

2017 SENATE ENERGY AND NATURAL RESOURCES

SB 2282

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2282
2/2/2017
Job # 27797

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to the use of scopes on muzzle loading firearms for individuals over 65 years old.

Minutes:

Attch#1=Sen Grabinger, Attch#2=Larry Knoblich,
Attch#3=Jeb Williams

All committee members present.

Chairwoman Unruh: Let's open the hearing n SB 2282.

Sen John Grabinger: Dist. 12, Jamestown, ND: I come before you to present a bill that may seem to benefit only a few. (see Attch#1) This is about age. Some want to still hunt at older age, and this would allow 65 and older a better chance for a good clean kill shot. Questions?

Chairwoman Unruh: Further testimony in support of SB 2282.

Larry Knoblich, Jamestown, ND: (3.15). I talked to Senate Grabinger about this bill. I did not get a tag this year, but that's ok. I went out with friends helping and enjoyed the social part. I have a muzzle loader. At age 75, a few years ago, I was hunting Elk. I was in Colorado, and they do not allow magnifying scopes alone with 14 other states. I could not see very well when I shot, but I lucked out and got him in the neck. If I would have had a scope, I would have felt much more confident because I would have had much better vision for the shot. As you get older, vision is affected. (He handed out Attch#2). Please pass this bill. (12.15)

Sen. Armstrong: (12.30) If we passed this, would you be opposed if we limit the amount of magnification?

Larry: One power is not good, but power would be great and enough.

Chairwoman Unruh: Further testimony in favor? Any opposed to SB 2282?

Gary Masching, Bismarck, ND: I am 64 years old. I would like the committee to think about the original intent of the muzzle loader season. Kind of like the mountain man days. Using hunting skills like getting close to the animal for a good shot. Please don't let technology creep in to give the hunter an unfair advantage no matter how old they are. Keep the muzzle

loader season pure, as it was originally intended. Keep yourself fit, and you should not have to have so many new accommodations for hunting. At some point, you have to stop hunting, it's reality. The inequality between hunter and hunted should not allow to become excessive; that is what may happen with this bill. (15.50)

Chairwoman Unruh: Any more opposed? Any Agency testimony?

Jeb Williams, ND Game and Fish, Wildlife Division Chief: (see Attch#3) (16.15) I wanted to supple the committee with some statics associated with this bill.

Chairwoman Unruh: How many licenses were issued for muzzle loader season for the total?

Jeb: Each year the allocation is 2% of the total number of licenses that are issued in ND. So right around 700 licenses. One percent can be non-antlers and one percent for antlered licenses.

Chairwoman Unruh: Seeing no more testimony, the hearing is closed on SB 2282.

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2282
2/2/2017
27833

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Pam Dever

Explanation or reason for introduction of bill/resolution: Relating to the use of scopes on muzzleloading firearms over 65 years old.

Minutes:

Chairwoman Unruh: Let's take up what we did not act on this morning, SB 2282.

Sen. Armstrong: I would like to offer an amendment to SB 2282. May use a telescopic sight not to exceed 4 power magnification on muzzleloading firearm. This makes the bill better. (.55) I move this amendment.

Sen. Oban: I second.

Chairwoman Unruh: Any discussion?

Sen. Oban: Sen Grabinger just asked me to pass out about the MN statute. For information.

Chairwoman Unruh: Further discussion on amendment? Clerk please take the toll on Senate. Armstrong amendment. YES 7 NO 0 -0- Absent

Chairwoman Unruh: Before us we have SB 2282 as amended.

Sen. Roers: I move a DO PASS as amended. **Vice Chair Kreun:** I second.

Chairwoman Unruh: Please take the roll. YES 6 NO 1 -0- Absent

Vice Chair Kreun will carry the bill. SB2282 was DO PASS as amended. PASSED

17.0944.01001
Title.02000

Adopted by the Energy and Natural Resources Committee

February 2, 2017

ET
2-2-17
p. 1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2282

Page 1, line 17, after "sight" insert "not to exceed four-power magnification"

Renumber accordingly

2/2/17
Date:
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2282

Senate Energy and Natural Resources Committee

☐ Subcommittee

Amendment LC# or Description: 17.0944.01001

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. Oban

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment

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

Amendment passes

2/2/17
Date:
Roll Call Vote #: 2

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

Senate Energy and Natural Resources Committee

☐ Subcommittee

Amendment LC# or Description: 17.0944.01001

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 Roers Seconded By Sen Kreun

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

Total (Yes) 6 No - 1 -

Absent - 0 -

Floor Assignment Sen. Kreun

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

REPORT OF STANDING COMMITTEE

SB 2282: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2282 was placed on the Sixth order on the calendar.

