

**2021 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1411**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1411  
1/28/2021

Relating to hunting at night and to provide a penalty

10:06 AM

Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

### Discussion Topics:

- Predatory control bill
- The individual's right to protect an investment or property
- Private or leased property
- The want and waste of prime furs
- Effects on big game
- Livestock predation
- Livestock damage is separate from crop damage

#4042 Rep. Tveidt, District 33

#4053 Scott Evans, president, ND Furtakers

#3995 Stephanie Tucker, Game Mgmt Section Leader and Furbearer Biologist, ND G&F

### Additional written testimony:

#3954 Bruce Willyard, Carrington

#3330 Daryl Dukart, Dunn County, ND

Closed the hearing 10:38 AM

*Kathleen Davis, Committee Clerk*

Representative Bill Tveit, District 33

HB 1411 Testimony to House Energy & Natural Resources Committee, 9:30 AM 28 January 2021

Mr. Chairman, Committee Members, for the record, I am Representative Bill Tveit from District 33, which is all of Mercer, all of Oliver and the Best portion of Morton County.

Chairman Porter, Committee Members,

HB 1411 is not a new Bill, it is a Salvage Bill! It brings back to you, HB 1412, which successfully passed and was signed by the Governor following the 66<sup>th</sup> Legislative Session. **HB 1411 is not even a hunting bill, it is about predator control!**

Legislative Council personal agree, that HB 1412 was passed, and is, in its fullest intent, to allow the individual, with the help of an agent to protect and defend his/her investment at any time, day or night, any day of the year, without fear of prosecution.

However, due to what appears to be a convenient, predatory & intentional, mis-interpretation by the ND Game& Fish Department & others, a season was put in place by Proclamation, limiting the nighttime protection of his/her investment, within the time frame of November 23, 2020 thru March 15, 2021, page 9, Night HuntingSeason, NDG&F Small Game, Waterfowl & Furbearer Proclamation.

HB 1411 proposes 2 minor changes to clarify the intent of previous legislation.

On line 10, subsection 1 of NDCC 20.1-01-08, "An" was cut and "At any time Throughout the year, an" was added, eliminating any chance of adding a "season" to this predator control legislation. And again, to further guard against any effort to further create a "season", in subsection 2, lines 17 & 18, the words, "during the open season on" was cut and "at any time of day or night on which a firearm legally may be used to hunt or take the animal.", was added.

***This bill is not about HUNTING! HB 1411 IS ABOUT AN INDIVIDUALS RIGHT TO PROTECT HIS/HER PRIVATE INVESTMENT ON HIS/HER PRIVATELY OWNED OR LEASED PREMISES, YEAR AROUND.***

You will hear testimony in opposition from NDG&F stating that, "a if a person wishes to shoot a coyote at night because of depredation concerns to livestock or pets, the legislature has already given people that flexibility in NDCC 20.1-07-04." However, proponents of HB 1411 (and of the old HB 1412) have been advised by various wardens and others, "to be protected under NDCC 20.1-07-04, an Individual better be sure that, said predator, in fact, has an animal, or the blood, thereof, in It's mouth, and the Individual best be able to prove the predator was killed only when it was in active pursuit of the individuals investment or property.

NDCC 20.1-07-04 further prohibits: "A landowner or tenant or that person's agent may not commercialize in, sell, or ship an animal or pelt or any part of an animal caught or killed under this section if caught or killed during the closed season." I would propose, although fur sales is not the intent of HB 1411, this section does in fact promote "WANTON WASTE" of prime furs during prime fur season. (This area may need to be dealt with at a different time, and/or should be amended, accordingly)

NDG&F personnel & others in opposition, will further try to convince you that, to night hunt predators during deer gun season will be adverse to big game hunting by causing added enforcement issues and alarm big game. Keep in mind, That HB 1411 is about predator control and allows, only the landowner, tenant or their agent to night hunt on ones own premises as needed to control predators and the losses they create.

Chairman Porter, committee, in closing, I ask that you refer to the e-mail I sent each of you just now, the first 3 photos reflect what an individual has a right to look forward to and expect for his/her efforts and investment.

Unfortunately, without aggressive control, all too often, the last 3 photos reflect the results.

The ewe seen in these photo was bred, was in its prime and would have had no less than 3 more good seasons to be productive. On this ranch, more-often-than-not, would produce twins.

Under current market, the ewe is valued at

\$250.00; 3 years of wool sales = \$105.00; 3 years of twin lambs @ \$130.00 each would = \$780.00 brining a total financial loss to this individual of \$1,135.00.

