

**1999 SENATE NATURAL RESOURCES**

**SB 2247**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2247

Senate Natural Resources Committee

Conference Committee

Hearing Date January 29, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-1725
2	x		580-1270
Committee Clerk Signature <i>Lyla A. Ziegenfuss</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on SB2247: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 20.1-05-06 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO ORANGE GARMENT REQUIREMENTS FOR HUNTING DEER WITH MUZZLE-LOADING FIREARMS.

SENATOR CHRISTMANN explained SB2247 and didn't see the need for the requirement of fluorescent orange clothing because muzzle-loading firearms do not shoot near as far as other firearms. At a half mile away, you would not see the fluorescent orange. It would seem the fluorescent orange is more necessary during the rifle season where the weapons shoot a further distance.

SENATOR FREBORG asked if a slug from a muzzle-loading rifle doesn't kill a person quite as easily as from a different firearm, and what if you are hunting in the brush or timber, and someone is not wearing fluorescent orange so someone comes along and shoots you.

SENATOR CHRISTMANN stated if you are a great distance away, the slug would not reach you. It is less likely that someone from a half mile away would not see the hunter in the brush and timber without the colored clothing.

SENATOR FREBORG stated that the greater reason for fluorescent orange would be that distance where you can readily detect that it is fluorescent orange, a ¼ mile or less.

SENATOR CHRISTMANN stated his understanding in this type of hunting they do not do drives beating the brush, but rather they are in their tree stands, similar to bow hunting, and they would be less noticeable.

SENATOR REDLIN stated reluctance to handle these muzzle-loading firearms differently than other high-powered rifles.

SENATOR FISCHER replied they are pretty powerful but at shorter distances.

SENATOR FREBORG stated most accidents happen at a reasonably close range only because the hunter didn't identify a target as a deer, turkey, etc. A professional hunter would identify the target as what it was or they wouldn't have shot.

ROGER ROSTVET, ND Game and Fish, muzzle-loaders have one shot before reloading, and this type of hunting has much fewer people and other hunters would be in more open country.

SENATOR HEITKAMP asked if you can be in a tree stand with a muzzle gun and with a deer rifle.

ROGER ROSTVET replied yes.

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SENATOR TRAYNOR closed the hearing on SB2247 and deferred the bill for discussion at a later date.

**COMMITTEE ACTION-February 4, 1999-(Tape 2, Side A-Meter# 580-1270)** Following a discussion, SENATOR CHRISTMANN moved for a DO PASS, seconded by SENATOR FREBORG. Roll call vote indicated 3 YEAS, 3 NAYS, 0 ABSENT OR NOT VOTING. A motion to SEND BILL WITHOUT COMMITTEE RECOMMENDATION was made by SENATOR FREBORG, seconded by SENATOR HEITKAMP. Roll call vote indicated 6 YEAS, 0 NAYS, and 0 ABSENT OR NOT VOTING. SENATOR CHRISTMANN volunteered to carry the bill.



Roll Call Vote #: 1 Date: 2-4-99

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

Senate Natural Resources Committee

Subcommittee on \_\_\_\_\_  
or

Conference Committee

Legislative Council Amendment Number SB 2247

Action Taken DO PASS

Motion Made By Christmann Seconded By Freborg

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr		✓			
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann	✓				
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp		✓			
Senator Rolland W. Redlin		✓			

Total (Yes) 3 No 3

Absent 0

Floor Assignment Sen. Christmann

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

Roll Call Vote #: 2 Date: 2-4-99

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

Senate Natural Resources Committee

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

Legislative Council Amendment Number SB 2247

Action Taken Motion - without committee recommendation

Motion Made By Freborg Seconded By Heitkamp

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann	✓				
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Christmann

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

REPORT OF STANDING COMMITTEE (410)  
February 4, 1999 3:51 p.m.

Module No: SR-23-1954  
Carrier: Christmann  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2247: Natural Resources Committee (Sen. Traynor, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** SB 2247 was placed on the Eleventh order on the calendar.

**1999 HOUSE NATURAL RESOURCES**

**SB 2247**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2247

House Natural Resources Committee

Conference Committee

Hearing Date 3/4/99

Tape Number	Side A	Side B	Meter #
1	x		0.0-28.0
2	x		48.5-50.6
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes: SEN. CHRISTMANN introduces the bill. CHRISTMANN talks about getting rid of the orange garments for muzzle-loading. He states that this a reasonable request. CHRISTMANN urges the committee to consider a do pass.

REP. NOTTESTAD asks how many muzzleloaders will hunt during goose season?

CHRISTMANN replies that between 1200-1600. NOTTESTAD states that muzzle-loading and goose seasons run concurrently. That is a concern of his. CHRISTMANN comments that would be a disparity in that select area.

REP. DROVDAL asks if muzzle-loading season, if that language is tight enough that it pertains to just that season. CHRISTMANN replies that the century code will not clarify that to the people but the department will. DROVDAL comments that the lawyers will read the century code when one gets shot during the regular season. DROVDAL is concerned that plenty of

lawsuits will be going on out there. CHRISTMANN states that he is pretty sure that the department will make that clear.

