

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1260

Introduced by

Representatives J. Olson, Grueneich, Kempenich, Nathe, Porter, Pyle

Senators Elkin, Patten

1 A BILL for an Act to amend and reenact subsection 17 of section 20.1-02-05 and subsection 7
2 of section 20.1-03-11 of the North Dakota Century Code, relating to habitat development on
3 private land and public access agreements and special antlerless elk depredation management
4 licenses.

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

6 **SECTION 1. AMENDMENT.** Subsection 17 of section 20.1-02-05 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 17. Carry out a private land habitat and access improvement program by:
- 9 a. Entering cost-sharing, habitat enhancement, and access agreements with
10 landowners or agencies working on private land to help defray all or a portion of
11 their share of local, state, or federally sponsored conservation practices
12 considered beneficial to fish and wildlife.
 - 13 b. Leasing and developing fish and wildlife habitat or sport fishing areas on private
14 land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to
15 leased land may not be prohibited.
 - 16 c. Carrying out practices or designating an individual to carry out practices or
17 authorizing or having the designee authorize landowners to carry out practices
18 that will alleviate depredations caused by predatory animals and big game
19 animals.
 - 20 d. Publishing a brochure on an annual basis describing areas funded from the game
21 and fish department private land habitat and access improvement fund which are
22 open to public access in this state.

- 1 e. Receiving advice from the game and fish advisory board concerning
2 expenditures from the game and fish department private land habitat and access
3 improvement fund.
- 4 f. Working with livestock producers experiencing chronic deer depredation
5 problems to develop site-specific deer depredation management plans.
- 6 g. Giving first consideration to producers impacted by deer foraging on stored winter
7 forage when purchasing winter deer management supplies.
- 8 h. Making available the sum of one million dollars from each biennial game and fish
9 department appropriation to be used to provide feeding and other winter
10 management practices to alleviate depredation caused by big game animals. Any
11 unexpended funds under this subdivision, up to two million dollars, are not
12 subject to section 54-44.1-11 and may be carried forward for expenditure in future
13 bienniums.
- 14 i. Making available the sum of one hundred thousand dollars from each biennial
15 game and fish department appropriation to be used for food plots on private
16 property for the purpose of providing winter feed. These food plots are not subject
17 to public access considerations.
- 18 j. Developing agreements to compensate private landowners for the development
19 of habitat on private property specific to the geography, form, and function
20 necessary for addressing fish and wildlife populations.
- 21 k. Granting authority to program managers to carry out the duties of the program
22 including signing for, negotiating, and renewing agreements and leases.

23 **SECTION 2. AMENDMENT.** Subsection 7 of section 20.1-03-11 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 25 7. a. A resident 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 that
28 the resident actively farms or ranches; or a resident that is an individual,
29 corporation, limited liability company, limited liability partnership, limited
30 partnership, partnership, trust, or life estate and holds title to at least one hundred
31 fifty acres [60.70 hectares] of land, is eligible to submit one application for a

1 license to hunt elk upon filing a signed application describing that land and
2 payment of the fee requirement for a resident big game license. The land must be
3 within a unit open for the hunting of elk. The license must include a legal
4 description of the eligible land described in the completed application and may be
5 used to hunt elk within the district or unit in which the land described in the
6 completed application is located. Upon request, a lessee shall provide proof that
7 the land described in the completed application is leased for agricultural
8 purposes. If not otherwise specified in an agricultural lease, the landowner is
9 entitled to receive the license. An individual issued a license under this
10 subsection must be a resident.

- 11 b. If the eligible applicant is a corporation, limited liability company, limited liability
12 partnership, limited partnership, partnership, trust, or life estate, only one license
13 may be issued, and the license must be issued in the name of an individual
14 shareholder, member, partner, beneficiary, or holder of a life estate.
- 15 c. A resident who is eligible for a license under this subsection may transfer that
16 eligibility for the license to a spouse or legal dependent residing customarily with
17 the resident, but no more than one license may be issued under this subsection
18 for any qualifying land.
- 19 d. The governor's proclamation may restrict the districts or units for which
20 preferential licenses may be issued under this subsection. The number of
21 licenses issued under this subsection for each designated district or unit for
22 hunting elk may not exceed fifteen percent of the total licenses prescribed in the
23 governor's proclamation for each district or unit. If the number of applications for
24 licenses to be issued under this subsection in a district or unit exceeds the
25 maximum number of licenses allocated to that district or unit, the licenses to be
26 issued must be issued by weighted lottery as prescribed in the governor's
27 proclamation. Licenses to hunt elk may not be issued under this subsection when
28 the total number of licenses prescribed in the governor's proclamation is fewer
29 than twenty.
- 30 e. The director may issue special elk depredation management licenses to
31 landowners in designated areas around Theodore Roosevelt national park upon

1 payment of the fee requirement for a resident big game license. The provisions of
2 this section governing the number of licenses issued for each designated district
3 or unit for hunting elk do not apply to special elk depredation management
4 licenses and a person who receives such a license under this subsection is
5 eligible to apply for a license to hunt elk in future years and is eligible to
6 participate in the raffle under section 20.1-08-04.6.

7 f. The director may issue special antlerless elk depredation management licenses
8 to landowners in the area and manner designated by the director upon payment
9 of the fee required for a resident big game license. To be eligible for this license a
10 landowner cannot charge a fee for elk hunting and must allow reasonable public
11 access as determined by the director. The provisions of this section governing the
12 number of licenses issued for each designated district or unit for hunting elk do
13 not apply to special antlerless elk depredation management licenses. A person
14 receiving an elk depredation management license under this subsection is
15 eligible to apply for a license to hunt elk in future years and is eligible to
16 participate in raffles under chapter 20.1-05.1.

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