Page 1, line 17, after "sight" insert "not to exceed four-power magnification"

Renumber accordingly

2017 HOUSE ENERGY AND NATURAL RESOURCES

SB 2282

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

SB 2282

3/2/2017

28615

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

relating to the use of scopes on muzzleloading firearms for individuals over 65 years old

Minutes:

Attachment #1-#3

Chairman Porter:

Sen. John Grabinger, Dist 12. presented Attachment #1

Larry Knoblich, Jamestown: I'm at the age where I can't see the bead on my muzzleloader anymore. It will not increase the number of applicants. It will make a shot easier. CO is one of 15 states that do not allow scopes. 0 power scope didn't help me. I'm also a traditionalist. I've hunted muzzleloaded ever since it was introduced. Now I have trouble seeing the front bead on my gun. We need to compensate a little bit. I understand the argument of the primitiveness of it. If that is so, we out to outlaw inlines black powder because virtually everyone owns one now. In ND the limit would be a 4.0 power scope. Would appreciate the chances to get a black powder although I haven't been drawn for a while. I'm not a seek and destroy hunter like when I was a youngster. My goal is to harvest my deer on the last day of the season and if God really loves he let me die one hour after sunset on the last day of the season. I would appreciate your support.

Rep. Heinert: You made a comment you haven't received a license in several years. Do you know how many years it's been since you've not been drawn?

Knoblich: several years, 3 or more. I put in for every season, big horn, elk, moose, black powder I put in every year.

Rep. Bernie Satrom, Dist 12: It's not about the hunt, it's about being with family. Hunting is a great thing. I would appreciate your do pass.

Foster Ray Hager, Cass County Wildlife, is in favor of this bill.

Chairman Porter: Testimony in support? Opposition?

13:00

Darrel Belile, Turtle Lake ND presented Attachment #2. I have great respect for Larry and Mr. Foster. I'm here to talk about the integrity of the intent of the season. In opposition of this bill.

20:47

Chairman Porter: This isn't the first time we've heard this, it keeps coming back to us. We made a provision inside the deer gun season for this very concern for the person that wanted to use a muzzleloader for optics greater than the 1 power that they could do it during the regular 16.5 day gun season as the compromise to changing the traditional muzzleloader season. I don't know there's a problem with that compromise in allowing that to happen.

Belile: As you know the gun season is properly termed the any weapon season. We have these other seasons for special use or special intent. The intent was to harvest a deer in the way our forefathers. Open sites still create the challenge. You're right if you want to put a scope on a muzzleloader and hunt that way we have an opportunity for that as well. It's still hard to draw a tag from there but easier.

Chairman Porter: Not from where I'm sitting! Further questions? Testimony in opposition? We made the compromise, switch to use any other legal weapon. Shoot a deer with a cross bow during the 16.5 days' gun season. You can use any legal weapon. A person wanted to use a higher power scope because now their inline muzzleloader shoots 300 yards. We said Fine, put a 3x9 on your muzzle loader and use it during the 16 ½ day season and kept sterile the archery season and the muzzleloader season. From the Game and Fish perspective have you heard complaints?

24: 30

Jeb Williams, Wildlife Division Chief, ND Game and Fish Department, presented Attachment #3. Yes. We believe the way the current system is, it does allow an individual the opportunity to use a scope on a muzzleloader during the regular deer gun season. We occasionally do get into discussion with the public about this issue. It was brought up last fall at the advisory board meeting, discussed and felt it's safe to say that option that is in place right now. Yes, you can use a scope on a muzzleloader during the regular gun season but not necessarily were people in favor of that change being made during the muzzleloader season. There have been a lot of changes to muzzleloaders. The original intent or authenticity is gone due to the inline muzzleloaders but Mr. Belisle pointed out it does still have some of that challenge associated with it during the regular muzzleloader season.

