An individual hunting under subdivision a or b must be accompanied by the
24 individual's parent, guardian, or other individual authorized by the individual's

1 parent or guardian. As used in this section, "accompanied" means to stay within a
2 distance that permits uninterrupted visual contact and unaided verbal
3 communication.

4 2. The number of licenses issued, including those licenses issued without charge under
5 the provisions of this section, shall not exceed the number of licenses authorized by
6 the governor's proclamation issued pursuant to section 20.1-08-04.

7 3. a. An individual, corporation, limited liability company, limited liability partnership,
8 limited partnership, partnership, trust, or life estate that hold title to at least one
9 hundred fifty acres [60.70 hectares] of land is eligible to apply for a license to
10 hunt deer without charge, or if the individual named to receive the license is a
11 nonresident, upon payment of the fee required for a nonresident big game
12 license.

13 b. A resident that is an individual, corporation, limited liability company, limited
14 liability partnership, limited partnership, partnership, trust, or life estate that has
15 executed a lease for at least one hundred fifty acres [60.70 hectares] of land and
16 that actively farms or ranches that land is eligible to apply for a license to hunt
17 deer without charge. Upon request, a lessee shall provide proof the land
18 described in the completed application is leased for agricultural purposes. If not
19 otherwise specified in an agricultural lease, the landowner is entitled to receive
20 the license. An individual issued a license under this subsection must be a
21 resident.

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

26 d. If the eligible applicant in subdivisions a and b is a corporation, limited liability
27 company, limited liability partnership, limited partnership, partnership, trust, or life
28 estate, only one license may be issued and the license must be issued in the
29 name of an individual shareholder, member, partner, beneficiary, or holder of a
30 life estate.

- 1 e. An individual who is eligible for a license under subsections a and b may transfer
2 that eligibility for the license to a spouse or legal dependent residing customarily
3 with that individual. An individual may be eligible for only one license. No more
4 than one license may be issued under this subsection for all qualifying land. An
5 individual transferring eligibility under this subsection may not receive a license
6 under subsections a and b for seasons for which the eligibility was transferred.
- 7 f. An individual, that individual's spouse, and their children who have a license
8 issued under subsections a and b may hunt together on land described in any of
9 the applications making them eligible for the license. Family members hunting
10 together under this provision must hunt within the same unit within which the land
11 described in the application making them eligible for the license is located.
- 12 g. Applications for license issued under subsections a, b, and f received by the
13 game and fish department on or before the date of the application deadline for
14 deer gun lottery will be issued as any legal deer. Applications for license issued
15 under subsections a, b, and f received by the game and fish department after the
16 application deadline will be issued based on licenses available.
- 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. A resident ~~who~~that is an individual, corporation, limited liability company, limited
26 liability partnership, limited partnership, partnership, trust, or life estate, and has
27 executed a lease for at least one hundred fifty acres [60.70 hectares] of land and
28 ~~who~~that the resident actively farms or ranches that land; or a resident ~~who~~that is
29 an individual, corporation, limited liability company, limited liability partnership,
30 limited partnership, partnership, trust, or life estate, and holds title to at least one
31 hundred fifty acres [60.70 hectares] of land, is eligible to apply for a license to

1 hunt antelope without charge upon filing a signed application describing that land.
2 The land must be within a unit open for the hunting of antelope. The license must
3 include a legal description of the eligible land described in the completed
4 application and may be used to hunt antelope only upon that land. Upon request,
5 a lessee shall provide proof that the land described in the completed application
6 is leased for agricultural purposes. If not otherwise specified in an agricultural
7 lease, the landowner is entitled to receive the license. An individual licensed
8 under this subsection must be a resident.

9 b. If the eligible applicant is a corporation, limited liability company, limited liability
10 partnership, limited partnership, partnership, trust, or life estate, only one license
11 may be issued, and the license must be issued in the name of an individual
12 shareholder, member, partner, beneficiary, or holder of a life estate.

