

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1172

Introduced by

Representatives Wald, Carlson, Freier

Senators Naaden, Solberg, Urlacher

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 and preferential landowner licenses to hunt big game and wild turkeys.

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

4 **SECTION 1. AMENDMENT.** Section 20.1-03-11 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

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

- 7 1. No person ~~shall~~ may hunt, kill, take, or attempt to take any big game without
8 having the appropriate big game hunting license and a locking seal bearing a
9 number corresponding to the number of the big game hunting license or stamp.
10 The locking seal ~~shall~~ must be issued as an integral part of the big game hunting
11 license. No person may apply for or be issued a big game hunting license if that
12 person's fourteenth birthday does not occur on or before the opening date of the
13 respective big game hunting season. This age limitation does not apply to
14 applicants for big game licenses for hunting by bow and arrow. Each violation of
15 this section ~~shall be~~ is a distinct and separate offense.
- 16 2. The number of licenses issued, including those licenses issued without charge
17 under the provisions of this section, ~~shall~~ may not exceed the number of licenses
18 authorized by the governor's proclamation issued pursuant to section 20.1-08-04.
- 19 3. A ~~resident~~ person who has executed a lease for at least one hundred sixty acres
20 [64.75 hectares] of land and who actively farms or ranches that land or a ~~resident~~
21 person who holds title to at least one hundred sixty acres [64.75 hectares] of land
22 is eligible to apply for a license to hunt deer without charge, or if that person is a
23 nonresident upon payment of the fee requirement for a nonresident big game
24 license, upon filing an affidavit describing that land. The land must be within a unit

1 open for the hunting of deer. The license must include a legal description of the
2 eligible land described in the affidavit and may be used to hunt deer only upon that
3 land. Upon request a lessee shall provide proof that the land described in the
4 affidavit is leased for agricultural purposes. A ~~resident~~ person who is eligible for a
5 license under this subsection may transfer that eligibility for the license to a spouse
6 or legal dependent residing customarily with ~~the resident~~ that person, but no more
7 than one license may be issued under this subsection for any qualifying land. A
8 ~~resident~~ person transferring eligibility under this subsection may not receive a
9 license under this subsection for the season for which the eligibility was
10 transferred. If not otherwise specified in an agricultural lease, the landowner is
11 entitled to receive the license.

- 12 4. One percent of the total deer licenses and permits to hunt deer with guns to be
13 issued in any unit or subunit as described in the governor's proclamation must be
14 allocated for nonresidents who do not receive licenses under subsection 3.
- 15 5. A ~~resident~~ person who has executed a lease for at least one hundred sixty acres
16 [64.75 hectares] of land and who actively farms or ranches that land or a ~~resident~~
17 person who holds title to at least one hundred sixty acres [64.75 hectares] of land
18 is eligible to apply for a license to hunt antelope without charge, or if that person is
19 a nonresident upon payment of the fee requirement for a nonresident big game
20 license, upon filing an affidavit describing that land. The land must be within a unit
21 open for the hunting of antelope. The license must include a legal description of
22 the eligible land described in the affidavit and may be used to hunt antelope only
23 upon that land. Upon request a lessee shall provide proof that the land described
24 in the affidavit is leased for agricultural purposes. A ~~resident~~ person who is eligible
25 for a license under this subsection may transfer that eligibility for the license to a
26 spouse or legal dependent residing customarily with ~~the resident~~ that person, but
27 no more than one license may be issued under this subsection for any qualifying
28 land. A ~~resident~~ person transferring eligibility under this subsection may not
29 receive a license under this subsection for the season for which eligibility was
30 transferred. If not otherwise specified in an agricultural lease, the landowner is
31 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. Any person who is permanently unable to walk for purposes of hunting or taking wildlife and who receives or obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled 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, any person who is permanently unable to walk for purposes of hunting or taking wildlife 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 resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt elk upon filing an affidavit 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 description of the eligible land described in the affidavit and may be used to hunt elk within the district or unit in which the land described in the affidavit is located. Upon request a lessee shall provide proof that the land described in the affidavit 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

1 dependent residing customarily with the resident, but no more than one license
2 may be issued under this subsection for any qualifying land. A resident
3 transferring eligibility under this subsection is not eligible to apply for a license to
4 hunt elk in future years but is eligible to participate in the rocky mountain elk
5 foundation raffle under section 20.1-08-04.6. If not otherwise specified in an
6 agricultural lease, the landowner is entitled to receive the license. The governor's
7 proclamation may restrict the districts or units for which preferential licenses may
8 be issued under this subsection. However, the governor shall give primary
9 consideration to allowing preferential licenses under this subsection to be issued to
10 persons owning or leasing land in the following areas: that portion of township one
11 hundred forty-seven north, range ninety-five west which is north and west of state
12 highway twenty-two; township one hundred forty-six north, range ninety-six west;
13 township one hundred forty-seven north, range ninety-six west; township one
14 hundred forty-eight north, range ninety-six west; township one hundred forty-seven
15 north, range ninety-seven west; township one hundred forty-eight north, range
16 ninety-seven west of the fifth principal meridian, in Dunn County; the west one-half
17 of township one hundred forty-nine north, range ninety-five west; township one
18 hundred forty-nine north, range ninety-six west, and township one hundred
19 forty-nine north, range ninety-seven west of the fifth principal meridian, in
20 McKenzie County; and other areas within a district or unit open for hunting of elk as
21 prescribed in the governor's proclamation. The number of licenses issued under
22 this subsection for each designated district or unit for hunting elk may not exceed
23 fifteen percent of the total licenses prescribed in the governor's proclamation for
24 each district or unit. If the number of applications for licenses to be issued under
25 this subsection in a district or unit exceeds the maximum number of such licenses
26 allocated to that district or unit, the licenses to be issued must be issued by lottery
27 as prescribed in the governor's proclamation. A person who receives a license
28 under this subsection is not eligible to apply for a license to hunt elk in future years
29 but is eligible to participate in the rocky mountain elk foundation raffle under
30 section 20.1-08-04.6. Licenses to hunt elk may not be issued under this
31 subsection when the total number of licenses prescribed in the governor's

1 proclamation is less than twenty. If a person receives a license under this
2 subsection, the person's spouse, children, and parents living with the person are
3 not eligible to receive a license under this subsection for the district or unit in which
4 the land described in the affidavit is located, unless the person has sold or
5 otherwise transferred the person's rights to the land described in the affidavit.

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

9. A nonresident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a nonresident who holds title to at least one hundred sixty acres [64.75 hectares] of land is entitled to receive a license to hunt wild turkeys upon filing an affidavit describing that land and payment of the fee requirement for a resident wild turkey license. The land must be within a unit open for the hunting of wild turkeys. The license must include a legal description of the eligible land described in the affidavit and may be used to hunt wild turkeys only upon that land. Upon request a lessee shall provide proof that the land described in the affidavit is leased for agricultural purposes. A nonresident 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 nonresident, but no more than one license may be issued under this subsection for any qualifying land. A nonresident 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.