

**1999 HOUSE NATURAL RESOURCES**

**HB 1328**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1328-A

House Natural Resources Committee

Conference Committee

Hearing Date 1-29-99

Tape Number	Side A	Side B	Meter #
1	X		
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

A BILL FOR AN ACT TO AMEND AND REENACT SECTION 20.1-01-18 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO LOCATION OF GAME TRAPS; AND TO PROVIDE A PENALTY.

**REPRESENTATIVE GROSZ:** Opened the hearing.

**REPRESENTATIVE MAHONEY:** State Representative, District 33. Testifying in opposition to the bill he introduced. The bill was brought in originally for a person in his district, we had a situation where a person died and had traps all over up and down the river and nobody new where the traps were. This guy suggested I introduce a bill and make it a law that you have to have a map of where your traps are when you trap on other people's land so you can be able to find them. Since bringing this bill, I have had a lot of discussion with Game and Fish and been informed that under current law you are required to get the consent of the land owner. Game and Fish does not think this really adds anything to what is already in place. It might cause problems for people who are trapping, they would have to try and redo the maps. I would have asked that it simply be withdrawal but we are into the hearing stage, alternatively I would just ask that you go ahead and kill this one. Give it a Do Not Pass. I did talk to the other sponsors of the bill, and they are all in agreement.

**REPRESENTATIVE LUNDGREN:** Does the current law address where the traps are?

**REPRESENTATIVE MAHONEY:** No, not really, and that is what my concern was when I brought this bill. That is why it seemed to make sense to me when I brought the bill. Under

current law you only need consent of the land owner but that does not mean you need to tell him where you are putting your traps. Apparently there has been a lot of opposition to this. People feel that it hampers people's rights to trap and causes a big problem to have to redo your maps all the time. I guess it is not a real feasible thing to do.

**REPRESENTATIVE NOTTESTAD:** Is there anything under current law that would prohibit a land owner from asking the trapper for locations of the trap?

**REPRESENTATIVE MAHONEY:** If the landowner requires that, he can say that they want a map of the traps before I can give you consent to trap. They could demand that.

**REPRESENTATIVE GALVIN:** If there anything now in current law that would require people to make a periodic check of their trap line.

**REPRESENTATIVE MAHONEY:** I believe there are some laws on checking your traps, I could not tell you for sure. No, there is not. I guess that is something that should be considered. I think the Game and Fish people could answer that better.

**REPRESENTATIVE NELSON:** In the case of your constituent in your district, did you find all the traps?

**REPRESENTATIVE MAHONEY:** We really don't know, the ones we didn't find, you don't know where they are. They didn't know how many there are.

**JACK NEWBAR:** Testifying in support of HB 1328. On December 17, my dog was killed in a Conni Bear trap as a desperately tried to get him out of it. If I would have had a map telling me where the locations where the traps were, I would have never been where that trap was. I am in support of this bill even though it is only the tip of the iceberg. A lot more has to be done for trapping regulations. There is nothing out there right now. These people can put their traps anyplace they want and you are at the mercy of them when you are on public or private land. I have been told by a number of people, even hunters, they have complained that their dogs have been caught in traps. It is something that I am working with the Game and Fish about, they tell me that they are doing some things about it.

**REPRESENTATIVE DEKREY:** Do you own or operate the land that this happened to your dog on?

**JACK NEWBAR:** No, it was on game management land just south of my house.

**REPRESENTATIVE DEKREY:** Well then this bill really wouldn't help you?

**JACK NEWBAR:** The one I am looking at, they crossed out privately owned land. When they crossed that out, I was assuming all land.

**GARY JEBSON:** Representative of North Dakota Furtakers and myself, testifying in opposition to HB 1328. I would like to set a few concerns at ease. It is our contention as trappers that public land are to be used for hunting, fishing, and trapping. Anybody else that uses it needs to have that understanding. I am also a land owner and own and lease 5,800 acres. I am a fur trapper and I operate between 50 and 60 land owners all the time. Most land owners are concerned about overpopulation, not pertaining to trapping. Beaver and coyotes are the main fur bearers. Anything that would deter me from taking as many animals as possible off this real estate they are opposed to. I can require that trapper to do anything I choose as long as it is on my land. On public land, we know what activities take place there.

**REPRESENTATIVE LUNDGREN:** When you place traps on public land, if someone is injured by that trap, who is responsible?

**GARY JEBSON:** Someone being injured by my traps, as a human, I guess I don't see how that is possible. With the equipment we use to take animals, it would be 99.99% impossible for a human to be injured by.

**PAUL KERRY:** Cass County Wildlife Club. We want to go on record as being in opposition to HB 1328. Do not feel that the legislature should micro manage relationships between land owners and trappers.

**REPRESENTATIVE GROSZ:** Close the hearing on HB 1328. Moved by Representative Kelsh for Do Not Pass. Second by Representative Nottestad.

Roll call: 12 (yes), 1 (no), 2 (absent) Do Not Pass. Representative Galvin - carry the bill.

Date: 1/29/99  
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on 1328

or

Conference Committee

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

Action Taken DO NOT PASS

Motion Made By Kelsh Seconded By Nottestad

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	X				
Vice-Chairman Dale Henegar	X				
Representative David Drovdal					
Representative Pat Galvin	X				
Representative Duane DeKrey	X				
Rep. Darrell D. Nottestad	X				
Representative Jon O. Nelson	X				
Representative Byron Clark		X			
Representative Todd Porter	X				
Representative Jon Martinson	X				
Reperesentative Lyle Hanson	X				
Representative Scot Kelsh	X				
Representative Deb Lundgren	X				
Representative Sally M. Sandvig	X				
Representative Dorvan Solberg					

Total (Yes) 12 No 1

Absent 2

Floor Assignment Galvin

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