

2017 SENATE ENERGY AND NATURAL RESOURCES

SB 2155

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2155
1/19/2017
Job #27117

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to hunting with an airbow, prohibiting hunting with an airbow while intoxicated, & testing airbow hunters for intoxicating of lands.

Minutes:

Att#1=SenJ.Klein,Att#2=MikeMcEnroe,Att#3=Bill
Humphrey,Att#4=Scott Peterson

Chairwoman Unruh : Clerk please take attendance. All committee members present except Sen. Armstrong. Welcome Senate. Klein.

Sen Klein: (1.32) Dist . 14. I am here on behalf of a constituent for bring SB 2155 before you. He would like to use this air bow and showed me a picture from Cabela's. I told him I did not think this was for ND. He said you politicians never listen to us folks. So ok, here we are. Maybe this is a legitimate hunting vehicle. It shoots like a gun and works on compressed air. Has a ton of PSI, flies fast, and is very accurate. I went to internet to find pros and cons. It is fun and the guy compared it to paint ball. I learned the ammunition is cheaper and uses 26" arrow. It has multiple shots (8-10) before you have to recharge. Loading is quick. I found what the cons are. Only 4 states allow the airbow. You need to buy a special air compressor that costs around \$430. And the airbow is \$1000. It is not a cheap sport. If it does not pass this year, I know it will be back next session. (see Att#1)

Chairwoman Unruh : Questions

Sen. Cook : (6.21) How did you sign in?

Sen Klein: I did not

Chairwoman Unruh: Any more in support of SB 2155? Any here against?

Mike McEnroe, ND Wildlife Federation: (7.10) I am here in opposition to SB 2155. (see Att#2) There is little interest in the airbow. Any questions?

Sen. Roers: What would be the problem and negative side for the airbow hunting experience?

Mike : I think hunting is an important part of ND and I have been hunting close to 60 years now. It is done with family and friends and tradition. Hunting in ND should not be a reality show competition. So philosophical.

Sen. Roers : Wouldn't a cross bow compare to a simple bow and was an advantage of technology?

Mike: It is and we had the same objections when the state legalized the cross bow through the fire arm season.

Sen. Roers : So compound bow to a simple bow is same thing?

Mike: Where do you draw the line? Compound has been around for 50 years now.

Vice Chair Kreun : Have you ever held one and seen one in person?

Mike: No I have not. The supervisor of the sporting goods store said he had just been at a sports show and they are fun to shoot. But not for hunting, he said.

Chairwoman Unruh : Further testimony against SB 2155?

Bill Helphrey, ND Bowhunters Assoc.(11.05-26.30): We want a Do not pass on this bill. This bill would allow the airbow to be used any place where the cross bow is presently used. It could be used during rifle season by anybody or during archery season by a person who has a doctor permit to use a cross bow because they are not able to draw a regular bow. (Handed out pictures as Att#3). Went on to tell history of all types of bows. The compound bow was invented by a North Dakotan; did you know that? Now I was told we are introducing the airbow because people can't cock their cross bow. The Benjamin Air Rifle Company introduced the airbow. I do not know if that is a trade mark name, the Airbow or if a general description. If you go to their www, their web site is bad and comes out black. There are places you can hunt with airbow. The ATA, Archery Trade Association, developed a position statement on this. "While ATA certainly recognizes the airbow to be innovative piece of shooting equipment, the airbow lacks basic components of standard archery equipment i.e., string and limbs. The ATA does not consider the airbow to be archery equipment." Also the airbow is not recognized by the IRS. That is important. The Pitman Rossmanson Excise Tax is 11% tax paid on sporting equipment-bows, firearms, fishing lures, etc. The government collects the 11% and sends back to the state based on the number of hunting licenses sold in that state. The state uses that money for rifle ranges, pistol ranges and education. That is a good chunk of the budget to our Game and Fish. There is no excise tax on the airbow because it is not a bow and not a firearm. So the people who use this to harvest deer, are not putting even 10 cents into Game and Fish manage that deer herd. Please do not pass.

Chairwoman Unruh: Any more testimony against SB 2155?