MIKE DONAHUE, ND WILDLIFE FEDERATION, is also in support of the bill.

REP. PORTER asks if DONAHUE would object to changing it a little bit. DONAHUE replies that it wouldn't be a problem, but whenever you change something it always messes something up.

REP. DROVDAL asks what is the distance of an average muzzleloader? DONAHUE replies that it's about 200 yards.

OPPOSE

MARK ROSTER, SELF, SEE HANDOUT.

REP. PORTER asks what is the muzzleloaders association wishes. ROSTER replies that they voted unanimously against the bill.

The hearing was then closed until later in the day when the committee did action on it.

REP. PORTER moved for a DO NOT PASS, seconded by REP. DEKREY. The roll call vote was taken with 13 YES, 1 NO, 1 ABSENT. The motion carries. The CARRIER of the bill is REP. KELSH.

Date: 3.4.99  
 Roll Call Vote #: 1

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

House House Natural Resources Committee

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

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

Action Taken 2247 Do Not Pass

Motion Made By Porter Seconded By DeKrey

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

Total (Yes) 13 No 1

Absent 1

Floor Assignment Kelsh

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

REPORT OF STANDING COMMITTEE (410)  
March 4, 1999 4:08 p.m.

Module No: HR-39-4069  
Carrier: S. Kelsh  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2247: Natural Resources Committee (Rep. Grosz, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2247 was placed on the Fourteenth order on the calendar.**



**1999 TESTIMONY**

**SB 2247**

Senate Bill # 2247 House committee hearing 3-04-99 9:00 am

Mr. Chairman and members of the committee:

My name is Mark Roster from Davenport, N.D., I am a active muzzle loading hunter and shooter and am the current President of the N.D. State Muzzleloaders Association. I am here speaking on my own behalf.

I am AGAINST the passage of Senate Bill # 2247 because of the inherent dangers that could come with the irresponsible passage of such a bill.

Since the inception of the muzzle loading season in 1987 we have virtually enjoyed a accident free sport. This is due to increased awareness on how to use a muzzle loader properly, season dates, limited number of hunters and the wearing of orange clothing.

Many of us hunt with traditional style guns of our forefathers and I for one openly fantasize about being dressed like them and hunting in their footsteps; then reality steps in. With the advent and increased use of inexpensive powerful in line muzzle loaders, that act and feel like high powers, there is now an added risk in this special season. These manufacturers advertise effective ranges of 200 yards plus with velocities and foot pounds equaling modern guns. Now there are people who advocate hunting without orange clothing. Is there a desire to make this season deemed unsafe and thus discontinued? I hope not. Is this practicing safe hunting? I think not.

Without requiring hunters to wear orange, there are going to be hunters in the field wearing either camouflage or buckskins. They believe this type of dress will give them the edge they need and will do so " just because the law says they can."

I am passing around to you now several sheets of camouflage advertisements that will show you how well a person can be hidden. If they are hidden from deer with their keen eyesight, how can you expect humans to be able to pick them out with their average eyesight?

Some people say "There are so few muzzle loading hunters in the field at that time - that the dangers are few." That may work if a person is on a section or two of private land BY THEMSELVES, but what about those of us that hunt the public lands or the wildlife plots owned by the State?

This past season I spent several days at the Mirror pool area in SE N.D. Each time out, there was at least 2 and up to 6 other parties who were unknown to me in this area. I was fortunate to be able to spot their locations due to the fact they were wearing orange, and was able to adjust my tactics. I would not have been able to do so if they were camouflaged.

Several years ago while hunting in Minnesota (prior to their orange requirement) I almost shot a very good friend. We were all wearing buckskins and red blanket coats. 2 deer came out of a drive which I was on post and they stopped less than 20 yards from me. They didn't see me and I raised my rifle. I was a hairs breadth away from pulling the trigger when right down my sites I saw a flash of orange less that 60 yards away. My friend opted to wear a orange stocking cap that day and that flash kept me from pulling the trigger. That thought stays with me every hunting season.

Wearing no orange may give you a edge but is it worth it? I don't think so! Skill

and luck will get you the deer you want to harvest.

I realize that the number of muzzleloaders are few, but in 1806 they were fewer yet. I quote from the Lewis and Clark journals. This situation took place on the Missouri river in ND on August 11, 1806.

"...We fired on the elk, I killed one and he (Cruzatte) wounded another, we reloaded our guns and took different routs through the thick willows in pursuit of the elk; I was in the act of firing on the elk a second time when a ball struck my left thye about an inch below my hip joint,missing the bone it passed through my left thye and cut the thickness of the bullet across the hinder part of the right thye; the stroke was very severe; I instantly supposed that Cruzatte had shot me in mistake for an elk as I was dressed in brown leather..... the report of the gun did not appear to be more that 40 paces from me....."

Capt. Lewis

If it could happen then, it could happen now.

If orange saves one life or prevents one accident - it is worth wearing.

I strongly urge you as responsible committee members to give Senate Bill # 2247 a DO NOT PASS vote. Help preserve our wonderful sport.

Thank you for your time and consideration on this matter.

Sincerely submitted,

A handwritten signature in black ink that reads "Mark Roster". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.