

2017 SENATE ENERGY AND NATURAL RESOURCES

SB 2056

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2056
1/5/2017
Job # 26602

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to the use of crossbows during bow hunting seasons by individual sixty-five years or older.

Minutes:

Atch#1-Bill Helphrey, Atch#2-Bill Helphrey, Atch#3-Jeb Williams, Atch#4-Jeb Williams

Chairwoman Unruh : Called meeting to order. Attendance was taken. All committee members present. We will hear from those supporting SB 2056.

(.10) **Sen. Sorvaag**, Dist 45: I am here at the request of a couple constituents. One will be testifying. For bow hunting during the season, you cannot use Crossbow. The only time you can use Crossbow is if you get a permit or permission from the doctor that you have a disability. Whether temporary or permit, then you can use a Crossbow. Some people between 65 and 70 years old say they are not getting a permit and they are not capable of using a bow adequately. Why 65? It is arbitrary, but we use 65 in different areas. Committee could look at amending age if you want. Game and Fish will talk about the disability permit. Now the doctor determines. Some with a small disability get permit and then someone with big disability will not get.

Sen. Schaible : Some say it is a deterrent from true bow hunting. How would you answer that?

Sen. Sorvaag: I am not a hunter, but I know there is a true passion for true bow hunting. Crossbow is an advantage over pulling a bow. I am guessing that these people were traditional bow hunter that just cannot do it anymore. I highly doubt it that someone brand new to the sport would take up Crossbow. People that approached me had bow hunted for many years. They want to extend that out to Crossbow.

(4.23) **David Monsabraton**, Fargo: I started thinking about this about three years ago, when I was getting for archery season. I was the lineman for power coop for 40 years when I retired. Some of the work we did on top of the poles and reaching out very far and pulling as hard as you can had consequences. At age 30 I was fine but after doing that many years, it bothers me. Three years ago, I was practicing with my compound in back yard, I realized I could not pull bow and hold it any longer. I could not be accurate. My maximum effective rate with Crossbow is 30-35 yards. I would not go beyond that. There are people much better at it than me. They can take longer shots. I figured there must be more people out there like me. Last year I was able to get a temporary permit to use Crossbow. Had I not done that, I would have missed the archery season. That is a family time for us as my brothers and I get together. I know you can get permits through a doctor. My goal is to make things easier for those 65

and older if it was law. Then they have a choice. Some much healthier than me would probably not bother with it. I do not want anything else to change in the season. I hope this passes. (7.48)

Sen. Cook : I do not hunt deer. Leave bambi alone. Do you hunt in gun season, too?

David: Yes. Not this year because I did not draw a tag.

Sen. Cook : You have the opportunity to shot two deer each year.

David: I could.

Sen. Cook : What do you enjoy more? Gun or Crossbow?

David: Bowhunting

Sen. Cook : Why?

David: It is longer and the weather is nicer and more comfortable. Some gun seasons in ND the weather are terrible.

Sen. Roers: When you use your Crossbow, does it increase your range to which you can kill a deer?

David: There is a web site, Bestcrossbowsources.com, that has done lots of research on maximum effective range of Crossbow. Mine is 30-35 years. They say 50 yards and if you are very good, 60 yards.

Sen. Cook : Standard compound bow would get you 30 years and Crossbow gets you up to 50 years?

David: With the new compounds, if you are good with it, you would have no trouble taking a deer at 50 yards with compound bow.

Sen. Armstrong : Can you use magnification with Crossbow?

David: Yes, a scope 4 by 32 I believe is regulation.

Chairwoman Unruh: Seeing no more in support, we will hear opposition of SB 2056.

(10.50) **Bill Helphrey:** I am representing the ND Bowhunters Assoc.: We support a do not pass on this bill. (see attached testimony #1) (12.08) I tried a bill in 2011 and Senate Lyson cut me off. I also am handing out a copy of HB1393 from 2011. (see attached testimony #2) Any questions for me? (29.10)

Chairwoman Unruh : We will take opposition testimony.