Mr. Chairman, committee members, it is **IMPERATIVE**, it is **URGENT**, it is **RIGHT**, that **FINALLY**, individuals have a right to protect and defend what is rightfully theirs.. , their private property and investment.

I urge you to give HB 1411 a DO PASS. Thank You for your thoughtful Consideration, and I will stand for questions.

Mr.Chairman

January 27, 2021

House Energy and Natural Resource Committee

I am currently the president of the North Dakota Fur Takers organization. North Dakota Fur Takers organization members consists of fur trappers, snarers, and day and night time predator callers. We stand in opposition to HB 1411, and ask for a do not pass vote.

Coyotes, fox, beaver and other furbearers are and continue to be a valuable resource to many individuals in North Dakota. A resource that should not be wasted with an early or year around night hunting season. Not only do their furs have value but create a recreational activity for many North Dakotans. Most serious trappers and hunters partake of these activities when the fur of these animals may have the most value, which is usually November, December and January. Furbearers taken out of this time frame usually have little or no value.

I have heard the argument that year around night hunting may help control predation to livestock. Maybe in some circumstances. In my past life I was a Wildlife Service Specialist. I know the damage that some wildlife can cause to livestock and other property damage. I believe a property owner is allowed to protect his own property, designate an agent, or contact USDA for help.

I would hope most night hunters would obey the Game and Fish laws of North Dakota. There may be some individuals, " given the cover of darkness" , and the use of suppressors on their rifles, allowed to night hunt year around, that may not obey the law. This could jeopardize the night hunting season that is already established by North Dakota law after the close of the deer rifle season.

As expressed, the North Dakota Fur Takers organization stands in opposition to HB 1411, and request a do not pass vote.

North Dakota Fur Takers President

Scott Evens



Game and Fish



House Energy and Natural Resources Committee  
Testimony in opposition of HB 1411

North Dakota Game and Fish Department  
Stephanie Tucker, Game Management Section Leader and Furbearer Biologist  
January 28, 2021

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Stephanie Tucker and I am the Game Management Section Leader and Furbearer Biologist with the North Dakota Game and Fish Department.

We have several concerns with this bill, but first I wanted to give you some background information. Night hunting of raccoons has long been allowed in North Dakota because of the tradition of baying them in trees with specially trained dogs at night. And we have had a night hunting season for coyotes and fox since 1991. More recently in 2011, the legislature expanded night hunting to include beavers due to conflicts with landowners.

By and large, the majority of night hunting activity in North Dakota is for coyotes. We have always limited the night hunting season for coyotes to the time of year when their fur is prime and there are no conflicts with other popular hunting activities, such as deer gun season. This night hunting season has always started in late-November or early-December and closed in mid-March, so on average it is open for 111 days.

Beginning in 2016, we began allowing the use of new technologies like night vision and thermal imaging equipment during the night hunting season for coyotes and fox. Then, with the passing of HB 1412 during the last legislative session, opportunity was also expanded to allow the use of artificial lights, such as red or green spotlights.

But these changes have not come without controversy, as we have received public comments from many individuals who were opposed to expanding night hunting by allowing these new technologies because they believe it goes beyond fair chase. Other hunters are concerned that the addition of night hunting equipment increases pressure and further educates the animals, reducing overall hunting success.

Now please allow me to briefly discuss our concerns. First, if a person has concerns about depredation to livestock or pets, the legislature has already given people flexibility with NDCC 20.1-07-04 to shoot those depredating furbearers at night, any time of the year. If the legislature feels that there needs to be some clarifying language added to reaffirm this, the Department would support those adjustments.

Secondly, shooting a coyote outside of the prime fur season is a waste of the fur resource that could otherwise be harvested during the time of year when they have some value. Over the past 3 years, fur buyers have spent an average of over \$1 million annually purchasing prime coyote pelts from North Dakota. Therefore, the value of this fur resource to our state's fur harvesters is significant. Admittedly, day hunting of coyote, fox, raccoon, and beaver is allowed year-round because of their traditionally abundant populations and high probability of conflict with livestock producers and homeowners. But expanding recreational night shooting of coyotes outside the prime fur season comes with additional conflicts that the day season does not have. For example, livestock are distributed across the landscape at a much higher rate during the summer and fall months compared to December through March. The ability to see beyond your target at night is severely limited so the odds of injury or mortality to livestock does increase. Also, many recreationalists spend a significant amount of time recreating on our state's public lands during the spring, summer, and fall months and this could add concerns for those individuals and their overall quality of experience.

