

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1184

2007 HOUSE NATURAL RESOURCES

HB 1184

2007 HOUSE STANDING COMMITTEE MINUTES

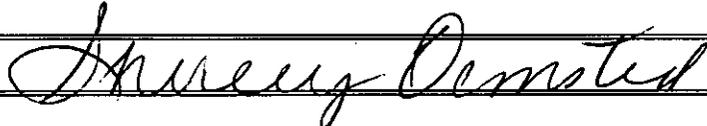
Bill/Resolution No. HB 1184

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1429

Committee Clerk Signature 

Minutes:

Chairman Porter opened the hearing on HB 1184.

Representative RaeAnn Kelsch came forward as a sponsor of HB 1184. This was brought to her by one of her constituents from Mandan and asked her support legislation to change the law. She is not a bow and arrow hunter. They were concerned about the hunt. As it was explained to her, this is not like gun hunting. The deer does not drop immediately and die there. You have to track the deer, find it, gut it, and bring it back. This is generally done in the evening when it is dark. My constituent was concerned because there has been migration of mountain lions and cougars especially in the central and western part of the state. This bill was crafted to allow bow and arrow hunters to use a handgun for protection purposes only. I know that there is some concern by individuals that perhaps a hunter would be tempted to shoot the deer and insert the arrow. I have read about hunting misconduct in the past.

Chairman Porter gave a definition of a hunter that would shoot a deer during the bow season with a gun and then insert the arrow is called a poacher. The person who goes out hunting with a bow and arrow and has a handgun at their side for personal protection is a hunter.

Representative Kelsch said that her constituent was not able to be here today but he had sent an email. She was given permission to read that email. He indicated that he was in favor

of this bill and that he was a handicapped bow hunter. He explained the process for bow hunting. He expressed his concerns for the process that happens after dark. He feels that the in the process of tracking and cleaning the deer, the hunter is vulnerable for attack from animals. Since the cross bow must be loaded with a cranking action, it takes minutes to get loaded. If the hunter were to be attacked by an animal or a large dog, he would have little or no protection available to him. He knows that some will be concerned about the potential of increased poaching, but he suggested a special permit just for bow hunters. Only bow hunters with the permit would be allowed to carry this pistol while hunting. The email was from Gary Brucker, Mandan, ND.

Representative Hunskor said that one of his concerns would be the individual who has the handgun and there are other game and birds out there at the time he is carrying the gun for bow hunting. He said he would suppose that if a person who is hunting with a bow and arrow is doing that, he would do that whether it is legal or not. We do have a few people like that around now. He has heard concern that they may use this handgun to shoot not only the mountain lion that might attack him, but anything else that is around.

Representative Kelsch said that when she looks at legislation, she knows we have bad apples out there. Typically she said that she was looking at this for the majority and she knows that when you change any hunting law we always know that there is going to be those bad apples. I think that no matter how we craft a law, there will always be those who will disobey the law.

Representative DeKrey said that in the email that he was handicapped. Would you be opposed if we amended the bill to just include handicapped individuals?

Representative Kelsch said that whatever this committee decided would be best in this situation; she would be willing to amend this bill.

Chairman Porter asked for further testimony in support of HB 1184. There was none.

He asked for testimony in opposition to HB 1184.

Mr. Foster Hager came to the podium on behalf of the Cass County Wildlife Club. See attached written testimony attached marked as Item #1.

Chairman Porter asked if he was referring to the youth hunting season where they do not allow the adult to carry a weapon that we should allow them to carry a handgun for protection.

Mr. Hager referred to the youth duck, pheasant and youth deer season. You just brought up the handicapped hunter. He felt that you would have to take in all hunters that might be out with youth who could be susceptible to attack.

Mr. Bill Helphrey came to the podium, representing the North Dakota Bow Hunters

Association. Their organization was asking for the committee to defeat this bill. They want the committee to consider the fact that if this is for protection, the bow and arrow already is protection. Every land animal that walks on the North American continent has already been harvested by a bow and arrow. One of their members is a safety instructor and he questions the safety of having a hand gun strapped on your hip, chest, or whatever. He feels there is a potential of snagging this handgun while crawling through the brush or getting into a tree stand. They are also concerned that if a person can now carry a hand gun, how long will it be before they are able to carry rifle. They feel that would be just around the corner. He feels that the average bow hunter is a better shot with a bow and arrow than a handgun. Archery season needs to be just that.

