

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED 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; and to declare an emergency.

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, but 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.

- 1           b. An individual whose twelfth ~~or thirteenth~~ birthday occurs on or before the opening  
2           date of or during the~~in the same year as an~~ antelope hunting season but is  
3           younger than fourteen years of age is entitled to apply for an antelope permit for  
4           that season.
- 5           c. An individual hunting under subdivision a or b must be accompanied by the  
6           individual's parent, guardian, or other individual authorized by the individual's  
7           parent or guardian. As used in this section, "accompanied" means to stay within a  
8           distance that permits uninterrupted visual contact and unaided verbal  
9           communication.
- 10          2. The number of licenses issued, including those licenses issued without charge under  
11          the provisions of this section, shall not exceed the number of licenses authorized by  
12          the governor's proclamation issued pursuant to section 20.1-08-04.
- 13          3. ~~An individual who is a resident, corporation, limited liability company, limited liability~~  
14          ~~partnership, limited partnership, or partnership that has executed a lease for at least~~  
15          ~~one hundred sixty acres [64.75 hectares] of land and that actively farms or ranches~~  
16          ~~that land or an individual, corporation, limited liability company, limited liability~~  
17          ~~partnership, limited partnership, or partnership that holds title to at least one hundred~~  
18          ~~sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer~~  
19          ~~without charge, or if that entity is a nonresident upon payment of the fee requirement~~  
20          ~~for a nonresident big game license, upon filing a signed application describing that~~  
21          ~~land. If the license is issued to a corporation, limited liability company, limited liability~~  
22          ~~partnership, limited partnership, or partnership, only one license may be issued and~~  
23          ~~the license must be issued in the name of an individual shareholder, member, or~~  
24          ~~partner. The land must be within a unit open for the hunting of deer. The license must~~  
25          ~~include a legal description of the eligible land described in the completed application~~  
26          ~~and may be used to hunt deer only upon that land. A license issued under this~~  
27          ~~subsection is valid for the deer bow, deer gun, and muzzleloader seasons until filled.~~  
28          ~~However, an individual, that individual's spouse, and their children who have a license~~  
29          ~~issued under this subsection may hunt together on land described in any of the~~  
30          ~~affidavits making them eligible for the license. Family members hunting together under~~  
31          ~~this provision shall hunt within the same unit within which the land described in the~~

1 affidavit making them eligible for the license is located. Upon request, a lessee shall  
2 provide proof that the land described in the completed application is leased for  
3 agricultural purposes. An individual who is eligible for a license under this subsection  
4 may transfer that eligibility for the license to a spouse or legal dependent residing  
5 customarily with that individual, but no more than one license may be issued under  
6 this subsection for any qualifying land. An individual transferring eligibility under this  
7 subsection may not receive a license under this subsection for the season for which  
8 the eligibility was transferred. If not otherwise specified in an agricultural lease, the  
9 landowner is entitled to receive the license.

10 a. An individual, corporation, limited liability company, limited liability partnership,  
11 limited partnership, partnership, trust, or life estate that ~~hold~~holds title to at least  
12 ~~one~~three hundred ~~fifty~~ acres [~~60.70~~121.41 hectares] of land is eligible to apply for  
13 a license to hunt deer without charge, or if the individual named to receive the  
14 license is a nonresident, upon payment of the fee required for a nonresident big  
15 game license.

16 b. A resident that is an individual, corporation, limited liability company, limited  
17 liability partnership, limited partnership, partnership, trust, or life estate that has  
18 executed a lease for at least ~~one~~three hundred ~~fifty~~ acres [~~60.70~~28121.41  
19 hectares] of land and that actively farms or ranches that land is eligible to apply  
20 for a license to hunt deer without charge. Upon request, a lessee shall provide  
21 proof the land described in the completed application is leased for agricultural  
22 purposes. If not otherwise specified in an agricultural lease, the landowner is  
23 entitled to receive the license. An individual issued a license under this  
24 ~~subsection~~subdivision must be a resident.

25 c. Applications must include a legal description of the eligible land, must be within a  
26 unit open for the hunting of deer, and must be signed. A license issued under this  
27 subsection is valid for the deer bow, deer gun, and muzzleloader seasons until  
28 filled and only upon the land described in the application.

