

**1999 HOUSE NATURAL RESOURCES**

**HCR 3066**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3066

House Natural Resources Committee

Conference Committee

Hearing Date 2/25/99

Tape Number	Side A	Side B	Meter #
1	x		24.4-end
2		x	0.0-13.6
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes: REP. HOFFNER introduces the bill. SEE HANDOUT.

REP. NELSON asks if there is any correlation with this resolution and a national study that is being done right now. HOFFNER replies that he is not aware of the national study being conducted.

JACK D. NEUBAUER, BISMARCK, ND. SEE HANDOUT.

REP. LUNDGREN asks to have the trap described to the committee that his dog was killed in.

LUNDGREN asks if a child could be caught in one of these traps. NEUBAUER replies that yes one could.

REP. NELSON asks what does this trap mainly catch. NEUBAUER replies mostly beavers.

NELSON comments that these type of traps are most commonly found under the water and

wonders why little kids would be in the water without adult supervision. Also what is the season for trapping? NEUBAURER replies that trapping is open year round.

OPPOSE

GARY JEPSON, ND FUR TAKERS ASSOC. JEPSON states that the loss reported of dogs in traps is pretty much few to none, in all the years he has been trapping. JEPSON urges a DO NOT PASS.

REP. NOTTESTAD asks why have these traps become so popular? JEPSON replies because beaver and raccoon have been known to escape from the other traps.

REP. LUNDGREN asks if a white flag could be put on the traps to inform one of where there are. JEPSON replies that kids small enough to be hurt by the trap, probably couldn't even distinguish what a white flag meant either.

REP. GALVIN asks about the study on the national level that is already being done. JEPSON replies that he is part of that.

OPPOSE

ROGER RUSTVET, ND GAME AND FISH. RUSTVET comments about informational hunting, fishing and trapping. Dogs can not be left to roam and run free. There is an informational video out that shows how the traps work.

REP. PORTER asks how many dogs are known to have died in traps. RUSTVET replies that this the very first case known for this year.

REP. NELSON asks if trapping is talked about in hunters safety courses. RUSTVET replies that it is mentioned.

REP. HENEGAR then talks to the committee about information pertaining to the game and fish department and trapping.

OPPOSE

MARTY BEARD, HIMSELF. BEARD would like the record to show that he also is opposed to the bill.

The hearing was then closed until later in the day.

The committee came back to do action on the bill, being with REP. NOTTESTAD moving for a DO NOT PASS, seconded by REP. DEKREY. The roll call vote was taken with 6 YES, 7 NO, 2 ABSENT. Motion fails. REP. MARTINSON then moves for a DO PASS, seconded by REP. KELSH. The roll call vote was taken with 3 YES, 10 NO, 2 ABSENT. Motion fails. The third roll call vote was motioned by REP. DEKREY for DO NOT PASS, seconded by REP. NELSON. The vote was 9 YES, 4 NO, 2 ABSENT. The motion carries. The bill CARRIER on the floor will be REP. PORTER.

Date: 2-25-99

Roll Call Vote #: 1

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

House House Natural Resources Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken 3066 Do Not Pass

Motion Made By Nottestad Seconded By DeKrey

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

Total (Yes) 6 No 7

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_  
If the vote is on an amendment, briefly indicate intent:

Date: 2.25.99  
 Roll Call Vote #: 2

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

House House Natural Resources Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

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

Action Taken Do Pass 3066

Motion Made By Martinson Seconded By Kelsh

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

Total (Yes) 3 No 10

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_  
 If the vote is on an amendment, briefly indicate intent:

Date: 2.25.99  
 Roll Call Vote #: 3

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

House House Natural Resources Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

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

Action Taken Do Not Pass 30660

Motion Made By DeKrey Seconded By Nelson

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

Total (Yes) 9 No 4

Absent 2

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

REPORT OF STANDING COMMITTEE (410)  
February 25, 1999 2:53 p.m.