13 c. A resident who is eligible for a license under this subsection may transfer that
14 eligibility for the license to a spouse or legal dependent residing customarily with
15 the resident, but no more than one license may be issued under this subsection
16 for any qualifying land. A resident transferring eligibility under this subsection may
17 not receive a license under this subsection for the season for which eligibility was
18 transferred. If not otherwise specified in an agricultural lease, the landowner is
19 entitled to receive the license.

20 d. The number of licenses issued without charge under this subsection may not
21 exceed the total number of licenses prescribed for each district or unit in the
22 governor's proclamation. If the number of eligible persons who apply for licenses
23 issued without charge under this subsection exceeds the number of licenses
24 prescribed for the district or unit in the governor's proclamation less any licenses
25 that are otherwise designated to be issued with a charge under this subsection,
26 the licenses to be issued without charge must be issued by lottery as prescribed
27 in the governor's proclamation. If the number of licenses prescribed for the district
28 or unit in the governor's proclamation exceeds fifty and if the number of
29 applications for these licenses exceeds the number of licenses prescribed for the
30 district or unit in the governor's proclamation, then one-half of the licenses

1 exceeding fifty must be issued by lottery as prescribed in the governor's
2 proclamation and may not be issued to landowners without charge.

3 6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch,
4 brace, or other mechanical support or prosthetic device or who is unable to walk any
5 distance because of a permanent lung, heart, or other internal disease that requires
6 the person to use supplemental oxygen to assist breathing and who receives or
7 obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to
8 convert one license to take any sex or species of deer in the unit or subunit for which
9 the license is issued. Notwithstanding any other law or any provision contained in the
10 governor's proclamation concerning the hunting of deer, a person who is unable to
11 step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical
12 support or prosthetic device or who is unable to walk any distance because of a
13 permanent lung, heart, or other internal disease that requires the person to use
14 supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer
15 regardless of whether that person received a license to hunt deer in any prior year.

16 7. A resident who has executed a lease for at least one hundred fifty acres [60.70
17 hectares] of land and who actively farms or ranches that land or a resident who holds
18 title to at least one hundred fifty acres [60.70 hectares] of land is eligible to apply for a
19 license to hunt elk upon filing a signed application describing that land and payment of
20 the fee requirement for a resident big game license. The land must be within a unit
21 open for the hunting of elk. The license must include a legal description of the eligible
22 land described in the completed application and may be used to hunt elk within the
23 district or unit in which the land described in the completed application is located.
24 Upon request, a lessee shall provide proof that the land described in the completed
25 application is leased for agricultural purposes. A resident who is eligible for a license
26 under this subsection may transfer that eligibility for the license to a spouse or legal
27 dependent residing customarily with the resident, but no more than one license may
28 be issued under this subsection for any qualifying land. If not otherwise specified in an
29 agricultural lease, the landowner is entitled to receive the license. The governor's
30 proclamation may restrict the districts or units for which preferential licenses may be
31 issued under this subsection. The number of licenses issued under this subsection for

1 each designated district or unit for hunting elk may not exceed fifteen percent of the
2 total 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 or
4 unit exceeds the maximum number of licenses allocated to that district or unit, the
5 licenses to be issued must be issued by weighted lottery as prescribed in the
6 governor's proclamation. Licenses to hunt elk may not be issued under this subsection
7 when the total number of licenses prescribed in the governor's proclamation is fewer
8 than twenty. The director may issue special elk depredation management licenses to
9 landowners in designated areas around Theodore Roosevelt national park upon
10 payment of the fee requirement for a resident big game license. The provisions of this
11 section governing the number of licenses issued for each designated district or unit for
12 hunting elk do not apply to special elk depredation management licenses and a person
13 who receives such a license under this subsection is eligible to apply for a license to
14 hunt elk in future years and is eligible to participate in the raffle under section
15 20.1-08-04.6. 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 8. a. A resident ~~whethat~~ is an individual, corporation, limited liability company, limited
18 liability partnership, limited partnership, partnership, trust, or life estate, and has
19 executed a lease for at least one hundred fifty acres [60.70 hectares] of land ~~and~~
20 ~~whethat the resident~~ actively farms or ranches ~~that land~~; or a resident ~~whethat~~ is
21 an individual, corporation, limited liability company, limited liability partnership,
22 limited partnership, trust, or life estate and holds title to at least one hundred fifty
23 acres [60.70 hectares] of land, is eligible to apply for a license to hunt moose
24 without charge upon filing a signed application describing that land. The land
25 must be within a unit open for the hunting of moose. The license must include a
26 legal description of the eligible land described in the completed application and
27 may be used to hunt moose only upon that land. Upon request, a lessee shall
28 provide proof that the land described in the completed application is leased for
29 agricultural purposes. If not otherwise specified in an agricultural lease, the
30 landowner is entitled to receive the license. An individual issued a license under
31 this subsection must be a resident.

