

2015 HOUSE ENERGY AND NATURAL RESOURCES

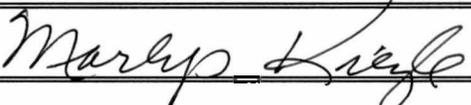
HB 1381

2015 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Pioneer Room, State Capitol

HB1381
2/5/2015
Job # 23311

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to interference with the taking of wildlife.

Minutes:

Attachments 1, 1A, 2

Chairman Porter opens hearing

Representative Mike Lefor District 37: (Testimony # 1)

Chairman Porter: Is the Legislations that you are handing out so there is no harassing of hunters with drones?

Mike Lefor: Yes hunters but also wild life with aircraft, motor vehicle, or snowmobiles. (Testimony # 1 A)

Jeb Williams, Wildlife Division Chief North Dakota Game and Fish Dept.: (Testimony 2)

Rep Anderson: Would that include depredation issues if you could chase an animal out of your crops?

Jeb Williams: Technically I think it would.

Chairman Porter: I think if it is an authorized use by the Game and Fish Dept. for depredations control it would be legal.

Jeb Williams: You may work out an agreement it could be worked out that it would be under out depredation tools.

Rep Hofstad: I am looking at the 72 hours and having a problem with that. As drones become a practice the normal farming practices and a farmer hunting may set up a conflict. How would we resolve this?

Jeb Williams: I do think that they are two separate issues. If the farmer using a drone specifically for the purpose agriculture and not utilizing that as a piece of technology to aid them in hunting purpose there would be no conflict. There are a lot of gray areas that enforcements have to deal with.

Rep Keiser: I do not read the bill the same way you are. 20.103-31 is related to the interference with rights of hunters and trappers. This does not relate to farmers in the use of drones. On lines 10-11 it says it intentionally interfere with the lawful of taking of wild life. This is specific to hunting.

Jeb Williams: One of the things with this topic is we are talking about two different things, hunter harassment and depredation.

Rep Froseth: What are the penalties for hunter harassment?

Jeb Williams: I do not know that.

Chairman Porter: As technology goes on the fair chase will change with this bill.

Jeb Williams: That is correct and is a large undertaking from our department to regulate technology.

Rep Mock: Answer to Rep Froseth question is that it is a B misdemeanor.

Rep Hunskor: How would you prove that a farmer did not use this to hunt a deer? This looks like it would be near impossible to enforce.

Jeb Williams: There are numerous enforcements that our Department faces and there will be situations where it will not be possible. What we do agree with is to try to get a head of this fast growing technology.

Mike Donahue North Dakota Wildlife Federation: We support the objectives of this bill.

No opposition:

Chairman Porter closes hearing

Rep Mock: Made a motion of **DO PASS**

Rep Hunskor: Seconded the motion.

Vote is 13 Yes 0 No 0 absent

Do pass.

Rep Mock is the carrier.

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

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1381

House Energy and Natural Resources 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 Mock Seconded By Rep Hunsakor

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	✓				
Rep Lefor	✓				
Rep Nathe	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Mock

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

REPORT OF STANDING COMMITTEE

HB 1381: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1381 was placed on the Eleventh order on the calendar.

2015 SENATE ENERGY AND NATURAL RESOURCES

HB 1381

2015 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources
Fort Lincoln Room, State Capitol

HB 1381
3/5/2015
24401

- Subcommittee
 Conference Committee

Committee Clerk Signature

Katie Oliver

Explanation or reason for introduction of bill/resolution:

Relating to interference with the taking of wildlife

Minutes:

2 attachments

Representative Lafour: See attachment #1. (.36-2:47)

Senator Bekkedahl: District 1. What about the people who want to use drones to take pictures of a hunting event and I have been told that this will not affect this.

Chairman Schaible: How do we solve pictures verses harassment?

Senator Bekkedahl: If I am hunting and someone is taking pictures of that hunt hopefully it is with my permission, without my consent we need to work that out.

Representative Lafour: When I met with legislative council it goes to intent.

Jeb Williams: North Dakota Game and Fish. See attachment #2. (5:18-5:52)

Mike Donahue: North Dakota Wildlife Foundation Ask for a do pass.

There was no further testimony, Chairman Schaible closed the hearing. Vice Chair Unruh made a motion for a Do Pass with a second by Senator Murphy.

Senator Laffen: Is the intent of the bill to not use a drone to interfere with someone else's hunt or if it is to not use a drone while hunting.

Chairman Schaible: What I heard was that you could take pictures if it wasn't interfering so I think that you could use a drone but this would make it illegal to interfere or harass game.

Senator Laffen: Would it be legal for me to use my drone and look for deer?

Senator Murphy: I do not believe it is allowable under current law. You cannot use aircraft to aid a hunt.

Senator Armstrong: It is already illegal to use a drone or any aircraft. I think that the issue with drones is what public or private land is.

