

**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.