

**HOUSE BILL NO. 1246**

Introduced by

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

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

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

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

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

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

13 **20.1-03-11. License to hunt big game required - Limitations on licenses.**

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

- 1           a. An individual whose eleventh, twelfth, or thirteenth birthday occurs in the same  
2           year as a youth deer hunting season is entitled to receive a statewide white-tailed  
3           antlerless deer permit but may hunt only in that youth deer hunting season.
- 4           b. An individual whose twelfth or thirteenth birthday occurs in the same year as an  
5           antelope hunting season is entitled to apply for an antelope permit for that  
6           season.
- 7           c. An individual hunting under subdivision a or b must be accompanied by the  
8           individual's parent, guardian, or other individual authorized by the individual's  
9           parent or guardian. As used in this section, "accompanied" means to stay within a  
10          distance that permits uninterrupted visual contact and unaided verbal  
11          communication.
- 12          2. The number of licenses issued, including those licenses issued without charge under  
13          the provisions of this section, ~~shall~~may not exceed the number of licenses authorized  
14          by the governor's proclamation issued pursuant to section 20.1-08-04.
- 15          3. a. An individual, corporation, limited liability company, limited liability partnership,  
16          limited partnership, partnership, trust, or life estate that hold title to at least one  
17          hundred fifty acres [60.70 hectares] of land is eligible to ~~apply~~submit one  
18          application for a license to hunt deer without charge, or if the individual named to  
19          receive the license is a nonresident, upon payment of the fee required for a  
20          nonresident big game license.
- 21          b. A resident that is an individual, corporation, limited liability company, limited  
22          liability partnership, limited partnership, partnership, trust, or life estate that has  
23          executed a lease for at least one hundred fifty acres [60.70 hectares] of land and  
24          that actively farms or ranches that land is eligible to ~~apply~~submit one application  
25          for a license to hunt deer without charge. Upon request, a lessee shall provide  
26          proof the land described in the completed application is leased for agricultural  
27          purposes. If not otherwise specified in an agricultural lease, the landowner is  
28          entitled to receive the license. An individual issued a license under this  
29          subsection must be a resident.
- 30          c. Applications must include a legal description of the eligible land, must be within a  
31          unit open for the hunting of deer, and must be signed. A license issued under this

- 1 subsection is valid for the deer bow, deer gun, and muzzleloader seasons until  
2 filled and only upon the land described in the application.
- 3 d. If the eligible applicant in subdivisions a and b is a corporation, limited liability  
4 company, limited liability partnership, limited partnership, partnership, trust, or life  
5 estate, only one license may be issued and the license must be issued in the  
6 name of an individual shareholder, member, partner, beneficiary, or holder of a  
7 life estate.
- 8 e. An individual who is eligible for a license under subsections a and b may transfer  
9 that eligibility for the license to a spouse or legal dependent residing customarily  
10 with that individual. An individual may be eligible for only one license. No more  
11 than one license may be issued under this subsection for all qualifying land. An  
12 individual transferring eligibility under this subsection may not receive a license  
13 under subsections a and b for seasons for which the eligibility was transferred.
- 14 f. An individual, that individual's spouse, and their children who have a license  
15 issued under subsections a and b may hunt together on land described in any of  
16 the applications making them eligible for the license. Family members hunting  
17 together under this provision must hunt within the same unit within which the land  
18 described in the application making them eligible for the license is located.
- 19 g. Applications for license issued under subsections a, b, and f received by the  
20 game and fish department on or before the date of the application deadline for  
21 deer gun lottery will be issued as any legal deer. Applications for license issued  
22 under subsections a, b, and f received by the game and fish department after the  
23 application deadline will be issued based on licenses available.
- 24 4. One percent of the total deer licenses and permits to hunt deer with guns to be issued  
25 in any unit or subunit as described in the governor's proclamation, including licenses  
26 issued to nonresidents under subsection 3, must be allocated for nonresidents.  
27 Notwithstanding the number of licenses allocated under this subsection, upon  
28 payment of the fee requirement for a nonresident who participates on the same basis  
29 as a resident in a lottery for deer licenses remaining after the second lottery for  
30 residents, a nonresident may participate on the same basis as a resident in a lottery  
31 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

1 that are otherwise designated to be issued with a charge under this subsection,  
2 the licenses to be issued without charge must be issued by lottery as prescribed  
3 in the governor's proclamation. If the number of licenses prescribed for the district  
4 or unit in the governor's proclamation exceeds fifty and if the number of  
5 applications for these licenses exceeds the number of licenses prescribed for the  
6 district or unit in the governor's proclamation, then one-half of the licenses  
7 exceeding fifty must be issued by lottery as prescribed in the governor's  
8 proclamation and may not be issued to landowners without charge.

