

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED 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 big game; and to provide for a legislative management study.

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~~may not exceed the number of licenses authorized
6 by 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~~submit one
10 application for a license to hunt deer without charge, or if the individual named to
11 receive the license is a nonresident, upon payment of the fee required for a
12 nonresident big game 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~~submit one application
17 for a license to hunt deer without charge. Upon request, a lessee shall provide
18 proof the land described in the completed application is leased for agricultural
19 purposes. If not otherwise specified in an agricultural lease, the landowner is
20 entitled to receive the license. An individual issued a license under this
21 subsection must be a 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~~submit one

1 application for a license to hunt antelope without charge upon filing a signed
2 application describing that land. The land must be within a unit open for the
3 hunting of antelope. The license must include a legal description of the eligible
4 land described in the completed application and may be used to hunt antelope
5 only upon that land. Upon request, a lessee shall provide proof that the land
6 described in the completed application is leased for agricultural purposes. If not
7 otherwise specified in an agricultural lease, the landowner is entitled to receive
8 the license. An individual licensed 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. A resident ~~whethat~~ that is an individual, corporation, limited liability company, limited
17 liability partnership, limited partnership, partnership, trust, or life estate, and has
18 executed a lease for at least one hundred fifty acres [60.70 hectares] of land ~~and~~
19 ~~whethat the resident~~ actively farms or ranches that land; or a resident ~~whethat is~~ an individual, corporation, limited liability company, limited liability partnership,
20 limited partnership, trust, or life estate and holds title to at least one hundred fifty
21 acres [60.70 hectares] of land, is eligible to ~~apply~~ submit one application for a
22 license to hunt elk upon filing a signed application describing that land and
23 payment of the fee requirement for a resident big game license. The land must be
24 within a unit open for the hunting of elk. The license must include a legal
25 description of the eligible land described in the completed application and may be
26 used to hunt elk within the district or unit in which the land described in the
27 completed application is located. Upon request, a lessee shall provide proof that
28 the land described in the completed application is leased for agricultural
29 purposes. If not otherwise specified in an agricultural lease, the landowner is
30

1 entitled to receive the license. An individual issued a license under this
2 subsection must be a resident.

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

7 c. A resident who is eligible for a license under this subsection may transfer that
8 eligibility for the license to a spouse or legal dependent residing customarily with
9 the resident, but no more than one license may be issued under this subsection
10 for any qualifying land. ~~If not otherwise specified in an agricultural lease, the~~
11 ~~landowner is entitled to receive the license.~~

12 d. The governor's proclamation may restrict the districts or units for which
13 preferential licenses may be issued under this subsection. The number of
14 licenses issued under this subsection for each designated district or unit for
15 hunting elk may not exceed fifteen percent of the total licenses prescribed in the
16 governor's proclamation for each district or unit. If the number of applications for
17 licenses to be issued under this subsection in a district or unit exceeds the
18 maximum number of licenses allocated to that district or unit, the licenses to be
19 issued must be issued by weighted lottery as prescribed in the governor's
20 proclamation. Licenses to hunt elk may not be issued under this subsection when
21 the total number of licenses prescribed in the governor's proclamation is fewer
22 than twenty.

23 e. The director may issue special elk depredation management licenses to
24 landowners in designated areas around Theodore Roosevelt national park upon
25 payment of the fee requirement for a resident big game license. The provisions of
26 this section governing the number of licenses issued for each designated district
27 or unit for hunting elk do not apply to special elk depredation management
28 licenses and a person who receives such a license under this subsection is
29 eligible to apply for a license to hunt elk in future years and is eligible to
30 participate in the raffle under section 20.1-08-04.6.

