MICROFILM DIVIDER

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

ROLL NUMBER

DESCRIPTION

1264

2001 HOUSE NATURAL RESOURCES

HB 1264

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1264

House Natural Resources Committee

❑ Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
2	x		1785 to end
3	x		4920 to 5866
Committee Clerk Signature			

Minutes:

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

Chairman Rennerfeldt: I will open the hearing on HB 1264.

Rep. Herbel: This bill is similar to HB 1263 except it deals with bow hunters, it would allow people fifty-five years and older to use lighted pins to assist with sighting. Most of the bow hunting is done in mornings and evenings in low light. It is a problem not just being able to focus, but with less light. I believe this is not about killing deer, but more so about not wounding them and doing better with the kill. Also I think is allows people of that age category to continue to hunt. I ask that you Do Pass HB 1264.

Rep. Keiser: What is a lighted pin?

Herbel: I will defer that question to Phil Johnston who is a bow hunter. I am not.

Chairman Rennerfeldt: Anyone else to speak in favor of this bill?

Phil Johnston: (see written testimony).

Rep. Porter: Can you describe what is termed legal in regards to sight pins and colors of sight pins to help people with color problems?

Johnston: I will take a shot at it. I don't think we make reference to color, we just simply say it can't be a lighted pin. No reference to color of sight.

Rep. Porter: Right now they are using fluorescent type. They have a glow, but not lighted.

Johnston: Only if there's available light. I have a fluorescent pin on my sight and during legal shooting hours in dim light, I simply can't see that sight. I talked to several people who were having the same problem. This bill is good for ND hunters and good for the game we hunt.

Rep. Porter: Hope and Young disqualify any deer shot with lighted sight pins.

Johnston: That is correct.

Rep. Porter: If the deer shot with lighted sight pins wouldn't even qualify for records or registration, why should the state of ND allow them?

Johnston: With all due respect, I don't think the people we are talking about here are interested in getting an animal in the book. I am only interested in extending the golden years. Improving the hunting for the people in their golden years.

Rep. Galvin: I personally would have more empathy for this bill if it focused on the degree of sight impairment rather than age.

Rep. Herbel: I introduced this, as a start, perhaps it could be amended at a later date to include more people. I thought if we opened it up to too many people, it would be faced with such

opposition that it would never pass and the people in their golden years would not be able to benefit from this. I wouldn't have any opposition.

Johnston: We talked to Game and Fish and one of the muzzle loading members agreed we don't have any idea how many people this bill will impact. The best estimate we can make is 500 people over the age of 55 that hunt big game in ND. This pretty much says that the muzzleloader lottery will not be inundated by thousand and thousands of people applying for muzzleloader tags and this isn't going to impact thousands and thousands of bow hunters. In the case of bow hunters I am going to guess 200-300 people.

Rep. Porter: Are you familiar with the innovative techniques of laser eye surgery? That a person never has to wear bifocals again? When those innovations are here right now in Bismarck, ND and as people take advantage of those, what's your argument back on that?

Johnston: I am glad you asked that question. One of my friends just went through the eye surgery and he lost the use of his right eye.

Rep. Porter: As with any medical procedure there are complications involved and those are the risks everyone assumes when they do nonessential surgery.

Johnston: I don't want to be disrespectful here, what I am talking about is a $2 light to put on your sight pins versus a $2000.00 surgery that you might have.

Rep. Herbel: I addressed that issue. I was going to have that surgery. I was told that I would still need my bifocals because that surgery does not correct the use of a bifocal. It would help you to see distances but in my case wouldn't do any good.

Chairman Renner feldt: Any further questions of the committee? Anyone else to testify in favor of HB 1264? Anyone opposed?

Kevin Lech - Government and Conservation Director for the ND Bow hunters Assn.: I am a bow hunter in opposition to this bill. We accept the challenge of bow hunting. All sportsmen have benefited from our association. Currently there are 10,532 bow hunters in the state. The majority of people are strongly opposed to the lighted sight pin technology. (Shows two sights to the committee and explains the difference.) With so many advancements that have been made in archery, we are very concerned about how far technology will push our sport. Today there is new fiber optic sights available for muzzle loaders and bows. (passes out sight and explains differences.) I have no trouble seeing that sight during low light legal hunting season. I am not an eye doctor, but I asked Dr. Colby to submit a letter recommending a Do Not Pass. (see letter attached). Another issue brought up was Pope and Young or PNY. It was started in 1961 to recognize animals in North America harvested by legal archery. It is the decision of the governing board that a light on the sight is not the fair chase. That is a real concern of ours. It is the recommendation of the ND Bow Hunters Assn. that you do not pass HB 1264.

Vice Chair Nelson: Are you familiar with bow hunting laws similar in other states?

