

2019 HOUSE ENERGY AND NATURAL RESOURCES

HB 1366

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

HB 1366
1/31/2019
31936

- Subcommittee
 Conference Committee

Committee Clerk Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms

Minutes:

Attachment 1,2,3,4

Chairman Porter: opened the hearing on HB 1366.

Rep. Austin Schauer presented Attachment 1.

2:50

Chairman Porter: Why not go to the 5.5x32 if that's where the technology is? Why go open ended?

Rep. Schauer: I think take it out so you don't have new technology out in the future and then 2-4-6-8 years someone from somewhere else is coming up and testifying.

Chairman Porter: I'm looking at a website that has two new products, both advertise with a 4/32 scope. Is it just some manufacturers, new technology doesn't have that particular scope available.

Rep. Schauer: I would suggest another website. Some might go with 4/32 but the new technology in some areas among other companies is the higher. We want people to have choices, they could go with that if they wanted.

Rep Heinert: In changing this are we losing the sport of the hunt?

Schauer: No, this gives disabled hunters an opportunity using new technology. I don't think so.

Chairman Porter: Further support?

Tom Joyce presented Attachment 2.

13:00

Bill Helfrey, ND Bow Hunters Association: presented Attachment 3. In 1951 lobbied to make the sport truly handicap assessable. We thought the truly handicapped individual should have an opportunity to enjoy the sport, so the crossbow came into line. They have scopes on them. We support this bill. This bill should receive an amendment. The intent of this bill was for the truly handicapped individual. We would like to see an amended to say the “permanent use” of one or both arms. We feel the crossbow permit is being taken advantage of by a number of people, leads me to believe part of it is from the loss of regular deer permits available. When the number of deer permits went down the number of crossbow permits surged. The G&F has changed the form it takes, requiring a doctor’s signature. It’s no longer a permit forever, has to be renewed in 5 year increments. I think the work permanent in the bill would help this bill.

Rep. Keiser: I’m surprised this hasn’t been clarified. I agree with your argument. The section on the blind, reads very poorly. You can have one good eye, blind in another and obtain this license.

Bill Helfrey: I believe the blind portion is applicable and can mean so far as a blind person can get a designee to do the shooting for them. Isn’t it? I thought that’s what it meant.

Rep. Keiser: No, that’s not what it says.

Chairman Porter: Looking on line here, at what point is technology going to cross itself out of archery and into the 16.5 day gun season?

Bill Helfrey: I feel the same way about muzzleloaders. When did it leave that primitive definition? And archery- technology keeps changing things. Who knows where it’s going to stop.

Chairman Porter: One of the concerns is our archery season has remained fairly pure. As you improve technology and the ease for getting a permit, something’s going to have to give. It’s either going to have to be a lottery system for archery tags or 1 tag per year season and use it in whatever season you want. Right now the deer gun applicants have to wait in order to get a license, certainly not getting every year. Is it fair archery remains pure even though the technology and success rate is climbing.

Helfrey: I’d think we’re on the same thought process. I’d like to see archery kept pure. That’s why I’d like to see the application signed by a medical professional. I wouldn’t be upset if they had to have that signature notarized because I don’t know if Game and Fish has a way of checking that signature to see if that person really is a doctor. I think the cross bow permit is being abused. The numbers show they’re being abused. You can see that number climbed as the word spread. Rifle permits go down so the cross bow applicants have gone up. That will destroy archery season as it’s been since 1954.

Scott Peterson, Deputy Director ND Game and Fish.

- Last year, close to 29,000 archery license issued.
- 1997 48 permits.
- In 2018- 166 temporary and 382 permanent permits as of 12/6/18, but probably 600 by now.

Chairman Porter: Approximate success rate for archery season?

Peterson:

Calendar year 2017

- 42.3% crossbow success
- 38.7% for regular bow success

2016

- 48.1% for crossbow success
- 43% for regular bow

Chairman Porter: further support? Opposition? Closed the hearing.

Attachment 4: submitted by Darrell Belisle, did not speak

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

HB 1366
2/7/2019
32344

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms

Minutes:

Chairman Porter: opened the hearing on HB 1366. Noted testimony had stated current technology isn't keeping up with our law. My biggest concern is people aren't getting drawn for a deer gun tag, say they can't pull the minimum 33 lbs on a bow and get a crossbow permit, increasing their odds of getting a deer. Are we going to end up you only get one (1) license in to deer and shoot anyway you want? The archery people are worried we're eroding their season to someone who is just shooting to get more. I don't have a problem Page 1 Line 10-11, raising that to 8 with current technology. When it gets more than that we need to as a legislature to see what the statistics are. If we change to unlimited, we'll never hear about it again. We need to have a general discussion on the ND bowhunters amendment that says in order to do this you have to have a permanent disability. A temporary disability doesn't get you the use of one of these weapons.

Rep. Eidson: is it possible to say, as determined by a doctor, annually?

Chairman Porter: that's how I would view it. I don't know that their definition is forever.

Rep. Mitskog: I believe that's how it is on the application, annually certified by a provider.

