

2019 HOUSE ENERGY AND NATURAL RESOURCES

HB 1412

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

HB 1412
1/31/2019
31941

- Subcommittee
 Conference Committee

Committee Clerk	Kathleen Davis
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Explanation or reason for introduction of bill/resolution:

Relating to hunting predators; hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

Minutes:

Attachment 1, 2

Chairman Porter: opened the hearing on HB 1412, clerk read the title.

Rep. Tveit, Dist.33: presented Attachment 1.

Chairman Porter: questions?

Rep Heinert: Line 23,24. Did you say it allows anybody on any land without a license?

Rep. Tveit: a landowner, leaseholder or renters to pursue predators with the aid of assistance, both with or without a license to pursue and shoot without a license specified predator animals except during that specified season.

Rep Heinert: Can you point out to me in law where it says the landowner, leaseholder or renter? (found)

Chairman Porter: Further questions? Further testimony in support

Jessie Flath, Hazen: Speaking to Rep Heinert concern. The intent was not to allow people to hunt anyway without a license. I would suggest an amendment, line 23, I would recommend, "an individual with, or landowner or lessee without". Our intention was for landowners to protect their livestock without having to purchase a license. Not all landowners are hunters but they want to protect their depredation, i.e. a rancher calving out for months and long hours on end, has a predator problem but he's too busy or tired so he calls a predator hunter to come take care of it for him. I would recommend language saying an individual with or landowner or lessee without a license. Other intentions were to expand the length of the season. G&F did open up this season a year or two ago to night hunting from the day after deer season until March 15. That date has nothing to do with predator hunting.

We'd like to extend it into the spring, and calving season. There's no language anyway pertaining to infrared which is needed to property use digital night vision.

Chairman Porter: Questions? Further support?

Emery Melhoff, ND Farm Bureau: We support this bill and suggested amendments.

Chairman Porter: Support? Opposition?

Stephanie Tucker, ND Game and Fish presented Attachment 2. Requested a Do Not Pass.

Chairman Porter: questions?

On Line 14 overstrike owl and rabbit. Currently they're federally protected except when doing damage to someone's livelihood. Correct or incorrect?

Tucker: I am the furbearer specialist and cannot speak to that. My understanding is they're federally protected even if causing damage. You cannot take one legally even when they're causing damage.

Chairman Porter: Any other testimony? Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

HB 1412
2/7/2019
32351

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to hunting predators; hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

Minutes:

Attachment 1

Chairman Porter:

G&F does have some concerns, Section 1 not so much, Section 2 opens up any furbearer species to all night hunting and don't feel that some of the populations are able to sustain 24/7 hunting.

Chairman Porter: Presented Attachment 1. G&F already does a provision for infrared lights and thermal vision. It's unclear in the proclamation and has always been a question on digital night visions that have it built in. This amendment will clear that up, remove the owl, keeps the landowner or agent in charge on private property, you're not on any public land and neighbors in any danger. It adds a green light which comes factory on night vision devices. Section 2 is unnecessary.

Rep. Zubke: I move the amendment.

Rep. Anderson: Second.

Chairman Porter: The amendment is as you see there along with the removal of Section 2. Voice vote, motion carried.

We have amended HB 1412.

Rep. Zubke: I moved a Do Pass on HB 1412 as amended.

Rep. Lefor: Second.

Chairman Porter: I have a motion from Rep. Zubke, second from Rep. Lefor for a Do Pass as amended on HB 1412. Discussion?

Rep. Eidson: I know G&F was concerned about opening up too much for people to hunt any animal. Do we think “or other predatory animal” leaves it too open? I feel like it’s a little open ended.

Chairman Porter: This is the portion of the code that the landowner is protecting their herd. The clerk will call a roll on a Do Pass on HB 1412 as Amended.
11 yes 0 no 3 absent. Motion carried. Rep. Lefor is carrier.

February 7, 2019

DP 2/7/19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1412

Page 1, line 1, remove "create and enact a new section to chapter 20.1-01 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to hunting predators; and to"

Page 1, line 11, after "individual" insert "or the individual's agent"

Page 1, line 13, remove "or another individual"

Page 1, line 13, remove the overstrike over "the"

Page 1, line 13, remove "either"

Page 1, line 14, remove the overstrike over "rabbit,"

Page 1, line 15, remove the overstrike over "~~attacking and attempting to destroy the person's
poultry, livestock, or other~~"

Page 1, line 16, remove the overstrike over "~~property~~"

Page 1, line 16, after "light" insert ", digital night vision, thermal vision, or infrared light"

Page 1, line 17, after "for" insert "coyote, fox,"

Page 1, line 17, after "raccoon" insert an underscored comma

Page 1, line 17, overstrike "A" and insert immediately thereafter "The artificial light must
produce a"

Page 1, line 17, after "red" insert ", green,"

Page 1, line 18, overstrike "filter must be placed on any artificial light" and insert immediately
thereafter "color when"

Page 1, line 18, after "of" insert "coyote, fox,"

Page 1, line 18, after "raccoon" insert an underscored comma

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 5

Renumber accordingly

Date: 2-7-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1412

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: Attachment 1

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 Zubke Seconded By Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep Bosch			Rep. Ruby		
Rep. Devlin			Rep. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote. Motion carried.