Barrell Belisle, Turtle Lake, ND (27.00-28.28): I speak on behalf of average sportsman. I am a bow hunter but enjoy all the other opportunities we have in ND. I cannot find any reason why I would want one of these airbows. Seems to me it is an air powdered assault weapon. Hunters look at harvesting game animals, to me. These are designed as another way to kill something. I am worried the slippery slope it could create. Just a toy for someone.

Chairwoman Unruh : Any more testimony against? Any agency testimony?

Scott Peterson, Deputy Director, ND Game and Fish (29.00): (see Att#4) We are neutral but submit the information that airbows are not taxed. We would lose the revenue source. Any questions?

Chairwoman Unruh : Do you have any numbers for use on how much revenue?

Scott: Was afraid of that question. (Gave an example) In 2016, we issued about 500 new cross bow permits for people who can't use regular. We do not know how many would opt to

use airbow versus crossbow. Say 10% that is about 50 people times \$1000 (airbow cost) and we get 11% of that, is \$5500 per year. This is only a wild guess by us.

Sen. Cook : (31.25) Is the tax built into the price of the airbow?

Scott: The excise tax is actually placed at the store owner. If you buy \$1000 rifle, yes it placed on the gun. The retailer pays the tax when he buys it from manufacturer.

Sen. Roers : As years have gone by and new techniques have come up, what is the departments attitude towards hunting in general? Do you invite new options enjoyment of the sport of hunting?

Scott: We do to a point. We do hunter safety but also include ethics and fair chase in out classes. When it comes down to technological advance the department like to deal with these things in biology or science. We do not see this as a biological issue. A dead deer is a dead deer by whatever means. This is a social issue.

Vice Chair Kreun : (34.10) If a person gets a Dr. permit, what is the longest period of time that this airbow could be used?

Scott: Currently, under our provisions, there are two types of cross bow permits. One is a temporary and one is a permanent. Those permanent permits are good in perpetuity. The number of cross bow permits we are issuing is becoming a concern for us. It is climbing and concerning and will have to look out and maybe put a sunset clause of those permanent permits. Some things you can rehab from surgery.

Vice Chair Kreun : So it could be a long period.

Scott: Yes

Sen. Roers : Why is it concerning?

Scott: (35.51) Our deer herd is in decline. Five, six years ago we were issuing 150,000 deer permits. Last year we issued 48,000. As the number of gun tags is declining and number of other types of permits is going up, we need to keep an eye on that. It goes to the social issue and how do you distribute those fairly.

Sen. Roers : So if we had the situation where you issued a 150,00 rather than 48,000 tags, you would be less concerned about issuing cross bow permits.

Scott: Yes.

Sen. Cook : (37.12) Have you ever seen the airbow?

Scott: Only in the pictures you just saw. I went and googled it. Saw first photo 10 days ago.

Sen. Cook : I do not see how they are safe.

Chairwoman Unruh : Any further questions? Hearing is Closed on SB 2155. Any thoughts.

Sen. Cook: Moved a Do Not Pass

Sen. Schaible : I Second

A Roll Call Vote was taken for a DO NOT PASS: Yes 6 No -0- -1- Absent

Bill Passed

Sen. Cook will carry the bill

Meeting adjourned

Date: 1/19/17
 Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2155**

Senate 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 Sen. Cook Seconded By Sen. Schaible

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	AB				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 6 No -0-

Absent -1-

Floor Assignment Sen. COOK

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

Sample

REPORT OF STANDING COMMITTEE

SB 2155: Energy and Natural Resources Committee (Sen. Unruh, Chairman)
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2155 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

SB 2155

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AHDH/
pg 1

Memorandum

To: Senator Jerry Klein

From: Intern Harrison Weber

1/9/17

Re: Airbow background information

Sponsor

Pioneer Airbow by Crosman sold at Cabela's. Other models will become available if the industry develops. Weighs 7 lbs. and is 33.5 in. in length.



Requires a special, high-pressure air compressor or high-pressure bicycle pump to reach the 3000 psi that is recommended to fire the Airbow. As of now, it uses only compressed air, there are no CO₂ or other gas powered Airbows. No information on whether a user is able to adjust the regulator to exceed 3000 psi.

