

**2015 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1356**

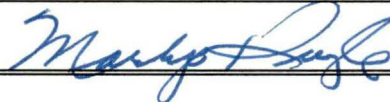
# 2015 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Pioneer Room, State Capitol

HB1356  
2/5/2015  
Job # 23309

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to depredation prevention by landowners.

### Minutes:

Attachments 0

Vice Chairman Damschen opens hearing

**Chairman Porter District 34 Mandan:** Game and Fish asked me to introduce this bill which pertains to their audit that happened during the last interim. Game and Fish and their attorneys felt they did not have the ability to implement their deer depredation programs. This allows Game and Fish in the Century Code the ability to delegate that practice that they deemed necessary in a depredation to the land owner.

**Casey Anderson, Assistant Chief of the Wildlife Davidson North Dakota Game and Fish Department:** We support this bill and the Game and Fish has a long standing depredation response policy with a wide variety of tools to help producers with depredation situations.

It was determined that clarification of existing language was needed to allow landowners experiencing depredation to fully utilize all the departments' tools we have to offer.

Currently it is questionable in statute if the department can lend state property to landowners or allow landowners to have big game animals to elevate their depredation problems.

This bill will clearly allow the department to authorize the landowners with depredation issues to carry out practices to elevate their depredation issues.

**Mike Donahue ND Wildlife Federation:** We support and feel this will assist the landowners.

Opposition:

None

**Rep. Glen Froseth:** How will you police this and regulate the landowner who has been given permission to control depredation?

**Anderson:** We check in on landowners periodically.

**Vice Chairman Damschen:** no more testimony

**Chairman Porter:** Asked to take action on 1356.

**Rep Lefor:** Made a Motion Do Pass.

**Rep Hofstad:** Second the Motion

Do Pass Yes 12 No 0 Absent 1

Carrier Rep Muscha

Date: 2/5/15  
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB

House Energy and Natural Resources

1356

Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:

☒ Adopt Amendment

☒ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions:

☐ Reconsider

☐ \_\_\_\_\_

Motion Made By Rep Lefore

Seconded By Rep Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hunsakor	✓	
Vice Chairman Damschen	✓		Rep Mock	✓	
Rep D Anderson	✓		Rep Muscha	✓	
Rep Brabandt	✓				
Rep Devlin	✓				
Rep Froseth	✓				
Rep Hofstad	✓				
Rep Keiser	A				
Rep Lefor	✓				
Rep Nathe	✓				

Total (Yes) 12

No 0

Absent 1

Floor Assignment Rep Muscha

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1356: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1356 was placed on the Eleventh order on the calendar.

**2015 SENATE ENERGY AND NATURAL RESOURCES**

**HB 1356**

# 2015 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Fort Lincoln Room, State Capitol

HB 1356  
3/5/2015  
24349

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Kate Olive*

### Explanation or reason for introduction of bill/resolution:

Relating to depredation prevention by landowners.

### Minutes:

1 Attachment

Chairman Schaible called the committee to order, opened the hearing on HB 1356, Representative Porter was on hand to introduce the bill.

Representative Porter: District 34. HB 1356 came to me through the North Dakota Game and Fish Department. Inside the game and fish audit and procedures they were told that there may be an issue as it relates to the harassing of deer. No one can harass animals. The general practice is that the landowner is doing the harassments with great provided by the game and fish.

Casey Anderson: North Dakota Game and Fish Department. See attachment #1. (2:35-3:54)

Senator Murphy: What are the boundaries? If you have a hay yard and have been designated to keep the deer away how far can you chase them?

Casey Anderson: We can allow the landowner to do that and in most cases they don't hop on a snowmobile and chase them away. Most landowners that are experiencing depredation problems they feel bad for the animals. It could happen that it is going on right now but we do not know.

Chairman Schaible: If the game and fish is going to do this the animals are creatures of habit so it will take quite a bit of time to do that. Are you going to create guidelines to give them this tool?

Casey Anderson: We have those in place right now and we were using these tools and were not sure if we can legally have one of those things. The idea is to be a short term fix and work on a long term solution.

