

HOUSE BILL NO. 1246

Introduced by

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

A BILL for an Act to create and enact subdivision g of subsection 12 of section 20.1-02-05 and a new section to chapter 39-06 of the North Dakota Century Code, relating to eligibility for resident hunting licenses for active military members who are former residents; to amend and reenact section 20.1-03-11 of the North Dakota Century Code, relating to gratis tags for hunting moose and antelope big game; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Subdivision g of subsection 12 of section 20.1-02-05 of the North Dakota Century Code is created and enacted as follows:

g. A nonresident member of the military who has a hunter identification card issued by the department of transportation under section 3 of this Act.

SECTION 2. AMENDMENT. Section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal must be issued as an integral part of the big game hunting license. Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license unless that individual's fourteenth or subsequent birthday occurs in the same year as the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section is a distinct and separate offense. The following provisions govern youth deer and antelope hunting:

- a. An individual whose eleventh, twelfth, or thirteenth birthday occurs in the same year as a youth deer hunting season is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in that youth deer hunting season.
 - b. An individual whose twelfth or thirteenth birthday occurs in the same year as an antelope hunting season 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~~may not exceed the number of licenses authorized by the governor's proclamation issued pursuant to section 20.1-08-04.
 3. a. An individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate that hold title to at least one hundred fifty acres [60.70 hectares] of land is eligible to ~~apply~~submit one application for a license to hunt deer without charge, or if the individual named to receive the license is a nonresident, upon payment of the fee required for a nonresident big game license.
 - b. A resident that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate that has executed a lease for at least one hundred fifty acres [60.70 hectares] of land and that actively farms or ranches that land is eligible to ~~apply~~submit one application for a license to hunt deer without charge. Upon request, a lessee shall provide proof the land described in the completed application is leased for agricultural purposes. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual issued a license under this subsection must be a resident.
 - c. Applications must include a legal description of the eligible land, must be within a unit open for the hunting of deer, and must be signed. A license issued under this

subsection is valid for the deer bow, deer gun, and muzzleloader seasons until filled and only upon the land described in the application.

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

e. An individual who is eligible for a license under subsections a and b may transfer that eligibility for the license to a spouse or legal dependent residing customarily with that individual. An individual may be eligible for only one license. No more than one license may be issued under this subsection for all qualifying land. An individual transferring eligibility under this subsection may not receive a license under subsections a and b for seasons for which the eligibility was transferred.

f. An individual, that individual's spouse, and their children who have a license issued under subsections a and b may hunt together on land described in any of the applications making them eligible for the license. Family members hunting together under this provision must hunt within the same unit within which the land described in the application making them eligible for the license is located.

g. Applications for license issued under subsections a, b, and f received by the game and fish department on or before the date of the application deadline for deer gun lottery will be issued as any legal deer. Applications for license issued under subsections a, b, and f received by the game and fish department after the application deadline will be issued based on licenses available.

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.

- 1 5. a. A resident ~~who~~that is an individual, corporation, limited liability company, limited
2 liability partnership, limited partnership, partnership, trust, or life estate, and has
3 executed a lease for at least one hundred fifty acres [60.70 hectares] of land ~~and~~
4 ~~who~~that the resident actively farms or ranches ~~that land~~; or a resident ~~who~~that is
5 an individual, corporation, limited liability company, limited liability partnership,
6 limited partnership, partnership, trust, or life estate, and holds title to at least one
7 hundred fifty acres [60.70 hectares] of land, is eligible to ~~apply~~submit one
8 application for a license to hunt antelope without charge upon filing a signed
9 application describing that land. The land must be within a unit open for the
10 hunting of antelope. The license must include a legal description of the eligible
11 land described in the completed application and may be used to hunt antelope
12 only upon that land. Upon request, a lessee shall provide proof that the land
13 described in the completed application is leased for agricultural purposes. If not
14 otherwise specified in an agricultural lease, the landowner is entitled to receive
15 the license. An individual licensed under this subsection must be a resident.
16 b. If the eligible applicant is a corporation, limited liability company, limited liability
17 partnership, limited partnership, partnership, trust, or life estate, only one license
18 may be issued, and the license must be issued in the name of an individual
19 shareholder, member, partner, beneficiary, or holder of a life estate.
20 c. A resident who is eligible for a license under this subsection may transfer that
21 eligibility for the license to a spouse or legal dependent residing customarily with
22 the resident, but no more than one license may be issued under this subsection
23 for any qualifying land. A resident transferring eligibility under this subsection may
24 not receive a license under this subsection for the season for which eligibility was
25 transferred. If not otherwise specified in an agricultural lease, the landowner is
26 entitled to receive the license.
27 d. The number of licenses issued without charge under this subsection may not
28 exceed the total number of licenses prescribed for each district or unit in the
29 governor's proclamation. If the number of eligible persons who apply for licenses
30 issued without charge under this subsection exceeds the number of licenses
31 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.
7. a. A resident ~~who~~that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and has executed a lease for at least one hundred fifty acres [60.70 hectares] of land ~~and~~ who~~that the resident~~ actively farms or ranches ~~that land~~; or a resident ~~who~~that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, trust, or life estate and holds title to at least one hundred fifty acres [60.70 hectares] of land, is eligible to ~~apply~~submit one application for a license to hunt elk upon filing a signed application describing that land and payment of the fee requirement for a resident big game license. The land must be within a unit open for the hunting of elk. The license must include a legal

