

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2376

2001 SENATE NATURAL RESOURCES

SB 2376

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2376

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 2-8-01

Tape Number	Side A	Side B	Meter #
1		X	32.9 - 48.4
2	X		Start - 14.0
2-16-01	1	X	16.7 - 33.0
Committee Clerk Signature <i>Jane James</i>			

Minutes:

SENATOR FISCHER opened the hearing on SB 2376.

SENATOR RON NICHOLS, of District 4 cosponsor of SB 2376 introduced SB 2376, A BILL RELATING TO DEER HUNTING AND TO HUNTING DEER WITH MUZZLELOADING FIREARMS. Constituents from his district felt it would be good for their enjoyment of the hunting season if individuals could choose between the muzzleloading season and the regular hunting season. He submitted a list of proposed amendments prepared by the legislative council to change the bill because he did not intend to restrict the use of muzzleloader during the regular season.

MARK ROSTER a muzzleloader hunter from Davenport, ND testified in support of SB 2376. (See attached testimony). This testimony was written before he had visited with Senator Nichols and some issues had been clarified.

JOHN HORNER testified in support of SB 2376 and asked for a special season of experienced muzzleloading hunting and that the management of a muzzleloaded firearm is much different than the center fire firearm.

ROGER ROSTUET, Deputy Director of the North Dakota State Game & Fish Department, testified in a neutral position of SB 2376. If the Bill was passed as amended, they would combine the muzzleloader and regular deer season license into one application, a hunter could then make his choice of one season. If they were not lucky in their first choice they then could get their second or third choice.

MIKE DONAHUE, representing the North Dakota Wildlife Federation testified in a neutral position of SB 2376.

RON WANNER, owner of the Knife River Ranch had some questions of his own. He was in support of more season time available for muzzleloader hunters because of the true sportsmanship. He also wanted to know the number that 2% would be.

ROGER ROSTUET explained that the demand for muzzleloader tags far exceeds the number of licenses available.

PAUL CRARY representing the Cass County Wildlife Club went on record as being opposed to SB 2376.

DARREL RYTTER, testified in opposition of SB 2376 ( See attached testimony). He had several questions of the bill and felt it was not thought out very well. He also presented five ideas for "Law Changes which may improve the chances to draw a muzzleloader license".

MIKE DONAHUE representing the United Sportsmen of North Dakota testified in opposition of SB 2376. He made one comment that the argument about not knowing your gun is true in all hunting occasions and that most hunters have witnessed that.

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Senate Natural Resources Committee  
Bill/Resolution Number SB 2376  
Hearing Date 2-8-01

SENATOR FISCHER closed the hearing on SB 2376.

FEBRUARY 16, 2001

SENATOR FISCHER reopened the discussion on SB 2376.

It was clarified that this bill would allow only one hunting license for either a muzzleloader or a rifle whether it is lottery or any other.

SENATOR EVERY made a motion to adopt amendments as proposed by Senator Nichols, sponsor of SB 2376 and the Legislative Council.

SENATOR KELSH second the motion.

SENATOR FISCHER called for a roll vote (#1) of SB 2376. THE VOTE INDICATED  
5 YAYS, 0 NAYS AND 2 ABSENT.

SENATOR KELSH made a motion for a "DO PASS AS AMENDED" of SB 2376.

SENATOR EVERY second the motion.

SENATOR FISCHER called for a roll vote ( #2) of SB 2376. THE VOTE INDICATED  
5 YAYS, 0 NAYS AND 2 ABSENT.

SENATOR KELSH will carry SB 2376.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2376

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-11 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to deer hunting; and to"

Page 1, remove lines 5 through 8

Renumber accordingly

Date: 2-14  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2374**

Senate NATURAL RESOURCES Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken To Adopt Amendment

Motion Made By Every Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 0

Absent 2

Floor Assignment \_\_\_\_\_

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

Date: 2-16  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2370

Senate NATURAL RESOURCES Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Kelsh Seconded By Every

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	A				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	A				

Total (Yes) 5 No 2

Absent 2

Floor Assignment Kelsh

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

**REPORT OF STANDING COMMITTEE (410)**  
February 16, 2001 4:59 p.m.

Module No: SR-29-3792  
Carrier: Kelsh  
Insert LC: 10427.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2376: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2376 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-11 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to deer hunting; and to"

Page 1, remove lines 5 through 8

Renumber accordingly

2001 HOUSE NATURAL RESOURCES

SB 2376

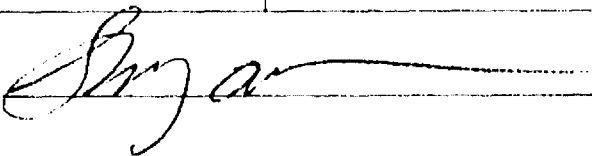
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2376

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1	x		824 to 5842
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, 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 SB 2376. Is there anyone here to speak in favor of SB 2376?