And finally, we are concerned about the overlap of night hunting of coyotes or fox and our big game hunting seasons. To avoid conflicts and enforcement challenges, we have not allowed night hunting of coyote and fox until after deer gun season closes and most other big game hunters of elk, moose, and pronghorn, are no longer afield. And while night hunters may be missing out on a few weeks of prime fur during late-October and early-November, we feel it is a reasonable compromise to postpone the opening of night hunting until afterwards.

In summary, this bill proposes expanding night hunting from just the prime fur season, to any time of the year which is a waste of valuable fur resources while also increasing potential conflict with other groups. Not to mention it would create a significant enforcement burden to our game wardens who would have to increase patrols to 24-7, 365 days a year.

For these reasons Chairman Porter, the Department respectfully requests a DO NOT PASS on HB 1411.

January 27, 2021

House Energy and Natural Resource Committee  
Written testimony in opposition to H.B. 1411

Chairman Porter and Committee members

I would like to express my opposition to HB 1411. How much night hunting do we need? There is already a time frame for night hunting, beginning after the deer gun season thru mid March, same as the snaring season. This time frame was chosen to not interfere with the deer gun season, to begin after the deer gun season is over.

My question is why do these night hunters need so much more time? There are ads in the Minot paper, Need your coyotes cleaned out, we'll get em in one night. So if this is so effective, why would more time be needed?

As far as fur quality goes, anything before the middle of October is poor at best. After the 20th-24th, are getting decent. The word prime is getting tossed around a lot, which is defined by when the hair is done growing and there is no longer blood in the hair growing follicle, and the inside of the skin is white, not blue, which happens about the middle of November.

Why would we want to place this undo hardship on our game wardens? As summer is winding down, and fall is approaching, things in their lives are just beginning to ramp up. Fishing going on yet, early goose season, bird season around the corner, then waterfowl season, pheasant, now some want night hunting thrown in there also. When are the wardens to sleep?

Talking with several wardens about having night hunting year round, which would focus it mostly in those weeks before deer gun season, and their opinion was, would be bad, bad, bad!

Why open up this can of worms? Green lites, night vision, and suppressors, sounds like a recipe for disaster to me.

If this is to go thru, HB 1411 or companion bill, SB 2211, looks like Terry Steinwand and crew would need to approach the Legislature, again, and ask for more money so they can have a day crew and a night crew of wardens. For these reasons Chairman Porter, I would urge a Do Not pass on HB 1411.

Bruce Willyard  
431 69th Ave. SE  
Carrington, N D 58421  
701-653-5783 cell

January 26<sup>th</sup>, 2021

House Energy and Natural Resources Committee,

I provide this testimony in opposition to HB1411 and ask for you to offer a **Do Not Pass** on the bill.

First, as a hobby fur taker during the season in which furs are in their prime, I see this bill in total conflict. Most of the fur producing animals hold a prime coat for high resale value roughly about 90 days during the present seasons we have now. I see it as a waste of a valuable resources in which I and other fur takers can gain a greater amount of Income from the sale of the prime fur when in season and legal for taking. Allowing them to be taken anytime of the year is wasteful in our thinking as fur takers.

If the landowner has a predator problem, they have every right in a legal way to help control the predator issue if impacting their livestock already available to them in the present laws.

As to the amendment offered under the artificial light or night vision any time of the day or night on any date on which a firearm legally may be used to hunt or take the animal. Again, this is a taking of a valuable resource to fur takers and as a landowner I do not see it of any importance to allow nighttime hunting all year long. Game and Fish along with North Dakota has seasons for taking of predators and let us stay with what we have and not add another challenge to landowner concerns as per sportsmen and violations of the laws.

Please support a **do not pass**,

Daryl Dukart

Dunn Center, North Dakota

701-400-6145

Landowners and hobby fur taker

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1411  
2/11/2021

Relating to hunting at night and to provide a penalty

9:00 AM

Chairman Porter called the meeting to order. Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Keiser, Guggisberg, and Ista.