Chairman Porter: closed the hearing.

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

SB 2282

3/2/2017

28635

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Kathleen Devlin

Explanation or reason for introduction of bill/resolution:

relating to the use of scopes on muzzleloading firearms for individuals over 65 years old

Minutes:

Chairman Porter: My history on this one so everyone understands where we are with this bill. This is another interesting bill. When we first came to the compromise of the 1 power scope and then opened up any legal weapon can be used in the 16.5 day deer season, the hearing on this bill had the room full. Full of individuals dressed like they were Davy Crockett. They said we are the ones that came in and asked for this little season for our little way of wanting to hunt deer and you as a legislature allowed it to happen. Now it's constantly being pressured to be changed to something that wasn't what we asked for. At that time, we didn't have the all weapons season as they called it, I've never heard it called that before, we didn't have that. We killed the bill that basically moved the magnification up and changed the muzzleloader season and went back into the 16.5 deer gun season and basically made that the all weapons season. So I'm opposed to changing it because I think we already did and again, we made a law that both sides truly don't like again but living within it. We gave the individual the ability to use their muzzleloader during regular gun season with 1000 power scope on it if they wanted, we didn't care.

Rep. Anderson: I move for a Do Not Pass on SB 2282

Rep. Marschall : second

Chairman Porter: I have a motion from Rep. Anderson for a Do Not Pass on SB 2282 and a second from Rep. Marschall. Discussion?

Rep. Seibel: Rep. Devlin asked me to ask Rep. Roers Jones to ask you who Davy Crockett is. (laughter)

Chairman Porter: crossover was good for you guys.

Rep. Roers Jones: My question is not about Davy Crockett. The only thing I was going to ask before the motion was made. The thought I had about this is, we made an

accommodation for other primitive types of hunting, like bow for people who have a Doctor's note, that they need to use a cross bow. I was wondering if it would be an option of doing something similar so that people like the gentlemen who testified, who enjoys primitive type of hunting but can't see the sight at the end of his gun. Rather than open it up to everyone 65 and older, maybe open it up to someone who has a Doctor's note that they don't have the ability to see without a greater power scope on their muzzleloader. I just wanted to throw that out there and maybe it's not an option.

Chairman Porter: I would say to that, that's really what we did with the medication to the 16.5 day gun season. Prior to that they couldn't use magnification on their muzzleloaders during that season either. So when we made it the all weapons season, that included cross bows, even though cross bows can only be used by someone who can't pull back a bow any longer in the regular season. We made it for pistols, rifles, for a whole list of weapons that could be used in that 16.5 day season, and tried to keep these 2 seasons sterile from the changes of technology. So we really did accommodate the mission of the person with the eyesight so they can hunt.

Rep. Roers Jones: how is the overlap of the seasons?

Chairman Porter: The muzzleloader season is after the all weapons hunting. It's in December. So it is after the regular deer season, typically after the rut. So it's a more difficult season, more difficult success rate and those were part of the concessions when they were asking to have this season. They wanted it to be during the prime deer season. Of course they bumped up again the prime deer season, the deer gun hunters, and settled for this area at the end of the season but before it would be too stressful on the animals because of winter conditions.

Rep. Roers Jones: But it is possible to have licenses in both seasons?

Chairman Porter: absolutely

Rep. Roers Jones: I would say the reason I would say if someone wanted the opportunity to hunt in both seasons but physically isn't able to see, that's the only reason I would say it would still be a consideration.

Chairman Porter: further discussion? The clerk will call the roll on a Do Not Pass on SB 2282.

Yes 11 No 1 Absent 2 Motion carried. Rep. Anderson is carrier.