Chairman Porter: It's not a difficult thing to get. Practitioners don't really care.

Rep. Keiser: It's not that physicians don't care, if they don't sign, they lose a customer.

Rep Heinert: The sentence says "the individual must be blind, paraplegic, or lost the use of one or both arms. How is G&F defining this?"

Chairman Porter: I don't think G&F get into that. The person goes to their provider and ask their physician for a signature, they sign it.

Rep. Mitskog: It's vague on the form. It might be helpful to work with G&F to have a more definitive explanation of the limitations.

Rep. Lefor: Why don't we just update for technology?

Chairman Porter: I think doing one without the other is not what we should do responsibility. I don't have problem that someone who needs to use the tool to enjoy the sport can do it, I have problem that it's so wide open we're going to push ourselves to where our deer herd is going to be in danger.

Rep. Lefor: So we're giving them more power, should be more restrictions.

Rep. Anderson: G&F is going to have to give 1 tag down the road. Goal is to give as many people as possible to hunt. We don't have enough deer.

Chairman Porter: Rep. Mitskog, would you get in touch with G&F and work with them on the application. Lower bench mark what you need to be able to pull. If you can pull 35 lbs you don't qualify?

Rep. Mitskog I worked with Scott Peterson 4 years ago as a physician, because I thought it was too vague.

Chairman Porter: Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

HB 1366
2/14/2019
32714

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms

Minutes:

Chairman Porter: opened the hearing on HB 1366. Rep. Mitskog worked with G&F on the definition of permanent.

Rep. Mitskog: I move to change at this time

1. Line 10 remove the overstrike,
2. Line 11 remove the overstrike over, a maximum power of
3. Line 11 overstrike "four" and insert "eight"
4. Line 11 remove overstrike over by thirty two millimeters"

Rep. Anderson: Second.

Chairman Porter: We have a motion to amend HB 1366 and a second. Discussion? Seeing none, all those in favor, Aye, opposed, none. Motion carried.

Rep. Anderson: I move a Do Pass as Amended on HB 1366.

Rep. Eidson: Second.

Chairman Porter: We have a motion and a second for a Do Pass as Amended on HB 1366. Discussion? Committee, as we looked on the internet at the new models, they were between 4 and 8x32 scopes on these weapons. Rep. Mitskog did work with G&F. They will be working on their form so it fits what the ND Bowhunters have asked for. It's an administrative function between the agency and health care providers allowed to sign that form.

Further discussion? Clerk called roll call on a Do Pass as Amended on HB 1366.

13 yes 0 no 1 absent. Motion carried. Rep. Mitskog is carrier.

Chairman Porter: Closed the hearing.

February 14, 2019

DP 2/14/19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1366

Page 1, line 10, remove the overstrike over "~~not exceeding~~"

Page 1, line 11, remove the overstrike over "~~a maximum power of~~"

Page 1, line 11, after "~~four~~" insert "eight"

Page 1, line 11, remove the overstrike over "~~by thirty-two millimeters~~"

Renumber accordingly

Date: 2-14-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1366**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0836.D1003

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 Mitskog 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 _____

If the vote is on an amendment, briefly indicate intent:
amend Voice Vote
Motion carried

Date: 2-14-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1366**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19,0836,01003

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 Anderson Seconded By Eidson

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

Total (Yes) 13 No 0

Absent 1

Floor Assignment Mitskog

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

REPORT OF STANDING COMMITTEE

HB 1366: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1366 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~not exceeding~~"

Page 1, line 11, remove the overstrike over "~~a maximum power of~~"

Page 1, line 11, after "~~four~~" insert "eight"

Page 1, line 11, remove the overstrike over "~~by thirty two millimeters~~"

Renumber accordingly

2019 SENATE ENERGY AND NATURAL RESOURCES

HB 1366

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1366
3/8/2019
Job Number 33442

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms.

Minutes:

2 attachments

Chair Unruh: Opened the hearing.

Representative Austin Schauer, District 13 (0:30-2:05) Introduced the bill, please see attachment #1.

Tom Joyce, resident and hunter (3:20-9:00) Testified in favor, please see attachment #2.

Senator Piepkorn: You had to pay for your exams for your shoulder to prove you were disabled? You are responsible.

Tom Joyce: Yes. You have to have a doctor's signature on the form. You have to pay for those things to get the diagnosis.

Chair Unruh: My father had rotator cuff surgery, I've seen the first hand effects, and how long the recovery takes.

No opposition testimony.
No neutral testimony.

Chair Unruh: Closed the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1366
3/21/2019
Job Number 34082

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms.

Minutes:

1 attachment

Chair Unruh: I have some amendments for this one. **(please see attachment #1)**. These take out the limitation on how powerful the sites could be for people who suffer from these conditions. The reason they had to come back in the first place was because we put a limitation on them in the century code, I had some conversations with the Game and Fish Department, I don't think they've got an objection to this. I think it makes sense; it's better policy. That way they can continue to use this program without having to come back to us every time the technology changes.