Darrell Beliel, Turtle Lake, ND: I have been an avid archery and bow hunter since 8 years old. I have been a bow hunter for most of those years. I was successful in my younger years. I know lots of history about ND archery season. I believe we had our first one in 1954. In 1953 there was no deer season at all. We had one every other year. Archery is a sport that takes some skill. We used the tradition wooden bow. Now we see mostly compound bows and wheels. Drawn and released by hand. Takes practice and dedication and set up, experience and knowledge to be successful. Now in comes Crossbow. With Crossbow every one of you could hit the bullseye. You can buy a Crossbow at Sheels that does 100 yards. It is an easy button. I respect David's position that he wants to continue as he ages. I am getting close to it. The modern compound bows are very efficient at a lower pound. Not like old days when heavy. Lots lighter now. Putting Crossbows in archery season is not a good thing. Not good for the future. North American Bow Hunters Coalition that was formed with 70 state groups from around the county to respond to the Crossbow. There are no Crossbow organization pushing this issue. All Crossbow manufacturers pushing it. They want money in their pocket if they get this into law.

Chairwoman Unruh : We will take agency testimony:

(29.37) **Jeb Williams**, Bismarck, ND Game and Fish: Here to provide information on SB 2056. (see attached test. #4, #3) Out deer numbers have down the past few years. We have had increase in archery licenses which are over the counter and is cherished thing for the bow hunters. We are at the point that anymore stressors associated with that over the counter sales increase, the department will have to look a different management scheme for the over the counter would be in jeopardy. The numbers are on my testimony sheet. (32.39)

Sen. Armstrong : Can you use any weapon lesser than the season? During rifle season you can use a muzzleloader and muzzleloader season you can use a bow?

Jeb: No, the muzzleloader is specific for muzzleloaders only.

Sen. Armstrong : But you can use a bow during rifle season and Crossbow during rifle season and black powder during rifle season.

Jeb: For muzzleloader, it is muzzleloader only.

Sen. Armstrong : What people are concerned about when legislation like this comes forward, at least most bow hunter, and I own bow and Crossbow and hunt way too must. They are concerned that other states have moved away from longer seasons. I think we have one of the best bow seasons in the country. Most will agree. Does this bill have the potential to cause a problem?

Jeb: Absolutely.

(34.16) **Sen. Cook** : Are you for or against this bill? Is this typical?

Jeb: It depends on the issue. Certain issues that we provide in favor or against. Certain issues or just policy issue that we provide information. If legislature passes this, we would do that. Our point is that it has the potential to change the management of how we are currently running our archery season.

(35.19) **Sen. Oban** : Could you limit the number of people applying for Crossbow for this bill's situation that would be for people who preciously held a compound bow license who want an accommodation? So they could only do that if they already held the traditional bow license. Could that be done?

Jeb: It could be done. It would have challenges with it. As a state agency and selling licenses, it may restrict some. If it is legal season, it would be tricky to say, no you can't do that if it is part of law. The main point of this, is by allowing Crossbows at a more unrestricted rate then what we are now, there is potential for us to have a change of management amendment change of the way we are during business with our current archery season.

(37.07) **Sen. Roers** : Right now you are managing the permits issued to all hunters based on the population that you have. You are somewhat restricting the permits because of low population, right?

Jeb: For archery it is over the counter and unrestricted right now. Years ago it did not matter. Our harvest rate is usually 70% bucks and does not impact that population. As the deer population goes down and archery number increase a great deal over last 7-8 years, it is somewhat unregulated at this point. It is already giving us some concerns, for potential management issues.

Sen. Roers : If there was a shift to go to more compound bows, Crossbows, whatever, even though it is over the counter, you would be forced to lower the number of gun license issued the next year to manage. Is this normal now?

Jeb: That is our current system right now. There is a lot on controversy associated with that when we have 80,00 people applying for gun tag. And they are the ones taking the hit during low deer numbers. The archery season is unrestricted and over the county. We had a long debate two years ago about this issue. We talked about a one deer system which would help spread out the equitable distribution of license that want to participate in deer hunting in ND.

(39.30) **Sen. Roers** : What we are doing here is evolution of hunting and moving into another hunting style. You will have the same management problems coming at you whether Crossbow is allowed or not because the population fluctuates and permits demands increases. This is just a new option of hunting available to someone over age 65 and older, correct?

Jeb: Yes, potentially.

Chairwoman Unruh : Any more questions or need of information? Any further testimony on SB 2056? Seeing none, meeting adjourned and hearing closed.

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Fort Lincoln Room, State Capitol

SB 2056
1/6/2017
Job # 26640

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: relating to the use of Crossbows during hunting seasons by individuals sixty-five years and older.

Committee Work

Minutes:

This on same tape as SB2047 comm work-why labeled 26640. Begin 29.33

All committee members present except Sen. Armstrong.