Date: 3-2-17Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2282

House Energy & Natural Resources Committee☐ SubcommitteeAmendment 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 Rep Anderson Seconded By Rep Marschall

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. Seibel	✓	
Rep. Heinert	✓				
Rep. Keiser	AB		Rep. Mitskog	✓	
			Rep. Mock	AB	

Total (Yes) 11 No 1Absent 2Floor
Assignment Rep Anderson

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

REPORT OF STANDING COMMITTEE

SB 2282, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2282 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

SB 2282

Good morning Madame Chair and fellow colleagues. For the record, my name is Sen. John Grabinger and I represent district 12 which is the greater part of Jamestown. I come before you to present a bill that will seriously only benefit a very few. But for those few this could be an important help to them in making a good shot, rather than a possible wounding shot on a deer. You see, we have some folks in our great state that are still willing to go out and put in the effort to get close enough to shoot deer with a muzzleloader. They enjoy the sport enough to continue to do this at an age where it sometimes becomes difficult to actually see down the open sights and yet also generate a good kill spot on the deer. Waning vision is a fact of life for most of us. In fact, I myself have reduced vision and wear bi-focals at my very very young age, I might add. Our state will already allow these folks the opportunity to use a scope, but only a 1 power scope. Essentially providing little magnification. If passed this bill will allow these citizens 65 and over the ability to utilize a scope with enhanced magnification, consequently offering those citizens a better chance of a good clean kill shot. For information sake, the state next to us to the east allows individuals 60

original

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pg 2

years of age and older to use a scope while muzzleloader hunting. I've enclosed a copy of their law with my testimony. In closing and before I turn this over to one of my very distinguished constituents (he was a HS teacher of mine) who will be able provide to you, his first hand point of view on why we should make this change. I ask you to really consider allowing these few who would actually qualify for this, and are still willing and able to go out in the fields of ND and enjoy our time honored sport of hunting with a muzzleloader rifle. Thank you again for your time and consideration.

2016 Minnesota Statutes

97B.031 USE AND POSSESSION OF FIREARM

Subd. 5.Scopes; visually impaired hunters.

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AH #2
Pg 1
handed out by Larry Knodich

(a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who is under age 60, who obtains the required licenses, and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

Subd. 6.Scopes; age 60 or over.

A person age 60 or over may use a muzzleloader with a scope to take deer during the muzzleloader season. The scope may have magnification capabilities.

original



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A# 3
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Senate Energy and Natural Resources Committee
Testimony on SB 2282

North Dakota Game and Fish Department
Jeb Williams, Wildlife Division Chief
February 2, 2017

Madam Chair Unruh and members of the Senate Energy and Natural Resources Committee, my name is Jeb Williams and I am the Wildlife Division Chief with the North Dakota Game and Fish Department. I am providing information to the committee on SB 2282.

- In 2016, 1,019 individuals who were over the age of 65 applied for a muzzleloader license
- 149 were successful in drawing a license
- The total number of applications received was 12,315

The current regulation on using telescopic sights during the muzzleloader season is as follows:

- Telescopic sights are prohibited. Exception: no magnification (1X) scopes are legal for muzzleloader season.
- Telescopic sights on muzzleloaders are allowed during the regular deer rifle season.

original

Good morning, Chairman Porter and Committee Members. For the record, my name is Senator John Grabinger and I represent District 12, which is the greater part of Jamestown. I come before you to present a bill that will seriously only benefit a very few. But for those few, this could be an important help to them in making a good shot, rather than a possible wounding shot on a deer. You see, we have some folks in our great state that are still willing to go out and put in the effort to get close enough to shoot deer with a muzzleloader. They enjoy the sport enough to continue to do this at an age where it sometimes becomes difficult to actually see down the open sights and generate a good kill spot on the deer. Waning vision is a fact of life for most of us - in fact, I myself have reduced vision and wear bi-focals at my very, very young age, I might add. So it happens.

Our state will already allow these folks the opportunity to use a scope, but only a 1-power scope, which essentially provides no magnification. If passed, this bill will allow these citizens 65 and over the ability to utilize a scope with up to 4-power magnification, consequently offering those citizens a better chance of a good, clean kill shot.

For information sake, the state next to us to the east allows individuals 60 years of age and older to use a scope while muzzleloader hunting. I've enclosed a copy of their law with my testimony. In closing and before I turn this over to one of my very distinguished constituents (he was a high school teacher and coach of mine) who will be able to provide you with his first-hand point of view on why we should make this change. I ask you to really consider allowing these few who would actually qualify for this, and are still willing and able to go out in the fields of ND so they can enjoy our time-honored sport of hunting with a muzzleloader rifle. Thank you again for your time and consideration.

**SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION**

S.F. No. 722

(SENATE AUTHORS: INGEBRIGTSEN, Bakk and Gazelka)

DATE	D-PG	OFFICIAL STATUS
02/12/2015	263	Introduction and first reading Referred to Environment and Energy See SF1303, Sec. 17-18

1.1 A bill for an act
1.2 relating to game and fish; allowing persons age 60 or over to use muzzleloader
1.3 with scope during muzzleloader season; amending Minnesota Statutes 2014,
1.4 section 97B.031, subdivision 5, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 97B.031, subdivision 5, is amended to read:

1.7 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law
1.8 to the contrary, the commissioner may issue a special permit, without a fee, to use a
1.9 muzzleloader with a scope to take deer during the muzzleloader season to a person who is
1.10 under age 60, who obtains the required licenses, and who has a visual impairment. The
1.11 scope may not have magnification capabilities.

1.12 (b) The visual impairment must be to the extent that the applicant is unable
1.13 to identify targets and the rifle sights at the same time without a scope. The visual
1.14 impairment and specific conditions must be established by medical evidence verified in
1.15 writing by (1) a licensed physician or a certified nurse practitioner or certified physician
1.16 assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist;
1.17 or (3) a licensed optometrist. The commissioner may request additional information from
1.18 the physician if needed to verify the applicant's eligibility for the permit.

1.19 (c) A permit issued under this subdivision may be valid for up to five years, based
1.20 on the permanence of the visual impairment as determined by the licensed physician,
1.21 ophthalmologist, or optometrist.

1.22 (d) The permit must be in the immediate possession of the permittee when hunting
1.23 under the special permit.

2.1 (e) The commissioner may deny, modify, suspend, or revoke a permit issued under
2.2 this subdivision for cause, including a violation of the game and fish laws or rules.

2.3 (f) A person who knowingly makes a false application or assists another in making
2.4 a false application for a permit under this subdivision is guilty of a misdemeanor. A
2.5 physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or
2.6 optometrist who fraudulently certifies to the commissioner that a person is visually
2.7 impaired as described in this subdivision is guilty of a misdemeanor.

2.8 (g) A permit is not required under this subdivision to use an electronic range finder
2.9 according to section 97B.081, subdivision 3, paragraph (c).

2.10 Sec. 2. Minnesota Statutes 2014, section 97B.031, is amended by adding a subdivision
2.11 to read:

2.12 Subd. 6. **Scopes; age 60 or over.** A person age 60 or over may use a muzzleloader
2.13 with a scope to take deer during the muzzleloader season. The scope may have
2.14 magnification capabilities.

2
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SB 2282

An individual over age 65 who receives a muzzleloader license to hunt deer may use a telescopic sight. Heard 2/2, amended for it not to exceed four-power magnification. Passed senate. 44- 2

Darrell Belisle – Turtle Lake, ND

I was unable to attend the Senate hearing on this issue and I am aware of how easily this passed on the Senate Floor. However, I am here today to voice my opposition to this bill.

I have enjoyed the Muzzleloader season from the beginning. Nowadays, there is quite a bit of interest and it is pretty difficult to draw a tag. Personally, I drew an antlered tag in 2015 and I waited 8 years for that one. One tag in ten years, but still worth waiting for.

Before I can make my point of opposition, I would like to give you the history of our ND muzzleloader season.

The current rules regarding the Muzzleloader season

Muzzleloading long guns of .45 caliber or larger, and handguns .50 caliber or larger, loaded through the muzzle, with flint or percussion ignition, firing black powder or black powder substitutes are legal. Smokeless powders are not legal. Telescopic sights are prohibited. (Exception: No magnification (1x) scopes are legal.)

1987...first year, one week season, antlerless only, 500 tags

A group of Muzzleloader enthusiasts came to the Legislature with a request for a short season where one could hunt a deer with the tools of our forefathers. In 1987, most of the rifles were authentic in nature, replicas of those used in the 17 and 18 hundreds. They were loaded by pouring loose blackpowder down the barrel followed by either a patched round ball of lead or a bigger hunk of lead sometimes called a buffalo bullet. When the trigger was pulled, an outside swinging hammer fell, creating a spark which was directed to where the main powder charge was waiting. A huge plume of white smoke needed to clear before one could see if he was successful. These rifles were not all that reliable or efficient, and their accuracy was very limited. A 100 yard shot was quite a poke and usually avoided.