John Horner: I am here to speak in favor of SB 2376. (see written testimony).

Rep. Porter: In your testimony you stated this bill does not affect the second or third or fourth drawing. But the way the wording is, it says that you may not hunt deer during the regular season. It doesn't say that you can get a second, third or fourth tag. It says you can't hunt at all. You can't get a third tag and buy that tag from Game and Fish if you were successful in the drawing for the muzzle loaders.

Page 2

House Natural Resources Committee

Bill/Resolution Number SB 2376

Hearing Date March 8, 2001

Horner: I am sorry I thought that was not part of the bill.

Rep. Porter: I guess the big question we keep hearing about in this committee, is that there really isn't a deer shortage. We talk about deer depredation, we talk about deer fences, about the deer eating all the farmers hay, landowners are saying we need to get rid of more deer. This bill would be more restrictive in that there would be less deer gun hunters by 2 1/2%. Maybe if we're having problems with the muzzleloaders season and getting people out there to hunt muzzle loader, is to implement a weighted lottery system or increase the number of tags so we have more muzzle loader hunters out there.

Horner: I think you would find a lot of agreement in increasing the number of tags.

Rep. Galvin: Do you represent a large number of muzzle loaders?

Horner: I would guess probably about half. We are pretty evenly split on this one.

Rep. Galvin: Are there others here to testify?

Horner: I don't know of anyone here to testify with me, but there is someone here to testify against me.

Rep. Keiser: Any further questions. (Took over chair for Rep. Rennerfeldt).

Sen. Nichols - District 4: I am the prime sponsor of SB 2376. This bill would provide that an individual who obtained a license who hunted during the muzzle loading season would not be able to hunt during regular gun season. Hearing one of your questions, I don't think it would be a bad idea to add an amendment that would allow a second or third choice. I think the first choice is an important part of this because 2 sessions ago, I introduced a bill that changed the number of licenses from 700 to 1800 for muzzle loaders, during the past year or two. If the numbers projected for this fall reach 100,000 licenses, that would mean 2000 muzzle loaders licenses. The reason I introduced this bill was a constituent of mine who is a muzzle loader was telling me

about how difficult it was to obtain a license because there were a lot of applications for season.

We got that changed and basically nothing changed. It takes a long time, sometimes several years to get a license because there have been so many more applications. In some cases these aren't true muzzle loader hunters. I hope we can find a solution and provide that opportunity for people who are truly muzzle loader hunters.

Rep. Winrich: So you would be agreeable to an amendment that would open up subsequent drawings but just limit this choice to the first drawing?

Sen. Nichols: Yes, I feel that would be fair. For one thing, there are a lot of deer, I don't think this will cut back on the number of licenses available. Because that would still be the same, probably more first choice winners under this situation. But the licenses wouldn't change. The second or third drawing being made available to the hunters who chose muzzle loading for their first choice. There would be nothing wrong with that. This to me would indicate that I would have to make a choice if I was a muzzle loading hunter that my first choice would be to hunt with muzzle loaders during that season or to hunt for that white tail buck during the regular season. If we could change this so subsequent drawings would be made available to these same hunters, that would be fine with me.

Vice Chair Nelson: Continuing testimony in favor of SB 2376. Any opposition to SB 2376?

Roger Rostvedt - ND Game and Fish: If I may testify on a neutral status to answer some questions already brought up. The question has come up on how this bill would be implemented. The one line amendment to the original act states that an individual who obtains a license under this section may not hunt deer during the regular deer hunting season. The way the department would implement that is that it would be set up so people couldn't apply for both, if you got both you would have to cancel one or send it back. What we would do is make one application

available and within there, muzzle loading would simply be another choice. One choice on regular application and you would still have second and third choice on there. So technically if you are rejected in muzzle loader buck or muzzle loader doe that you would still have an opportunity to apply on the same application for the other seasons.