Lech: I do not know the law in most states, but in many of the states do allow that technology. A lot of those laws were enacted long ago when this sight was common. (shows sight). With today's technology it just isn't needed.

Vice Chair Nelson: Do you consider it an advantage to bow hunters of ND to include more people in this sport? Or do you think that is a disadvantage?

Lech: I think that providing we have the right type of people joining our sport I would welcome all ethical people that are going to be law abiding in terms of - am I trying to exclude people by not supporting HB 1264, absolutely not. I am basing that on my knowledge of the technology

available today, testimony from Dr. Colby and other eye doctors. Today's equipment does provide for older people if their eyes do change to be able to see the pins.

Vice Chair Nelson: From your perspective, you looked for an advantage when you went for the fiber optics sight and as we progress in age and our eyes do get poorer, it seems to me if it is bow hunters in this bill or muzzle loaders in the other bill, that we do get to a point where our vision may stop us from hunting. I think we would want to include people as long as possible and yet preserve the identity of the sport. There's the challenge.

Lech: When we look at the technology available today, the reason I switched from the original equipment I used to the compound equipment was that I have a 12 year old son that is starting to shoot. I wanted him to start with traditional style equipment because it is easier to use a compound bow. That was the reason I made that personal choice. With regard to more people getting involved in this sport, we have to be very careful with that. Last year I worked with the department on a technology issue similar to the sight pin issue. I don't think technology advancements like these are beneficial to our sport.

Vice Chair Nelson: You think by the passage of this bill we would be starting down that dangerous path.

Lech: Yes, I think what would happen would be start this with over 55 years of age and then in two or four years we find from an enforcement standpoint that it would be changed and that technology would be available for everybody and then I have a concern about ethics and fair chase and shooting after hours.

Rep. Nottestad: You threw the term unethical out a number of times. I have very much concerns with that, in your estimation using that term as you did, all of the states that permit lighted pin use, in your indication would be all unethical?

Lech: No, I don't think that the hunters are all unethical. What I am saying is, when the lighted pin is on the bow, it allows the hunter to see that pin before legal shooting time. Not necessarily use and shoot an animal before.

Rep. Nottestad: Much as using your headlights to see to spot a deer?

Lech: Yes, that would be much unethical.

Rep. Nottestad: But it would be much the same, a choice of the individual to become unethical. The instrument doesn't make it unethical? It is the choice of the individual.

Lech: That is correct.

Chairman Rennerfeldt: Any other questions of the committee? Is there anyone else to speak in opposition to this bill?

Mike Donahue - NDWF & USND: We support the bow hunters association and ask for a Do Not Pass on HB 1264. The reasons are there has been much discussion between muzzle loading and perimeters of equipment, the question is asked, what next? How about radar, global positioning, laser guided arrows, that technology could lead. Fair chase has been mentioned, we ask that you please keep in mind fair chase as a resource for the animal. We just ask that you Do No Pass.

Rep. Keiser: What is your position on fish locators?

Donahue: Personally, not for these two outfits, I am not currently up on the technology of fish locators, but from what I am hearing, this has gone far enough.

Chairman Rennerfeldt: Any more committee questions? Anyone else opposed to this bill?

Paul Crary - Cass County Wildlife Club: I just want you know that we are on record as being opposed to this bill and ask you to Do Not Pass.

Chairman Rennerfeldt: Any committee questions? Any one else in opposition to HB 1264. If not I will close the hearing on HB 1264.

COMMITTEE WORK

Chairman Rennerfeldt: Okay, let's do HB 1264 dealing with lighted sight pins while bow hunting.

Rep. Porter: I move a Do Not Pass on HB 1264.

Rep. Solberg: I second.

Rep. Porter: This bill unlike the previous bill has nothing to do with eyesight. During the testimony it was explained that it's going to make it a lot easier to see a half hour before the sun comes up. You saw the sights presented, they gather light and illuminate without an additional light source, and to add onemore trick to someones bag does not make hunting and I urge a Do Not Pass on this bill.

Chairman Rennerfeldt: Any further discussion? No further opinions?

Vice Chair Nelson: I don't see that Rep. Porter is looking at this ... I think there is a lot of similarity to the last bill. Bow hunters are a special group of hunters, I think the same issues are in this bill as in the last bill. There are a lot of responsible bow hunters and at that time of day or night, the gimics Rep. Porter talks about are just that... Fiber optics, that's a gimmic. Maybe fore somebody that has good eyesight that is adequate. It certainly enhances their chances of shooting the deer, the fact is that people with more impaired sight, the light gives them the same advantage as they were getting with these other enhancements, once again it allows more people to go out and bow hunt, I think that is good for the state of ND. It is good to get people invovled in the sport.