(29.33) **Chairwoman Unruh** : Let's look at SB 2056. Allowing ages 65 and older to use a Crossbow during bow hunting season.

Sen. Schaible : I would offer discussion for the committee rather than bring an amendment. Easier to discuss. A solution would be to offer someone to use a Crossbow during the bow season but they would have to go through the lottery period. You would have to go through the gun lottery to get a Crossbow license. If you have a Crossbow license, you can use it during the bow season. Right now, you can get a gun license and use a Crossbow during that season anyway. Only difference is if you get a Crossbow license with a gun lottery license, you could do it during the bow season. Makes you apply for a license through the lottery so does not effect the number of deer. Second, if you want to use a Crossbow during bow season, you could, but it does not affect the bow season per say. A regular bow license would still available over the counter. We would not have to worry about an influx of licenses. A compromise by puts someone that may want to do that, but we feel they have the medical exemption already to get the Crossbow if they want to. Would not affect our total deer licenses. They have the right to apply for a gun license. This would allow them to use the gun license for a Crossbow during the whole bow season.

(31.20) **Sen. Roers** : If I hear right, you are suggesting that the Crossbow permits would compete with the rifle permits?

Sen. Schaible : They would be a rifle license but be able to use Crossbow only for the whole entire bow season.

Sen. Roers : I understand what you are saying, but I point out that now the bow hunters have all the rights to all the licenses they want. And the gun people, who are starved out of licenses, because most do not get when they apply. So now we are putting more pressure at the expense of the rifle hunter. I do not agree with the compromise. Somehow the pool of licenses is 50,00 permits. And yet the bow hunters get all they want over the counter. That is my concern. I have lots of rifle friends that don't get licenses. The Crossbow people get

thrown into that kettle alone with the expanded season. I would have a bit trouble with that amendment.

(33.24) **Sen. Schaible** : I understand that. If you want to use a Crossbow during the gun season, you can already apply for a gun license and do the same thing. It does not affect that number. They still have that right now. Only difference that my amendment would do is allow them to hunt during the bow season. They are using the gun tag for Crossbow for the extended season. I believe Game and Fish was saying that they are looking into option into having a lottery system for bow tags. I did not want this bill be the reason to do that. And have everyone mad at this bill because of that. I think there is merit to this. You can get a handicap permit. I just that this would give you the option to do what we want it to do. I do not see this affecting the license numbers, now. Maybe more gun hunters would buy Crossbows and hunt during the season.

(34.51) **Sen. Cook** : You can put lipstick on a pig, but it is still a pig. It is still a bad bill so get rid of it.

Chairwoman Unruh : I agree, Sen. Cook. Not sure there is fix that I am comfortable with at this point. I leave it up to the committee.

Sen. Oban : I can wait to see that amendment, but will it see that age in there? Or not?

Sen. Schaible : I wanted to discuss before I did amendment. I have no problem either way. Age would stay the same.

Chairwoman Unruh : I think the handicap application covers anyone who needs to switch over.

Sen. Oban : That must not be true or this gentleman would have not come forward to ask for this bill.

Chairwoman Unruh : You own interpretation and doctors of your abilities may not be the same. His physical limitations was not the only concern, but the conditions he got to hunt. It would make it more comfortable.

Sen. Roers : I do have constituents who have the same interest and want the ability to get Crossbow license without the hassle of going to get Dr permit.

Chairwoman Unruh : Anything else for the good of the order? Hearing none we are concluded.

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Fort Lincoln Room, State Capitol

SB 2056
1/12/2017
26852

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: relating to the use of crossbows during hunting by people who are at least 65 years old.

Minutes:

Committee Work

All committee members present . **Chairwoman Unruh** : Let's begin the discussion on SB 2056.

Sen. Armstrong : MOVED A DO NOT PASS on SB 2056.

Sen. Cook : SECOND.

Chairwoman Unruh : Any discussion?

Sen. Roers : I want to make it known that there is another bill coming that is asking for a similar thing as the Crossbow hunter are. The Airgun hunters are coming forward with similar request. We are playing the hand of the bow hunters and ignoring the other type of hunters that are out there. They all have rights to and desires to go out and hunt. The different forms of hunting instruments that are developed and technology that are being developed. We are ignoring that opportunity as time goes on. We are protecting the bow hunters but doing it at the expense of one or two other groups of people.