Senator Cook: I move to adopt the amendments.

Senator Piepkorn: I second.

A voice vote was taken.

Motion carries.

Senator Piepkorn: I move a Do Pass as amended.

Senator Roers: I second.

Senator Piepkorn: For whomever carries the bill, the line 'issued to an individual who is blind, a permit to hunt crossbow' has me concerned?

Chair Unruh: I think legally blind would be correct, maybe Scott can come answer that for us. There is a form, a doctor has to allow it.

Senator Piepkorn: That would be a question I might have on the floor.

Scott Peterson, Deputy Director, Game and Fish: The word blind in that section of code, it is correct, and that's the way we interpret it. What happens is, that blind person can

designate someone to shoot that deer with a crossbow for them; and a paraplegic or someone who as lost the use of one or both arms can harvest it themselves.

Senator Piepkorn: Can you tell us how people use that?

Scott Peterson: I have the number of crossbow permits that we issue. In 2018, we issued 382 permanent, and 186 temporary permits. I don't see all of them, but we rarely see one for someone who claims to be blind. Most of them are for individuals who have lost the use of one or both arms.

Senator Cook: You said a blind person would have somebody else shoot it, why do we need telescopic sites?

Scott Peterson: You probably wouldn't for that individual, but the law is also for paraplegics or those who have lost the use of one or both arms. The category of blind simply qualifies them for a crossbow permit. You wouldn't need telescopic sites for someone who is blind, but you would for somebody who is paraplegic. The impetus for this bill is people are saying now, how they are having a hard time finding a scope with 4 power. They are asking for the 4 power restriction to be removed, because the new crossbows equipped with telescopic sites are commonly 8 power.

Senator Cook: So the purpose of this bill is not so blind people can get a better look at a deer.

Scott Peterson: Yes.

Chair Unruh: The gentleman who came to testify had had rotator cuff surgery and had not fully recovered after 4 years. That hit home with me, since my father just had rotator cuff surgery. We all hope he recovers fully so that he is out of the house and not inside the house the entire summer.

Scott Peterson: A clarification; a crossbow is considered a legal weapon during the regular deer gun season, but not for the average archery hunter.

Chair Unruh: This would be for use during the bow season.

Senator Piepkorn: I like the idea, it helps people get out and enjoy the outdoors. Now this 4-32 scope will be eliminated for all telescopes.

Scott Peterson: Yes.

Chair Unruh: That's correct, for crossbow hunters who qualify for this type of permit, they will be able to use any power of scope, not just limited to 8 or 4 as proposed here.

Scott Peterson: There is currently no limitation in law on power for crossbows in the regular deer gun season. If you are using that during the deer gun season, you wouldn't be restricted to a 4 power scope, but you are if you are getting a crossbow permit under the disability provisions.

Senate Energy and Natural Resources Committee
HB 1366
3/21/19
Page 3

A roll call vote was taken.
Motion passes 6-0-0.

Senator Piepkorn will carry.

Chair Unruh: Closed committee work.

19.0836.02001
Title.03000

Adopted by the Senate Energy and Natural
Resources Committee
March 21, 2019

SA
3/21
1801

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1366

Page 1, line 10, overstrike "not exceeding"

Page 1, line 11, overstrike "a maximum power of"

Page 1, line 11, remove "eight"

Page 1, line 11, overstrike "by thirty-two millimeters"

Renumber accordingly

Date: 3/21
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1366**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0836.02001

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. 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. 1366**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0836.02001

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. Piepkorn 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. Piepkorn

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

REPORT OF STANDING COMMITTEE

HB 1366, 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 1366 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "not exceeding"

Page 1, line 11, overstrike "a maximum power of"

Page 1, line 11, remove "eight"

Page 1, line 11, overstrike "by thirty-two millimeters"

Renumber accordingly

2019 CONFERENCE COMMITTEE

HB 1366

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau A Room, State Capitol

HB 1366

4/4/2019

34533

Subcommittee

Conference Committee

Committee Clerk Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms

Minutes:

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Chairman Anderson: opened the conference committee on HB 1366.

Sen. Roers: the only amendment we made was to take away any of the powers so we didn't have to come back to it every year to rehash the same thing and move it from 4 power to 8 power to 12 power, or whatever the newest technology might be out there. That's the only amendment we made. You're asking to put back in the 8 power?

Rep. Anderson: Just to put the maximum power of 8 and remove the description of the diameter of the lens on the outside. We could basically leave that unlimited it would provide more light for the hunter. My reason for leaving it to 8, you're talking about someone who's probably handicapped hunting. I would prefer they remain close to the shot. The new technology would allow them to take a shot further away. I don't think it'll help their success I think we'll get more wounded deer.

Sen. Kreun: give us your idea, and maybe G&F can give us some guidance.

Robert Timion, ND G&F: the department has no strong feelings on the power of the telescopic site. So whatever you decide. The issue as far as the 32 mm, I'm not suggesting what you should do but as a practical matter, a lot of scopes sold today are larger, not power wise, but in the optical diameter than 32 mm. So you may find an 8 power scope, 6 power scope, whatever, will probably be more like 40-50 mm in size. I don't know where the original 32 came from. If you should decide to fix something in law, the 32 mm may not be practical.

