

Sixty-third
Legislative Assembly
of North Dakota

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.

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~~unless that individual's fourteenth or subsequent birthday
13 ~~does not occur on or before the opening date of~~occurs in the same year as the
14 ~~respective big game hunting season provided, however, that an individual who is~~
15 ~~under fourteen years of age and who will be eligible to hunt on the opening date of or~~
16 ~~during the regular deer hunting season may hunt during the youth deer season. This~~
17 ~~age limitation does not apply to applicants for big game licenses for hunting by bow~~
18 ~~and arrow. Each violation of this section is a distinct and separate offense. The~~
19 ~~following provisions govern youth deer and antelope hunting:~~
20 a. An individual whose twelfth or thirteenth birthday occurs ~~on or before the opening~~
21 ~~date of or during the~~in the same year as a youth deer hunting season ~~but is~~
22 ~~younger than fourteen years of age~~ is entitled to receive a statewide white-tailed
23 antlerless deer permit but may hunt only in ~~the~~that youth deer hunting season.

b. An individual whose twelfth or thirteenth birthday occurs ~~on or before the opening date of or during the~~ in the same year as an antelope hunting season ~~but is younger than fourteen years of age~~ is entitled to apply for an antelope permit for that season.

c. An individual hunting under subdivision a or b must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section, "accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.

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

3. ~~An individual~~ A person who is a resident, ~~corporation, limited liability company, limited liability partnership, limited partnership, or partnership that~~ and who has executed a lease for at least ~~one hundred sixty acres [64.75 hectares]~~ an entire quarter section of land, regardless of size, and that actively farms or ranches that land or ~~an individual, corporation, limited liability company, limited liability partnership, limited partnership, or partnership that~~ a person who is a resident and holds title to at least ~~one hundred sixty acres [64.75 hectares]~~ an entire quarter section of land, regardless of size, is eligible to apply for a license to hunt deer without charge, ~~or if that entity is a nonresident upon.~~ Upon payment of the fee requirement for a nonresident big game license, ~~upon and~~ filing a signed application describing that land, a person who is a nonresident is eligible to hunt deer. If the license is issued to ~~a corporation, limited liability company, limited liability partnership, limited partnership, or partnership~~ an organization, only no more than one license may be issued and the license must be issued in the name of an individual who is a beneficiary of a trust or estate, a shareholder of a corporation or company, member, or the holder of a life estate, a partner of a partnership, or a member of an association, enterprise, venture, or other entity. The land must be within a unit open for the hunting of deer. The license must include a legal description of the eligible land described in the completed application and may be used to hunt deer only upon that land. A license issued under this subsection is valid for the deer bow, deer

gun, and muzzleloader seasons until filled. However, an individual, that individual's spouse, and their children who have a license issued under this subsection may hunt together on land described in any of the affidavits making them eligible for the license. Family members hunting together under this provision shall hunt within the same unit within which the land described in the affidavit making them eligible for the license is located. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. An individual who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with that individual, but no more than one license may be issued under this subsection for any qualifying land. An individual transferring eligibility under this subsection may not receive a license under this subsection for the season for which the eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.

4. One percent of the total deer licenses and permits to hunt deer with guns to be issued in any unit or subunit as described in the governor's proclamation, including licenses issued to nonresidents under subsection 3, must be allocated for nonresidents. Notwithstanding the number of licenses allocated under this subsection, upon payment of the fee requirement for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, a nonresident may participate on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents.
5. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75 hectares]~~an entire quarter section of land, ~~regardless of size,~~ and who actively farms or ranches that land or a resident who holds title to at least ~~one hundred sixty acres [64.75 hectares]~~an entire quarter section of land, ~~regardless of size,~~ is eligible to apply for a license to hunt antelope without charge upon filing a signed application describing that land. The land must be within a unit open for the hunting of antelope. The license must include a legal description of the eligible land described in the completed application and may be used to hunt antelope only upon that land. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. A resident who is eligible for a license

under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection may not receive a license under this subsection for the season for which eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued without charge under this subsection may not exceed the total number of licenses prescribed for each district or unit in the governor's proclamation. If the number of eligible persons who apply for licenses issued without charge under this subsection exceeds the number of licenses prescribed for the district or unit in the governor's proclamation less any licenses that are otherwise designated to be issued with a charge under this subsection, the licenses to be issued without charge must be issued by lottery as prescribed in the governor's proclamation. If the number of licenses prescribed for the district or unit in the governor's proclamation exceeds fifty and if the number of applications for these licenses exceeds the number of licenses prescribed for the district or unit in the governor's proclamation, then one-half of the licenses exceeding fifty must be issued by lottery as prescribed in the governor's proclamation and may not be issued to landowners without charge.

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

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

to participate in the raffle under section 20.1-08-04.6. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this subsection.

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

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

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

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