Module No: HR-34-3612  
Carrier: Porter  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HCR 3066: Natural Resources Committee (Rep. Grosz, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HCR 3066 was placed on the Eleventh order on the calendar.**



1999 TESTIMONY

HCR 3066

JIM BRIDGES  
Publisher

TIM FOUGHT  
Editor

FREDERIC SMITH  
Opinion Editor

The Bismarck Tribune  
**OPINION**

Pulitzer Prize: Meritorious Public Service

"Seeking to find and publish the truth,  
that the people of a great state might  
have honest light by which to guide  
their destiny."

— Stella Mann, Tribune publisher, 1939

MY VIEW

# Let Winston's cruel death not be in vain

JACK D. NEUBAUER, Bismarck

I retired two years ago, due to a disability. Since then, my best friend and constant companion was my little black and white English springer spaniel, named Winston. Winston was born April 6, 1996. He was 2 years, 8 months and 11 days old at the time of his death.

I live south in Bismarck, in the Briardale area. Both Winston and I loved spending our time outdoors. Because of my disability, every morning I would drive along Sibley Drive and Winston would run along with the vehicle. When the road was open, we would drive along the road to the state Game Management Area south of my house about two miles. Winston loved to run in the fields and woods as I slowly drove along the established trails to where Apple Creek meets the Missouri River.

On Dec. 17, Winston's life came to an abrupt and cruel end.

On that day, Winston was excited to go for his daily run. When we got to the Game Management Area, I let Winston out, as usual. We went down the trail to where Apple Creek meets the Missouri, and started back. As the trail ran along the river's edge, less than 10 feet from the river, I noticed Winston was not in sight. I assumed he had gone down to get a drink, as he usually did, but I knew something was wrong after a short time when he failed to appear.

I got out of my vehicle and called his name. I heard



Jack D. Neubauer,  
Bismarck, was an  
architect with the U.S.  
government.

a faint whimpering and ran towards it. As I looked over the edge of the riverbank, I saw Winston trying to get his head out of a trapper's death trap. I watched Winston slowly fade as I attempted in vain to release him. No matter how hard I tried, I was not strong enough to open the trap, which was wired to a fallen tree.

Out of desperation, I ran back to my vehicle and retrieved a tire iron to break the wire from the tree. I carried Winston, gasping for air, to my vehicle, and drove as fast as I could, searching for help. I located a fisherman on Apple Creek. With all our strength, we were able to free Winston. In vain, I attempted to revive him by blowing in his nose. But my beloved companion was gone.

No one can imagine the fear in his eyes and the pain he suffered during his last moments of life.

Angry and distraught, I contacted the North Dakota Game and Fish Department. The next day, a game warden accompanied me to the location of the trap. I

was in total shock, and speechless, as the warden informed me that it appeared the death trap had been legally set.

I found out the trap is called a Conibear Trap No. 220, and is less than 8 inches. I have learned that such traps can be set anywhere. Previously, Conibear traps greater than 8 inches had to be set in 4 inches of water, but now they have no restriction. I was also informed that all Game Management Areas are open to trappers, year around. Their death traps can be set anywhere on public land. I was surprised and angered to hear there are basically no restrictions.

The hidden danger is clear. Throughout the year, Winston and I had met numerous people enjoying nature in the same Game Management Area where Winston was killed. For example, a father and his two children — bikers who stopped to swim in backwater that was less than 50 feet from where Winston's death trap was hidden.

I feel very guilty that I could not save Winston. Perhaps if I had only been stronger or smarter. I don't sleep well at night, as when I close my eyes I see Winston with his big trusting eyes pleading for me to save him. Now, my days are long and lonely, because of this trapper. I ask, how many other innocent dogs, or cats, has he killed? I am sure he will never tell, and they have just "disappeared."

I have refused my family's attempts to get me another dog. I want to be able to take my dog on public land and let him or her play, without fear of hidden death traps. Public land is for the use of the public. I am sure the majority of people who utilize such lands have no idea of the hidden dangers that await them.