Bows are generally measured in feet per second (fps) and foot pounds of energy (fpe) when determining their "power." Each bow, crossbow, or Airbow will vary slightly based on draw weight, draw length, arrow weight, etc. Airbows may shoot arrows faster than traditional compound bows and crossbows. A traditional compound bow can shoot an arrow up to 400 fps while crossbows can shoot up to 410 fps. Airbows are able to generate up to 160 fpe, while crossbows generally average between 80-100 fpe.

Loading and unloading the Airbow can be done by sliding an arrow down the tube and cocking a lever. The Airbow can be reloaded in seconds and can shoot up to 8 arrows repeatedly at maximum fps. After 8 arrows, the fps decreases 10-20 fps with each additional arrow fired. There is also a trigger safety similar to a rifle for when a person has an arrow loaded. A user can load and fire 8 arrows in the same amount of time that person can load and fire 3 arrows using a crossbow.

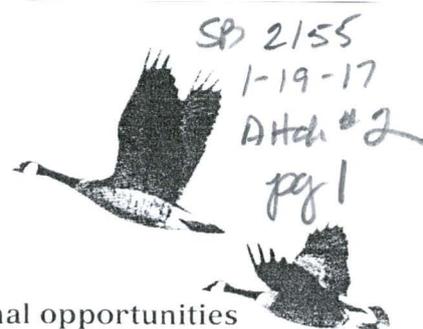
A user may also attach a scope and pull a trigger, similar to a rifle. The scope allows for consistent, 2 in. groups at 50 yards.

Three-minute video on loading and firing an Airbow can be viewed at:
<https://www.youtube.com/watch?v=usC-ab85jZs>

North Dakota Wildlife Federation

Ensuring abundant wildlife, wildlife habitat, and access to wildlife recreational opportunities

*Mike
McEnroe*



TESTIMONY OF MICHAEL McENROE NORTH DAKOTA WILDLIFE FEDERATION SENATE BILL 2155 ENERGY AND NATURAL RESOURCES COMMITTEE JANUARY 19, 2017

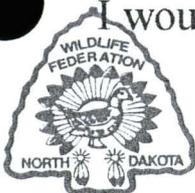
Chairman Unruh and Members of the Senate Energy and Natural Resources Committee:

For the record, I am Mike McEnroe and I am representing the North Dakota Wildlife Federation. The Federation has 1,400 members in eighteen affiliated clubs and organizations across the State of North Dakota. The Federation is the largest sportsmen's club in the State.

The Wildlife Federation is opposed to SECTIONS 2 and 3 of SB 2155. We disagree that airbows should be legal weapons for the any deer gun season. The invention of a weapon less efficient than a firearm or gun does not necessitate the legalization of that weapon for hunting during the deer gun season. To our knowledge no other state has legalized airbows for the hunting of deer.

I checked with a large sporting goods store in south Bismarck this week and they do not have airbows available for sale. They do not plan to sell airbows. There seems to be little interest in hunting deer with airbows in North Dakota. SB 2155 seems to be a bill addressing a non-issue.

I would stand for any questions the Committee may have.



PO Box 1091 • Bismarck, North Dakota 58502 • E-mail: ndwf@ndwf.org • Fax: 701-223-4645
Office Manager: 701-222-2557 • 1-888-827-2557 • Web: www.ndwf.org

SB 2155
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Attch #3
Pg 1

from Bill Humphrey

Crossbow Cocking Devices

Showing 1 - 16 of 16 total

Sort by: Recommended

COMPARE ALL 16 ITEMS UNSELECT ALL 0 COMPARE ALL 0

NARROW BY

BY TYPE

- [Rope Cockers \(9\)](#)
- [Crank Cockers \(4\)](#)
- [Crossbow Stringers \(1\)](#)
- [Crossbow Lubes & Waxes \(1\)](#)

SEE MORE

BY BRAND

- [Cabela's \(2\)](#)
- [Excalibur \(2\)](#)
- [October Mountain \(2\)](#)
- [TenPoint \(3\)](#)

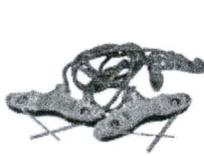
SEE MORE

PRICE

- [Less than \\$30 \(7\)](#)
- [\\$30 - \\$49 \(3\)](#)
- [\\$50 - \\$74 \(3\)](#)
- [\\$150 - \\$199 \(2\)](#)
- [\\$200 - \\$249 \(1\)](#)