Chairman Rennerfeldt: Is there any further discussion?

Vice Chair Nelson: One last thing, I think the best question asked of the day was Rep. Keiser asked Mike Donahue whether he used a fish finder or not. We all have used technology to our advantage and I think we will continue to want to do that. That's just general nature.

Chairman Rennerfeldt: Call the roll on the Do Not Pass.

MOTION FOR A DO NOT PASS

YES, 6 NO, 9

Motion fails

Rep. DeKrey: I move a Do Pass.

Rep. Drovdal: I second.

Chairman Rennerfeldt: We have a motion for a Do Pass by Rep. DeKrey and a second by Rep. Drovdal. Call the roll.

MOTION FOR A DO PASS

YES, 10 NO, 5

CARRIED BY REP. GALVIN

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

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1264

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Porter Seconded By Solberg

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) 6 No 9

Absent _____

Floor Assignment _____

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

Date: 1-25-01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1264

House Natural Resources Committee

☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken DO PASS

Motion Made By DeKrey Seconded By Drovdal

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) 10 No 5

Absent 0

Floor Assignment Rep Galvin

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 4:12 p.m.

Module No: HR-13-1667
Carrier: Galvin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1264: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **DO PASS** (10 YEAS, 5 NAYS, ABSENT AND NOT VOTING). HB 1264 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1264

BILL TO MAKE
LIGHTED SIGHT PINS LEGAL
ON
ARCHERY GEAR DURING
HUNTING SEASON
HB 1264
By
Phillip W. Johnston

I. Thank you Mr. Chairman. It's an honor and privilege to be with you and the Committee today.

II. HB 1264 is designed only to make hunting seasons better for our seasoned hunters-men and women who have hunted for most of their lives, in many cases.

III. The use of lighted sight pins for bow hunting is widely accepted in the United States. Currently 44 states specifically allow such sight systems or make no reference to them in their current regulations, according to recent data from the National Rifle Association.

IV. This bill was carefully crafted to eliminate many of the objections put forth by several dominant, vocal clubs and associations in our Great State.

A. This bill would not impact the general population that is less than 55 years of age and will not greatly impact the annual deer harvest.

B. This bill would not result in hunters taking unethical shots in the field simply because their bow is equipped with a lighted sight pin because only seasoned, experienced hunters would carry such equipment. An experienced hunter knows how far his or her bow is effective, regardless of the sights being used.

C. This bill does not mandate that anyone ***must*** hunt with lighted sight systems or any other personally unacceptable gear on their chosen archery gear. It simply offers an alternative sight system that might allow a hunter to spend the sunset of his or her life doing what they love most--hunting.

D. This bill would not alter the legal hunting hours. It would simply allow our mature hunters to accurately place their projectiles during the best 20 minutes of each day-the time when animals are moving in the shadows before sunrise or sunset. The time when it is most difficult to see the front sight or the sight pin on archery tackle.

E. This bill, if passed, will allow hunters who choose a lighted sight system to make ethical shots in the field-shots that take game cleanly because the shot was put exactly where it needed to go. It will reduce poor shots in the field resulting from an inability to see the sight system.

V. Not long ago I was chatting with a veteran hunter, one who takes a great deal of pride in a collection of photos on the wall that support a lifetime of hunting with archery gear and shotgun. There are photos of dogs that are and great dogs that long ago passed away. This hunter said that for the first time in his life it was impossible to see the sights on his bow and that he'd missed three shots at a great buck simply because he couldn't see the sights, this past season.

VI. This is a bill simply designed to allow our hunters a full season, if you will. An effort to help those of us who love hunting so very much that we might continue hunting even through our golden years when the pulse still beats just a bit faster with each approaching hunting season even

though the rest of the body might protest just a bit. This is an effort to provide even our senior hunters with the accuracy necessary to place a quick, lethal, and humane shot in the field, an ethic that we've been committed to for so long. Something that is simply impossible when we can no longer see the sights on our hunting equipment.

VII. Passing this bill is the right thing to do. It's right for North Dakota. It's its right for our hunters and it's right for the game we hunt.

