

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