BY CUSTOMER RATING

- [4.0 - 5.0 Stars \(9\)](#)
- [3.0 - 3.9 Stars \(1\)](#)
- [Not Rated \(1\)](#)



Barnett Multitool Rope Cocking Device
\$24.99

☆☆☆☆☆ (12)

COMPARE



Parker Crossbow Deluxe Roller Rope Cocker
\$35.99

☆☆☆☆☆ (21)

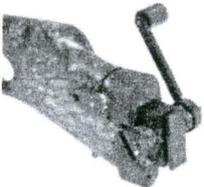
COMPARE



Excalibur C2 Crank Cocking Aid
\$189.99

☆☆☆☆☆ (15)

COMPARE



Parker Sidewinder Cocking Device
\$159.99

☆☆☆☆☆ (20)

COMPARE



TenPoint Acudraw Cocking Unit
\$239.99

Not Rated

COMPARE



Excalibur Crossbow Rope Cocking Aid
\$27.99

☆☆☆☆☆ (117)

COMPARE



TenPoint Crossbows ACUrope Cocking Aid
\$60.99

☆☆☆☆☆ (14)

COMPARE



Western Recreation Crossbow Rope Cocking Aid
\$12.99

☆☆☆☆☆ (3)

COMPARE



TenPoint Dedd Sled 50
\$59.99

Not Rated

COMPARE



NEW! Barnett Thump Decocking System



Cabela's Crossbow Cocking Aid
\$19.99



TenPoint ACUdraw™ Hand Crank and Holster

\$12.99

Combo
\$30.99

Not Rated

☆☆☆☆☆ (1)

☆☆☆☆☆ (5)

COMPARE

COMPARE

COMPARE



Horton® Crossbow Innovations Dedd Sled™ Rope Cocking Device
\$60.99

☆☆☆☆☆ (1)

COMPARE



OMP Universal Crossbow Cocking Aid
\$19.99

Not Rated

COMPARE



NEW! Trophy Ridge® Bear X Crossbow Cocking Sled
\$49.99

Not Rated

COMPARE



OMP Cocking Aid With Rail Lube
\$24.99

Not Rated

COMPARE

Showing 1 - 16 of 16 total

Crossbow Cocking Devices

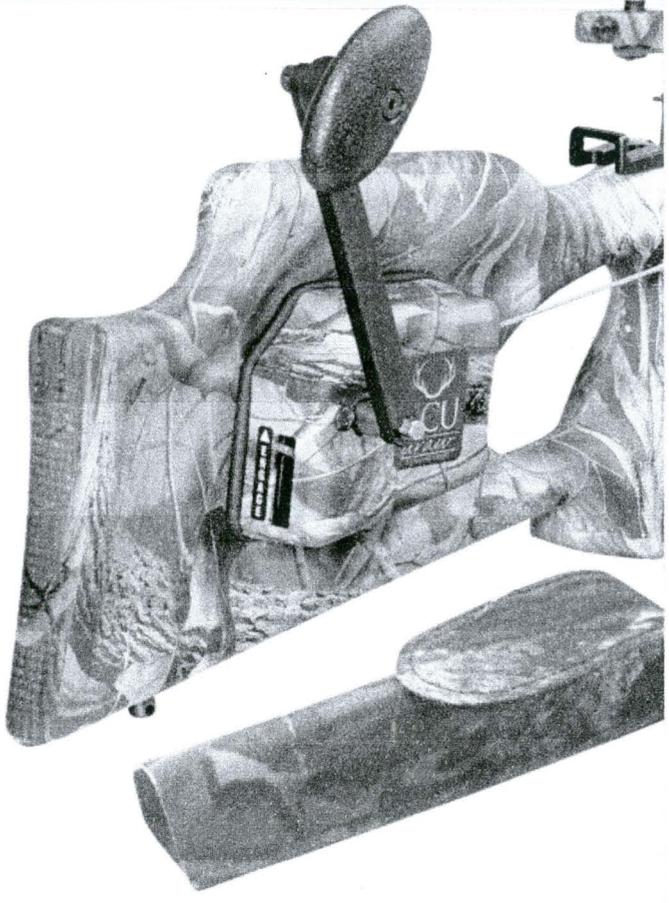
Continue dominating during bow hunting season with crossbow cocking devices at Cabela's. With both rope and aid cranks, our cocking devices offer a guaranteed reduction in effort during your hunt. Choose from affordable crossbow cocking devices that give consistent string alignment for your favorite crossbow. Be sure to read up on choosing the best crossbow for you when you visit our [Crossbow Buyer's Guide](#).