Rep. Heinert moved to reconsider action, seconded by Rep. Ruby. Voice Vote, Motion carried

Rep. Roers Jones moved to reconsider amendment, seconded by Rep. Ista. Voice Vote, motion carried

Rep. Roers Jones moved to adopt amendment .02001, seconded by Rep. D. Anderson, Voice Vote Motion carried

Rep. Roers Jones moved a Do Pass as Amended, seconded by Rep. D. Anderson

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Todd Porter	Y
Representative Chuck Damschen	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Bill Devlin	Y
Representative Ron Guggisberg	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative George Keiser	Y
Representative Mike Lefor	Y
Representative Andrew Marschall	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y
Representative Denton Zubke	N

Motion carried. 13-1-0. Rep Roers Jones is carrier.

Closed the hearing at 9:11 AM.

*Kathleen Davis, Committee Clerk*

February 11, 2021

DP 2/11/21  
Jofl

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1411

Page 1, line 9, remove the overstrike over the overstruck colon

Page 1, line 10, remove the overstrike over "4."

Page 1, line 10, replace "at" with "At"

Page 1, line 14, remove the overstrike over "and"

Page 1, remove the overstrike over lines 15 through 18

Page 1, line 19, remove the overstrike over "~~or beaver, except when taking a racoon treed or at  
bay~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1411, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1411 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over the overstruck colon

Page 1, line 10, remove the overstrike over "4."

Page 1, line 10, replace "at" with "At"

Page 1, line 14, remove the overstrike over "; and"

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Page 1, line 19, remove the overstrike over "or beaver, except when taking a racoon treed or at bay"

Renumber accordingly

**2021 SENATE ENERGY AND NATURAL RESOURCES**

**HB 1411**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1411  
3/12/2021

Relating to hunting at night; and to provide a penalty
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Hearing called to order, all senators are present: **Bell, Schaible Piepkorn, Roers, Patten, and Kreun.** [10:30]

### Discussion Topics:

- Protection of Private investments
- Definition of Predators

**Rep. Bill Tveit**, provided testimony in favor #8633 and #8634 [10:33]

**Stephanie Tucker**, ND Game and Fish provided testimony in Favor #8917 [10:42]

**Pete Hannebit**, ND Farm Bureau provided testimony in Favor [10:44]

Hearing Adjourned [10:51]

*Sheila Froehlich, Committee Clerk*

#8633















Representative Bill Tveit, District 33

HB 1411 Testimony to Senate Energy & Natural Resources Committee, 9:30 AM 12 March 2021

Mr. Chairman, Committee Members, for the record, I am Representative Bill Tveit from District 33, which is all of Mercer, all of Oliver and the Best portion of Morton County.

Chairman Kruen , Committee Members,

HB 1411 is not a new Bill, it is a Salvage Bill! It brings back to you, HB 1412, which successfully passed and was signed by the Governor following the 66<sup>th</sup> Legislative Session.

**HB 1411 is not even a hunting bill, it is about predator control!**

Legislative Council personal agree, that HB 1412 was passed, and is, in its fullest intent, to allow the individual, with the help of an agent to protect and defend his/her investment at any time, day or night, any day of the year, without fear of prosecution.

However, due to what appears to be a convenient, predatory & intentional, mis-interpretation by the ND Game & Fish Department & others, a season was put in place by Proclamation, limiting the nighttime protection of a producer investment, within the time frame of November 23, 2020 thru March 15, 2021, page 9, Night Hunting Season, NDG&F Small Game, Waterfowl & Furbearer Proclamation.

HB 1411 proposes 2 minor changes to clarify the intent of previous legislation.

On line 10, subsection 1 of NDCC 20.1-01-08, “An” was cut and “At any time Throughout the year, an” was added, eliminating any chance of adding a “season” to this predator control legislation.

On line 13, the word “attacking” was struck and on line 14 “and” was struck leaving the sentence on line 13 & 14 following the coma to read “*or other predatory animal attempting to destroy*”, thus eliminating any requirement to prove the animal was attacking, the actual presence of a predatory animal is enough reason for a producer to legally night hunt and destroy the same.

Originally, to further guard against any effort by ND Game and Fish to create a “season”, in subsection 2, lines 17 & 18, the words, “during the open season on” was cut and “at any time of day or night on which a firearm legally may be used to hunt or take the animal.” , was added.

However, the House Energy & Natural Resources Committee did not agree with any change to Section 2, and restored that paragraph to it’s original verbiage. Leaving this alone also settled some concern expressed by other trappers & hunters.