Rep. Porter: Do we have a deer shortage in ND?

Rostvedt: I believe this is more of an allocation issue than it is of a deer number situation. Deer hunters have been increasing in the state steadily over the past 15 years. In fact doubling over the last 20 years.

Rep. Porter: If we don't have a deer shortage and we are basing this off a percentage and you are increasing the tags on one side then the number of tags available on the muzzle loaders side is constantly going up at the same ratio. What would happen if we increased the number of muzzle loader tags from 2% to 3%? But leave it at 1% for the antlered white tail. And are we currently using the weighted lottery so people have a better chance after being denied their tag of choice?

Rostvedt: We do use a weighted lottery system. The odds right now are pretty good on getting a doe tag on their first choice. However, they are poor on the buck tag, it is about 1 in 5. About 70% of the applicants that go for doe, get that tag every year. The other part about the number of increases, as the number of muzzle loader tags fluctuate with the annual deer proclamation. As the number of deer license numbers go up, so do the muzzle loader tags, they have been increasing every year as they will again this year because they are a reflection of the total number of tags available.

Vice Chair Nelson: What is the success ratio of muzzle loading for deer?

Rostvedt: It varies but the last five years ran about 40%.

Vice Chair Nelson: Do you feel the number of licenses for muzzle loaders are currently adequate? Is that an area we could look at. Raising the number of tags in the muzzle loading season to take care if this problem?

Rostvedt: The muzzle loading season has drawn more and more applicants each year. It used to be we didn't have a lottery for these tags. The system was set up differently at that time, only doe tags were available on a first come, first serve basis. We had a tough time getting rid of them. Once it was split into buck tags, the number of people interested in a buck tag has increased each year.

Rep. Drovdal: You stated that the success ratio of muzzle loading was at about 40%. How does that compare to the rifle and bow and arrow ratio?

Rostvedt: The bow and arrow is in the lower 20's. The gun success is in that 70% range.

Vice Chair Nelson: Any other questions? Any further testimony in opposition?

Curt Decker: I don't feel that this bill has any merit really. I think the weighted lottery system is the best thing that Game and Fish has come up with. Myself, I love to rifle hunt, muzzle load and also archery. What I found with the muzzle loader season, it has given me another opportunity because of the applications. They have been increased each year with the regular season hunters. It has been harder and harder to get a permit in the western units because of the male deer permits. What this muzzle load season has given me is another opportunity. When I apply I apply for the rifle season and on average about every 3 years I get a permit for the unit I want to hunt. That average since they started the muzzle loader season has remained the same. I have drawn three or four permits over time, but it averages about every 3 or 4 years. I am living with it. It gives me an opportunity to fill in the dead space. If I happen to draw both permits the same season it is quite fortunate. I didn't hunt the muzzle loaders season until they actually created

one. It has given me the opportunity to spend more time in the mountains. Game and Fish has indicated they want to increase the opportunity for the sportsmen in the field. This season has done this and I hate to see it taken away from me, just because a few don't agree with it. Mr. Rostvedt mention that there were 1700 permits and 4700 applicants last year. I don't think that constitutes fixing something that isn't really broken. The fellow hunters agree with me, they enjoy this opportunity to go out in the late season. We harvest deer just to help out landowners. I don't think changing this bill is going to help. If this bill goes through I won't even hunt the regular gun season anymore, because the opportunity within the muzzle loader season is quite a bit greater. If we are fortunate to get a buck permit, we can hunt anywhere in the state. But the regular season you are restricted to a small unit. It is a give and take deal. I don't think changing this will increase the opportunity for the "fanatic" muzzle loaders. If you are going to make me choose between one or the other, I will go with the one I have the most opportunity with. The most flexibility and that is the muzzle loader season. If this goes through, I am afraid you will see an increase in that muzzle loader season for applicants trying to get the permit.

Rep. Nottestad: The only fear I have with increasing the number of licenses is that we would have to put in units as a result of that. That could be detrimental, can you comment on that?

