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Sixty-second
Legislative Assembly
of North Dakota

SECOND ENGROSSMENT
with Conference Committee Amendments
REENGROSSED SENATE BILL NO. 2227

Introduced by

Senators Wanzek, Klein, Warner

Representatives Brandenburg, DeKrey, Weisz

A BILL for an Act to create and enact two new subsections to section 20.1-01-02, a new subsection to section 20.1-02-05, and a new section to chapter 20.1-02 of the North Dakota Century Code, relating to definitions and powers of the director of the game and fish department; to amend and reenact subsection 17 of section 20.1-02-05 and sections 20.1-02-28 and 20.1-05-02 of the North Dakota Century Code, relating to the private land habitat and access improvement program, the deerproof hay yard program, and culpability requirement for unlawfully taking big game; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new subsections to section 20.1-01-02 of the North Dakota Century Code are created and enacted as follows:

"Crops" means any plant that has been harvested, collected, or stored as livestock feed, fodder, or fuel.

"Depredation" means damage to or destruction of private property.

SECTION 2. A new subsection to section 20.1-02-05 of the North Dakota Century Code is created and enacted as follows:

Authorize individuals with valid antlerless deer licenses to take deer on private lands determined by the director to be severely impacted by deer. Before authorizing individuals under this subsection, the director must attempt other measures and determine them to be ineffective. A landowner dissatisfied with a decision of the director under this subsection may submit the decision to the North Dakota mediation service for mediation. If the parties to the mediation are unable to reach a negotiated settlement, the credit review board may issue a final, nonappealable, decision. The

director may authorize individuals to take deer under this subsection between December first of a year through January fifteenth of the following year.

SECTION 3. 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. ~~Public~~Except for purposes of subdivision i, 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 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.

SECTION 4. AMENDMENT. Section 20.1-02-28 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-28. Deerproof hay yard program.

Within legislative appropriations, the director shall provide for a deerproof hay yard program. The deerproof hay yard program must provide materials and supplies at no cost and construction cost-share assistance to landowners for the establishment of deerproof hay yards to protect crops, hay, or feed on private property with deer depredation problems. A landowner who allows commercial hunting for big game on a majority of acres owned and operated in exchange for compensation and who posts a majority of the acres owned and operated by that person to prohibit big game hunting is not eligible to participate in the deerproof hay yard program. The department shall establish a prorated repayment system over a three-year period. For winter management program purposes of this section, a person may not willfully hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common carrier, sell, barter, or exchange a deer except as provided in this title.

SECTION 5. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Deer reduction programs.

The director or the director's designee may authorize an individual to euthanize injured, sick, or emaciated deer under conditions determined by the director. The director may authorize targeted deer reduction programs to alleviate deer depredation.

SECTION 6. AMENDMENT. Section 20.1-05-02 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-02. Big game animals protected.

~~No~~Except as otherwise provided in section 20.1-02-28, a person may not hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common or private carrier, sell, barter, or exchange ~~any~~a big game animal except as provided in this title.

SECTION 7. EMERGENCY. This Act is declared to be an emergency measure.