Rep. Anderson: if you left that open ended, so they could go to 40-50 size scope, wouldn't that be an advantage in low light? A better choice for them?

Robert Timion: I'm not an expert on optics. My vision is that a lot of light gathering, the lower the power the better the light gathering capacity. A lot of the light gathering capacity has to do with that 32-40 mm, probably a lot more dependent on the coatings manufacturers put on their scopes, sophisticated science now put on the glass. That probably has more to do with the quality of the scope and it's not just the power itself.

Rep. Anderson: I bow hunt and like shots closer, less chance of wounding a deer and getting a clean shot. If you're around farmland and shoot an arrow a long distance, in this case a bolt off a crossbow, your chances of finding that are not very good, especially in low light conditions. I would like to have the best opportunity for someone to shoot a deer. I think it needs to remain close and if you have unlimited scopes or sites, people are going to try to take shots they probably shouldn't be taking.

Rep. Mitskog: to address Rep. Anderson concerns about wounding deer; the power of the scope, the higher the power are his concerns.

Robert Timion: all things being equal, a 2-3 power with 40 mm lens allows more light in a dim light situation than a 9 power with 45. The higher the power the less light transmission at lower light levels. As far as wounding, it's a valid concern. We know that happens, sometimes through no fault of the hunter. We know wounding happens both in archery and gun season because the hunter makes a poor choice in taking a shot. How much a higher or lower power feeds into the hunter making a poor choice I can't say but certainly would be a valid concern.

Rep. Anderson: I know too in a higher power you field of view narrows. Instead of looking at a broad picture when you are doing archery hunting, the picture of you gets very narrow. If you're hunting it's harder to pick up the deer and in archery and crossbow hunting, once you realize you have a shot you have a certain amount of time on it. I think that 8 power would give you all you need with an unlimited end on the scope to gather light.

Sen Piepkorn: What we need to keep in mind is the bill. Just food for thought. It's the use of a telescopic site by an individual who is blind, paraplegic or has lost use of 1 or both arms. We have a very limited number of people who are going to take advantage of this. My question is, what decision can we make to allow this person to hunt in certain areas of land designed by G&F, to give that handicapped hunter, the best chance at success at his hunt. What's going to allow him the best shot.

Rep. Mitskog: it's my understanding the legislative intent of this bill was to address the changing technology. When we heard this originally it was because going and shopping for new scopes, maybe our current provisions didn't mesh with what you could buy. We didn't get into the dynamics what to buy for a better hunt for that individual. I think was to change that language to address what is current technology.

Rep. Anderson: I did look at some scopes for crossbow. The most popular is a 5x5 scope with 40 end on it. It allows the most light in. As far as a blind person, I wonder how far a blind person should be shooting. I'm legally blind in my left eye due to an accident and I wouldn't feel very comfortable shooting from here to the wall left handed like I used to.

Sen Kreun: I think in concern of Sen Peipkorn, and Rep. Mitskog, if we would take the recommendation of G&F and Rep. Anderson, not exceed the max power of 8 and delete x32 mm and leave it open. That accomplishes what we're looking at.

Sen Roers: Does that give enough definition? It lets the hunter know this is what I can use?

Robert Timion: as far as the department, we have no strong feelings. The power restriction just tells the power magnification they can have on a scope. If you remove the 32 mm, it wouldn't matter if it was 32, or 44 mm. It would be that they're max power could not exceed 8. If that meets with what the committee wants to do, removing the 32 wouldn't change anything as far as the power.

Rep Zubke: I would move that the Senate recede from their amendments and amend HB 1366 on Line 11, striking by 32 mm. It should read a maximum power of 8 may be attached to crossbows for hunting.

Sen Roers: second

Chairman Anderson: we have a motion and a second for the Senate to recede from their amendments and we further amend HB 1366 by striking by 32 mm.

Roll call vote: 6 yes, 0 no, 0 absent. Motion carried. Rep. Anderson and Sen Roers are carriers.

April 4, 2019

De 4/4/19

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1366

That the Senate recede from its amendments as printed on page 1325 of the House Journal and page 1029 of the Senate Journal and that Engrossed House Bill No. 1366 be amended as follows:

Page 1, line 11, remove "eight"

Page 1, line 11, overstrike "by thirty-two millimeters" and insert immediately thereafter "eight"

Renumber accordingly

Date: 4/4/2019

Roll Call Vote #: 1

2019 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1366 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 Zubke Seconded by: Sen Kreun

Representatives	<u>4/4</u>		Yes	No		Senators	<u>4/4</u>		Yes	No
Rep. Anderson	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			Sen. Roers	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Rep. Zubke	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			Sen Kreun	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Rep. Mitskog	<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 _____ Senate Carrier _____