29 d. If the eligible applicant in ~~subsections~~subdivisions a and b is a corporation,  
30 limited liability company, limited liability partnership, limited partnership,  
31 partnership, trust, or life estate, only one license may be issued and the license

- 1           must be issued in the name of an individual shareholder, member, partner,  
2           beneficiary, or holder of a life estate.
- 3           e. An individual who is eligible for a license under ~~subsections~~subdivisions a and b  
4           may transfer that eligibility for the license to a spouse or legal dependent residing  
5           customarily with that individual. An individual may be eligible for only one license.  
6           No more than one license may be issued under this ~~subsections~~subdivision for all  
7           qualifying land. An individual transferring eligibility under this  
8           ~~subsections~~subdivision may not receive a license under ~~subsections~~subdivisions a  
9           and b for seasons for which the eligibility was transferred.
- 10          f. An individual, that individual's spouse, and their children who have a license  
11          issued under ~~subsections~~subdivisions a and b may hunt together on land  
12          described in any of the applications making them eligible for the license. Family  
13          members hunting together under this provision must hunt within the same unit  
14          within which the land described in the application making them eligible for the  
15          license is located.
- 16          g. Applications for license issued under ~~subsections~~subdivisions a, b, and f received  
17          by the game and fish department ~~on or~~ before the ~~end~~ date of the ~~application~~  
18          ~~deadline for~~ deer gun ~~lottery~~season will be issued ~~as an~~ any legal deer ~~license~~.  
19          ~~Applications for license issued under subsections a, b, and f received by the~~  
20          ~~game and fish department after the the application deadline will be issued based~~  
21          ~~on licenses available.~~
- 22          4. One percent of the total deer licenses and permits to hunt deer with guns to be issued  
23          in any unit or subunit as described in the governor's proclamation, including licenses  
24          issued to nonresidents under subsection 3, must be allocated for nonresidents.  
25          Notwithstanding the number of licenses allocated under this subsection, upon  
26          payment of the fee requirement for a nonresident who participates on the same basis  
27          as a resident in a lottery for deer licenses remaining after the second lottery for  
28          residents, a nonresident may participate on the same basis as a resident in a lottery  
29          for deer licenses remaining after the second lottery for residents.
- 30          5. A resident who has executed a lease for at least ~~one hundred sixty acres~~ [64.75-  
31          ~~hectares~~] ~~one three~~ hundred ~~fifty~~ ~~acres~~ [60.78121.41 hectares] of land and who actively

1 farms or ranches that land or a resident who holds title to at least ~~one hundred sixty-~~  
2 ~~acres [64.75 hectares]~~ ~~one~~ ~~three~~ ~~hundred~~ ~~fifty~~ ~~acres~~ ~~[60.78~~ ~~121.41~~ ~~hectares]~~ of land is  
3 eligible to apply for a license to hunt antelope without charge upon filing a signed  
4 application describing that land. The land must be within a unit open for the hunting of  
5 antelope. The license must include a legal description of the eligible land described in  
6 the completed application and may be used to hunt antelope only upon that land.  
7 Upon request, a lessee shall provide proof that the land described in the completed  
8 application is leased for agricultural purposes. A resident who is eligible for a license  
9 under this subsection may transfer that eligibility for the license to a spouse or legal  
10 dependent residing customarily with the resident, but no more than one license may  
11 be issued under this subsection for any qualifying land. A resident transferring  
12 eligibility under this subsection may not receive a license under this subsection for the  
13 season for which eligibility was transferred. If not otherwise specified in an agricultural  
14 lease, the landowner is entitled to receive the license. The number of licenses issued  
15 without charge under this subsection may not exceed the total number of licenses  
16 prescribed for each district or unit in the governor's proclamation. If the number of  
17 eligible persons who apply for licenses issued without charge under this subsection  
18 exceeds the number of licenses prescribed for the district or unit in the governor's  
19 proclamation less any licenses that are otherwise designated to be issued with a  
20 charge under this subsection, the licenses to be issued without charge must be issued  
21 by lottery as prescribed in the governor's proclamation. If the number of licenses  
22 prescribed for the district or unit in the governor's proclamation exceeds fifty and if the  
23 number of applications for these licenses exceeds the number of licenses prescribed  
24 for the district or unit in the governor's proclamation, then one-half of the licenses  
25 exceeding fifty must be issued by lottery as prescribed in the governor's proclamation  
26 and may not be issued to landowners without charge.