Chairman Schaible: Case by case and time sensitive.

Casey Anderson: Yes.

Senator Triplett: Are your policies are on your website? Can you email them to us?

Casey Anderson: Yes.

Senator Hogue: When you say authorize they can call over the phone and there are no forms to put together.

Casey Anderson: Every situation is different and we meet with the landowner. It is not that if everyone who calls will get a fire crack pistol or allow them to chase them on a snowmobile.

Senator Hogue: What about geese as predators? Can't the farmer call you and get authorization to shoot at them or harass them?

Casey Anderson: Geese are different because they are protected under federal wildlife law. On the other side the game and fish department is working to make a plan on that.

Closed hearing on HB 1356

Senator Triplett I would like to look at the existing policy.



## 2015 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources  
Fort Lincoln Room, State Capitol

HB 1356  
3/19/2015  
25107

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Katie Oliver*

### Explanation or reason for introduction of bill/resolution:

Relating to depredation prevention by landowners

### Minutes:

Chairman Schaible called the committee to order and opened committee work on HB 1356.

Senator Triplett: On this bill Senator Murphy was asking questions about if a landowner can hop on a snowmobile and chase an animal for a mile as it goes to harassment verses dealing with depredation.

Senator Triplett then made a motion for a do pass, a second from Senator Murphy, there was no further discussion, roll was taken, the motion passed on a 6-0-1 count with Senator Murphy carrying the bill to the floor.

Date: 3/19/2015  
Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1356**

Senate Energy and Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Senator Triplett Seconded By Senator Murphy

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	X		Senator Murphy	X	
Vice Chair Unruh	X		Senator Triplett	X	
Senator Armstrong	X				
<del>Senator Hogue</del>					
Senator Laffen	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Senator Murphy

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1356: Energy and Natural Resources Committee (Sen. Schaible, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1356 was placed on the Fourteenth order on the calendar.

**2015 TESTIMONY**

**HB 1356**

#1

1356  
2/5/15

**64th LEGISLATIVE ASSEMBLY**  
**House of Representatives Energy and Natural Resource Committee**  
**Representative Todd Porter, Chairman**

**House Bill 1356 – Dealing with practices to alleviate Big Game Depredation**

**9:00 a.m., Thursday, February 5, 2015**

Testimony Submitted by: Casey Anderson, Assistant Chief of the Wildlife Division  
North Dakota Game and Fish Department

The Department supports HB1356. The Department has a long-standing depredation response policy with a wide variety of tools to help producers address big game depredation. Our depredation policy response includes: technical assistance, short-term treatments (repellents, scaring devices, and temporary fencing), and long-term treatments (permanent hay yard fencing). We continually improve and expand our deer depredation response policy as new products, technology, and knowledge becomes available.

During our annual review of the Department's depredation policy it was determined that clarification of existing language is needed to allow landowners, experiencing depredation, to fully utilize all of the depredation tools the Department has to offer. Currently it is questionable if statute allows the Department to lend state property to landowners or allow landowners to haze big game animals to alleviate depredation.

This bill will protect landowners by clearly allowing the Department to authorize landowners with depredation issues to carry out practices to alleviate depredation problems.

For the reasons mentioned above, the Department is asking for the committees support on HB1356.

1

**64th LEGISLATIVE ASSEMBLY  
Senate Energy and Natural Resource Committee  
Senator Donald Schaible, Chairman**

**House Bill 1356 – Dealing with practices to alleviate Big Game Depredation**

**9:30 a.m., Thursday, March 5, 2015**

Testimony Submitted by: Casey Anderson, Assistant Chief of the Wildlife Division  
North Dakota Game and Fish Department

The Department supports HB1356. The Department has a long-standing depredation response policy with a wide variety of tools to help producers address big game depredation. Our depredation policy response includes: technical assistance, short-term treatments (repellents, scaring devices, and temporary fencing), and long-term treatments (permanent hay yard fencing). We continually improve and expand our deer depredation response policy as new products, technology, and knowledge becomes available.

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