LC Number 19.0836 . 02002 of amendment

LC Number _____ . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 19.0836.02002
House Carrier: D. Anderson
Senate Carrier: J. Roers

REPORT OF CONFERENCE COMMITTEE

HB 1366, as engrossed: Your conference committee (Sens. J. Roers, Kreun, Piepkorn and Reps. D. Anderson, Zubke, Mitskog) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1325, adopt amendments as follows, and place HB 1366 on the Seventh order:

That the Senate recede from its amendments as printed on page 1325 of the House Journal and page 1029 of the Senate Journal and that Engrossed House Bill No. 1366 be amended as follows:

Page 1, line 11, remove "eight"

Page 1, line 11, overstrike "by thirty-two millimeters" and insert immediately thereafter "eight"

Renumber accordingly

Engrossed HB 1366 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

HB 1366

Good morning Mr. Chairman and members of the Energy and Natural Resources Committee.

Thank you for your time and service.

My name is Austen Schauer, a Representative from West Fargo, District 13, and I am here today asking for your support of **HB 1366**.

This bill would allow disabled hunters to use **new technology** crossbows for deer hunting.

Under subsection 11 of section 20.1-02-05 of the ND Century Code, disabled hunters are **prevented** from using a crossbow with a scope of more than four by 32 millimeters in power.

The problem is the lowest scope power for **new technology crossbows** is five by 32 millimeters in power. Without changes to the law, disabled hunters would **not** be able to use new technology crossbows.

The changes in crossbow technology started last year. The new crossbows are lighter, faster and more accurate. Most hunters want the best equipment for hunting, so they can be successful and make an ethical kill when deer hunting.

We believe removing **all** restrictions on the power of the crossbow scope for disabled hunters **makes sense**.

Currently, our neighboring states of Minnesota, South Dakota and Wisconsin **do not** have restrictions on crossbow scope power for disabled crossbow hunters.

If approved, **House Bill 1366** would eliminate the following phrase (beginning on line 10):

"not exceeding a maximum power of four by thirty-two millimeters."

Mr. Chairman and committee members, I ask for your support **HB 1366**. I am open for questions.

I contacted the Game and Fish Dept. with this information. They encouraged me to contact my legislators if I wanted the law changed.

My representative Austen Schauer agreed that this is unfair to the disabled bow hunters of North Dakota, and bill HB1366 was proposed.

I thought this would be easy. It is an outdated part of the Century code that just needs to be updated.

I contacted a few bow hunters and hunting organizations that provide hunting opportunities to disabled hunters. They all agreed this law should be updated.

I asked the hunting organizations if they would write a statement of support for House Bill 1366. They explained to me that they are a 501C3 organization and cannot get involved in anything political.

During these conversations I was made aware of a group of vocal archery hunters that are opposed to any changes that benefit a crossbow hunter.

I was shocked!!

Crossbow hunters in North Dakota must have a disability to hunt deer during the archery season.

We are talking about people in wheelchairs, disabled veterans, amputees, and old guys with torn up shoulders.

I am told one of the reasons they are against any crossbow changes is that it will make it easier for the crossbow hunters and give them an unfair advantage.

I think it is very hypocritical for them to make this statement.

Regular compound bows have had many new technology improvements in the past 10 years. They are lighter, faster, smaller and more accurate.

They will contend that the new crossbows can now shoot out to 100 yards. But regular compound bows have sites that will also shoot out to 100 yards. And they have had this ability for a few years now. I know this first hand because both of my boys have bows that will shoot out to 100 yards.

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This group may be over reacting to the increase in archery hunters in the state. I'm hoping they are not singling out disabled crossbow hunters to vent their frustration.

I am quite sure ALL of the hunters that have to use a crossbow would much rather be healthy enough to use a regular compound bow!!

Now that new technology crossbows are available, I think it is only right that the disabled bow hunters of North Dakota have the same access to the new technology as the regular bow hunters.

Mr. Chairman and committee members, I ask for your support House Bill 1366.

I would be happy to answer any questions you might have.

Thank you

Peterson, Scott A.

From: Meissner, Randy J.
Sent: Monday, December 3, 2018 2:28 PM
To: Peterson, Scott A.; Steinwand, Terry R.; Kary, Kim K.; Link, Greg W.; Williams, Jeb R.; Anderson, Casey R.; Timian, Robert G.; Power, Greg J.
Cc: Timm, Lynn M.; Hosek, Brian M.
Subject: RE: Crossbow Permits

Hello, a summary of the historical crossbow permits is below. The permanent permits expire after 5 years and requires a new application to renew. The temporary permits are issued for one bow season and must be renewed every year.