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

hunting with artificial light prohibited - exception

Date: 2-7-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1412**

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 Zubke Seconded By Rep Lefor

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	AB
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓	AB	Rep. Ruby	✓	AB
Rep. Devlin	✓		Rep. Zubke	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Eidson	✓	

Total (Yes) 11 No 0

Absent 3

Floor Assignment Rep Lefor

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

REPORT OF STANDING COMMITTEE

HB 1412: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1412 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 20.1-01 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to hunting predators; and to"

Page 1, line 11, after "individual" insert "or the individual's agent"

Page 1, line 13, remove "or another individual"

Page 1, line 13, remove the overstrike over "the"

Page 1, line 13, remove "either"

Page 1, line 14, remove the overstrike over "rabbit,"

Page 1, line 15, remove the overstrike over "~~attacking and attempting to destroy the person's poultry, livestock, or other~~"

Page 1, line 16, remove the overstrike over "~~property~~"

Page 1, line 16, after "light" insert ", digital night vision, thermal vision, or infrared light"

Page 1, line 17, after "for" insert "coyote, fox,"

Page 1, line 17, after "raccoon" insert an underscored comma

Page 1, line 17, overstrike "A" and insert immediately thereafter "The artificial light must produce a"

Page 1, line 17, after "red" insert ", green,"

Page 1, line 18, overstrike "filter must be placed on any artificial light" and insert immediately thereafter "color when"

Page 1, line 18, after "of" insert "coyote, fox,"

Page 1, line 18, after "raccoon" insert an underscored comma

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 5

Renumber accordingly

2019 SENATE ENERGY AND NATURAL RESOURCES

HB 1412

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1412
3/15/2019
Job Number 33797

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

Minutes:

3 Attachments

Chair Unruh: Opened the hearing.

Representative Bill Tveit, District 33 (0:40-5:05) Introduced the bill, please see attachment #1 for testimony and #2 for amendment.

Jesse Flath, Hazen Citizen (6:00-11:00) Testified in favor. This bill has had a lot of changes; I was the one that talked the Representative Tveit about 'must' being changed to 'may.' The issue that we're worried about is that infrared does not produce a visible light. If you put 'must' in that line, it will contradict the infrared wording. Visiting with Game and Fish this morning, we get into some really technical stuff. I'm not against changing this however you see fit, I just don't want contradicting language. When you get down to the nickels of it, infrared does produce light. Now we are down to technicalities if there's ever an issue with what's going on. It's a hard one to hammer out, the word 'shall' also means must. If you decide to leave as 'must' because infrared does produce light, you just can't see it, now we're in limbo. Game and Fish has stated that they view it as producing light. You could change the word color to spectrum, but now we get into big words that other people won't like or understand. As Representative Tveit said, I urge you to pass this in a form you are comfortable with, with Game and Fish's input. Right now night vision ends at March 15, which we are past, and everybody is calving. There are rules and laws out there that provide the landowner the capability to use pretty much any means necessary to protect their herd, however, it has to be them. That's where the language in this bill with 'the individual or an agent' that provides the rancher or landowner the ability to assign that duty to someone else. I have rancher friends getting pretty owly this calving season, not getting enough sleep. If they have a predator problem, they don't have the hours in the day to take care of it themselves. It's a two-fold issue we are trying to take care of. The original bill had the timing on the first day of any big game season in our state to the last day of deer season to make sure there isn't anybody trying to use night vision infrared or any other night optics to hunt big game. That was taken away, with the combination of these two bills, you can see the

language in the grey that was added, that also provides penalty. It makes it illegal to use night vision to hunt deer or any other big game. We know that's an issue, and we don't want that. Our stance has been that if someone is going to do that, they are already doing that. But we don't want that legal avenue opened up to them. I'm fine with that combination of bills being there. The big game language, I'm ok with. The issue is 'must' or 'may'; that's a definition problem I'll leave to you.

Vice-Chair Kreun: This bill is for hunting and ranching, you indicated that during the evening in calving season, that you do have predators; they are protecting their herd against predators.

Jesse Flath: It's a depredation and hunting bill, the ability to use night vision for predators only. You'll see the language, it's fox, coyote, raccoon, and beaver.

Vice-Chair Kreun: It's interesting that they work together, I appreciate you bringing it forward.

Pete Hanebutt, North Dakota Farm Bureau (12:25-12:55) Testified in favor. We are looking out for our livestock owners, we are anti-vermin, and pro using lights to get rid of vermin.

Julie Ellingson, North Dakota Stockman's Association (13:05-13:20) Testified in favor. We support the concept and would be happy to work with the committee as you work through amendments.

Rich Tischaefter, President North Dakota Fur Hunters and Trappers Association (13:40-15:00) Testified in favor, please see attachment #3. With HB 1412, a lot of work has been done. We've blended what we needed to do with SB 2058 into HB 1412. The discussion with 'must' and 'may' will continue, we support the concept of the bill, we appreciate your help.

Terry Traynor, Association of Counties (15:15) Some of these critters are awfully damaging to our roadways, plugging culverts, soaking the road, making it difficult and costly. This appears to be a partial solution to that, so we support the bill.

John Bradley, North Dakota Wildlife Federation (15:40) Testified in favor. We are here in support of our affiliate club, the North Dakota Fur Hunters and Trappers Association, they worked hard on this bill, we'd like to see it pass.

No opposition testimony.

