

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1263

2001 HOUSE NATURAL RESOURCES

HB 1263


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1263

House Natural Resources Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1		x	3051 to end
2	x		1 to 1738
3	x		3535 to 4925
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrieh.

Chairman Rennerfeldt: I open the hearing on HB 1263.

Rep. Herbel - District 16: I recommend a Do Pass on HB 1263. (see written testimony).

Rep. Droydal: When we originally passed the muzzleloader bill in a special session, the idea was the fact that this was the old way. They didn't have scopes in those days, are we losing our intent with this bill? If I remember right, a muzzle loader can only shoot from here to the wall, if you can't see that far without any glasses....

Herbel: I will defer that to a gentleman who will testify later.

Rep. Porter: By opening it up with an age limit, aren't we setting ourselves up for reverse discrimination to people under 55 who might have impaired vision? Where would it end? How would you defend this position? Why wouldn't it be someone thirty five and have bad vision?

Herbel: My rationale is this, there are many things applied to people who are considered senior citizens that don't apply to other people. I thought this would fit in with that particular group and we will all get to be 55 years of age and therefore can benefit from this as well.

Rep. Winrich: This bill before us has a change that explicitly permits the use of telescopic sights on muzzle loading rifles, but I don't see where they were prohibited before this. Is this really necessary. Are they prohibited in some other portion of the law?

Herbel: They are prohibited.

Rep. Galvin: I would have to ask the question, age 55 and sight impairment don't necessarily go hand in hand?

Herbel: That is true, and they don't have to put the scope on, but what this does is open up the opportunity for those who cannot see.

Rep. Galvin: It also doesn't prevent a person who has no impairment whatsoever of using a scope.

Herbel: That is correct.

Rep. Porter: One of the questions that came to mind, we have a separate season for muzzle loaders. If people were concerned about the heritage of that sport, wouldn't we be better to say that during the regular gun season that a person who chooses to use a muzzle loader could have a scope on it during that season, but those people who are doing it as a special separate season have to follow the traditional method?

Herbel: I guess that is a matter of preference. I don't have a position on that.

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Chairman Rennerfeldt: Any questions of the committee?

Rep. Tom Brusegaard - District 19: I cosponsored the bills out of respect for my neighbors, I ask you give this bill and the next one your full consideration. I would like you to place an emphasis on the season for muzzle loading for the full enjoyment of all North Dakotans regardless of their ability to see.

Chairman Rennerfeldt: Does the committee have any questions? Anyone else here to speak in favor of HB 1263?

Philip Johnston: (See written testimony).

Rep. Porter: Why does it need to be telescopic. Why couldn't it be a tube sight with no magnification?

Johnston: The problem is that not only do our eyes lose the ability to focus, our eyes also tend to get a little bit dimmer. I think we need the magnification.

Rep. Porter: I am forty and I don't see very well at night, how are you going to address my concerns with discriminating reversely against me?

Johnston: May I suggest a friendly amendment?

Chairman Rennerfeldt: Any more questions of the committee? Anyone else here to testify in favor of HB 1263? Anyone here to oppose HB 1263?

Mark Roster - President of Muzzle Loaders Assn.: We oppose this bill. (see written testimony).

Rep. Porter: The position of your group is "leave our muzzle loaders season alone, if you want to use a scope, hunt the regular season."?

Roster: Yes.

Chairman Rennerfeldt: Any other committee questions?

Vice Chair Nelson: Are you able to apply for both the rifle season and the muzzleloaders season?

Roster: Yes.

Vice Chair Nelson: So in fact you have an advantage, what part of the year is muzzleloaders season?

Roster: Muzzle loading season starts the week after the regular season and runs for 9 and 1/2 days in December. This year we got blizzarded out in the eastern part of the state both weekends.

Vice Chair Nelson: So with the addition of that season, you have an advantage over the many large game hunters in the state, because you have an added season. These people are not only trying to enjoy the sport, but have a longer hunting season.

Roster: I don't know if it is really such an advantage, if you apply for a rifle license, you have an extremely good chance of getting a license. You have a good chance of pulling a second license in many of the units. However this year in ND we had 1750 licenses prior to gratis license taken out, we had approximately 5000 people apply for those licenses. We hunt 5 days after rifle season closes, the deer have had pressure for over 16 days there are approximately 70,000 deer that have been taken out of the field, so we are hunting the educated deer, less deer and usually in worse weather conditions. There is not really an advantage except we get to hunt that season without as many hunters and at a slower pace.

Vice Chair Nelson: I would agree that there are some disadvantages as well, I am going to make an assumption here that the muzzleloaders are probably more ethical in general than the average hunter. They have to be closer to the animal to get a clean shot and the nature of the sport would dictate that they are the best of the best. What other technologies could come along as you worry about losing the sport in general. What else is possible to come along and create a water downed muzzle loading season?

Roster: New in line rifles, they advertise accuracy at 225 yards without scopes. As of last month Savage Arms developed an in line rifle that now shoots non black powder, regular powder. You are going to see more of this, the only thing left would be the way the rifle is loaded. Now you have that aspect. If you do allow scopes, eventually the bills will come through the floor to open it up to everybody. Then you will have 3 by 9 scopes, not just tube scopes, etc., etc. You will take away from everything this season was initially set up for. There are ways to adjust the sight for aging eyes. I had a gun built with the back sight moved for my vision.

Rep. Keiser: Are you currently taking advantage of any technological advancements in the pursuit of your sport, today, for example the quality of the powder or any change in projectile or any other part of your weapon in opposition in the tradition you are here to support?

