

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1430

Introduced by

Representative Porter

Senator Unruh

1 A BILL for an Act to create and enact section 20.1-03-11.6 of the North Dakota Century Code,
2 relating to licenses to hunt big game without charge and big game hunting licenses for
3 nonresident landowners; and to amend and reenact sections 20.1-03-11 and 20.1-03-11.2,
4 subsection 4 of section 20.1-03-12, and sections 20.1-08-04.2 and 20.1-08-04.6, relating to
5 licenses to hunt big game and governor's proclamations concerning hunting.

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

7 **SECTION 1. AMENDMENT.** Section 20.1-03-11 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **20.1-03-11. License to hunt big game required - Limitations on licenses.**

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

- 1 b. An individual whose twelfth or thirteenth birthday occurs in the same year as an
2 antelope hunting season is entitled to apply for an antelope permit for that
3 season.
- 4 c. An individual hunting under subdivision a or b must be accompanied by the
5 individual's parent, guardian, or other individual authorized by the individual's
6 parent or guardian. As used in this section, "accompanied" means to stay within a
7 distance that permits uninterrupted visual contact and unaided verbal
8 communication.
- 9 2. The number of licenses issued, including those licenses issued without charge under
10 the provisions of this section 20.1-03-11.6, shall ~~may~~ not exceed the number of
11 licenses authorized by the governor's proclamation issued pursuant to section
12 20.1-08-04.
- 13 3. a. ~~An individual, corporation, limited liability company, limited liability partnership,~~
14 ~~limited partnership, partnership, trust, or life estate that hold title to at least one~~
15 ~~hundred fifty acres [60.70 hectares] of land is eligible to apply for a license to~~
16 ~~hunt deer without charge, or if the individual named to receive the license is a~~
17 ~~nonresident, upon payment of the fee required for a nonresident big game~~
18 ~~license.~~
- 19 b. ~~A resident that is an individual, corporation, limited liability company, limited~~
20 ~~liability partnership, limited partnership, partnership, trust, or life estate that has~~
21 ~~executed a lease for at least one hundred fifty acres [60.7028 hectares] of land~~
22 ~~and that actively farms or ranches that land is eligible to apply for a license to~~
23 ~~hunt deer without charge. Upon request, a lessee shall provide proof the land~~
24 ~~described in the completed application is leased for agricultural purposes. If not~~
25 ~~otherwise specified in an agricultural lease, the landowner is entitled to receive~~
26 ~~the license. An individual issued a license under this subsection must be a~~
27 ~~resident.~~
- 28 c. ~~Applications must include a legal description of the eligible land, must be within a~~
29 ~~unit open for the hunting of deer, and must be signed. A license issued under this~~
30 ~~subsection is valid for the deer bow, deer gun, and muzzleloader seasons until~~
31 ~~filled and only upon the land described in the application.~~

- 1 d. ~~If the eligible applicant in subdivisions a and b is a corporation, limited liability-~~
2 ~~company, limited liability partnership, limited partnership, partnership, trust, or life-~~
3 ~~estate, only one license may be issued and the license must be issued in the-~~
4 ~~name of an individual shareholder, member, partner, beneficiary, or holder of a~~
5 ~~life estate.~~
- 6 e. ~~An individual who is eligible for a license under subsections a and b may transfer~~
7 ~~that eligibility for the license to a spouse or legal dependent residing customarily~~
8 ~~with that individual. An individual may be eligible for only one license. No more~~
9 ~~than one license may be issued under this subsection for all qualifying land. An~~
10 ~~individual transferring eligibility under this subsection may not receive a license~~
11 ~~under subsections a and b for seasons for which the eligibility was transferred.~~
- 12 f. ~~An individual, that individual's spouse, and their children who have a license~~
13 ~~issued under subsections a and b may hunt together on land described in any of~~
14 ~~the applications making them eligible for the license. Family members hunting~~
15 ~~together under this provision must hunt within the same unit within which the land~~
16 ~~described in the application making them eligible for the license is located.~~
- 17 g. ~~Applications for license issued under subsections a, b, and f received by the~~
18 ~~game and fish department on or before the date of the application deadline for~~
19 ~~deer gun lottery will be issued as any legal deer. Applications for license issued~~
20 ~~under subsections a, b, and f received by the game and fish department after the~~
21 ~~application deadline will be issued based 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 31 of section 20.1-03-11.6, must be allocated~~
25 ~~for nonresidents. Notwithstanding the number of licenses allocated under this~~
26 ~~subsection, upon payment of the fee requirement for a nonresident who participates~~
27 ~~on the same basis as a resident in a lottery for deer licenses remaining after the~~
28 ~~second lottery for residents, a nonresident may participate on the same basis as a~~
29 ~~resident in a lottery for deer licenses remaining after the second lottery for residents.~~
- 30 5. ~~A resident who has executed a lease for at least one hundred fifty acres [60.78-~~
31 ~~hectares] of land and who actively farms or ranches that land or a resident who holds-~~