Scott Peterson, Deputy Director North Dakota Game and Fish (16:30) Provided neutral agency testimony. North Dakota Game and Fish supports the concept of allowing artificial light, infrared, night vision, thermal imaging, what we are trying to do here is allow the use of that for North Dakota sportsmen, women and landowners for hunting fox and coyote at night, and make sure we don't allow enough flexibility in law to allow people to spotlight for big game. The only question we have is about that one word that is proposed to change from 'must' to 'may', I'm not certain how that needs to be worded, we think leaving that as must, because the sentence is specific to artificial light, if the sentence says artificial light must

produce green, I think we are still ok, but that may be a question for legislative council. Other than that, we are in support of HB 1412. There's an amount of uncertainty about what changes that one word will make. We agree on what it's trying to do, we just need to be certain that if we leave 'must' in there, because infrared is considered an artificial light the sentence will be ok because it specifically references artificial light. Maybe it would clarify if we said artificial light including infrared? Maybe not.

Robert Timian, Chief Game Warden, North Dakota Game and Fish (18:55) As it's written on page 1, line 17, this is for the hunting portion, the rancher can do whatever he wants in protection of his property, it lists artificial light, night vision, thermal vision, or infrared light with a power source may be used for the hunting of coyote, fox, raccoon, or beaver during the open season. It cites four different types of equipment. On line 19, the end of the sentence, 'the artificial light,' it's only referring to the artificial light as stated in line 17. We're saying that 'must produce a red, green, or amber color when hunting coyotes or fox. It's not referring to night vision, thermal vision or infrared, it's only referring to the artificial light, which is mentioned in the first one, and the reason for that is they can't use a flashlight and go shining, it has to have a filter.

Chair Unruh: We'll think about this for a while. Closed the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1412
3/21/2019
Job Number 34079

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

Minutes:

1 Attachment

Chair Unruh: We had some amendments with HB 1412, and there was quite the conversation on page 1, line 18, switching 'must' to 'may,' game and Fish was trying to sort it out, with the bill sponsor. After a bit of discussion, they decided that 'must' should remain. Representative Tveit had given us amendments, that everybody does want. The only change on that would be on the amendments that were handed out (**please see attachment #1, page 1**), 19.1057.02001, on page 1, line 17, replace 'must' with 'may,' that can get removed, and the remainder of those amendments is what the bill sponsor was requesting. We are leaving that, and I think the way it is stated, with artificial light, even though it's saying it needs to be a color, even though it's not visibly a color, it's still a color because it is artificial.

Senator Schaible: Do we need to add a 'must' to line 12 of the Christmas tree version?

Scott Peterson, Deputy Director, Game and Fish: Our only concern about the version we last saw was in the line 19, the sentence starts 'the artificial light...' it was amended to read 'may' we would like 'must' reinstated. If that is done, we have no objection to the bill.

Chair Unruh: That's the little change that I've got in the amendments here. The 'must' would remain. I think the rest of the 'mays' are ok, it was just the one with the artificial light must produce a red, green, or amber color when used in the hunting of coyote or fox.

Senator Cook: Page 1, line 17, an individual 'may' or must, which is it?

Chair Unruh: May. When talking about an individual, we want to use 'may,' when talking about an artificial light, and the color it produces, we need to use 'must.' The rest of the amendments are okay.

Senator Schaible: I move to adopt the amendment ending in .02001, with the change on line 17 that leaves the artificial light 'must.'

Senate Energy and Natural Resources Committee

HB 1412

3/21/19

Page 2

Senator Roers: I second.

A voice vote was taken.

Motion carries.

Senator Schaible: I move a Do Pass as amended.

Senator Roers: I second.

A roll call vote was taken.

Motion passes 6-0-0.

Senator Schaible will carry.

Chair Unruh: Closed committee work.

SK
1201
3/21

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1412

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "20.1-01-08" insert "and 20.1-05-04"

Page 1, line 8, after the first "take" insert an underscored comma

Page 1, line 10, overstrike ". This section does not make it unlawful for an" and insert immediately thereafter "except:

1. An"

Page 1, line 10, overstrike "to" and insert immediately thereafter "may"

Page 1, line 11, remove "digital"

Page 1, line 14, overstrike "person's" and insert immediately thereafter "individual's"

Page 1, line 14, overstrike ". It is"

Page 1, line 15, overstrike "permissible to" and insert immediately thereafter "; and

2. An individual may"

Page 1, line 15, remove "digital"

Page 1, line 19, overstrike "except" and insert immediately thereafter "including"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

No person, to hunt, pursue, kill, take, or attempt~~While hunting, pursuing, killing, taking, or attempting~~ to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and a spotlight~~ or automobile ~~and or~~ motorcycle ~~headlights~~headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~overmore than~~ six volts in the area while hunting afoot to take coyote, fox, raccoon, or beaver."

Renumber accordingly

Date: 3/21
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1412**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1057.02001 - page 1, line 17 replace 'Must with May'

- 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 Sen. Schaible Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh			Senator Merrill Piepkorn		
Senator Curt Kreun					
Senator Donald Schaible					
Senator Dwight Cook					
Senator Jim Roers					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice Vote
 Motion Carries*

Date: 3/21
 Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1412**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.1057.02001 - page 1, line 17 replace 'must' with 'may'

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 Sen. Schaible Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh	X		Senator Merrill Piepkorn	X	
Senator Curt Kreun	X				
Senator Donald Schaible	X				
Senator Dwight Cook	X				
Senator Jim Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Schaible

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

REPORT OF STANDING COMMITTEE

HB 1412, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1412 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "20.1-01-08" insert "and 20.1-05-04"

Page 1, line 8, after the first "take" insert an underscored comma

Page 1, line 10, overstrike ". This section does not make it unlawful for an" and insert immediately thereafter "except:"

1. An"

Page 1, line 10, overstrike "to" and insert immediately thereafter "may"

Page 1, line 11, remove "digital"

Page 1, line 14, overstrike "person's" and insert immediately thereafter "individual's"

Page 1, line 14, overstrike ". It is"

Page 1, line 15, overstrike "permissible to" and insert immediately thereafter "; and

2. An individual may"

Page 1, line 15, remove "digital"

Page 1, line 19, overstrike "except" and insert immediately thereafter "including"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and a spotlight~~ or automobile ~~and~~ or motorcycle ~~headlights~~headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use a ~~flashlight~~an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~over~~more than six volts in the area while hunting afoot to take coyote, fox, raccoon, or beaver."