SB 2155
1-19-17
AHC # 3
Pg 2

SA 2155
1-19-17

Cubelvis

AHd+3

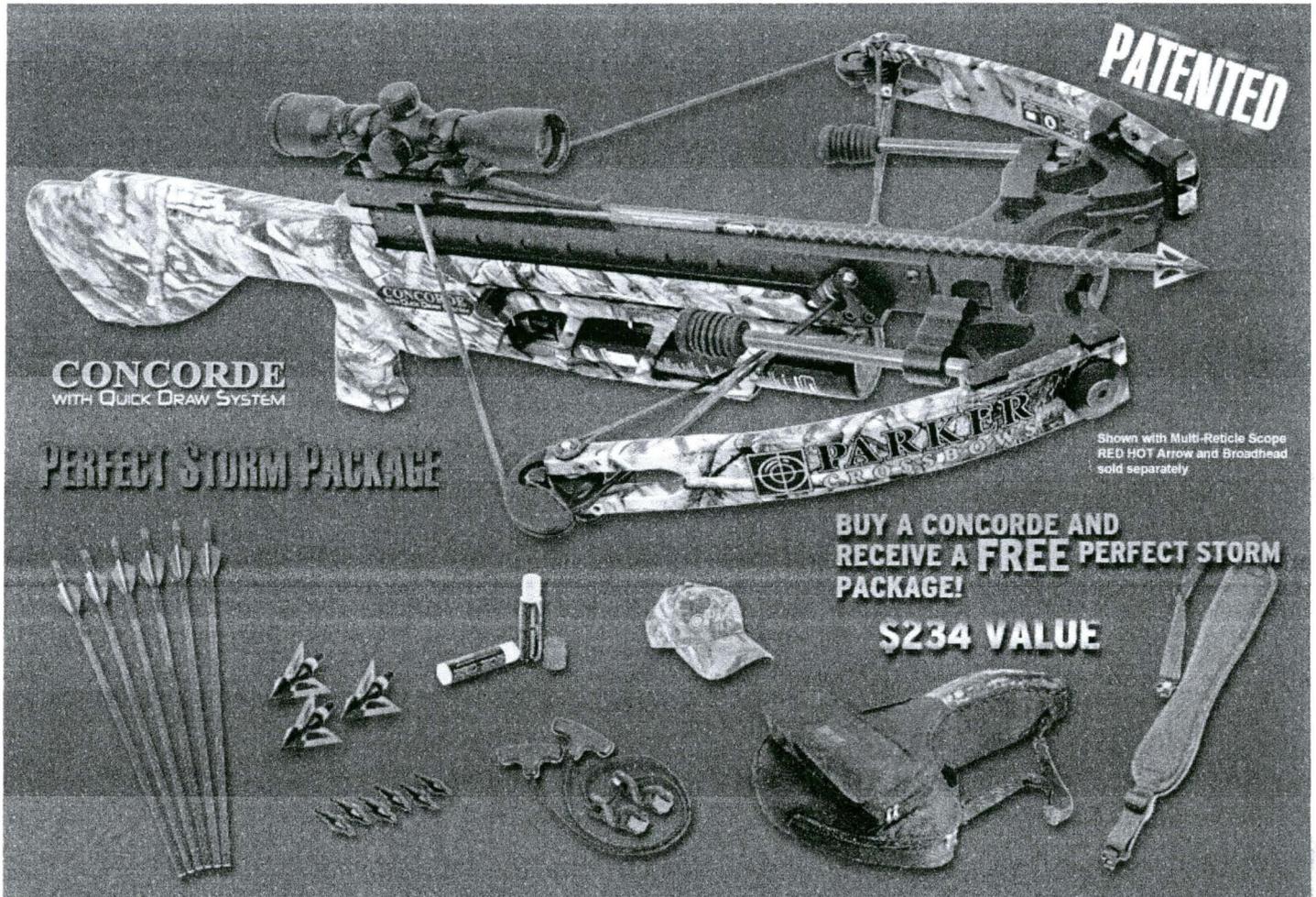


Shown: Hand Crank and Holster



PSJ

SPB 2155
1-7-17
attach #3
pg 4



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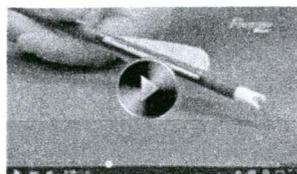
FIND A DEALER OR **BUY ONLINE**



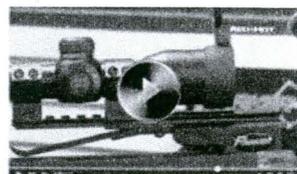
VIDEOS



Concorde Features & Benefits



See why our Hunter Carbon Arrows are superior to the competition



See Why Our Red Hot Crossbow Scopes are the Best!



One Minute Crossbow Challenge

[Click Here to View the Concorde Assembly Video](#)

[Click Here to View Parker Crossbow Safety Features](#)

SB 2155
1-19-17
Attch #3
Pgs

For a limited time, when you purchase a Parker Concorde crossbow, you get a certificate to redeem towards a FREE Perfect Storm Package (\$234 Value).

Parker Bows does it again with the launch of another industry first: the Parker Concorde Crossbow with the patented Quick Draw System - the first ever automatic cocking crossbow. The Concorde redefines the modern hunting crossbow with push-button ease of operation and 300+ feet per second performance.

At the heart of the Concorde is Parker's patented Quick Draw System, which features a CO2 powered internal cocking mechanism. The Quick Draw System is operated by simply pressing a button that is recessed into the rear of the butt stock. By pressing the button, the Concorde automatically draws the string into the fully-cocked position. It really is that easy. Plus, it cocks the crossbow in approximately two (2) seconds and is whisper quiet in its operation. The factory installed and tuned Anti-Vibration and Shock (AVS) System comes equipped on the Concorde to reduce noise and vibration for ultimate concealment.