1988...two 3 ½ day periods, included antlered

Their original request for a Muzzleloader season was for a week. It had been entered into the Century Code as 7 days. Only one weekend could be fit into 7 days, so the season was changed to allow 2 - 3 ½ day weekends. Thursday noon through Sunday, twice.

1989...legislature amended to be issued by lottery, maximum raised to 700 instead of 500

A growing interest in the Muzzleloader season also includes some quota changes

1993...first year weighted lottery

The interest in the Muzzleloader season is still growing along with the competition in drawing a tag.

1997...state law now allows 2% of the total whitetail licenses available for the any weapon season – 1% antlered, 1% Antlerless

The interest in the Muzzleloader season has now grown to a point where a cap on the number of tags is required.

1999...instead of two 3 ½ day weekends, season is now a straight 9 ½ days

The argument here was that some folks, especially those working shift work, had a hard time getting out to hunt on a weekend. It was asked for and received that the season could include the week in between the two weekends already allowed.

2001...now moved season length to 16 ½ day season

This was the time when deer numbers were moving to the all-time high. The ND G&F Dept. allowed a hunter to purchase leftover deer tags and use them in any concurrent season. Most of these tags were antlerless and now could be used in the Muzzleloader season as well as the Archery season. The length of the season was adjusted to 16 ½ days to accommodate this maneuver.

This was also about the time when the modern Muzzleloading rifle began to appear. These new rifles were called “inline” rifles, beings their ignition source, the same primer found in a shotgun shell, was located on the end of the barrel, directly behind the powder charge. The powder charge has changed as well. It is not loose black powder anymore, but a compressed pellet consisting of a form of blackpowder. One would drop a couple of these powder pellets down the barrel and follow it with a modern bullet. Usually copper clad and designed to be very accurate and efficient. Manufacturers boasted sharp accuracy beyond 200 yards.

This action and change was accepted, but began to damage the original intent of the Muzzleloader season. It was no longer a season where a few folks could have some time to act like their forefathers and hunt a deer with the tools of the past. With so many hunters, it was seemingly becoming just another deer season.

Nowadays, with our low deer population resulting in the low number of tags available, the Muzzleloader is back to being as close to the original intent as possible. A season with very few hunters in the field, trying to harvest a deer with a muzzle loading rifle. Now, with the changes I have already mentioned, the season is just "sort of similar" to the ways of our forefathers.

To get to my point. I will assume a fellow sportsman went to his local legislator and asked him to make a law that would make it easier for him to use his Muzzleloading rifle. He would like to put a scope with some magnification on his rifle, because he didn't think he should have to use open sights anymore.

I am here today, asking a room full of my legislators to understand that through all the changes which have been made to the Muzzleloader season since the first season in 1987, it is still widely understood that the use of open sights is the challenge and root of the intent of those who helped introduce this opportunity.

Seems nowadays, many are looking for an easier way. The intent of this season was to use equipment similar to that of our forefathers. Let's not change it any more than it already has.

I am here to encourage you to consider my opposition and encourage this bill to fail and retain the integrity of this outdoor opportunity so many enjoy.

Thank you



House Energy and Natural Resources Committee
Testimony on SB 2282

North Dakota Game and Fish Department
Jeb Williams, Wildlife Division Chief
March 2, 2017

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Jeb Williams and I am the Wildlife Division Chief with the North Dakota Game and Fish Department. I am providing information to the committee on SB 2282.

- In 2016 there were 928 muzzleloader licenses available. This number is determined by current state law which allows 2% of the total white-tailed deer licenses to be made available for muzzleloader licenses – 1% antlered and 1% antlerless.
- In 2016, 1,019 individuals who were over the age of 65 applied for a muzzleloader license and 149 were successful in drawing a license. The total number of applications received was 12,315.

The current regulation on using telescopic sights during the muzzleloader season is as follows:

- Telescopic sights are prohibited. Exception: no magnification (1X) scopes are legal for muzzleloader season.
- Telescopic sights on muzzleloaders are allowed during the regular deer rifle season.