Winston was not the first dog to be caught or killed in a death trap. The trapper might say how sorry he is, but that does not ease the pain and anger, and perhaps he would support my recommendations for changes in the trapping regulations in North Dakota Game Management Areas and on other public lands:

■ Trapping would be prohibited in Game Management Areas and on other public lands located within 15 miles of city limits.

■ All Conibear traps and other traps must be manufactured with a quit release that would allow release with one hand, without use of any tools.

■ Trappers would be required to observe their traps for as long as they are set.

■ Trappers would be required to post public warning signs at the entrance of all Game Management Areas or other public areas, disclosing that they are trapping in the area and giving the location of the trap.

■ Signs would be posted every 20 feet along the area where the traps are set.

■ Traps would be marked with fluorescent orange flags of not less than 144 square inches mounted on top of a pole at least 4 feet off the ground.

■ Traps would be prohibited within 100 feet of any established trails or roads.

Winston is gone, and I will be forever haunted by the circumstances surrounding his horribly cruel and untimely death. But, perhaps with some simple changes to the current trapping regulations, someone else will not have to lose his best friend.

**JIM BRIDGES**  
Publisher

**TIM FOUGHT**  
Editor

**FREDERIC SMITH**  
Opinion Editor

# The Bismarck Tribune OPINION

Pulitzer Prize: Meritorious Public Service

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## YOUR VIEWS

### Turn cruel death of dog into good

DOUGLAS SLETTEN, *Bismarck*

As a longtime subscriber, I am sure that I have read hundreds of letters to the editor. I cannot think of a single one that touched me more than the sad and tragic tale that Jack D. Neubauer wrote about the cruel and heart-breaking death of his dog, Winston, by a trap set on public lands (My View, Jan. 14).

I recognize the rights of sportsmen such as hunters, and recognize also the contribution they make to the overall wildlife balance. Anyone who has ever seen a starving deer too weak to fend off a cruel death in nature knows that our hunters and Game and Fish personnel do a service.

A hunter or fisherman is usually present during the kill and finishes the job, to see that the animal is not subjected to needless suffering. However, the trap that so painfully ended the life of Mr. Neubauer's dog was set by someone who simply left it there to do its damage indiscriminately. We all know that a mechanical trap does not possess the qualities of mercy or victim-preference.

My heart truly ached in reading Mr. Neubauer's gripping story of trying, with all that was in him, to save the life of his faithful companion, while his dog looked at him with pleading eyes as life and strength left him. Winston is not the only victim here, either. Mr. Neubauer relates his guilt, lack of sleep and long, lonely days. He also tells of his refusal to get another dog. That may be the biggest tragedy.

I, for one, support the recommendations that Mr. Neubauer has made for changes in trapping regulations on public lands. Each one is logical and reasonable — none appearing in any way to be vengeful or aimed at any goal other than safety for innocent and unwary visitors to public lands.

If public land truly belongs to the public, every one of us has an equal right to the enjoyment and use of it, and no person should have the right to make it a dangerous place. I believe that Mr. Neubauer's recommendations, while not seeking to banish the practice of trapping on public lands, does take the safety of others into consideration.

I hope that Game and Fish or the Legislature will look at implementing the recommendations of Mr. Neubauer. They make sense. And I hope Mr. Neubauer changes his mind and gives himself the gift of a new dog, rewarding himself with the unselfish love of a new best friend. There is one out there that needs him.

### No double standard

EDWIN SCHAFER, *Dickinson*

In case the U.S. Senate does not find the president guilty, I would expect our congressional delegation to introduce a bill forgiving the young lady at Minot who was cashiered from the military for sexual misconduct and the young man in the South who was sentenced to several years in prison for his sexual liaison with recruits under his command.

There are several others under the same circumstance. What is fair for the president, the commander in chief, should be fair for the troops.