The CO2 is supplied via a standard, refillable 9 ounce CO2 bottle. A full bottle can cock the Concorde approximately 50 times.

In addition to cocking the Concorde, the Quick Draw System also allows you to quickly and easily "Un-Cock" the crossbow with the same push of a button.

The Concorde Crossbow includes a 9oz Co2 bottle, Premium RED HOT Optic, Four Arrow Quick Detach Quiver, Four Arrows with Field Points.

Specifications

Features

- Push Button Simplicity - Effortless Operation
- Auto-UnCocking
- Modern Compact Design
- Next "Vista" Camo with Soft Touch Finish
- String Suppressors
- Red Hot String

Arrow Alignment

WARNING! Without proper alignment of bolt and nock, a dry-fire could occur.

- Use ONLY Red Hot or Parker Hunter Arrows in Parker Crossbows.
- Use Capture Nocks ONLY
- Load Arrow Correctly - Proper Nock Alignment and Full Contact with String.
- Cock Vane should be in a downward vertical position in the track; nock groove should be horizontal with the string.
- Use 400 grain MINIMUM Arrows
- Inspect Arrow and Nock for damage BEFORE each shot.
- Avoid ALL Obstructions when shooting.

Outfitter Package Accessories

Option of Optic:

- Outfitter w/3X Multi Reticle Scope w/ FREE Perfect Storm Package (\$234 Value)
- Outfitter w/1X Illum MR Scope w/ FREE Perfect Storm Package (\$234 Value)
- Outfitter w/3X Illum MR Scope w/ FREE Perfect Storm Package (\$234 Value)
- Outfitter w/3X Pin-Point Scope w/ FREE Perfect Storm Package (\$234 Value)

All packages include a 9oz Co2 bottle, 4 Arrow Quick Detach Quiver and 4 Arrows with Field Points

Perfect Storm Package

Perfect Storm Package - Everything You Need in One Package.

