

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1260
(Representatives J. Olson, Grueneich, Kempenich, Nathe, Porter, Pyle)
(Senators Elkin, Patten)

AN ACT to amend and reenact subsection 17 of section 20.1-02-05 and subsection 7 of section 20.1-03-11 of the North Dakota Century Code, relating to habitat development on private land and public access agreements and special antlerless elk depredation management licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.
 - i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations.

- j. Developing agreements to compensate private landowners for the development of habitat on private property specific to the geography, form, and function necessary for addressing fish and wildlife populations.
- k. Granting authority to program managers to carry out the duties of the program including signing for, negotiating, and renewing agreements and leases.

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

- 7. a. A resident that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and has executed a lease for at least one hundred fifty acres [60.70 hectares] of land that the resident actively farms or ranches; or a resident that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate and holds title to at least one hundred fifty acres [60.70 hectares] of land, is eligible to submit one application for a license to hunt elk upon filing a signed application describing that land and payment of the fee requirement for a resident big game license. The land must be within a unit open for the hunting of elk. The license must include a legal description of the eligible land described in the completed application and may be used to hunt elk within the district or unit in which the land described in the completed application is located. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual issued a license under this subsection must be a resident.
- b. If the eligible applicant is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license 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.
- c. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land.
- d. The governor's proclamation may restrict the districts or units for which preferential licenses may be issued under this subsection. The number of licenses issued under this subsection for each designated district or unit for hunting elk may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for each district or unit. If the number of applications for licenses to be issued under this subsection in a district or unit exceeds the maximum number of licenses allocated to that district or unit, the licenses to be issued must be issued by weighted lottery as prescribed in the governor's proclamation. Licenses to hunt elk may not be issued under this subsection when the total number of licenses prescribed in the governor's proclamation is fewer than twenty.
- e. 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.
- f. The director may issue special antlerless elk depredation management licenses to landowners in the area and manner designated by the director upon payment of the fee required for a resident big game license. To be eligible for this license a landowner

cannot charge a fee for elk hunting and must allow reasonable public access as determined by the director. 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 antlerless elk depredation management licenses. A person receiving an elk depredation management license under this subsection is eligible to apply for a license to hunt elk in future years and is eligible to participate in raffles under chapter 20.1-05.1.

- g. 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.

Dennis E. Johnson
Speaker of the House

Tammy Miller
President of the Senate

Bull J. Reich
Chief Clerk of the House

Sharon Mays
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1260.

House Vote: Yeas 85 Nays 9 Absent 0

Senate Vote: Yeas 47 Nays 0 Absent 0

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 11:40 AM. on April 6, 2023.

Approved at 8:48 PM. on April 6, 2023.

Doug Burg
Governor

Filed in this office this 10th day of April, 2023,

at 8:47 o'clock A M.

Michael Howe
Secretary of State