1 description of the eligible land described in the completed application and may be
2 used to hunt elk within the district or unit in which the land described in the
3 completed application is located. Upon request, a lessee shall provide proof that
4 the land described in the completed application is leased for agricultural
5 purposes. If not otherwise specified in an agricultural lease, the landowner is
6 entitled to receive the license. An individual issued a license under this
7 subsection must be a resident.

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

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

17 d. The governor's proclamation may restrict the districts or units for which
18 preferential licenses may be issued under this subsection. The number of
19 licenses issued under this subsection for each designated district or unit for
20 hunting elk may not exceed fifteen percent of the total licenses prescribed in the
21 governor's proclamation for each district or unit. If the number of applications for
22 licenses to be issued under this subsection in a district or unit exceeds the
23 maximum number of licenses allocated to that district or unit, the licenses to be
24 issued must be issued by weighted lottery as prescribed in the governor's
25 proclamation. Licenses to hunt elk may not be issued under this subsection when
26 the total number of licenses prescribed in the governor's proclamation is fewer
27 than twenty.

28 e. 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
31 this section governing the number of licenses issued for each designated district

or unit for hunting elk do not apply to special elk depredation management licenses and a person who receives such a license under 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.

f. 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. A resident ~~who~~that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and has executed a lease for at least one hundred fifty acres [60.70 hectares] of land ~~and~~that the resident actively farms or ranches ~~that land~~; or a resident ~~who~~that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, trust, or life estate and holds title to at least one hundred fifty acres [60.70 hectares] of land, is eligible to ~~apply~~submit one application 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. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual issued a license under this subsection must be a resident.

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

c. 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.

d. 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.

e. 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 eligible to participate in the raffle under section 20.1-08-04.2. If a person receives a license under this subsection, the person's spouse, children, and parents living with the person are not eligible to receive a license under this subsection for the district or unit in which the land described in the completed application is located, unless the person has sold or otherwise transferred the person's rights to the land described in the completed application.

f. The governor's proclamation may restrict the area of land within a unit open for the hunting of moose for which a preferential license is issued under this subsection. If the proclamation restricts the area for issuance of preferential licenses, an applicant must own or lease land within the restricted area to be eligible to apply for a license to hunt moose upon payment of the fee required for a resident big game license. The license may be used to hunt moose within the entire unit in which the land described in the completed application is located. A successful applicant from a restricted area may not return an unused license to regain eligibility for a license to hunt moose in future years. An individual who has

1 been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to
2 apply for or receive a license under this subsection.

3 g. The director may issue special moose depredation management licenses to
4 landowners in areas designated by the director upon payment of the fee required
5 for a resident big game license. The provisions of this section governing the
6 number of licenses issued for each designated district or unit for hunting moose
7 do not apply to special moose depredation management licenses. A person
8 receiving a moose depredation management license under this subsection is
9 eligible to apply for a license to hunt moose in future years and is eligible to
10 participate in the raffle under section 20.1-08-04.2.

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

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

17 **SECTION 3.** A new section to chapter 39-06 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Hunter identification card for active members of the military who formerly resided in**
20 **North Dakota.**

21 1. If the individual fulfills the requirements of this section, the director shall issue a color
22 photo military hunter identification card to an individual who is a nonresident and
23 active member of the military and who previously resided in North Dakota. The card
24 may be used only to identify an individual who is eligible for a military hunting license
25 under subdivision g of subsection 12 of section 20.1-02-05.

26 2. An application for a military hunter identification card must be made on a form
27 furnished by the director and be accompanied by satisfactory evidence of the
28 individual's service in the military and prior residence in North Dakota.

29 3. The director shall adopt rules to implement this section.

30 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - GRATIS HUNTING LICENSES.**

31 During the 2019-20 interim, the legislative management shall consider studying gratis licenses

1 to hunt deer, antelope, elk, and moose. The study must include consideration of the minimum
2 acreage requirements for a gratis license, restrictions on where individuals with gratis licenses
3 to hunt moose may hunt, how gratis licenses to hunt deer are allocated in units to ensure an
4 adequate supply remains available for individuals with other licenses to hunt deer, and whether
5 eligibility for a gratis license to hunt moose should be annual or once in a lifetime. The
6 legislative management shall report its findings and recommendations, together with any
7 legislation required to implement the recommendations, to the sixty-seventh legislative
8 assembly.