Sen. Armstrong : Keep in mind that the harvest rates go up , a lot. The more technology advances for the weapon the higher the harvest rates go up. That is how Game and Fish determines whether you have over the counter tags and how long the season is. If they pass the Airgun bill I will also buy an Airgun, but I will use them during rifle season, not the archery season. ND has a very liberal season when compared to all other states.

Chairwoman Unruh : I agree with Sen. Armstrong. Our bow season is very unique in ND and valued by North Dakotans. We do not want to change that. It opens the door for other changes, and we do not want that.

Chairwoman Unruh : Clerk please call the roll.

A roll Call vote was taken: YES 6 NO 1 -0- ABSENT

Sen. Armstrong will carry the bill.

Date: 1-12-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2056

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Sen Armstrong Seconded By Sen Cook

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

Total (Yes) 6 No 1

Absent -0-

Floor Assignment Sen. Armstrong

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

REPORT OF STANDING COMMITTEE

SB 2056: Energy and Natural Resources Committee (Sen. Unruh, Chairman)
recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
SB 2056 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

SB 2056

Bill Helphrey

SB 2056

1-5-17

Attach #1

Senate testimony SB 2056 1/5/2017 10:00 AM

Good morning Madam Chairman and members of the committee

My name is Bill Helphrey and I am representing the North Dakota Bowhunters Association.

I behalf of the North Dakota Bowhunters I am asking you to defeat this bill.

The issue of using the crossbow for hunting deer in North Dakota first came up in March 2011 when a bill was introduced to allow the use of the crossbow in archery season. The bill was amended to allow the use of the crossbow for hunting deer during the gun season. I testified, or rather tried to testify against this bill on the basis that the crossbow would eventually move into the regular bow season.

For your information, I am passing out copies of my testimony for March 17, 2011.

I was about half way through giving this testimony when committee Chairman, Senator Lyson, cut me off. He said this was only about using the cross bow in gun season and no one could predict it would move into archery season.

As you can see, if I would have been allowed to complete my testimony, I was saying that in other states that had allowed the crossbow to be use in the gun season it had progressed into the archery season in approximately three years. Here we are three sessions later and now you are being asked to allow the cross bow in archery season.

Law presently provides for a handicapped individual that has lost the use of one or both arms to use a cross bow during the archery season. All they need to do is have a physician sign off on this form and they are good to go. Now you are being asked to allow anyone over 65 years of age to be allowed to use the cross bow during archery season. Does this mean we are being asked to consider anyone over 65 years of age handicapped? Does this then mean that anyone over 65 years of age should receive a handicapped parking permit? Are we opening Pandora's box?

The cross bow is not a bow. It is a shoulder fired weapon with more rifle like properties than a bow. It is loaded with a bolt, placed on safe, sighted through a telescopic sight with the cheek braced against the shoulder stock, the safety is taken off safe and a rifle like trigger is pulled. It is not pulled back and held through muscle power as prescribed in the current archery season regulations.

Right now, with the deer population being as low as it is, especially with the weather conditions we are having, we do not need to pass legislation to provide more ways of killing more deer.

I ask that you defeat this bill. Are there any questions of me?

old
testimony

SB 2056
1-5-17
attach #2

Senate testimony, March 17, 2011, HB1393

Good morning Mr. Chairman and members of the Committee.

My Name is Bill Helphrey and I am representing the North Dakota Bowhunters Association.

We are asking you to vote do not pass on this bill.

We are not opposed to the use of the crossbow in the deer rifle season, if in fact, it will stay in the deer rifle season. However, history has shown that in states where the crossbow has been allowed in the deer rifle season it has later expanded into the archery seasons. Idaho, Michigan, Pennsylvania, New York and other states have all traveled on the same road this bill is taking us. They have all fallen to the crossbow expansion into the archery season. It only took three years to make the expansion in Michigan. Presently Minnesota and Wisconsin are fighting the expansion into archery season.

I realize that the expansion into the archery season is not the intent of this bill. I listened to Representative Porter state so on the floor of the House. However, none of us will be here forever to assure that this expansion does not take place and this bill lays the foundation for that expansion as it legalizes the cross bow as a legal hunting weapon. No one can offer any guaranties that his bill will not be the stepping-stone to expansion. Sooner or later, someone will say "put the cross bow into archery season where it belongs, after all it is a bow isn't it?"