HISTORICAL CROSSBOW PERMITS ISSUED		
YEAR	PERMANENT	TEMPORARY
2017	407	148
2016	462	104
2015	345	64
2014	253	58
2013	302	39
2012	249	38
2011	213	36
2010	233	33
2009	188	20
2008	193	0
2007	188	1
2006	148	1
2005	129	0
2004	90	1
2003	110	0
2002	56	6
2001	66	0
2000	50	0
1999	46	0
1998	49	0
1997	48	0

Sincerely,

*Randy Meissner
 Licensing Manager
 ND Game & Fish Department
 100 N Bismarck Expressway*

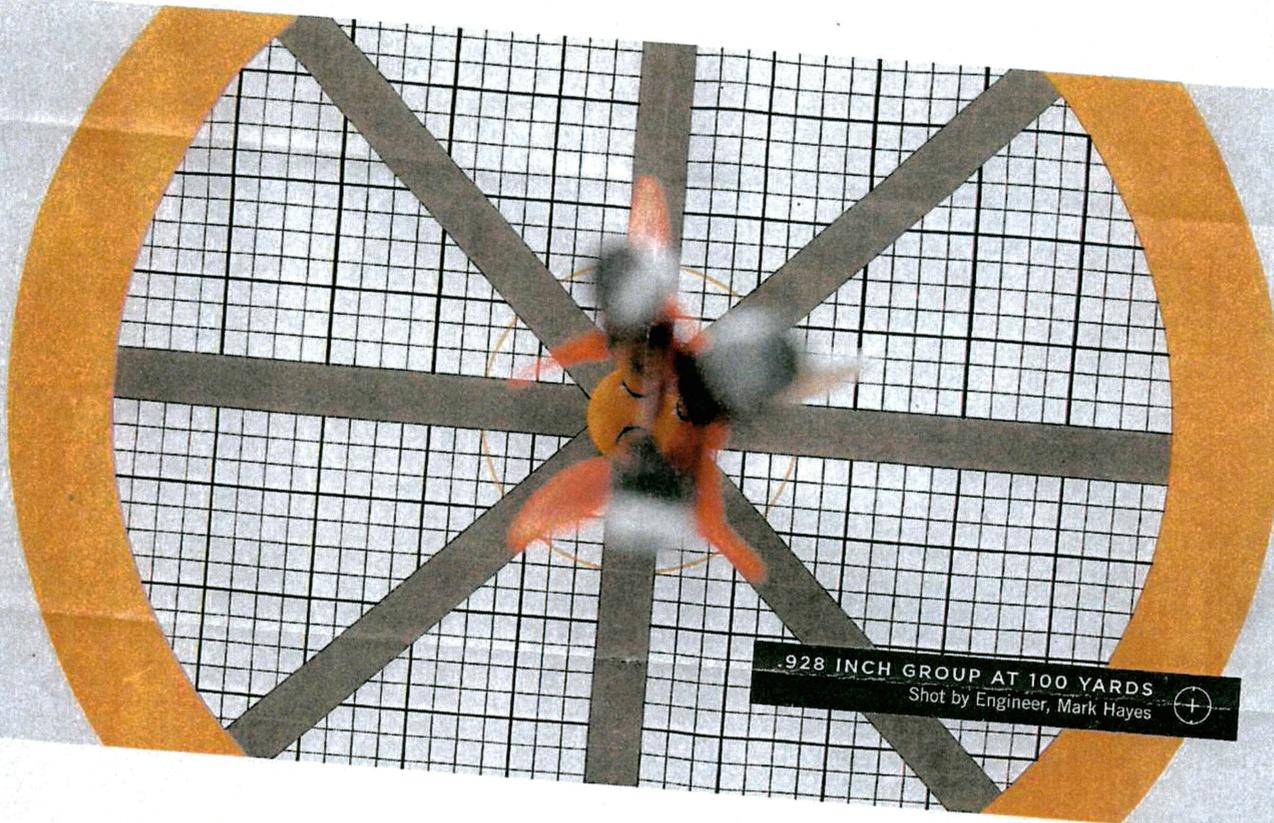
Peterson, Scott A.

From: Powers, Alegra M.
Sent: Tuesday, January 29, 2019 8:54 AM
To: Peterson, Scott A.
Subject: Regular Deer Gun Licenses

	Regular Deer Gun Licenses
2011	109,950
2012	65,300
2013	59,500
2014	48,000
2015	43,275
2016	49,000
2017	54,500
2018	55,150

*Alegra Powers
Administrative Asst – Wildlife Division
North Dakota Game and Fish Department
100 N. Bismarck Expwy.
Bismarck, ND 58501-5095
Phone: 701-328-6351
apowers@nd.gov*

THE NAME SAYS IT ALL



.928 INCH GROUP AT 100 YARDS
Shot by Engineer, Mark Hayes

SUB-1

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Chairman Porter, Members of the House Energy and Natural Resource Committee,

I am Darrell Belisle, current President of the North Dakota Bowhunters Association. Regretfully, I will be unable to attend the hearing for HB 1366. This bill carries the intent to remove the telescopic sight restriction on crossbows used by those permitted individuals with qualifying handicaps. The NDBA is willing to follow the intent of this bill, but also see an opportunity to correct a current and growing problem. My comments below describe our concern.

(I have also contacted the sponsors of HB 1366 with the same concern)

While the North Dakota Bowhunters Association has a firm stance on crossbows and the archery season, The NDBA certainly supports the handicap permit program. We feel that the handicap crossbow permit can offer a great outdoor experience, in fairer weather and a reasonable chance of being close to game, to those people with qualifying conditions.