Roster: Yes, we are using purer forms of leads, I pour my own balls, the barrels are better. The rifling is machine cut instead of hand cut. Even those that are traditionalist, there is technology that is lost. But, we are still trying to hold true to the form of a person having to hunt in this manner. There is not one of us dressing up as Daniel Boone, we have to wear orange. We have to make some concessions, I do not think a scope is one of those concessions.

Chairman Rennerfeldt: Any further questions?

Nicholas Severt: I am here to speak against HB 1263. (see written testimony).

Chairman Rennerfeldt: Are there any questions?

Gary Anderson: I am opposed to this bill. (see written testimony).

Chairman Rennerfeldt: Any questions of the committee?

Rep. Keiser: Is one the major concerns of the muzzleloaders is will this bill create too great a pressure on the current license level, for those people who want to hunt like you do?

Anderson: I believe it will increase that somewhat, there is already an increase in the numbers and adding a scope to that rifle will increase that number again.

Chairman Rennerfeldt: Anyone else in opposition of HB 1263.

Mike Donahue - NDWF & USND: We support the muzzleloaders in opposition of the bill. We recommend a Do No Pass.

Chairman Rennerfeldt: Any questions of the committee? Anyone else here to speak in opposition of this bill?

John Horner - President Missouri River Muzzle Loaders Assn.: Our group opposes this bill and we stand as a group in opposition of this bill.

Chairman Rennerfeldt: Does the committee have any questions. Anyone else to speak in opposition to this bill?

Cindy Haakenson - Missouri River Muzzle Loaders Assn.: I am here to oppose this bill for the same reasons as the rest of the clubs are in opposition.

Chairman Rennerfeldt: Committee questions? Anyone else to speak in opposition to this bill? If not, I will close the hearing on HB 1263.

COMMITTEE WORK

Chairman Rennerfeldt: Let's do HB 1263.

Rep. Solberg: In order to get things rolling, I move a Do Not Pass on this one.

Rep. Galvin: I second.

Chairman Rennerfeldt: Any further discussion?

Rep. DeKrey: I really have mixed emotions about this bill, I can see where someone has hunted all their lives and their eyesight is failing that maybe they would like to continue, but maybe there is something we can do for visually impaired. Just the fact that your eyes are getting older

and you need bifocals that is not a good enough excuse. Are you really muzzle hunting if you have a scope on? I don't know.

Rep. Nottestad: You know, I know where this one is going. I am in support of the theory of this bill. I cannot see when I shoot. I don't muzzle load for that reason, whether I would do it or not with this, I don't know. I think it would give an opportunity for those 55 and older. Maybe there should be something more stuck into it with restrictions or whatever the case may be. I think the theory is good. It does help people out. The sport is no longer pure, things have changed so much since it started that there has been a progression all along. This is no more out of line than the inline rifles.

Vice Chair Nelson: I am going to resist the Do Not Pass as well for different reasons. One thing we talked about so much is access, access to land or hunt, this is a situation that is an access issue that is pertinent. These people have more time on their hands than they have had their entire working life and they reach an age where they can begin to hunt again, obviously they can still go hunting during the regular season but muzzle loading does offer some different experiences for these people. Why would we limit these people because of some natural impairments that come with age. With passage of this we allow some more hunters in this state to experience this sport, to experience our natural resources. Hopefully we will shoot some more deer, we have too many in this state. The main point is that we want to encourage people to use the resources we have and in a responsible manner. I think muzzle loaders are responsible in nature and those traditionalists that were here today, this does not affect them at all to allow someone else to experience the same sport. I think this has some reasonable applications and I am going to resist the Do Not Pass.

Rep. Porter: I support the Do Not Pass. I support it for a couple of different reasons. No. 1 is that these individuals that are 55 years of age and older that need the use of a telescopic sight have a 16 day season that they can hunt deer anytime they want and get 2-4 permits during that season and just shoot them up. There are no restrictions. The only restrictions on the muzzle loaders is a special 9 day season after the regular season. There are also devices available and ways to allow a person with diminished vision to use a muzzle loading weapon very accurately, all the way down to a tube sight. No magnification. What we are talking about here has nothing to do with wearing bifocals, it has to do with magnification. Magnification is not required to see a deer at 100 yards. I will totally support a Do No Pass on this.

Rep. Galvin: I have the same reservations that Rep. DeKrey had, to me tying this scope to age 55 makes no sense to me at all. I mean, in the first place it is discriminatory. You could have a man 55 with perfect vision using a scope and a man 54 that's half blind that couldn't use a scope. This business that something happens to you when you are 55 years old is That has nothing to do with impairment. If they tied it to the degree of your impairment it would make sense. This doesn't make any sense at all.

Rep. Solberg: These folks are the die hard black powder hunters and they have a neat organization and they are proud of what they are doing and sure they are traditionalists, and there is nothing wrong with that. So we're telling them as legislators that we are going to wreak your tradition and we are just going to open this deal up and from there on it will be another deal. So I don't think we as legislators should say, we don't believe in your tradition. So I think we should kill this bill.

Chairman Rennerfeldt: Any further discussion? If not. Would you call the roll?

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MOTION FOR A DO NOT PASS

YES, 7 NO, 8

Motion falls

Vice Chair Nelson: I move a Do Pass.

Rep. Kelsh: Second.

MOTION FOR A DO PASS

YES, 8 NO, 7

Motion carries

CARRIED BY NELSON

Date: 10-25-01
 Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1263**

House Natural Resources Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman		✓	Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman		✓	Scot Kelsh		✓
Curtis E. Brekke		✓	Lonnie B. Winrich	✓	
Duane DeKrey		✓	Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin	✓				
George Keiser		✓			
Frank Klein		✓			
Darrell D. Nottestad		✓			
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 7 No 8

Absent _____

Floor Assignment _____

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