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

- 22 7. a. A resident ~~who~~that is an individual, corporation, limited liability company, limited  
23 liability partnership, limited partnership, partnership, trust, or life estate, and has  
24 executed a lease for at least one hundred fifty acres [60.70 hectares] of land ~~and~~  
25 ~~who~~that the resident actively farms or ranches ~~that land~~; or a resident ~~who~~that is  
26 an individual, corporation, limited liability company, limited liability partnership,  
27 limited partnership, trust, or life estate and holds title to at least one hundred fifty  
28 acres [60.70 hectares] of land, is eligible to ~~apply~~submit one application for a  
29 license to hunt elk upon filing a signed application describing that land and  
30 payment of the fee requirement for a resident big game license. The land must be  
31 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

1 or unit for hunting elk do not apply to special elk depredation management  
2 licenses and a person who receives such a license under this subsection is  
3 eligible to apply for a license to hunt elk in future years and is eligible to  
4 participate in the raffle under section 20.1-08-04.6.

5 f. An individual who has been convicted of illegally taking a moose, elk, or bighorn  
6 sheep is not eligible to apply for or receive a license under this subsection.

7 8. a. A resident ~~whethat is an individual, corporation, limited liability company, limited~~  
8 ~~liability partnership, limited partnership, partnership, trust, or life estate, and has~~  
9 ~~executed a lease for at least one hundred fifty acres [60.70 hectares] of land and~~  
10 ~~whethat the resident actively farms or ranches that land;~~ or a resident ~~whethat is~~  
11 ~~an individual, corporation, limited liability company, limited liability partnership,~~  
12 ~~limited partnership, trust, or life estate and holds title to at least one hundred fifty~~  
13 ~~acres [60.70 hectares] of land,~~ is eligible to ~~apply~~submit one application for a  
14 license to hunt moose without charge upon filing a signed application describing  
15 that land. The land must be within a unit open for the hunting of moose. The  
16 license must include a legal description of the eligible land described in the  
17 completed application and may be used to hunt moose only upon that land. Upon  
18 request, a lessee shall provide proof that the land described in the completed  
19 application is leased for agricultural purposes. If not otherwise specified in an  
20 agricultural lease, the landowner is entitled to receive the license. An individual  
21 issued a license under this subsection must be a resident.

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

26 c. A resident who is eligible for a license under this subsection may transfer that  
27 eligibility for the license to a spouse or a legal dependent residing customarily  
28 with the resident , but no more than one license may be issued under this  
29 subsection for any qualifying land. A resident transferring eligibility under this  
30 subsection is not eligible to apply for a license to hunt moose in future years but

1 is eligible to participate in the raffle under section 20.1-08-04.2. If not otherwise  
2 specified in an agricultural lease, the landowner is entitled to receive the license.

3 d. The number of licenses issued under this subsection for a district or unit may not  
4 exceed fifteen percent of the total licenses prescribed in the governor's  
5 proclamation for that district or unit. If the number of eligible persons who apply  
6 for a license under this subsection exceeds the number of licenses available  
7 under this subsection, the licenses must be issued by lottery as prescribed in the  
8 governor's proclamation.

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

23 f. The governor's proclamation may restrict the area of land within a unit open for  
24 the hunting of moose for which a preferential license is issued under this  
25 subsection. If the proclamation restricts the area for issuance of preferential  
26 licenses, an applicant must own or lease land within the restricted area to be  
27 eligible to apply for a license to hunt moose upon payment of the fee required for  
28 a resident big game license. The license may be used to hunt moose within the  
29 entire unit in which the land described in the completed application is located. A  
30 successful applicant from a restricted area may not return an unused license to  
31 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.