2021 HOUSE ENERGY AND NATURAL RESOURCES

HB 1113

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Coteau AB Room, State Capitol

HB 1113
1/21/2021

relating to obtaining a landowner's permission before baiting, relating to trail cameras and to provide a penalty

2:04 PM
Chairman Porter opened the hearing on HB 1113.
Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

Discussion Topics:

- Using bait to attract wildlife on unposted land
- A conversation between landowner and hunter is often warranted
- Corn is often used as bait. Using GMO corn could put a landowner's certification at risk.

Rep Thomas, #1610, #1611, #2109
Julie Ellingson, EVP, ND Stockmen's Association #2076

Additional written testimony:
John Bradley, exe dir, ND Wildlife Federation #2091
Bea Streifel, ND CPAC #1385

Closed the hearing at 2:19 PM

Kathleen Davis, Committee Clerk

21.0343.01001
Title.

Prepared by the Legislative Council staff for
Representative Thomas
January 18, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1113

Page 1, line 23, remove "If an individual is guilty of a second or subsequent"

Page 1, remove line 24

Page 2, remove lines 1 through 3

Renumber accordingly

21.0343.01001

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1113

Introduced by

Representatives Thomas, Brandenburg, J. Nelson

Senator Klein

A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to obtaining a landowner's permission before baiting; to amend and reenact subsection 3 of section 12.1-31-14 of the North Dakota Century Code, relating to trail cameras; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 12.1-31-14 of the North Dakota Century Code is amended and reenacted as follows:

3. An individual is guilty of an infraction if the individual enters upon another's property and installs any device for observing, recording, or photographing wildlife while the owner of the device is absent unless:
   a. ~~Without~~The individual has written permission from the owner or occupant of the property; ~~or~~and
   b. ~~If the~~The device ~~does not have~~has a permanently affixed metal or plastic tag with a registration number issued by the game and fish department, or the individual's name, address, and telephone number.

SECTION 2. A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

Permission required for baiting - Penalty.

Without permission from the owner or occupant of the property, an individual may not enter upon another person's property and intentionally place bait to attract or manipulate the behavior of wildlife. An individual's first violation of this section is a class 1 noncriminal offense. An individual's second or subsequent violation of this section is an infraction for which a fine of two hundred fifty dollars must be imposed. ~~If an individual is guilty of a second or subsequent offense under this section, the court shall suspend an individual's hunting, trapping, and fishing~~

~~privileges for one year under section 20.1-01-26. If the individual waives a court hearing for a second or subsequent violation of this section, the director shall suspend the individual's hunting, trapping, and fishing privileges for one year.~~

#2109

NORTH DAKOTA HOUSE OF REPRESENTATIVES

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BISMARCK, ND 58505-0360

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COMMITTEES:
Industry, Business and Labor
Agriculture

January 21, 2021

Chairman Porter and Members of the House Energy and Natural Resource Committee

House Bill 1113 addresses two issues. Section 1 is clarifying that when placing a camera on private property two conditions must be met. One being written permission from the owner or occupant of the property and secondly, the device has an affixed tag with a registration number issued by the ND game and fish department. I believe this was the clear intent of this language passed last session and the changes made here will avoid any confusion the current language could present.

Section 2 of HB 1113 is a new section of code. This section will require a person placing bait to first have permission from the property owner before doing so. There are many reasons a conversation is needed between the individual placing bait and the landowner / operator need to occur. Three specific examples I would like to share. Noxious weed spread, contamination of the next year's crop with another crop (ex. Barley in an oats crop), and finally a GMO contaminant in organic production.

Thanks for your consideration of HB 1113 and I urge a do pass.

Chairman Porter and House Energy and Natural Resources Committee members, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association. The Stockmen's Association stands in support of HB 1113.

I intend to testify in person at the Jan. 21 hearing.

NORTH DAKOTA WILDLIFE FEDERATION

Testimony of John Bradley
North Dakota Wildlife Federation
House Bill 1113
House Energy & Natural Resources Committee
January 21, 2021

Chairman Porter, members of the House Energy and Natural Resources Committee,

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation (NDWF). I am here today representing our 1,500 members and 15 affiliated wildlife and sportsmen's club across North Dakota.

NDWF last session supported HB 1503. We again rise in support of HB 1113 which requires landowner permission to bait on private land. We would like to offer a friendly amendment to add written permission in Section 2, line 19, on page 1. This would better mirror the language used in Section 1. This bill would require a little more homework for sportsmen and women, but hopefully will improve relationships between landowners and hunters in the long term.