- 27 6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch,  
28 brace, or other mechanical support or prosthetic device or who is unable to walk any  
29 distance because of a permanent lung, heart, or other internal disease that requires  
30 the person to use supplemental oxygen to assist breathing and who receives or  
31 obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to

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

- 9 7. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75-~~  
10 ~~hectares]~~ one hundred fifty acres [60.78121.41 hectares] of land and who actively  
11 farms or ranches that land or a resident who holds title to at least ~~one hundred sixty-~~  
12 ~~acres [64.75 hectares]~~ one hundred fifty acres [60.78121.41 hectares] of land is  
13 eligible to apply for a license to hunt elk upon filing a signed application describing that  
14 land and payment of the fee requirement for a resident big game license. The land  
15 must be within a unit open for the hunting of elk. The license must include a legal  
16 description of the eligible land described in the completed application and may be  
17 used to hunt elk within the district or unit in which the land described in the completed  
18 application is located. Upon request, a lessee shall provide proof that the land  
19 described in the completed application is leased for agricultural purposes. A resident  
20 who is eligible for a license under this subsection may transfer that eligibility for the  
21 license to a spouse or legal dependent residing customarily with the resident, but no  
22 more than one license may be issued under this subsection for any qualifying land. If  
23 not otherwise specified in an agricultural lease, the landowner is entitled to receive the  
24 license. The governor's proclamation may restrict the districts or units for which  
25 preferential licenses may be issued under this subsection. The number of licenses  
26 issued under this subsection for each designated district or unit for hunting elk may not  
27 exceed fifteen percent of the total licenses prescribed in the governor's proclamation  
28 for each district or unit. If the number of applications for licenses to be issued under  
29 this subsection in a district or unit exceeds the maximum number of such licenses  
30 allocated to that district or unit, the licenses to be issued must be issued by weighted  
31 lottery as prescribed in the governor's proclamation. Licenses to hunt elk may not be

1 issued under this subsection when the total number of licenses prescribed in the  
2 governor's proclamation is fewer than twenty. The director may issue special elk  
3 depredation management licenses to landowners in designated areas around  
4 Theodore Roosevelt national park upon payment of the fee requirement for a resident  
5 big game license. The provisions of this section governing the number of licenses  
6 issued for each designated district or unit for hunting elk do not apply to special elk  
7 depredation management licenses and a person who receives such a license under  
8 this subsection is eligible to apply for a license to hunt elk in future years and is eligible  
9 to participate in the raffle under section 20.1-08-04.6. An individual who has been  
10 convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or  
11 receive a license under this subsection.

- 12 8. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75-~~  
13 ~~hectares]~~one three hundred fifty acres [60.78121.41 hectares] of land and who actively  
14 farms or ranches that land or a resident who holds title to at least ~~one hundred sixty-~~  
15 ~~acres [64.75 hectares]~~one three hundred fifty acres [60.78121.41 hectares] of land is  
16 eligible to apply for a license to hunt moose without charge upon filing a signed  
17 application describing that land. The land must be within a unit open for the hunting of  
18 moose. The license must include a legal description of the eligible land described in  
19 the completed application and may be used to hunt moose only upon that land. Upon  
20 request, a lessee shall provide proof that the land described in the completed  
21 application is leased for agricultural purposes. A resident who is eligible for a license  
22 under this subsection may transfer that eligibility for the license to a spouse or a legal  
23 dependent residing customarily with the resident, but no more than one license may  
24 be issued under this subsection for any qualifying land. A resident transferring  
25 eligibility under this subsection is not eligible to apply for a license to hunt moose in  
26 future years but is eligible to participate in the raffle under section 20.1-08-04.2. If not  
27 otherwise specified in an agricultural lease, the landowner is entitled to receive the  
28 license. The number of licenses issued under this subsection for a district or unit may  
29 not exceed fifteen percent of the total licenses prescribed in the governor's  
30 proclamation for that district or unit. If the number of eligible persons who apply for a  
31 license under this subsection exceeds the number of licenses available under this

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

- 25 9. A person who holds a valid license to hunt deer may hunt the same species and sex of  
26 deer, for which that person's license is valid, on land in an adjoining unit for which that  
27 person would be eligible for a gratis deer license under subsection 3.
- 28 10. Fifteen percent of the total mule deer licenses and permits to hunt mule deer made  
29 available in the immediately preceding year for the regular gun season must be made  
30 available to nonresidents to hunt any deer with bow and arrow.

31 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.