Renumber accordingly

2019 CONFERENCE COMMITTEE

HB 1412

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau A Room, State Capitol

HB 1412

4/4/2019

34528

Subcommittee

Conference Committee

Committee Clerk	Kathleen Davis
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Explanation or reason for introduction of bill/resolution:

Relating to hunting predators; hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

Minutes:

Attachment 1, 2

Chairman Lefor: opened the conference committee on HB 1412. He presented Attachment 1 and 2.

Roll call: Chairman Lefor, Rep. Marschall, Rep. Eidson, Sen. Schaible, Sen. Roers, Sen. Piepkorn

Chairman Lefor: basically we're changing wording for the word except. I did visit with Chief Timion from G&F and that was their main concern and this will fix that. The House would be good with the Senate amendments. Questions?

Sen Schaible: It's a good amendment, G&F is okay with it and it's justified. So with that I would ask the Senate recede from Senate amendments and amend as printed on pages 1325 and 1326 of the House Journal and pages 1029-1030 of the Senate Journal and the engrossed HB 1412 be amended as follows.

Sen. Roers: second

Chairman Lefor: there's a motion for the Senate to recede from the Senate amendments and further amend. Discussion.

Roll call vote: 6 yes. 0 no. 0 absent. Motion carried.

Meeting adjourned.

April 2, 2019

DA 4/4/19
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1412

That the Senate recede from its amendments as printed on pages 1325 and 1326 of the House Journal and pages 1029 and 1030 of the Senate Journal and that Engrossed House Bill No. 1412 be amended as follows:

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "20.1-01-08" insert "and 20.1-05-04"

Page 1, line 8, after the first "take" insert an underscored comma

Page 1, line 10, overstrike ". This section does not make it unlawful for an" and insert immediately thereafter "except:

1. An"

Page 1, line 10, overstrike "to" and insert immediately thereafter "may"

Page 1, line 11, remove "digital"

Page 1, line 14, overstrike "person's" and insert immediately thereafter "individual's"

Page 1, line 14, overstrike ". It is"

Page 1, line 15, overstrike "permissible to" and insert immediately thereafter "; and

2. An individual may"

Page 1, line 15, remove "digital"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~ While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and~~ a spotlight or automobile and/or motorcycle headlights ~~headlight~~.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~ an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~ an artificial light, night vision, thermal vision, or infrared light with a power source of not

overmore than six volts in the area while hunting afoot to take coyote, fox,
raccoon, or beaver."

DP 4/4/19
2 d2

Renumber accordingly

**2019 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1412 as (re) engrossed

House Energy and Natural Resources Committee

- Action Taken
- HOUSE accede to Senate Amendments
 - HOUSE accede to Senate Amendments and further amend
 - SENATE recede from Senate amendments
 - SENATE recede from Senate amendments and amend as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Schaible Seconded by: Sen. Roers

Representatives	<u>4/4</u>			Yes	No	Senators	<u>4/4</u>			Yes	No
Rep. Lefor	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		Sen. Schaible	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Rep. Marschall	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		Sen. Roers	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Rep. Eidson	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		Sen. Piepkorn	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Total Rep. Vote						Total Senate Vote					

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep Lefor Senate Carrier Sen. Schaible

LC Number 19.1057 . .02004 of amendment

LC Number 19.1057 . .04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 19.1057.02004
House Carrier: Lefor
Senate Carrier: Schaible

REPORT OF CONFERENCE COMMITTEE

HB 1412, as engrossed: Your conference committee (Sens. Schaible, J. Roers, Piepkorn and Reps. Lefor, Marschall, Eidson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1325-1326, adopt amendments as follows, and place HB 1412 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1325 and 1326 of the House Journal and pages 1029 and 1030 of the Senate Journal and that Engrossed House Bill No. 1412 be amended as follows:

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "20.1-01-08" insert "and 20.1-05-04"

Page 1, line 8, after the first "take" insert an underscored comma

Page 1, line 10, overstrike ". This section does not make it unlawful for an" and insert immediately thereafter "except:

1. An"

Page 1, line 10, overstrike "to" and insert immediately thereafter "may"

Page 1, line 11, remove "digital"

Page 1, line 14, overstrike "person's" and insert immediately thereafter "individual's"

Page 1, line 14, overstrike ". It is"

Page 1, line 15, overstrike "permissible to" and insert immediately thereafter "; and

2. An individual may"

Page 1, line 15, remove "digital"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use any artificial light, including ~~spotlights and~~ a spotlight or automobile ~~and/or motorcycle headlights~~ headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~ an area commonly frequented by big game animals with any artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use a ~~flashlight~~ an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~over~~ more than six volts in the area while hunting afoot to take coyote, fox, raccoon, or beaver."

Renumber accordingly

Engrossed HB 1412 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

HB 1412

HB 1412 Testimony to the House Energy and Natural Resources Committee
Representative Todd Porter, Chairman
Coteau Room A, 2:30 PM, 1 January 2019

Mr. Chairman and Committee members.

