

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1423

Introduced by

Representatives Galvin, Carlson, DeKrey, Drovdal

Senator Wardner

1 A BILL for an Act to create and enact a new section to chapter 15-04, a new section to chapter
2 15-07, a new subsection to section 20.1-02-04, and a new subsection to section 20.1-03-39 of
3 the North Dakota Century Code, relating to public access on original grant lands and nongrant
4 lands, duties of the director of the game and fish department, and regulation of guides; to
5 amend and reenact section 15-07-20 of the North Dakota Century Code, relating to nongrant
6 land leases; and to provide an appropriation.

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

8 **SECTION 1.** A new section to chapter 15-04 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Lease of grant lands - Public access.** Notwithstanding any other provision of law, a
11 lessee of grant lands under this chapter may not post those lands to prohibit public access or
12 hunting on the lands. The board of university and school lands shall include a provision in each
13 lease executed after July 31, 2005, that the lessee may not post the leased land to prohibit
14 hunting during any open hunting season.

15 **SECTION 2.** A new section to chapter 15-07 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Lease of nongrant lands - Public access.** Notwithstanding any other provision of
18 law, a lessee of nongrant lands under this chapter may not post those lands to prohibit public
19 access or hunting on the lands. The board of university and school lands shall include a
20 provision in each lease executed after July 31, 2005, that the lessee may not post the leased
21 land to prohibit hunting during any open hunting season.

22 **SECTION 3. AMENDMENT.** Section 15-07-20 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **15-07-20. Leasing of nongrant lands.** The board of university and school lands may
2 lease nongrant lands under reasonable rules as it may establish. The rules may provide for
3 leasing with or without advertisement or competitive bidding. Leases made under this section
4 must be for cash only, and the rental must be collected in advance except that the board may
5 collect a share of a conservation reserve program payment paid by the federal government. A
6 lease of nongrant lands may not extend for a period of more than five years, except any land
7 accepted into the conservation reserve program may have a lease term that coincides with the
8 term of the conservation reserve program contract if so provided in the lease. Leases may be
9 renewed at the discretion of the board. When nongrant lands are leased without advertisement
10 or competitive bidding, the board shall determine the rental by taking into consideration the
11 nature and adaptability of the lands and the improvements thereon. Leases made under this
12 section after July 31, 2005, must include a provision that the lessee may not post the land to
13 prohibit public access or hunting.

14 **SECTION 4.** A new subsection to section 20.1-02-04 of the North Dakota Century
15 Code is created and enacted as follows:

16 Identify by signage and publication all grant and nongrant lands under the control
17 of the board of university and school lands which are open to hunting. The director
18 shall implement the signage provisions of this subsection as leases are issued or
19 renewed by the board of university and school lands.

20 **SECTION 5.** A new subsection to section 20.1-03-39 is created and enacted as
21 follows:

22 A guide or outfitter may not guide on any lands belonging to the state, including
23 grant lands, nongrant lands, and lands known as school lands and public institution
24 lands.

25 **SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the game
26 and fish fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so
27 much of the sum as may be necessary, to the game and fish department for the purpose of
28 defraying the expenses of identifying by signage and publication all grant and nongrant lands
29 that are open to hunting, for the biennium beginning July 1, 2005, and ending June 30, 2007.