Mr. Dennis Daniel came to the podium in opposition of HB 1184. He made reference to watching a cat sneak up on a bird feeder. He said that if you will notice, they always attack from the back. If this is a protection issue, they will be attack from behind so a hand gun will not help. His suggestion would be to carry a canister of bear spray that would cost between

\$12 and \$50. The other opposition that he has right now is that we already have too many people out there at night with firearms. He feels that a handicapped person would have a less chance of protecting themselves with a handgun as you would be knocked down. He thinks that is a feel good bill.

Mr. Mike Donahue approached the podium. He was representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota. He said that the bow hunter elects to use the bow and arrow by choice. If they are afraid, they should not be using a bow.

Chairman Porter asked Mr. Donahue if he thought it was alright to limit someone's ability to participate in a hunting season because they fear for their life.

Mr. Donahue said he could not speak for his organizations, but it was his opinion that if a person feared for their life with a particular weapon they choose to use, they should not go there.

Representative Keiser asked that if he wanted to go to those same locations as a photographer or a hiker, could he carry a gun for my protection.

Mr. Donahue indicated yes.

Representative Keiser said that if he could do that in every scenario except if I have a bow, what is the difference if it is a protection issue. Is it because I have a defense mechanism with me in the bow?

Mr. Donahue said the difference is that you already have a defensive mechanism in the bow if you know how to use it.

Representative Damschen said that he was having trouble understanding why possessing a bow for example would restrict my right to bear arms.

Mr. Donahue said he didn't think it was restricting your right to bear arms. Once you elect to take the bow permit you have chosen to do that.

Representative Damschen said that it is a requirement to accept that restriction if you are bow hunting.

Mr. Donahue said yes.

Representative Damschen asked him if he was alright with that.

Mr. Donahue indicated yes.

Representative Hunskor said that we have not had any injuries or deaths caused by mountain lions, but if that were to happen and there would be a serious injury or death, would we then have legislation after the fact. He feels that prevent is better than having something like this happen.

Mr. Donahue said that there is nothing to say that your odds are increased.

Representative Hunskor said that was true, but your chances would certainly be much better with a firearm.

Mr. Donahue said he was starting to speculate as to what is possible and to what is possible. You could do that all day.

Representative Damschen said that a bow hunter elects to take the deer with the bow and arrow so what is the concern if he carries a handgun. He has already made the choice to use a bow and arrow on the deer. That is what his license is for. What is the threat?

Mr. Donahue said the concern with his organization is that once they are packing a firearm there will be the temptation to use that to aid them in the hunt.

Representative Damschen said he was confused. The hunter has already elected to get a license to use the bow and arrow. Why would he want to use the gun?

Mr. David Munsch came to the podium in opposition to HB 1184. He said that when you are gutting the deer you get the scent on your stuff, it reminded him of a time when they were in hunting camp when they were hunting antelope. They came into camp that night with the

antelope on a four wheeler. There was a fox following them. These predators will lock in on that scent. A lot of bow hunters will use scent. After you gut the deer you will also have the scent on you. There is some legitimacy to this bill. You definitely cannot go everywhere with a handgun.

Mr. Roger Rostvet from the North Dakota Game and Fish came to the podium to explain to the committee his research on other states that have predator animals. They have looked at this bill from a law enforcement standpoint and it is a mixed bag. Half of the states they looked at allowed handguns to be carried. It was more prevalent in the western states that have larger predator animals. Different states have different regulations.

Representative Drovdal asked that if allowing hunters to have a handgun with them create any law enforcement problems for the Game and Fish Department.

Mr. Rostvet said that they had looked at some of the particular instances and the shotgun seems to be the gun of choice. They have never had a case of someone using a pistol or handgun to shoot a deer, not that allowing that might increase the opportunity or possibility to do this. He agreed that those who shoot a bow and arrow are probably a better shot with the bow and arrow than the pistol.