For the record, I am Representative Bill Tveit, I serve District 33, which is all of Mercer and Oliver Counties as well as the northern and western parts of Morton County.

I am here to present HB 1412, 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 hunting predators; and to amend and reenact section

20.1-01-08 of the North Dakota Century Code, relating to hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

HB 1412 is a constituent driven bill. This bill helps to aid farmers and ranchers in protecting their investments in the production of livestock and poultry on their premises.

Line 12 simply adds the use of new technology of lighting and vision to the law. Line 13 and throughout the measure, person is changed to mean individual or individuals.

On Line 14, the words, owl and rabbit were removed due to the protection of the owl and the non aggressive nature of rabbits.

Line 15 and into 16 removes the word "bird" and the need for action from the predator, leaving the intent to mean "present on premises" as line 13 & 14 indicates.

Section 2, page 1, lines 20-24 and page 2, lines 1-5 is a new section. This section allows a landowner/ lease holder/renters, to pursue predators with the aid of an assistant, both individuals with or without a license, to pursue and shoot specified predatory animals any time EXCEPT September 1 thru the last day of the regular deer season.

This bill is about individuals protecting property and livelihood for our farmers and ranchers in this great state.

I would ask that you give this a unanimous great bill a "Do Pass"

Thank You Mr. Chairman, and I will stand for any questions.



House Energy and Natural Resources Committee
Testimony on HB 1412

North Dakota Game and Fish Department
Stephanie Tucker, Game Management Section Leader
January 31, 2019

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Stephanie Tucker and I'm the Game Management Section Leader and Furbearer Biologist of the North Dakota Game and Fish Department. I am testifying today on HB 1412.

We have had a night hunting season for coyote and fox since 1991, that typically begins after the deer gun season ends and runs through mid-March, encompassing most of the prime fur season for these two species. More recently in 2016, we began allowing the use of night vision and thermal imaging equipment during the night hunting season for coyote and fox. Currently, night hunting of coyote and fox as allowed via proclamation does not have detrimental impacts to the long-term sustainability of these populations.

We have concerns with this bill because it appears to do much more than simply allowing landowners and predator hunters to take advantage of these new night hunting technologies for a few select species.

This bill proposes expanding night hunting from just coyote and fox during the prime fur season, to any predatory animal during 9 months of the year with no other reason than it being on their property. 'Predatory animal' is not defined in state law, but when considering furbearing species that are predators, it could include bobcats, mountain lions, swift fox, fishers, marten, and river otters. These species cannot withstand unlimited night hunting during 9 months of the year, as it could decimate their populations.

This bill would also allow landowners, or 'another individual,' to take any predatory animal on their property with or without a license. Current law (20.1-03-04) allows a landowner to take furbearers on their property (during open seasons) without a license, but not another individual. Current law (20.1-07-04) also provides flexibility for landowners who wish to remove depredate or problem furbearers using methods that are outside of our normal hunting or trapping seasons. However, this bill does much more than that by allowing indiscriminate taking of predators by anyone on more than 90% of the land in North Dakota for three-fourths of the year. We believe our mandate to ensure long-term sustainability of many valuable furbearer populations would be in jeopardy if this bill were to become law.

For these reasons Chairman Porter, the Department respectfully requests a DO NOT PASS on HB 1412.

HOUSE BILL NO. 1412

20.1-01-08. Hunting with artificial light prohibited – Exception.

It is unlawful for an individual to pursue, shoot, kill, take or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light. This section does not make it unlawful for an individual, or their agent, to use a lantern, spotlight, digital night vision, thermal vision, infrared light, or other artificial light to assist the individual ^{or other individual} in pursuing and shooting on the individual's premises any coyote, fox, skunk, mink, raccoon, beaver, weasel, rabbit, or other predatory animal attacking and attempting to destroy the person's poultry, livestock, or other property.

It is permissible to use an artificial light, digital night vision, thermal vision, infrared light with a power source of not more than six volts while hunting afoot for coyote, fox, raccoon, or beaver during the open season on the animal. The artificial light must produce a red, green, or amber color when used in the hunting of coyote, fox, raccoon or beaver, except when taking a raccoon treed or at bay.

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#1
Pg.1

HB 1412 Testimony to the Senate Energy & Natural Resources Committee.
Senator Jessica Unruh, Chair
Fort Lincoln Room, 10:00 AM 15 March 2019

Representative Bill Tveit

Madam Chair and Committee Members:

For the record, I am Representative Bill Tveit, I have the pleasure to serve with your Chairwoman in District 33, which is all of Mercer and Oliver Counties and well as the northern and western parts of Morton County.

I am here to present HB 1412, a bill for An act to amend and reenact section 20.1-01 of the North Dakota Century Code, relating to hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

HB 1412 is a constituent driven bill. This bill helps to aid farmers and ranchers in protecting their investments in the production of livestock and poultry on their premises.

Added on Line 10 is “or an individual’s agent” ; on Line 11, “Digital night vision, thermal vision, infrared light” was added to the law. On line 12 and throughout the measure, person is changed to mean individual or individuals.

On line 13, the word owl was removed due the the protection of the owl. Line 14 Removes the word “bird”. Line 15 again adds “digital night vision, thermal vision Infrared light”. Line 16 adds coyote, fox,. On line 17, “A”is removed and “The Artificial light must produce a” and “green,” is added. On line 18 you will find That “filter must be placed on any artificial light” was removed and “color when” As well as “coyote, fox,” were added.

