

**2019 HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE**

**HB 1257**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1257

1/18/2019

31052

Subcommittee

Conference Committee

Committee Clerk: Kathleen Davis
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### Explanation or reason for introduction of bill/resolution:

a bill relating to the use of scopes on muzzleloading firearms for individuals over sixty-five years of age

### Minutes:

Attachment 1,2
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**Chairman Porter:** called the hearing to order.

**Rep. Grueneich, Dist 12:** Last season 15,000 that applied for a muzzleloader tag, 1022 were 65 and over. About 1-1.5% of 65 and over that applied last year. 1181 successful applicants out of the 15,000 that applied. Out of that same percentage, 152 applicants 65 and over were successful in getting a tag. It takes 4 years to be successful to get a doe tag, 10 years to get a buck tag. That average hunter 65 and over may never be successful until he's 69 or possibly even 75. We talk about the primitive style of muzzleloader season. We increase our productivity with better equipment. We're not giving it to everybody, a group of individuals that move forward in life we want to increase their opportunity to be successful.

**Rep Heinert:** 152 drawn were 65 and over. How many deer were taken?

**Rep. Grueneich:** 35% is a 5-year average.

**Chairman Porter:** In a past session, the Legislature gave the worst possible 10 days in the worst season to muzzleloader, traditional hunt. It was old traditional kind of hunting, stalking, belly crawling. Technology has caught up, cartridges have caught up, the whole game has changed from being a traditional carved out time for a group of people who wanted a season to hunt traditionally. A few sessions back we decided to leave this a sterile group/season for this group of people. If someone of any age wants to use a muzzleloader with optics, they're more than welcomed to do that during the 16.5 day use any weapon you want season. The big question is, why should this season be contaminated with technology when the person who wants to be the traditional hunters and compete with those licenses?

**Rep. Grueneich:** I think the small amount of people that we're giving the opportunity to be successful is more of a benefit than a harm. 94% of the people who apply for muzzleloader tag also apply for the regular deer tags. As the amount of deer tags go down you apply for both. The number of years to draw a tag, whatever we can do to help those 65 and over to be successful.

**Chairman Porter:** As technology changes, success rates go up. We potentially see the number of licenses go down. We may have to potentially say you only get 1 license. Do you want an archery tag, muzzleloader tag, or deer hunting tag?

**Rep. Grueneich:** We could potentially be more successful with the scope. There are some individuals that want to be part of this form.

**Chairman Porter:** Questions? Further testimony? Opposition?

**Darryl Belisle, Turtle Lake ND:** Here we are again in another session with a new bill number to the same issue. Presented [Attachment 1](#).

25:00

**Bill Helfrey:** I agreed with Chairman Porter's previous comments. I'm 77 and a bow hunter and I have learned that you learn how to get close.

**Gary Masching:** I'm retired, I'm 66, and against this bill and agree with many of your comments. Mr. Chairman you echoed my thoughts exactly. In March 1982 from North Dakota Outdoors, this comes from C.H.D. Clark. He says, "Hunting is living and living is an art. In our much vaunted progress we confuse technology with the art of living. This deception clouds all aspects of life including hunting." And he also says, "Be careful so we do not destroy what we already have."

**Chairman Porter:** Further testimony in support? Opposition? Closed the hearing.

**Attachment 2:** Jeb Williams, ND Game and Fish Department

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1257  
1/25/2019  
31497

- Subcommittee  
 Conference Committee

Committee Clerk: Kathleen Davis
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### Explanation or reason for introduction of bill/resolution:

a bill relating to the use of scopes on muzzleloading firearms for individuals over sixty-five years of age

### Minutes:

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**Chairman Porter:** called the hearing to order on HB 1257. Discussion.

**Rep Bosch:** Move a Do Not Pass.

**Rep. Eidson:** Second.

**Chairman Porter:** Discussion? Seeing none the clerk will call the roll on a Do Not Pass to HB 1257.

12 yes 1 no 1 absent. Motion carried. Rep Heinert is carrier.

Date: 1-25-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1257**

House 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 Rep Bosch Seconded By Rep Eidson

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

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep Heinert

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

**REPORT OF STANDING COMMITTEE**

**HB 1257: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1257 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**HB 1257**

## HB 1257

Notwithstanding any other provision of law, an individual over sixty five years of age who receives a license to hunt deer with a muzzleloading firearm and is in lawful possession of a muzzleloading firearm may use a telescopic sight not to exceed four-power magnification on the muzzleloading firearm when hunting deer.

### Darrell Belisle – Turtle Lake, ND

2 years ago, I stood here working to convince most of you that, what was then SB 2282 was not a good idea. 2 years ago this bill failed the House vote, twice. Seemed the failing vote was close enough for a revote the next day, where it failed again. So, I am here again today to voice my opposition to this bill, HB 1257

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 13 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.

Our 16 ½ day “Any Weapon” season is available to those who would like to use a scoped Muzzleloader on their lottery drawn tag for that season.

My argument is not about resisting change, it is about preserving the integrity and original intent of the sport of hunting with a Muzzleloader.

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  
Information on HB 1257

North Dakota Game and Fish Department  
Jeb Williams, Wildlife Division Chief  
January 18<sup>th</sup>, 2019

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 HB 1257.

- In 2018 there were 1022 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 2018, 1,181 individuals who were over the age of 65 applied for a muzzleloader license and 152 were successful in drawing a license. The total number of applications received was 15,332.

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.