- 1 f. An individual who has been convicted of illegally taking a moose, elk, or bighorn
2 sheep is not eligible to apply for or receive a license under this subsection.
- 3 8. a. A resident ~~who~~that is an individual, corporation, limited liability company, limited
4 liability partnership, limited partnership, partnership, trust, or life estate, and has
5 executed a lease for at least one hundred fifty acres [60.70 hectares] of land ~~and~~
6 ~~who~~that the resident actively farms or ranches that land; or a resident ~~who~~that is an
7 individual, corporation, limited liability company, limited liability partnership,
8 limited partnership, trust, or life estate and holds title to at least one hundred fifty
9 acres [60.70 hectares] of land, is eligible to ~~apply~~submit one application for a
10 license to hunt moose without charge upon filing a signed application describing
11 that land. The land must be within a unit open for the hunting of moose. The
12 license must include a legal description of the eligible land described in the
13 completed application and may be used to hunt moose only upon that land. Upon
14 request, a lessee shall provide proof that the land described in the completed
15 application is leased for agricultural purposes. If not otherwise specified in an
16 agricultural lease, the landowner is entitled to receive the license. An individual
17 issued a license under this subsection must be a resident.
- 18 b. If the eligible applicant is a corporation, limited liability company, limited liability
19 partnership, limited partnership, partnership, trust, or life estate, only one license
20 may be issued, and the license must be issued in the name of an individual
21 shareholder, member, partner, beneficiary, or holder of a life estate.
- 22 c. A resident who is eligible for a license under this subsection may transfer that
23 eligibility for the license to a spouse or a legal dependent residing customarily
24 with the resident , but no more than one license may be issued under this
25 subsection for any qualifying land. A resident transferring eligibility under this
26 subsection is not eligible to apply for a license to hunt moose in future years but
27 is eligible to participate in the raffle under section 20.1-08-04.2. If not otherwise
28 specified in an agricultural lease, the landowner is entitled to receive the license.
- 29 d. The number of licenses issued under this subsection for a district or unit may not
30 exceed fifteen percent of the total licenses prescribed in the governor's
31 proclamation for that district or unit. If the number of eligible persons who apply

1 for a license under this subsection exceeds the number of licenses available
2 under this subsection, the licenses must be issued by lottery as prescribed in the
3 governor's proclamation.

4 e. A person who receives a license under this subsection and who is successful in
5 harvesting a moose is not eligible to apply for a license to hunt moose in future
6 years but is eligible to participate in the raffle under section 20.1-08-04.2.

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

18 f. The governor's proclamation may restrict the area of land within a unit open for
19 the hunting of moose for which a preferential license is issued under this
20 subsection. If the proclamation restricts the area for issuance of preferential
21 licenses, an applicant must own or lease land within the restricted area to be
22 eligible to apply for a license to hunt moose upon payment of the fee required for
23 a resident big game license. The license may be used to hunt moose within the
24 entire unit in which the land described in the completed application is located. A
25 successful applicant from a restricted area may not return an unused license to
26 regain eligibility for a license to hunt moose in future years. An individual who has
27 been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to
28 apply for or receive a license under this subsection.

29 g. The director may issue special moose depredation management licenses to
30 landowners in areas designated by the director upon payment of the fee required
31 for a resident big game license. The provisions of this section governing the

1 number of licenses issued for each designated district or unit for hunting moose
2 do not apply to special moose depredation management licenses. A person
3 receiving a moose depredation management license under this subsection is
4 eligible to apply for a license to hunt moose in future years and is eligible to
5 participate in the raffle under section 20.1-08-04.2.

6 9. A person who holds a valid license to hunt deer may hunt the same species and sex of
7 deer, for which that person's license is valid, on land in an adjoining unit for which that
8 person would be eligible for a gratis deer license under subsection 3.

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

12 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - GRATIS HUNTING LICENSES.**

13 During the 2019-20 interim, the legislative management shall consider studying gratis licenses
14 to hunt deer, antelope, elk, and moose. The study must include consideration of the minimum
15 acreage requirements for a gratis license, restrictions on where individuals with gratis licenses
16 to hunt moose may hunt, how gratis licenses to hunt deer are allocated in units to ensure an
17 adequate supply remains available for individuals with other licenses to hunt deer, and whether
18 eligibility for a gratis license to hunt moose should be annual or once in a lifetime. The
19 legislative management shall report its findings and recommendations, together with any
20 legislation required to implement the recommendations, to the sixty-seventh legislative
21 assembly.