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#1
Pg. 2

Madam Chair and committee, I wish I could say, "This ends my testimony", but, following my presentation to the House Energy & Natural Resources Committee, there was an effort made to blend HB 1412 and a like bill SB 2058 into one bill.

In that cutting, pasting and negotiation, errors were made.

If you were to pass the bill as I presented it to you just now, on line 17, the word "must", needs to be changed to "may", as infrared does not produce a light to have color.

Madam Chair, realizing that the minor amendment above would, no doubt require this bill to go back to the House and end up in Conference Committee, I would ask that you consider a further amendment that would change the "must" to "may", and take HB 1412 back closer to the original bill that my constituent and I presented to, and left in House Energy and Natural Resources and also closer to the original intent of the authors of SB 2058.

For your consideration, Madam Chair and Committee, I do have that amendment with me, to include the Christmas Tree version.

Madam Chair, this concludes my testimony, and I will stand for questions.

HB 1412
3.15.19
#2
Pg. 1

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1412

Introduced by

Representatives Tveit, Fegley, C. Johnson, Laning

Senators Myrdal, Osland, Unruh

1 A BILL for an Act to amend and reenact ~~section~~sections 20.1-01-08 and 20.1-05-04 of the North
2 Dakota Century Code, relating to hunting predators at night with artificial light, digital night
3 vision, thermal vision, or infrared light.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 20.1-01-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **20.1-01-08. Hunting with artificial light prohibited - Exception.**

8 It is unlawful for an individual to pursue, shoot, kill, take, or attempt to take any wildlife
9 between sunset of one day and sunrise of the next, with the aid of a spotlight or any other
10 artificial light. ~~This section does not make it unlawful for an~~ except:

11 1. An individual or the individual's agent ~~to~~may use a lantern, spotlight, ~~digital~~ night
12 vision, thermal vision, infrared light, or other artificial light to assist the ~~person~~individual
13 in pursuing and shooting on the ~~person's~~individual's premises any coyote, fox, skunk,
14 mink, raccoon, beaver, weasel, ~~owl,~~ rabbit, or other predatory animal ~~or bird,~~ attacking
15 and attempting to destroy the person's poultry, livestock, or other property. ~~It is~~

16 ~~permissible to;~~ and
17 2. An individual may use an artificial light, ~~digital~~ night vision, thermal vision, or infrared
18 light with a power source of not more than six volts while hunting afoot for coyote, fox,
19 raccoon, or beaver during the open season on the animal. ~~The artificial light~~ mustmay
20 produce a red, green, or amber filter ~~must be placed on any artificial light~~ color when
21 used in the hunting of coyote, fox, raccoon, or beaver, ~~except~~ including when taking a
22 raccoon tree or at bay.

23 **SECTION 2. AMENDMENT.** Section 20.1-05-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

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3.15.19
#2
Pg 2

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20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~ While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and a spotlight~~ or automobile ~~and or~~ motorcycle ~~headlights~~ headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~ an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~ an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~over~~ more than six volts in the area while hunting afoot to take coyote, fox, raccoon, or beaver.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1412

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "20.1-01-08" insert "and 20.1-05-04"

Page 1, line 8, after the first "take" insert an underscored comma

Page 1, line 10, overstrike ". This section does not make it unlawful for an" and insert immediately thereafter "except:

1. An"

Page 1, line 10, overstrike "to" and insert immediately thereafter "may"

Page 1, line 11, remove "digital"

Page 1, line 14, overstrike ". It is"

Page 1, line 15, overstrike "permissible to" and insert immediately thereafter "": and

2. An individual may"

Page 1, line 15, remove "digital"

Page 1, line 17, replace "must" with "may"

Page 1, line 19, overstrike "except" and insert immediately thereafter "including"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use any artificial light, including ~~spotlights and a spotlight~~ or automobile ~~and or motorcycle headlights~~headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~evermore than~~more than six volts in the area while hunting afoot to take coyote, fox, raccoon, or beaver."

Renumber accordingly

HB-1412
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#2
03-4



HB1412
3.15.19
#3
Pg. 1



North Dakota Fur Hunters And Trappers Association

March 11, 2019

PRESIDENT

RICK TISCHAEFER
P.O. Box 334
Butte, ND 58723
701-626-7150
tischrc@ndak.net

Senator Jessica Unruh
Madam Chair
Senate Energy and Natural Resources Committee

Senator Unruh,

Our association and the fur hunting and trapping community are asking for your support of the included amendments to Engrossed House Bill 1412. As you know, we began the session with Senator Howard Anderson and Representative Don Longmuir introducing Senate Bill 2058. With your help, Senate Bill 2058 passed the Senate in January. The bills intent was to provide a measure of safety for this outdoor activity.

I have been told that Senate Bill 2058 will be used for other legislation and House Bill 1412 will move ahead in the legislative process. If this is incorrect, please let me know. The amendments (in red) to the attached Engrossed House Bill 1412 will produce the same results and are needed for these reasons:

1. Include the amended Section 20.1-05-04 in the Engrossed House Bill 1412 so these two Century Code sections do not compete or conflict with one another;
2. Strike any reference to the word "digital" when referring to night vision equipment. While many scope-like night vision optics are digital, not all are nor are the monocular and binocular night vision devices. "Digital" is much too specific, limits the use of available night vision equipment, and basically paints ourselves into a corner. The Governor's Proclamation describes the allowed equipment as "night vision", which can easily be mirrored in the Century Code.
3. Utilizing two paragraphs (lines 10 through 15 of page 1) will reduce the potential for confusion between what is allowed on an individual's premises (paragraph 1), and hunting afoot during the open season for the animal (paragraph 2); and
4. The amendments to Section 20.1-05-04 on page 2 simply duplicate the language used in the amendments to Section 20.1-01-08 on page 1.