Representative Keiser asked that if they were to permit this, should they think about the possibility of making a stiffer penalty for those who violate this during the bow season or for someone who does violate this potential law.

Mr. Rostvet said that right now the violation would be a class a misdemeanor.

Representative Keiser asked if he thought it should be stiffer specifically for this violation.

Mr. Rostvet said the next step would be to make it a felony.

Representative Drovdal asked if this would be over burdensome if the hunter had to get in touch with a game warden and ask permission for special reasons to carry a pistol.

Mr. Rostvet indicated that there are currently about 13,000 archery hunters currently and it might get to be a little cumbersome.

Representative Hunskor asked if in his expertise this drawing in more people so that this would present a problem that they would misuse this.

Mr. Rostvet said the equipment now is very good so allowing that out there the person that is going to misuse this is probably going to use a rifle anyway which makes a lot of noise. This makes it a lot easier to detect for our wardens. Who knows what opportunities people will take.

Representative Charging said we can never make enough laws for the bad people. She said that she knows that all big game hunters always want to get the trophy. If they were able to carry a gun and chose to carry a gun, is there some provision like Pope and Young for this?

Mr. Rostvet said he was not familiar with Pope and Young. He said that there is a provision now in the century code that says if an individual is hunting in the field he can actually carry a gun that is concealed. When he gets back to his vehicle, it must then be in plain view.

Representative Keiser asked if under current law it was a violation to have a handgun in your camp during bow season.

Mr. Rostvet said there are no restrictions right now in your camp or even in your car coming into your camp. It is only while you are actively hunting in the field with a bow and arrow that you cannot have a gun.

The hearing was closed on HB 1184.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1184

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1430

Committee Clerk Signature

Shirley Oensted

Minutes:

Chairman Porter opened the committee with HB 1184.

Representative Hanson made an amendment to HB 1184 that on page 1, line 2 and on page 1 line 6, after "arrow" insert "or crossbow". There was a second by **Representative Keiser**.

There was no discussion. A voice vote was taken and the motion carried.

Representative Hofstad made a motion for do pass as amended. **Representative Hunsakor** made a second to that motion. There was no discussion.

The Clerk called the roll. Let the record show that there were 6 yes, 4 no with 4 absent. The motion carried.

(Chairman Porter had a miscount on the vote and then after checking with the clerk he realized that he had recorded the vote incorrectly. He then realized that it had carried.)

70415.0101
Title.0200

Adopted by the Natural Resources
Committee

January 19, 2007

**House Amendments to HB 1184 (70415.0101) - Natural Resources Committee
01/19/2007**

Page 1, line 2, after "arrow" insert "or crossbow"

Page 1, line 6, after "arrow" insert "or crossbow"

Renumber accordingly

Date: 1-19-07
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1184

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Hofstad Seconded By Hunskor

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson	✓	
Vice-Chairman - Rep Damschen	✓		Rep. Hunskor	✓	
Rep. Charging	✓		Rep. Kelsh		
Rep. Clark		✓	Rep. Meyer		
Rep. DeKrey			Rep. Solberg		
Rep. Drovdal		✓			
Rep. Hofstad	✓				
Rep. Keiser		✓			
Rep. Nottestad		✓			

Total Yes 6 - No 4

Absent 4

Floor Assignment Damschen

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

*Motion ~~defeated~~
 Carried*

REPORT OF STANDING COMMITTEE

HB 1184: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING). HB 1184 was placed on the Sixth order on the calendar.

Page 1, line 2, after "arrow" insert "or crossbow"

Page 1, line 6, after "arrow" insert "or crossbow"

Renumber accordingly

2007 SENATE NATURAL RESOURCES

HB 1184

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1184

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: # 3683

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1184 relating to the use of handguns while hunting with a bow and arrow.

All member of the committee were present.

Senator Dwight Cook of District 43 introduced the HB 1184 on behalf of a bow hunting constituent who has concerns of coming upon a mountain lion and having no other protection with him to fend the animal off if necessary. He therefore would like to carry a handgun for protection.