Decker: That definitely could be detrimental. But it would help Game and Fish find out where the pressure is and help them fix it a little bit in the higher deer population areas. The other problem that might go with it had to do with HB 2345. You increase those licenses, you increase the pressure in different areas. The ranchers and farmers get tired of these seasons. You start expanding things, more people are going to be out there, you will have to weigh one against the other. I am working hard to make things better between the hunters and land owners. As far as Senate Bill 2345, I have no real feeling towards or against it, things will play with each other

depending on how these bills are passed. If it really isn't broke, don't fix it. We still have the opportunity with the gun season to apply for both at the same time, if I don't get one, I may get the other. As sportsmen we need to work with the landowners and Legislators.

Vice Chair Nelson: Any further questions. Any further testimony opposing SB 2376?

Gary Becker: I am opposed to this for a number of reasons. You are asking me to make choices above the choices I already have to make. For example....We have this bill before us because of misguided attempts to solve a problem because of not enough licenses. In talking with a few people who would like to see this passed because it would reduce the number of applicants because they have to make a choice. I think that is misguided, what we do need is a higher percentage of licenses issued. We have the abundance of deer. I have missed the muzzle loader license for four years. This last year from some fluke I didn't get my license in, so I start all over with the weighted average. I hate to wait eight years to get a license. But I don't want to give up the chance to hunt for mule deer. If you don't put in for mule deer that first choice you won't get that. I love to hunt the badlands. Muzzle load hunting is primarily restricted to white tail in other parts of the state. Most of it is done in places other than the Badlands. I would recommend this not passed. I would like to see you issue a higher number of licenses, the higher percentage would aid the landowners, cut down on some of the depredation, and it would also make a lot of people happy. I don't believe it would cause a problem by having more licenses. When you can offer 90-100,000 licenses to high power rifles and you want to keep it down to 2000 for a less effective weapon, it doesn't stand to reason? Everyone knows the economic impact of hunters going out in the field. This has an economic benefit to increasing the number. I hope you Do Not Pass this bill.

Rep. Porter: The way the numbers are regulated now, the biologists are using the regular gun season numbers as the basis, fluctuating that, based on the deer populations. If we raise the percentage, then they would have to lower the deer gun permits issued to stay consistent with what their studies have shown. When we have a system set, aren't we better off using the existing system, hoping that when the numbers increase, they're increasing the deer gun and the muzzle loaders are following right with it. Aren't we better off leaving well enough alone?

Becker: No, I don't believe so. First off, ND is one the highest states in the Union for success rate with high power rifles. It is nice we have that, is it necessary, I doubt it? If we go 1% less success rate, would that hurt anything. What about more people getting a chance to get a deer? I think that is a little more concern. If you increase the percentage of muzzle loader licenses, I don't see that that would have to decrease the number of regular rifle permits. I think it takes care of itself. The number of licenses issued even at 4%, would be four thousand. Normally it is not that high, this is a high year. State wide you have people asking you cut down on the deer. I don't see that this would have that kind of impact.

Rep. Weiler: How many people is this going to affect. How many people currently hunt both seasons, but now will not be able to hunt both seasons?

Becker: I don't have a grasp on that. I believe that if they are traditional muzzle loading hunters and they are into hunting, they would do the regular season also. I don't have time to do both.

Rep. Winrich: The previous witness testified that if this bill passed he would give up hunting in the regular season and try for a buck tag in the muzzle loading season. If this bill passes, how would it affect you? What would be your first choice?

Becker: I would have to give up muzzle loader hunting so I can hunt with my son.

Vice Chair Nelson: Any further questions? Seeing none, thank you. Any further opposition to SB 2376?

Loren Sterner - Cass County Wildlife Club: We are opposed to this bill, it limits opportunity to Sportsmen. We favor providing more opportunities. This would make hunters pick and chose between seasons. Many of us like to hunt the regular deer season with our families, and I am one of those. You are limited to a unit, and you are limited to a buck or doe. With the muzzle loader, I can hunt statewide and hunt with other friends and relatives during that season. Whether I get drawn or not it is up to the luck of the draw, but I should at least have the opportunity to hunt either one or the other or both. It should be my choice whether I can put in for both or not. I think this bill favors the people that want to hunt muzzle loader white tail buck. That success ratio is low. People that put in for mule deer buck have even less chance of getting drawn for a mule deer buck than what the muzzle loaders chance is of getting a white tail buck. They have a good chance of being drawn for a doe. I do believe you are limiting the opportunity for many people. I asked the Game and Fish Department how many people hunt both seasons and that information wasn't available at that time. There are also gratis license holders that put in both regular deer season and muzzle loaders season, the way I read this bill, it would prevent them from hunting both seasons also.

