

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1395
(Representatives Carlson, Torgerson)

AN ACT to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to a public access program; to amend and reenact subsections 18 and 19 of section 20.1-02-05, subsection 41 of section 20.1-03-12, and section 20.1-03-12.1 of the North Dakota Century Code, relating to a public access program; and to repeal section 20.1-02-16.3 of the North Dakota Century Code and sections 2, 3, 4, 5, and 6 of chapter 278 of the 1989 Session Laws, relating to the small and big game habitat restoration trust fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 18 and 19 of section 20.1-02-05 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

18. Provide for the funding of a private land habitat and access improvement program with moneys derived from the interest earned on the game and fish fund and habitat restoration stamp fees. The ~~state treasurer~~ director shall place ~~the interest money~~ these funds in a special fund called the "game and fish department private land habitat and access improvement fund".
19. Carry out a private land habitat and access improvement program by:
 - a. Entering into 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 ~~certain~~ local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. ~~Annual leasing~~ Leasing and development of ~~developing~~ fish and wildlife habitat or sport fishing areas on private land. Public access to leased land may not be prohibited.
 - c. Carrying out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing and selling a booklet on an annual basis describing lands that 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 private land habitat and access improvement fund.

SECTION 2. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Public access program - Private landowner assistance to promote public hunting access.

1. The director may establish programs for landowner assistance that encourage public access to private lands for purposes of hunting.
2. Rules adopted by the director to implement this section may address:
 - a. A hunter management program consisting of a cooperative agreement between landowners and the department, and including other resource management agencies when appropriate, that allows public hunting with certain restrictions or use rules.

- b. A hunting access enhancement program consisting of incentives for private landowners who allow public hunting access on their land.
 - c. Development of similar efforts outside the scope of the program that are designed to promote public access to private lands for hunting purposes.
3. The director may not structure a program in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting access to private land that is enrolled in the program. The director shall develop criteria by which tangible benefits are allocated to participating landowners, and the director may distribute the benefits to participating landowners. Benefits must be provided to offset potential impacts associated with public hunting access, including those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance.

SECTION 3. AMENDMENT. Subsection 41 of section 20.1-03-12 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

41. For a combination license, ~~twenty-five~~ twenty-seven dollars.

SECTION 4. AMENDMENT. Section 20.1-03-12.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

20.1-03-12.1. Habitat restoration stamp required - Use of revenue - No land purchases allowed. A habitat restoration stamp is required for every resident and nonresident general game license for which a stamp fee of ~~three~~ five dollars must be charged. The habitat restoration stamp fee is in addition to the annual general game license fee charged under section 20.1-03-12. No land may be purchased with habitat restoration stamp moneys. All moneys generated by ~~the~~ habitat restoration stamp program, including the habitat restoration stamp print, ~~the interest earned on the habitat restoration stamp program, the interest earned on any unspent habitat restoration stamp program funds, and any and all other moneys resulting from the habitat restoration stamp program fees~~ must be placed in the game and fish private land habitat restoration stamp and access improvement fund and are intended to provide a fund to lease privately owned lands for wildlife habitat. ~~Not more than ten percent of this fund may be used for administrative purposes. All other moneys generated by the habitat restoration stamp program must be used for lease payments. Any moneys generated by the habitat restoration stamp program and not expended during a biennium must be expended for the same purposes during the next biennium. Any land needed for reestablishing the wildlife population and habitat may be leased for periods up to six years, but no more than forty acres [16.19 hectares] in any section [259.00 hectares] of land may be leased for these purposes. Hunting may not be prohibited on these lands. In those judicial districts encompassing the historically prime pheasant range, as determined by the director, fifty percent of the expenditures within that judicial district must be for pheasant restoration and enhancement.~~

SECTION 5. REPEAL. Section 20.1-02-16.3 of the 1995 Supplement to the North Dakota Century Code and sections 2, 3, 4, 5, and 6 of chapter 278 of the 1989 Session Laws are repealed.

SECTION 6. TRANSFER. The state treasurer shall transfer the balance of the small and big game habitat restoration trust fund to the game and fish department private land habitat and access improvement fund on August 1, 1997.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1395.

House Vote: Yeas 90 Nays 5 Absent 2

Senate Vote: Yeas 38 Nays 9 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State