Representative Todd Porter of District 34 cosponsor of HB 1184 echoed Senator Cook's remarks. He also added the issue of a disabled constituent having the same concerns being unable to protect himself for carnivorous animals while hunting. There was opposition from groups during the house hearing of the bill as there is the potential of misuse and there are other forms of protection to include pepper spray. The idea of the bill is to make hunters feel safe while they hunt.

Senator Lyson suggested a shoot gun would give more protection than a hand gun.

Representative Porter answered he would not have a problem of amending the bill to say "firearm" giving the individual the option to carry what the hunter prefers. The other issue is bowhunters do not have the open arms to carry a shot gun besides the bow.

Senator Herbert Urlacher asked if a permit would still be required to carry the pistol.

Representative Porter answered that conversation was held with the Game & Fish Department and the regulations for concealed weapon to not apply to a hunter while they are a field. No additional permit would be required.

Senator Lyson confirmed this as well as handgun cannot be loaded while carrying it in a hip holster.

Senator Joel Heitkamp stated the HB 1184 does not require a bowhunter to carry an additional weapon or to use it and asked if there might be a problem with hunters finishing off a wounded animal.

Representative Porter stated that would be poaching and breaking all other laws to date. Discussion was held to the level of effectiveness of pepper spray.

Representative Porter reiterated the purpose of the HB 1184 use to give an option of safety for bowhunters.

Senator Lyson asked for opposing testimony of HB 1184.

Foster Hager representing the Cass County Wildlife Club testified in opposition stating that if this a protection issue than possibly all hunters should carry a handgun when they are accompanying youth hunters. He further stated maybe this bill should be limited to handicapped individuals.

Mike Donahue representing the North Dakota Wild Federation and the United Sportsmen of North Dakota testified in opposition to HB 1184 stating that bow hunting should be left as it is and if the risk a field is too great they should stay home.

David Munsch testified in opposition to HB 1184 presenting his personal hunting style and that there is always a certain amount of risk in everything a person does.

Senator Lyson asked for neutral testimony and hearing none closed the hearing HB 1184.

Senator Ben Tollefson proposed an amendment to change on Line 7 "handgun": to "fire arm" in HB 1184.

Senator Layton Freborg second the motion.

Senator Freborg asked if "fire arm" needs to be defined within the bill.

Roll call vote #1 for the amendment proposed was taken by voice vote indicating 2 Yeas, 4 Nays and 1 absent. The motion died.

Discussion was held if bow hunters would really carry a handgun or any other type of weapon.

Senator Ben Tollefson made a motion for a Do Pass of HB 1184.

Senator Heitkamp second the motion.

Roll call vote #2 for Do Pass of HB 1184 was taken indicating 6 Yeas, 1 Nay and 0 absent or not voting.

Senator Heitkamp will carry HB 1184.

Date: 2-22

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1184

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend to change line 7 from handgun to firearm

Motion Made By Toll Seconded By Freborg

Senators	Yes	No	Senators	Yes	No
Sen. Stanley Lyson, Chairman			Sen. Joel Heitkamp		
Sen. Ben Tollefson, ViceChairman			Sen. Jim Pomeroy		
Sen. Layton Freborg			Sen. Constance Triplett		
Sen. Herbert Urlacher					

Total (Yes) 2 No 4

Absent 1

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE (410)
February 22, 2007 1:53 p.m.

Module No: SR-34-3694
Carrier: Heltkamp
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1184, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed
HB 1184 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1184

Item #1

Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF FOSTER HAGER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON

HB 1184
January 19, 2007

Mr. Chairman and Members of the Committee:

My name is Foster Hager speaking on behalf of the Cass County Wildlife Club, an organization of over 200 sportspeople organized to promote conservation of wildlife, sportsmanship in hunting and fishing and to support management of these resources.

We as a club are concerned about HB 1184 because it only addresses bow hunters. If this bill is a protection issue, then what about the people that accompany youth hunters. They are not allowed to carry a weapon.

Should there be a minimum caliber, length of barrel?

As a club, we feel there needs to be more language in this bill for clarification.