However, there is an old and growing problem with the current legislative language concerning this opportunity. Currently, our ND G&F Dept. provides two forms of this handicap crossbow permit. One is a permanent permit with a 5 year expiration. The second is a temporary permit which must be renewed annually. This temporary permit is the problem. Seems many of our ND sportsmen and women will go to great lengths to obtain a temporary Crossbow permit. The permit application requires a medical professional to sign off on the ailment. It seems most of our medical professionals don't do much research and readily sign these applications.

I believe you can help with a solution. If you could amend HB 1366 to add one word, "Permanently" to the first line of the bill, this troublesome temporary permit problem could be nearly eliminated. It would leave only those individuals with permanent qualifying handicap who would be eligible.

SECTION 1. AMENDMENT. Subsection 11 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

11. Issue to any individual who is blind, is a paraplegic, or who has **Permanently** lost the use of one or both arms a special permit to hunt game with a crossbow if that individual otherwise complies with and qualifies under the licensing and other provisions of this title. Battery-powered and electronic-lighted sight pins and telescopic sights ~~not exceeding a maximum power of four by thirty-two millimeters~~ may be attached to crossbows used for hunting under this subsection. However, an individual who is blind and who receives a special permit to hunt game with a crossbow under this subsection may hunt only on a preserve or area approved by the director. For purposes of this subsection, an individual who is blind means an individual who is totally blind, whose central visual acuity does not exceed twenty/two hundred in the better eye with corrective lenses, or in whom the widest diameter of the visual field is no greater than twenty degrees..

Following are comments from a Williston, ND Doctor who's words pretty sum up the problem I am trying to describe.

From: Robert Kemp <rgkemp31@gmail.com>

Sent: Wednesday, January 16, 2019 9:29 PM

Subject: Re: NDBA Legislative update

I am a family doctor in Williston and I am absolutely appalled by the volume of my patients claiming they are disabled and need a crossbow permit. I have been telling all of them that this is guaranteed to be the demise of the over the counter bow tag with the presumed kill percentage unceasing with these hunting methods along with baiting. I would be in full support of a statewide ban on baiting of all areas including private land (I realize hard to enforce). I also feel it is going to become increasingly hard for Joe family doctor to resist the pressure to tell their patients no to crossbow permits. It has been very hard for myself to tell my patients that it is legal for them to hunt with a 35 lb compound bow with a real holding weight sometimes measured less than 10 lbs.

for this reason, I feel there needs to be a standardized test and select tested physicians or providers that administer the evaluation for people with "shoulder problems".

I have no problem giving a permit to people who have lost a arm, had a stroke, have para or have quadraplegia. These people with select issues could be cleared based on their simple diagnosis. The remainder should be evaluated by a team of physical therapists and orthopedic providers that make the determination of the person involved. The person desirous of crossbow permit would be required to provide doctor notes, operative notes, and all other data deemed necessary to determine the worthiness of receiving a permit.

I would gladly support paying another 10-20 dollars per year for my bow tag per year to support this program in order to help preserve the over the counter bow tag.

I would freely testify to the legislature to support a law such as the above language would support.

Robert G Kemp MD.

From: Robert Kemp <rgkemp31@gmail.com>

Sent: Wednesday, January 16, 2019 9:39 PM

Subject: Re: NDBA Legislative update

Sorry for such a long note and sorry I did not bring this up 12 months ago, but I have had more patients come in this past year than ever before requesting this type of permit. They all feel they have a very legitimate need for a crossbow permit and many could pull a small block V8 engine out of their car with no help, yet 😞😞😞 when in the office that their rotator cuff tear is so horrible. I know most of these people and see them at the bow range pulling 60 lb longbows. It is nuts. What is the regular non-hunting physician to think who lives in Bismarck or Fargo who has no idea what pulling a bow is like or even who these people are and what they do day to day in their lives. I happen to have lived in Williston my whole life and have lived here my whole working career. Most docs have neither type of insight and just give out whatever the patients request.

Thanks. Rob.

Please contact me with any questions or comments you may have.

Thank you,

Darrell



Darrell Belisle
NDBA President
C) 701.737.9358
H) 701.448.2559

bigbucks@westriv.com / www.ndbowhunters.org

"If you are not working to protect hunting, then you are working to destroy it" Fred Bear

Darrell Belisle

HB 1366
3.8.19
#1
Pg.1

Good morning Madam Chair and members of the Senate Energy and Natural Resources Committee.

Thank you for your time and service.

My name is Austen Schauer, a Representative from West Fargo, District 13, and I am here today asking for your support of **HB 1366**.

This bill would allow disabled hunters to use **new technology** crossbows for deer hunting.

Under current law (subsection 11 of section 20. 1-02-05), disabled hunters are **prevented** from using a crossbow with a scope of more than **4 by 32** millimeters in power.