**This bill is not about HUNTING! HB 1411 IS ABOUT AN INDIVIDUALS RIGHT TO PROTECT HIS/HER PRIVATE INVESTMENT ON HIS/HER PRIVATELY OWNED OR LEASED PREMISES, YEAR AROUND.**

You may hear testimony in opposition from NDG&F stating that, “if a person wishes to shoot a coyote at night because of depredation concerns to livestock or pets, the legislature has already given people that flexibility in NDCC 20.1-07-04.”

However, proponents of HB 1411 (and of the old HB 1412) have been advised by

various wardens and others, **“to be protected under NDCC 20.1-07-04, an**

**Individual better be sure that, said predator, in fact, has an animal, or the**

**blood, thereof, in It’s mouth, and the Individual best be able to prove the**

**predator was killed only when it was in active pursuit of the individuals**

**investment or property.** Thus the word “*attacking*” on line 13 was struck.

NDCC 20.1-07-04 further prohibits: “A landowner or tenant or that person’s

agent may not commercialize in, sell, or ship an animal or pelt or any part of an

animal caught or killed under this section if caught or killed during the closed

season.” I would propose, **although fur sales is not the intent of HB 1411,** this

section does in fact promote **“WANTON WASTE”** of prime furs during prime fur

season. (This area may need to be dealt with at a different time.)

NDG&F personnel & others in opposition, will further try to convince you that, to night hunt predators during deer gun season is adverse to big game hunting by causing added enforcement issues and alarm big game. **Keep in mind, That HB 1411 is about predator control and allows, only the landowner, tenant or their agent to night hunt on ones own premises as needed to control predators and the losses they create.**

Chairman Kruen, committee, in closing, I ask that you refer to the second testimony I uploaded in Laws. The first 3 photos reflect what an individual has a right to look forward to and expect for his/her efforts and investment.

Unfortunately, without aggressive control, all too often, the last 3 photos reflect the results.

The ewe seen in these photo was bred, was in its prime and would have had no less that 3 more good seasons to be productive.

On this ranch, more-often-than-not, she would produce twins.

Under current market, the ewe is valued at \$250.00; 3 years of wool sales = \$105.00; 3 years of twin lambs @ \$130.00 each would = \$780.00 brining a total financial loss to this individual of \$1,135.00.

Mr. Chairman, committee members, it is **IMPERATIVE**, it is **URGENT**, it is **RIGHT**, that **FINALLY**, individuals have a right to protect and defend what is rightfully their's.. , their private property and investment.

I urge you to give HB 1411 a DO PASS.

Thank You for your thoughtful Consideration, and I will stand for questions.

Mr.Chairman



Senate Energy and Natural Resources Committee  
Testimony in support of HB 1411

North Dakota Game and Fish Department  
Stephanie Tucker, Game Management Section Leader and Furbearer Biologist  
March 12, 2021

Chairman Kreun and members of the Senate Energy and Natural Resources Committee, my name is Stephanie Tucker and I am the Game Management Section Leader and Furbearer Biologist with the North Dakota Game and Fish Department.

We support these proposed changes to NDCC 20.1-01-08 as they clarify state law to ensure producers and homeowners know they can use artificial lights when removing predators that are harassing or causing depredations or damage. While our Department has always interpreted this law as providing a method of action for individuals any time of the year, regardless of whether there is an open season on the animal in question, these changes make that interpretation crystal clear.

The bill also addresses concerns related to “calving seasons” as discussed earlier in the session. As you are aware, the timing of calving across North Dakota is highly variable, and this bill confirms livestock producers (or their agents) can take action with the aid of artificial lights no matter when their calving season occurs.

Therefore, Chairman Kreun, the Department respectfully requests a DO PASS on HB 1411.

# 2021 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1411  
3/18/2021

A BILL for an Act to amend and reenact section 20.1-01-08 of the North Dakota Century Code, relating to hunting at night; and to provide a penalty.
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Hearing called to order, all senators are present: **Bell, Schaible Piepkorn, Roers, Patten, and Kreun. [9:20]**

### Discussion Topics:

- Night hunting, permitted colors
- Endangered species regulation

**Senator Bell** [9:21] moved to DO PASS HB 1411

**Senator Schaible** [9:21] seconded the motion

Senators	Vote
Senator Curt Kreun	Y
Senator Jim P. Roers	Y
Senator Dale Patten	Y
Senator Merrill Piepkorn	Y
Senator Donald Schaible	Y
Senator Jessica Unruh Bell	Y

The motion passes 6-0-0

**Senator Kreun** carried

Hearing adjourned [9:22]

*Sheila Froehlich, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1411, as reengrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1411 was placed on the Fourteenth order on the calendar.