Thank you for the opportunity to testify. Please do not hesitate to contact me with any questions that the committee might have.

Thank you for your work on this bill! I support HB 1113. As both a hunter/fisher and a landowner, I realize the importance of this bill. Please pass this bill!

Thank you!

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Coteau AB Room, State Capitol

HB 1113
2/5/2021

relating to obtaining a landowner's permission before baiting, relating to trail cameras and to provide a penalty

9:07 AM

Chairman Porter opened the hearing on HB 1113.
Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Marschall, Roers Jones, M Ruby, Zubke, and Ista. Absent: Representatives Guggisberg and Lefor

Rep Roers Jones moved amendment 01001, seconded by Rep Ista. Voice vote. Motion carried.

Rep Roers Jones moved to further amend (01002), seconded by Rep D. Anderson. Voice vote. Motion carried.

Rep Roers Jones moved a Do Pass as Amended, seconded by Rep M Ruby.

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

Motion carried. 12 – 0 – 2 Rep Ista is carrier.

#1611 Rep Paul Thomas – amendment 01001

9:16 AM

Kathleen Davis, Committee Clerk

Sixty-seventh
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Senator Klein

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   a. ~~Without~~The individual has written permission from the owner or occupant of the property; ~~or~~and
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SECTION 2. A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

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~~privileges for one year under section 20.1-01-26. If the individual waives a court hearing for a second or subsequent violation of this section, the director shall suspend the individual's hunting, trapping, and fishing privileges for one year.~~

21.0343.01002
Title.02000

Adopted by the Energy and Natural Resources Committee

February 5, 2021

2/5/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1113

Page 1, line 11, overstrike "occupant" and insert immediately thereafter "an individual authorized by the owner"

Page 1, line 19, replace "occupant" with "an individual authorized by the owner"

Page 1, line 23, remove "If an individual is guilty of a second or subsequent"

Page 1, remove line 24

Page 2, remove lines 1 through 3

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1113: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1113 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "occupant" and insert immediately thereafter "an individual authorized by the owner"

Page 1, line 19, replace "occupant" with "an individual authorized by the owner"

Page 1, line 23, remove "If an individual is guilty of a second or subsequent"

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2021 SENATE ENERGY AND NATURAL RESOURCES

HB 1113

2021 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Peace Garden Room, State Capitol

HB 1113
3/5/2021

A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to obtaining a landowner's permission before baiting; to amend and reenact subsection 3 of section 12.1-31-14 of the North Dakota Century Code, relating to trail cameras; and to provide a penalty.

Hearing called to order all Senators Present: **Roers, Bell, Schaible, Piepkorn, Patten, and Kreun.** [10:28]

Discussion Topics:

- Invasive Species of Crops and Weeds
- Invasive specimen mitigation practices

Rep. Paul Thomas testified in Favor #7249 [10:28]

Julie Ellingson, ND Stockman's Association testified in Favor [10:44]

Scott Winkelman, ND Game and Fish provided Neutral Testimony [10:48]

Senator J. Roers Moved a DO PASS [10:54]
Senator Piepkorn Seconded the Motion [10:54]
Vote Passed 6-0-0
Senator Schaible Carried the Bill

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

Additional written testimony:

John Bradley, ND Wildlife Federation provided testimony in favor #7503

Hearing Adjourned [10:56]

Dave Owen, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1113: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Fourteenth order on the calendar.

NORTH DAKOTA HOUSE OF REPRESENTATIVES

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COMMITTEES:
Industry, Business and Labor
Agriculture

March 2, 2021

Chairman Kreun and Members of the Senate Energy and Natural Resource Committee

House Bill 1113 addresses two issues. Section 1 is clarifying that when placing a camera on private property two conditions must be met. One being written permission from the owner or occupant of the property and secondly, the device has an affixed tag with a registration number issued by the ND game and fish department. I believe this was the clear intent of this language passed last session and the changes made here will avoid any confusion the current language could present.

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Thanks for your consideration of HB 1113 and I urge a do pass.

NORTH DAKOTA WILDLIFE FEDERATION

Testimony of John Bradley
North Dakota Wildlife Federation
House Bill 1113
Senate Energy & Natural Resources Committee
March 5, 2021

Chairman Kreun, members of the Senate Energy and Natural Resources Committee,

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