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

26 6.4. A person who is unable to step from a vehicle without aid of a wheelchair, crutch,
27 brace, or other mechanical support or prosthetic device or who is unable to walk any
28 distance because of a permanent lung, heart, or other internal disease that requires
29 the person to use supplemental oxygen to assist breathing and who receives or
30 obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to
31 convert one license to take any sex or species of deer in the unit or subunit for which

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

8 7.5. A resident who has executed a lease for at least one hundred fifty acres [60.78
9 hectares] of land and who actively farms or ranches that land or a resident who holds
10 title to at least one hundred fifty acres [60.78 hectares] of land is eligible to apply for a
11 license to hunt elk upon filing a signed application describing that land and payment of
12 the fee requirement for a resident big game license. The land must be within a unit
13 open for the hunting of elk. The license must include a legal description of the eligible
14 land described in the completed application and may be used to hunt elk within the
15 district or unit in which the land described in the completed application is located.
16 Upon request, a lessee shall provide proof that the land described in the completed
17 application is leased for agricultural purposes. A resident who is eligible for a license
18 under this subsection may transfer that eligibility for the license to a spouse or legal
19 dependent residing customarily with the resident, but no more than one license may
20 be issued under this subsection for any qualifying land. If not otherwise specified in an
21 agricultural lease, the landowner is entitled to receive the license. The governor's
22 proclamation may restrict the districts or units for which preferential licenses may be
23 issued under this subsection. The number of licenses issued under this subsection for
24 each designated district or unit for hunting elk may not exceed fifteen percent of the
25 total licenses prescribed in the governor's proclamation for each district or unit. If the
26 number of applications for licenses to be issued under this subsection in a district or
27 unit exceeds the maximum number of licenses allocated to that district or unit, the
28 licenses to be issued must be issued by weighted lottery as prescribed in the
29 governor's proclamation. Licenses to hunt elk may not be issued under this subsection
30 when the total number of licenses prescribed in the governor's proclamation is fewer
31 than twenty. The director may issue special elk depredation management licenses to

landowners in designated areas around Theodore Roosevelt national park upon payment of the fee requirement for a resident big game license. The provisions of 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. 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 resident who has executed a lease for at least one hundred fifty acres [60.78 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred fifty acres [60.78 hectares] of land is eligible to apply 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. 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. 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. 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. 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 been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this subsection.~~

9.6. A person who holds a valid license to hunt deer may hunt the same species and sex of deer, for which that person's license is valid, on land in an adjoining unit for which that person would be eligible for a gratis deer license under subsection 31 of section 20.1-03-11.6.

~~10.7.~~ Fifteen percent of the total mule deer licenses and permits to hunt mule deer made available in the immediately preceding year for the regular gun season must be made available to nonresidents to hunt any deer with bow and arrow.

SECTION 2. AMENDMENT. Section 20.1-03-11.2 of the North Dakota Century Code is amended and reenacted as follows:

1 **20.1-03-11.2. Hunting outfitters - White-tailed deer licenses - Fees.**

2 The governor shall make one-half of the antlered white-tailed deer licenses and permits
3 allocated to nonresidents under subsection 43 of section 20.1-03-11, up to a maximum of one
4 hundred licenses, available to hunting outfitters licensed in this state. A hunting outfitter may not
5 purchase or obtain more than five white-tailed deer licenses under this section in any one year.
6 A hunting outfitter shall pay the fee required for a white-tailed deer license sold to outfitters and
7 provided by them to nonresidents for each license purchased under this section. A hunting
8 outfitter may provide to nonresidents, for compensation, big game guiding and outfitting
9 services and one white-tailed deer license per nonresident as provided in this section to hunt
10 white-tailed deer in the manner, at the places, and during the times the governor prescribes by
11 proclamation.

12 **SECTION 3.** Section 20.1-03-11.6 of the North Dakota Century Code is created and
13 enacted as follows:

14 **20.1-03-11.6. Licenses to hunt big game without charge - Fee imposed for deer**
15 **licenses for nonresident landowners.**

- 16 1. a. An individual, corporation, limited liability company, limited liability partnership,
17 limited partnership, partnership, trust, or life estate that holds title to at least one
18 hundred fifty acres [60.70 hectares] of land is eligible to apply for a license to
19 hunt deer without charge, or if the individual named to receive the license is a
20 nonresident, upon payment of the fee required for a nonresident big game
21 license.
- 22 b. A resident that is an individual, corporation, limited liability company, limited
23 liability partnership, limited partnership, partnership, trust, or life estate that has
24 executed a lease for at least one hundred fifty acres [60.70 hectares] of land and
25 actively farms or ranches that land is eligible to apply for a license to hunt deer
26 without charge. Upon request, a lessee shall provide proof the land described in
27 the completed application is leased for agricultural purposes. If not otherwise
28 specified in an agricultural lease, the landowner is entitled to receive the license.
29 An individual issued a license under this 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

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 subdivision a or b is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license under this subsection 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 eligible for a license under subdivision a or 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 under this subsection. 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 subdivision a or 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 subdivision a or 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 licenses issued under subdivisions 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 licenses issued under subdivisions a, b, and f received by the game and fish department after the application deadline will be issued based on licenses available.