It is my hope that you support this information and make the necessary amendments. If there is anything you need me to do or you have any questions, please let me know. Thank you again for your service to North Dakota.

Respectfully,
Rick Tischaefer
Rick Tischaefer
President

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3.15.19
#3
PJ.2

19.1057.02000

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1412

Introduced by

Representatives Tveit, Fegley, C. Johnson, Laning

Senators Myrdal, Osland, Unruh

1 A BILL for an Act to amend and reenact section 20.1-01-08 of the North Dakota Century Code,
2 relating to hunting predators at night with artificial light, digital night vision, thermal vision, or
3 infrared light.

and 20.1-05-04

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 SECTION 1. AMENDMENT. Section 20.1-01-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 20.1-01-08. Hunting with artificial light prohibited - Exception.

8 It is unlawful for an individual to pursue, shoot, kill, take or attempt to take any wildlife
9 between sunset of one day and sunrise of the next, with the aid of a spotlight or any other
10 artificial light. ^{except:} ~~This section does not make it unlawful for an individual or the individual's agent to~~ ^{1. A} ~~use a lantern, spotlight, digital night vision, thermal vision, infrared light, or other artificial light to~~ ^{may}
11 ~~assist the person/individual in pursuing and shooting on the person's/individual's premises any~~
12 ~~coyote, fox, skunk, mink, raccoon, beaver, weasel, owl, rabbit, or other predatory animal or~~
13 ~~bird attacking and attempting to destroy the person's poultry, livestock, or other property; it is~~
14 ~~permissible to use an artificial light, digital night vision, thermal vision, or infrared light with a~~ ^{2. An individual may}
15 ~~power source of not more than six volts while hunting afoot for coyote, fox, raccoon, or beaver~~
16 ~~during the open season on the animal. A~~ The artificial light must produce a red, green, or amber
17 ~~filter must be placed on any artificial light~~ color when used in the hunting of coyote, fox, raccoon,
18 ~~or beaver, except when taking a raccoon treed or at bay.~~

add →

20 SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

HB 1412
3.15.19
#3
PJ.3

Sixty-sixth
Legislative Assembly

1 **20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.**

2 ~~No person, to hunt, pursue, kill, take, or attempt~~ While hunting, pursuing, killing, taking, or
3 ~~attempting~~ to take, or ~~to aid~~ aiding in the hunting or taking of, any big game animal, an individual
4 may not:

- 5 1. Use any animal except horses or mules.
- 6 2. Use any artificial light, including ~~spotlights~~ a spotlight and an automobile ~~and~~ or
7 motorcycle ~~headlights~~ headlight.

8 3. Engage in the practice commonly known as shining for deer. An individual who shines
9 ~~any~~ an area commonly frequented by big game animals with ~~any~~ artificial light,
10 between the hours of sunset and sunrise, is in violation of this section. However, an
11 individual may use ^{an artificial light, night vision, thermal vision, or infrared light} a flashlight with a power source of not ~~ever~~ more than six volts in
12 the area to take coyote, fox, raccoon, or beaver.
 ^{while hunting afoot}

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1412

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "20.1-01-08" insert "and 20.1-05-04"

Page 1, line 8, after the first "take" insert an underscored comma

Page 1, line 10, overstrike ". This section does not make it unlawful for an" and insert immediately thereafter "except:

1. An"

Page 1, line 10, overstrike "to" and insert immediately thereafter "may"

Page 1, line 11, remove "digital"

Page 1, line 14, overstrike ". It is"

Page 1, line 15, overstrike "permissible to" and insert immediately thereafter "; and

2. An individual may"

Page 1, line 15, remove "digital"

Page 1, line 17, replace "must" with "may"

Page 1, line 19, overstrike "except" and insert immediately thereafter "including"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~ While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and~~ a spotlight or automobile ~~and~~ motorcycle headlights ~~headlight~~.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~ an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~ an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~over~~ more than six volts ~~in the area while hunting afoot~~ to take coyote, fox, raccoon, or beaver."

Renumber accordingly

#B1412
3.21.19
#1
Pg. 2

HB 1412
3.21.19
#1
Pg. 3

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1412

Introduced by

Representatives Tveit, Fegley, C. Johnson, Laning

Senators Myrdal, Osland, Unruh

1 A BILL for an Act to amend and reenact ~~section~~sections 20.1-01-08 and 20.1-05-04 of the North
2 Dakota Century Code, relating to hunting predators at night with artificial light, digital night
3 vision, thermal vision, or infrared light.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 20.1-01-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **20.1-01-08. Hunting with artificial light prohibited - Exception.**

8 It is unlawful for an individual to pursue, shoot, kill, take, or attempt to take any wildlife
9 between sunset of one day and sunrise of the next, with the aid of a spotlight or any other
10 artificial light. ~~This section does not make it unlawful for an~~ except:

11 1. An individual or the individual's agent ~~to~~may use a lantern, spotlight, ~~digital~~ night
12 vision, thermal vision, infrared light, or other artificial light to assist the ~~person~~individual
13 in pursuing and shooting on the ~~person's~~individual's premises any coyote, fox, skunk,
14 mink, raccoon, beaver, weasel, ~~owl,~~ rabbit, or other predatory animal ~~or bird,~~ attacking
15 and attempting to destroy the person's poultry, livestock, or other property. ~~It is~~
16 ~~permissible to;~~ and

17 2. An individual may use an artificial light, ~~digital~~ night vision, thermal vision, or infrared
18 light with a power source of not more than six volts while hunting afoot for coyote, fox,
19 raccoon, or beaver during the open season on the animal. ~~A~~ The artificial light ~~must~~may
20 produce a red, green, or amber filter must be placed on any artificial light color when
21 used in the hunting of coyote, fox, raccoon, or beaver, ~~except~~ including when taking a
22 raccoon treed or at bay.