1 / 15 **crosmann** SHOP DISCOVER SUPPORT CONNECT MY ACCOUNT SEARCH

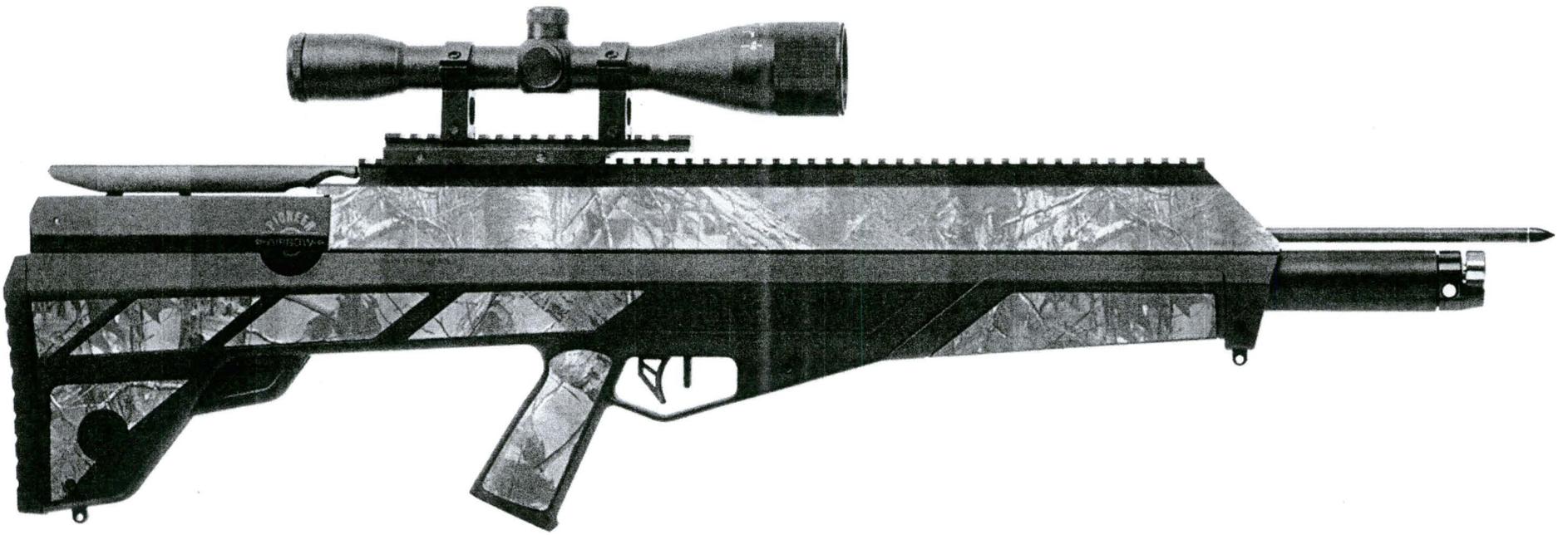
99% Full includes 9 arrows

Game Changer: The Benjamin Pioneer Airbow

**IN 2016
THE BRAND FOR
SERIOUS
AIRGUN HUNTERS**

0:04 -3:15

582155
1-19-17
Add #3
pg 6



SB 2155
1-19-11
Alpha # 3
pg 7

SB 2155
1-19-17
AH#4
jgg



Senate Energy and Natural Resources Committee
Testimony on HB 2155

North Dakota Game and Fish Department
Scott Peterson, Deputy Director
January 19, 2017

SB 2155 would legalize the use of airbows during the deer gun season and would identify airbows as a legal weapon during the archery season for any individual who qualifies for a crossbow permit.

The Wildlife and Sportfish Restoration Act provides a substantial revenue source for the North Dakota Game and Fish Department through excise taxes placed on certain hunting and fishing equipment. For informational purposes, we want to make the Committee aware of the fact that airbows are not taxed under that provision and therefore, if sportsmen or women opt to purchase an airbow in lieu of a centerfire rifle, traditional bow, or crossbow, we would lose that revenue source.

While the Department neither supports nor opposes Senate Bill 2155, we respectfully submit this information for your consideration.