Presently the archery season in North Dakota is considered a recreational opportunity by the Game & Fish. The number of deer being harvested with the Bow and Arrow has not had a significant enough impact on the deer population to require any changes in the deer management plan. The addition of the crossbow to the archery season will change the management plan of all deer hunting in North Dakota. In Ohio, after the crossbow became legalized in the archery season, the number of deer harvested increased so dramatically that the deer gun season had to be shortened from sixteen to nine days.

In 1624 a gentleman named John Doone wrote in his Meditation XVII (17), "No man is an island". Do we really think that North Dakota is such an island that what has happened in other states cannot happen here? I am providing this information so that you may see the long-term effects of passing this bill.

This bill is a cancer that will spread. I ask you to act now and vote a do not pass on this bill to avoid any expansion possibilities before it is too late.

I thank you for your time.

Are there any questions of me?

SB 2056
1-5-17
Atch #3

65th LEGISLATIVE ASSEMBLY
Senate Energy and Natural Resource Committee
Senator Jessica Unruh, Chairman

Senate Bill 2056 - Relating to the use of crossbows during archery season

10:00 a.m., Thursday, January 5, 2017

Testimony Submitted by: Jeb Williams, Wildlife Division Chief
North Dakota Game and Fish Department

SB 2056 would legalize the use of crossbows for those individuals who are 65 and older during the deer archery season. Existing law already allows for individuals to use crossbows who have lost the use of one or both arms which is certified by their physician or chiropractor, regardless of age. Crossbow success rates in North Dakota and other states have consistently shown that they are higher than the success rates associated with regular archery equipment. If bow license sales continue on the trajectory we've seen over the last few years, the harvest of deer via this method may demand a change in how those licenses are issued, e.g., a lottery. By providing another technology with higher success rates only moves us closer to that possibility. Here are some statistics associated with the special crossbow permits:

- Since 2010, the crossbow success rate has been approximately 10% higher than the regular archery season success rate.
- Since crossbow permits were allowed in the early 1990's, there have been 3,879 permits issued.
- The current number of individuals who purchased an archery license in 2016 who are 65 and older is 1,375.
- The number of individuals who applied for a deer gun license who are 65 and older is 6,499. This statistic is important to know as other states who allow crossbows have shown that not only does the harvest success rate increase, but the participation rate has significantly increased in most states as well.



Fr. Jeb Williams

SB 2056
1-5-17
Attch #4

REQUEST FOR SPECIAL CROSSBOW PERMIT
NORTH DAKOTA GAME AND FISH DEPARTMENT
LICENSING DIVISION
SFN 6076 (Revised 3/06)

Name:			
Address:	City:	State:	Zip Code:

I, (the above) request a permit to hunt game in North Dakota with a crossbow, in lieu of a long bow, during this current year's archery hunting seasons. I hereby certify that I have not been convicted of any game or fish violation within the past year, and that I am prevented from the normal use of a longbow by reason of being blind, being a paraplegic, or having lost the use of one or both arms. I understand that a current archery license is necessary in addition to the special crossbow permit.

Signature of Applicant:

Social Security Number*:	Date of Birth:	
Height:	Weight:	
Color of Eyes:	Color of Hair:	Telephone Number:

PHYSICIAN'S AFFIDAVIT OF CONFIRMATION

I verify, that _____, the above special permit applicant, is prevented from normal use of a long bow by reason of (at least one box MUST be marked with "X"):

- Being blind – 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. Please attach description of land or preserve where you are hunting.
- Being a paraplegic
- Having lost the use of one or both arms – Describe condition: _____

I (do) (do not) (circle one) recommend that this individual be granted a permit to hunt game with a crossbow in lieu of a long bow, in North Dakota's archery seasons. Is this permanent disability? (Yes) (No) (circle one)

Signature of Physician:			
Address:	City:	State:	Zip Code:

Approval of Director or Designee:

MAIL TO: ND GAME & FISH DEPARTMENT 100 N BISMARCK EXPRESSWAY BISMARCK, ND 58501-5095

SOCIAL SECURITY NUMBER REQUIREMENT. In accordance with state law NDCC 20.1-03-35 and 42 US Code 666 (a) (13) and (16), the Department is required to collect social security numbers from all persons obtaining hunting, fishing, or other recreational type licenses. Your social security number serves as your principal identification number to determine license eligibility. It is kept confidential, however it may be provided to law enforcement agencies and the State Disbursement Unit to enforce child support obligations.