The problem is the **lowest** scope power for most **new technology crossbows** is **five by 32** millimeters in power. Without changes to the law, disabled hunters would **not** be able to use new technology crossbows.

The changes in crossbow technology started last year. The new crossbows are lighter, faster and more accurate. Most hunters want the best equipment for hunting, so they can be successful and make an ethical kill when deer hunting.

We believe removing **all** restrictions on the power of the crossbow scope for disabled hunters **makes sense** however, the House Energy and Natural Resource committee raised it to the **8 by 32** millimeters maximum power which we fully support.

Currently, our neighboring states of Minnesota, South Dakota and Wisconsin **do not** have restrictions on crossbow scope power for disabled crossbow hunters.

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pg.2

Mr. Chairman and committee members, I ask for your support **HB 1366**. I am open for questions.

Good morning Madam Chair and Members of the Energy and Natural Resources Committee.

My name is Tom Joyce. I am a lifelong resident of North Dakota, and I am 63 years old. I have been hunting deer in North Dakota for over 40 years.

When I was younger I coached youth baseball for approx. 10 years. Unfortunately, I tore my rotator cuff throwing batting practice. I could no longer pull back a regular compound bow. I thought my bow hunting days were over.

I didn't bow hunt for 4 or 5 years. My two boys encouraged me to see if I qualified to use a crossbow.

Because of the condition of my shoulder I did qualify for a crossbow permit.

I purchased the best crossbow I could find. I used this crossbow for ten years. In those ten deer hunting seasons I harvested 2 does and 1 small buck. A 30% success rate.

My crossbow was wearing out and I needed to replace it.

And the purchase of a new crossbow is the reason I am here today.

In the past year or two the crossbow industry has introduced new technology crossbows. They are lighter, faster, smaller and more accurate. They also require a 5 power X 32 millimeter scope to make them work properly.

As you all know the State of North Dakota only allows a 4 power X 32 millimeter scopes on crossbows.

I contacted the manufactures of the new technology crossbows to see if I could special order their crossbows with a 4 power scope.

The companies all had the same response. I could only buy their crossbows with the 5 power scope. Any other scope would throw off the ballistics and it wouldn't shoot accurately. They also told me that a different scope would void the warranty.

I have been saving up for a new crossbow for a couple of years. I really didn't want to buy an old style crossbow that soon would be obsolete.

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#2
PJ.2

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During these conversations I was made aware of a group of vocal archery hunters that are opposed to any changes that benefit a crossbow hunter.

I was shocked!!

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They will contend that the new crossbows can now shoot out to 100 yards. But regular compound bows have sites that will also shoot out to 100 yards. And they have had this ability for a few years now. I know this first hand because both of my boys have bows that will shoot out to 100 yards.

For the non- hunters here today, I want you to know that no ethical hunter would take a shot that long with a crossbow or a compound bow. The new technology

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Pg.3

available today really only gives a bow hunter another 10 or 15 yards more range. And that is with a lot of practice.

This group also claims they support the use of crossbows for disabled hunters, as long as they can see a person is disabled by looking at them. People in wheelchairs, amputees, people with very obvious disabilities.

What this group has a problem with is people like me. I don't look like I have a disability. They claim people like me just tricked our doctors into signing the crossbow form.

To determine what was wrong with my shoulder the doctors took Xrays and an MRI. It was obvious that my rotator cuff was torn. I saw an orthopedic surgeon to see if my shoulder could be fixed. I was told surgery on my shoulder had a 50% chance of making it better but he cautioned me that there was a 50% chance it would make it worse. He told me either way my shoulder would never be 100% again.

He was right!

After 4 years of therapy I was finally able to take a gallon of milk out of the fridge with my right arm.

I still can't throw a baseball, do a push up or take my jacket out of the back seat. I certainly can't pull back a compound bow!

I went through the details of my shoulder injury to show you how much a person has to go through to get a torn rotator cuff diagnosis.

The Game and Fish Dept. has a very clear and complete crossbow application form.

It states: An individual certifying to, or providing false information to, the director for the purpose of obtaining this permit, is guilty of a misdemeanor.

I don't think many doctors or hunters are willing to commit a misdemeanor just to get a crossbow permit.

This group may be over reacting to the increase in archery hunters in the state. I'm hoping they are not singling out disabled crossbow hunters to vent their frustration.

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#2
pg. 4

I am quite sure ALL of the hunters that have to use a crossbow would much rather be healthy enough to use a regular compound bow!!

Now that new technology crossbows are available, I think it is only right that the disabled bow hunters of North Dakota have the same access to the new technology as the regular bow hunters.

Updating to a 8X32 millimeter scope will allow crossbow hunters to use this new technology now and into the future.

Madam chair and committee members, I ask for your support of House Bill 1366.

I would be happy to answer any questions you might have.

Thank you

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Proposed Amendments to HB 1366

Page 1, line 10 overstrike "not exceeding"

Page 1, line 11 overstrike "a maximum power of"

Page 1, line 11 remove "eight"

Page 1, line 11 overstrike "by thirty-two millimeters"

Renumber accordingly