VIII. Thank you.

STATE-BY-STATE POSITIONS REGARDING USE OF SIGHTS/LIGHTS (BATTERY POWERED, FIBER OPTICS, ETC.) IN ARCHERY HUNTING*

**(As they appear in current published rules and regulations).*

STATE	REGULATION
Alabama	It shall be unlawful for any person to hunt with a bow or gun that has a light source attached that is capable of casting a beam of light (including a laser sight) forward of said bow or gun or to possess such a light source adapted for attachment to said bow or gun while hunting. It shall be unlawful to use any equipment that uses electronics to increase the ability to see in the dark (night vision equipment) to hunt any species of wildlife, both protected or unprotected species.
Alaska	***NOT*** - use electronic devices or light attached to the bow, arrow or arrowhead with the exception of a non-illuminating camera. ***NOT*** - use scopes or other devices attached to the bow or arrow for optical enhancement.
Arizona	Not addressed in regulations
Arkansas	Telescopic or magnifying sights cannot be used.
California	Not addressed in regulations
Colorado	Not addressed in regulations
Connecticut	Not addressed in regulations
Delaware	Not addressed in regulations
Florida	***Prohibited*** - Hunting with a bow equipped with sights or aiming devices with electronic computational capabilities or light projection (laser) features.
Georgia	Not addressed in regulations
Hawaii	Not addressed in regulations
Idaho	***Prohibited*** - Electronic or tritium-powered devices
Illinois	Not addressed in regulations
Indiana	Not addressed in regulations
Iowa	Not addressed in regulations
Kansas	It is legal to use lighted pin sights, dot sights, holographic sights, optical scopes, and range finders if the systems do not project visible light toward the target and do not electrically amplify light. Laser scopes and night scopes are prohibited.
Kentucky	Not addressed in regulations

Louisiana	Not addressed in regulations
Maine	Not addressed in regulations
Maryland	Not addressed in regulations
Massachusetts	Not addressed in regulations
Michigan	Not addressed in regulations
Minnesota	Not addressed in regulations
Mississippi	Not addressed in regulations
Missouri	***Prohibited*** - Any sighting device that casts a beam of light on the game.
Montana	***Prohibited*** - Electronic or battery-powered devices attached to a hunting bow. A bow sight or arrow which uses artificial light, luminous chemicals such as tritium or electronics.
Nebraska	It is unlawful to have any electrical device attached to a firearm or bow while hunting big game with the *exception of* lighted sight pins attached to front of bow.
Nevada	Not addressed in regulations
New Hampshire	Not addressed in regulations
New Jersey	Not addressed in regulations
New Mexico	Sights on bows may not magnify or project light.
New York	Not addressed in regulations
North Carolina	Not addressed in regulations
North Dakota	Electronic sighting devices and stationary lighted sight pins cannot be possessed while hunting.
Ohio	It is unlawful to have attached to a longbow or crossbow any mechanical, electrical, or electronic device capable of projecting a beam of light.
Oklahoma	***Prohibited*** - Laser sights and electronic tracking devices.
Oregon	No electronic devices may be attached to a bow or arrow.
Pennsylvania	Not addressed in regulations
Rhode Island	Not addressed in regulations
South Carolina	Not addressed in regulations
South Dakota	***Prohibited*** - Telescopic sights, lighted sight pins, laser sights.
Tennessee	Weapons may be equipped with sighting devices ***except*** those devices using an artificial light capable of locating wildlife.
Texas	Pin sight lights on archery equipment are legal devices.

Utah	The following equipment or devices may not be used to take big game - a bow with an attached electronic range finding device or magnifying aiming device.
Vermont	Not addressed in regulations
Virginia	Not addressed in regulations
Washington	It is illegal to have any electrical equipment or device(s) attached to the bow or arrow while hunting.
West Virginia	Not addressed in regulations
Wisconsin	Not addressed in regulations
Wyoming	Not addressed in regulations

Member
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January 24, 2001

Natural Resources Committee
2001 Legislative Session

Re: House Bill #1264

Natural Resources Committee,

I am writing this letter to oppose House Bill #1264. I am an Optometrist with over 20 years experience in vision care and my professional opinion is that there is no visual requirement of a normally sighted individual to need a sighted sight pin at age 55 when using a bow sight. Most vision decreasing changes in the eye other than the need for a near reading glass for close work do not occur until much later in life. I cannot disagree with the fact that a lighted sight pin is easier to see in very little light conditions or at night but at the present time it would benefit primarily before or after legal hunting hours. There are numerous legal bow sights that use fiber optic pins that adequately gather more than enough light to allow a normally sighted person to use of a bow sight that they can see during legal shooting hours.

My personal opinion as a bow hunter who is older than 40 years or age is that a bow is a primitive weapon and I have had no problems myself using standard sights. It is hard to justify a battery operated sight with thousands of older hunters using bows without having had any problems with shooting or aiming. One final consideration, if a person would claim that they cannot see a bow sight is why not use a bow without a sight at it has been done for thousands of years. I hope you will keep in mind that this bill #1264 does not help promote bow hunting but rather makes the rules more complicated as well as provides opportunity for nonethical individuals the ability to shoot past legal shooting hours. This is why I cannot support this bill and would consider your committee recommending it do not pass.

Sincerely,

Dr. David Colby
Optometrist
Kenmare, ND

DPC/pjc