Senator Laffen: The language is what has me confused. I can't use a drone to intentionally disrupt another person's hunt but I can use it on my hunt.

Senator Armstrong: You can't use it in the pursuit of game, if you wanted to fly it behind you to take pictures of your hunt that is ok. You cannot use it to assist in catching the game but you can use it to photograph your hunt that is the current law.

Senator Laffen: I am comfortable if that is what it is doing. This piece is so limited that you can't interfere with someone else's hunt. If it is there then I am comfortable.

There was no further discussion, roll was taken and the motion passed on a 6-0-1 count with Senator Armstrong carrying the bill to the floor.

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1381**

Senate Energy and Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Vice Chair Unruh Seconded By Senator Murphy

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	X		Senator Murphy	X	
Vice Chair Unruh	X		Senator Triplett		
Senator Armstrong	X				
Senator Hogue	X				
Senator Laffen	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Senator Armstrong

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

REPORT OF STANDING COMMITTEE

HB 1381: Energy and Natural Resources Committee (Sen. Schaible, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1381 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1381

1

1381
2/5/15

Energy and Natural Resources Committee

HB 1381 Testimony of Representative Mike Lefor

Good morning Chairman Porter and members of the Energy and Natural Resources Committee, for the record my name is Mike Lefor and I represent District 37 Dickinson in the House. The FAA estimates that by the year 2020 there will be more than 30,000 unmanned aerial Vehicles or "drones" in the air. The national park service has made it illegal to use drones in our national parks. There have been reports of drones being used to harass wildlife where the adults have been separated from their young.

I believe there is a need for legislation to pro-actively address this growing technology. Simply stated, there should be no place for drones in hunting. As such, when I researched this topic legislative council informed me that, under current statute that drones cannot be used for hunting purposes. I have enclosed an attachment which shows the current statute.

With that being the case, I wanted to make sure that drones cannot be used to harass hunters or intentionally harass, drive or interfere with the lawful taking of wildlife by another individual or harass, drive or disturb any wildlife for the purpose of disrupting a lawful hunt.

We need to keep the "fair chase" standard in hunting and this technology out of hunting altogether, I urge the committee to give a "do pass" recommendation and I would be happy to answer any questions.

2/5/15

1381

#1A

20.1-01-11. Hunting and harassing game from aircraft, motor vehicle, or snowmobile prohibited.

Except as provided in this title, or when necessary for the protection of life or property except as provided in section 20.1-02-05, no person operating or controlling the operation of any aircraft or motor vehicle in this state may intentionally kill, chase, or harass any wild animal or wild bird, protected or unprotected. No person, while operating a snowmobile in this state, may intentionally kill, chase, flush, or harass any wild animal or wild bird, protected or unprotected.

2/5/15

3

64th LEGISLATIVE ASSEMBLY
House Energy and Natural Resource Committee
Rep. Todd Porter, Chairman

House Bill 1381 - Relating to interference with the taking of wildlife

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

Testimony Submitted by: Jeb Williams, Wildlife Division Chief
North Dakota Game and Fish Department

The Department supports HB 1381. The proposed language strengthens the current hunter harassment law already in state law but adds an additional and important item which relates to the fast moving industry of unmanned aircraft systems. The technology associated with unmanned aircraft systems is becoming much more affordable to the average citizen and does present a concern as to how future users might utilize this technology. While this bill focuses on hunter harassment with unmanned aircrafts, the Department, through the Governor's proclamation, has also restricted the use of this technology to make sure individuals are not using unmanned aircrafts in pursuit or harassment of wildlife. The language states:

It shall be illegal to use all types of aircraft, including drones, for spotting game 72 hours prior to and during the hunting season. A licensee cannot hunt the same day they are airborne over their hunting unit with the exception of their scheduled passenger airline flight. It is illegal to drive, concentrate, rally, raise, stir up, or disturb game with all types of aircraft, including drones.

The Department supports HB 1381 and believes the additional language will strengthen the current hunter harassment law.

3-5-15

Energy and Natural Resources Committee

HB 1381 Testimony of Mike Lefor

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We need to keep the "fair chase" standard in hunting and this technology out of hunting altogether, I urge the committee to give a "do pass" recommendation and I would be happy to answer any questions.

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Attachment 2
Page 1

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

House Bill 1381 - Relating to interference with the taking of wildlife

2:30 pm, Thursday, March 5, 2015

Testimony Submitted by: Jeb Williams, Wildlife Division Chief
North Dakota Game and Fish Department

The Department supports HB 1381. The proposed language strengthens the current hunter harassment law already in state law but adds an additional and important item which relates to the fast moving industry of unmanned aircraft systems. The technology associated with unmanned aircraft systems is becoming much more affordable to the average citizen and does present a concern as to how future users might utilize this technology.

The Department supports HB 1381 and believes the additional language will strengthen the current hunter harassment law.