2. A resident who has executed a lease for at least one hundred fifty acres [60.70 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred fifty acres [60.70 hectares] of land is eligible to apply for a license to hunt antelope without charge upon filing a signed application describing that land. The land must be within a unit open for the hunting of antelope. The license must include a legal description of the eligible land described in the completed application and may be used to hunt antelope only upon that land. Upon request, a lessee shall

1 provide proof that the land described in the completed application is leased for
2 agricultural purposes. A resident eligible for a license under this subsection may
3 transfer that eligibility for the license to a spouse or legal dependent residing
4 customarily with the resident, but no more than one license may be issued under this
5 subsection for any qualifying land. A resident transferring eligibility under this
6 subsection may not receive a license under this subsection for the season for which
7 eligibility was transferred. If not otherwise specified in an agricultural lease, the
8 landowner is entitled to receive the license. The number of licenses issued without
9 charge under this subsection may not exceed the total number of licenses prescribed
10 for each district or unit in the governor's proclamation. If the number of eligible persons
11 who apply for licenses issued without charge under this subsection exceeds the
12 number of licenses prescribed for the district or unit in the governor's proclamation
13 less any licenses otherwise designated to be issued with a charge under this
14 subsection, the licenses to be issued without charge must be issued by lottery as
15 prescribed in the governor's proclamation. If the number of licenses prescribed for the
16 district or unit in the governor's proclamation exceeds fifty and if the number of
17 applications for these licenses exceeds the number of licenses prescribed for the
18 district or unit in the governor's proclamation, then one-half of the licenses exceeding
19 fifty must be issued by lottery as prescribed in the governor's proclamation and may
20 not be issued to landowners without charge.

21 3. A resident who has executed a lease for at least one hundred fifty acres [60.70
22 hectares] of land and who actively farms or ranches that land or a resident who holds
23 title to at least one hundred fifty acres [60.70 hectares] of land is eligible to apply for a
24 license to hunt moose without charge upon filing a signed application describing that
25 land. The land must be within a unit open for the hunting of moose. The license must
26 include a legal description of the eligible land described in the completed application
27 and 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. A resident eligible for a license under this subsection may
30 transfer that eligibility for the license to a spouse or a legal dependent residing
31 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. 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. A person who receives a license under this subsection and 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. 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 been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this subsection.

4. A person who meets all eligibility criteria may receive licenses to hunt any or all animals for which licenses are available to be issued under this section.

SECTION 4. AMENDMENT. Subsection 4 of section 20.1-03-12 of the North Dakota

Century Code is amended and reenacted as follows:

1 4. Except for a nonresident who participates on the same basis as a resident in a lottery
2 for deer licenses remaining after the second lottery for residents under subsection 43
3 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty
4 dollars, and for a nonresident bow license, two hundred fifty dollars, and a
5 nonrefundable five dollar application fee must accompany any lottery license fee under
6 this subsection, except as provided in a gubernatorial proclamation issued pursuant to
7 section 20.1-08-04.1. For a nonresident who participates on the same basis as a
8 resident in a lottery for deer licenses remaining after the second lottery for residents,
9 fifty dollars.

10 **SECTION 5. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **20.1-08-04.2. Governor's proclamation concerning the hunting of moose - Raffle.**

13 The governor may by proclamation provide for a season to hunt moose in a manner,
14 number, places, and times as the governor prescribes. Licenses to hunt moose must be issued
15 by lottery, except as provided under subsection ~~83~~ of section ~~20.1-03-11~~20.1-03-11.6, with only
16 residents eligible to apply. A person may only receive one license to hunt moose issued by
17 lottery in a lifetime. An individual who has been convicted of illegally taking a moose, elk, or
18 bighorn sheep is not eligible to apply for or receive a license under this section.

19 **SECTION 6. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Special elk**
22 **depredation management licenses.**

23 The governor may by proclamation provide for a season to hunt elk in a manner, number,
24 places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery,
25 except as provided under subsection ~~75~~ of section 20.1-03-11, with only residents eligible to
26 apply.

27 An owner of farmed elk who is experiencing elk depredation problems may contact the
28 director. Upon investigation, the director may issue special elk depredation management
29 licenses. The governor by proclamation shall establish a procedure to issue elk depredation
30 management licenses in a timely manner.

1 Except for landowners who receive a license under subsection 75 of section 20.1-03-11 and
2 landowners who receive special elk depredation management licenses issued to landowners
3 under subsection 75 of section 20.1-03-11, and persons who receive a special elk depredation
4 management license issued by lottery under this section, a person may only receive one license
5 to hunt elk issued by lottery in a lifetime. An individual who has been convicted of illegally taking
6 a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.