23 **SECTION 2. AMENDMENT.** Section 20.1-05-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

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3.21.19
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Pg. 4

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20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~ While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and~~ a spotlight or automobile ~~and~~ or motorcycle ~~headlights~~ headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines any area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~ an artificial light, night vision, thermal vision, or infrared light with a power source of not ~~over~~ more than six volts in the area while hunting a foot to take coyote, fox, raccoon, or beaver.

#1
HB 1412
4.4.19

19.1057.02004
Title.

Prepared by the Legislative Council staff for
Representative Lefor
April 2, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1412

That the Senate recede from its amendments as printed on pages 1325 and 1326 of the House Journal and pages 1029 and 1030 of the Senate Journal and that Engrossed House Bill No. 1412 be amended as follows:

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "20.1-01-08" insert "and 20.1-05-04"

Page 1, line 8, after the first "take" insert an underscored comma

Page 1, line 10, overstrike ". This section does not make it unlawful for an" and insert immediately thereafter "except:

1. An"

Page 1, line 10, overstrike "to" and insert immediately thereafter "may"

Page 1, line 11, remove "digital"

Page 1, line 14, overstrike "person's" and insert immediately thereafter "individual's"

Page 1, line 14, overstrike ". It is"

Page 1, line 15, overstrike "permissible to" and insert immediately thereafter "; and

2. An individual may"

Page 1, line 15, remove "digital"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 20.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

~~No person, to hunt, pursue, kill, take, or attempt~~ While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:

1. Use any animal except horses or mules.
2. Use ~~any~~ artificial light, including ~~spotlights and~~ a spotlight or automobile ~~and/or~~ motorcycle ~~headlights~~ headlight.
3. Engage in the practice commonly known as shining for deer. An individual who shines ~~any~~ an area commonly frequented by big game animals with ~~any~~ artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use ~~a flashlight~~ an artificial light, night vision, thermal vision, or infrared light with a power source of not

#1
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4.4.19

overmore than six volts in the area while hunting afoot to take coyote, fox, raccoon, or beaver."

Renumber accordingly

#2
HB 1412
4.4.19

19.1057.02004

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1412

Introduced by

Representatives Tveit, Fegley, C. Johnson, Laning

Senators Myrdal, Osland, Unruh

1 A BILL for an Act to amend and reenact ~~section~~sections 20.1-01-08 and 20.1-05-04 of the North
2 Dakota Century Code, relating to hunting predators at night with artificial light, digital night
3 vision, thermal vision, or infrared light.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 20.1-01-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **20.1-01-08. Hunting with artificial light prohibited - Exception.**

8 It is unlawful for an individual to pursue, shoot, kill, take, or attempt to take any wildlife
9 between sunset of one day and sunrise of the next, with the aid of a spotlight or any other
10 artificial light. ~~This section does not make it unlawful for an~~ except:

11 1. An individual or the individual's agent ~~to~~ may use a lantern, spotlight, ~~digital-night~~
12 vision, thermal vision, infrared light, or other artificial light to assist the ~~person~~ individual
13 in pursuing and shooting on the ~~person's~~ individual's premises any coyote, fox, skunk,
14 mink, raccoon, beaver, weasel, ~~owl,~~ rabbit, or other predatory animal ~~or bird,~~ attacking
15 and attempting to destroy the ~~person's~~ individual's poultry, livestock, or other property.
16 ~~It is permissible to; and~~

17 2. An individual may use an artificial light, ~~digital-night~~ vision, thermal vision, or infrared
18 light with a power source of not more than six volts while hunting afoot for coyote, fox,
19 raccoon, or beaver during the open season on the animal. ~~A~~ The artificial light must
20 produce a red, green, or amber filter must be placed on any artificial light ~~color when~~
21 used in the hunting of coyote, fox, raccoon, or beaver, except when taking a raccoon
22 treed or at bay.

23 **SECTION 2. AMENDMENT.** Section 20.1-05-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

2
HB 1417
4.4.19

1 **20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.**

2 ~~No person, to hunt, pursue, kill, take, or attempt~~While hunting, pursuing, killing, taking, or
3 attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may
4 not:

- 5 1. Use any animal except horses or mules.
- 6 2. Use ~~any~~ artificial light, including ~~spotlights and~~ a spotlight or automobile ~~and or~~
7 motorcycle ~~headlights~~ headlight.
- 8 3. Engage in the practice commonly known as shining for deer. An individual who shines
9 ~~any~~ an area commonly frequented by big game animals with ~~any~~ artificial light,
10 between the hours of sunset and sunrise, is in violation of this section. However, an
11 individual may use ~~a flashlight~~ an artificial light, night vision, thermal vision, or infrared
12 light with a power source of not ~~ever~~ more than six volts in the area while hunting afoot
13 to take coyote, fox, raccoon, or beaver.