1 **b.** If the eligible applicant is a corporation, limited liability company, limited liability
2 partnership, limited partnership, partnership, trust, or life estate, only one license
3 may be issued, and the license must be issued in the name of an individual
4 shareholder, member, partner, beneficiary, or holder of a life estate.

5 **c.** A resident who is eligible for a license under this subsection may transfer that
6 eligibility for the license to a spouse or a legal dependent residing customarily
7 with the resident , but no more than one license may be issued under this
8 subsection for any qualifying land. A resident transferring eligibility under this
9 subsection is not eligible to apply for a license to hunt moose in future years but
10 is eligible to participate in the raffle under section 20.1-08-04.2. If not otherwise
11 specified in an agricultural lease, the landowner is entitled to receive the license.

12 **d.** The number of licenses issued under this subsection for a district or unit may not
13 exceed fifteen percent of the total licenses prescribed in the governor's
14 proclamation for that district or unit. If the number of eligible persons who apply
15 for a license under this subsection exceeds the number of licenses available
16 under this subsection, the licenses must be issued by lottery as prescribed in the
17 governor's proclamation.

18 **e.** A person who receives a license under this subsection and who is successful in
19 harvesting a moose is not eligible to apply for a license to hunt moose in future
20 years but is eligible to participate in the raffle under section 20.1-08-04.2.
21 Notwithstanding this subsection, if a person other than the transferee of license
22 eligibility is unsuccessful in harvesting a moose under this subsection, that
23 person may return the unused license to the department and is eligible to apply
24 for, but not transfer, an additional license to hunt moose in future years. A person
25 who receives a second license under this subsection is not eligible to participate
26 in the raffle under section 20.1-08-04.2. If a person receives a license under this
27 subsection, the person's spouse, children, and parents living with the person are
28 not eligible to receive a license under this subsection for the district or unit in
29 which the land described in the completed application is located, unless the
30 person has sold or otherwise transferred the person's rights to the land described
31 in the completed application.

- 1 f. The governor's proclamation may restrict the area of land within a unit open for
2 the hunting of moose for which a preferential license is issued under this
3 subsection. If the proclamation restricts the area for issuance of preferential
4 licenses, an applicant must own or lease land within the restricted area to be
5 eligible to apply for a license to hunt moose upon payment of the fee required for
6 a resident big game license. The license may be used to hunt moose within the
7 entire unit in which the land described in the completed application is located. A
8 successful applicant from a restricted area may not return an unused license to
9 regain eligibility for a license to hunt moose in future years. An individual who has
10 been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to
11 apply for or receive a license under this subsection.
- 12 g. The director may issue special moose depredation management licenses to
13 landowners in areas designated by the director upon payment of the fee required
14 for a resident big game license. The provisions of this section governing the
15 number of licenses issued for each designated district or unit for hunting moose
16 do not apply to special moose depredation management licenses. A person
17 receiving a moose depredation management license under this subsection is
18 eligible to apply for a license to hunt moose in future years and is eligible to
19 participate in the raffle under section 20.1-08-04.2.
- 20 9. A person who holds a valid license to hunt deer may hunt the same species and sex of
21 deer, for which that person's license is valid, on land in an adjoining unit for which that
22 person would be eligible for a gratis deer license under subsection 3.
- 23 10. Fifteen percent of the total mule deer licenses and permits to hunt mule deer made
24 available in the immediately preceding year for the regular gun season must be made
25 available to nonresidents to hunt any deer with bow and arrow.