Vice Chair Nelson: Any questions? Further testimony opposing SB 2376?

David R. McCowan: I consider myself a sportsmen. I have spent my whole life in ND. I am opposed to SB 2376 because I feel the weighted lottery the way it is - is working just fine right now. This bill was introduced by "a muzzle loader enthusiast" who only hunts with a muzzle loader and they want to guarantee themselves a license every year. I think approximately 4000 people applied for a muzzle loader this year and 1700 licenses are given out. I think what you are

going to find is if next year they have to make a choice you will find 1700 people applying and that many not applying, because they are deer gun enthusiasts. The odds for that are 4-5 years to get drawn for that and I am not going to give away my bonus points to take a chance at muzzle loading and then start over again for the mule deer gun license. How will the bonus points play out next year? If I have four bonus points for muzzle loader built up and four for a deer rifle, so next year do I get eight points. That is not addressed at all. I have a problem with the wording, during the regular deer hunting season. Is that regular with the bow? The gun? That is not stated in there. The way it is written right now, that means that I can't purchase my archery license. There is a wording issue that should be addressed also.

Chairman Rennerfeldt: Questions of the committee?

Rep. Winrich: I agree with your reaction to this bill. It was introduced primarily for the benefit of people who use muzzle loaders only. However, as I understand the history of this season, in our state, that in fact the season was originally conceived and implemented as a way to allow muzzle loader hunters to have a separate season where they didn't have to compete with people who could shoot farther and more accurately. Do you see any way to accommodate these people who are primarily muzzle loaders? Is there any way we could implement a separate season for them that would be distinct and eliminate the competition for more modern weapons?

McCowen: No, there isn't. If they want to use a muzzle loader, use it during the regular season. Most muzzle loading should be done from a stand. I also have a problem with people stating how restrictive a muzzle loader is. They are not that restrictive anymore. ND allows the InLine. I can be accurate with that up to 200 yards. These weapons are not as restrictive as people make them sound.

Chairman Rennerfeldt: Any questions? Anyone else care to testify in opposition to SB 2376?

Dennis Miller: I am opposed to this bill, to make the selection between regular season and muzzle loading seasons. The real problem with making your choice is you make one choice and apply and... I have six years that I have not been able to get a license in the ND Badlands so I is about my turn. If I want to I will take my muzzle loader, I don't have a problem with that. I can take a deer with a muzzle loader just as easy as I can with a regular rifle. I am opposed to this bill if we have to make the choice of going for rifle or muzzle loader, that is tough. I like to hunt. That would be my opposition. I can't see we are going to gain much by passing this bill.

Chairman Rennerfeldt: Any questions?

Jim Schmidt: I am in opposition to this bill. I believe the present system that we have for the drawings for muzzle loaders makes it more fair for everyone who is interested in hunting this season. I do not like to see this change made. The licenses allocated now to muzzle loaders were originally allocated to the rifle season. When we implemented this special season the license went to the muzzle loaders. We have an adequate number and an adequate system in place and I would like to see it stay as it is.

Chairman Rennerfeldt: Any questions?

Norm Stuhmiller: I am here to pass out the testimony of Mark Biehl who has been in contact with you and is unable to be here today. (see written testimony to the opposition).

Mike Donahue - United Sportsmen and ND Wildlife Fed: We oppose this bill. (see written testimony).

Larry Knoblich - ND Sportsmen's Alliance: We are opposed to this bill. (see written testimony).

Chairman Rennerfeldt: If there is no further opposition, I will close the hearing on SB 2376.

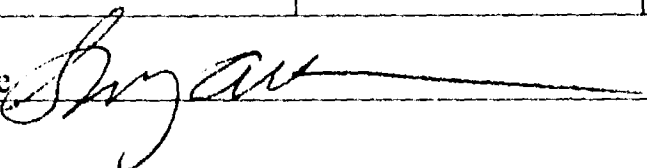
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2376

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
2		x	4413 to 4612
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: Okay let's do SB 2376.

Vice Chair Nelson: For the sake of discussion I move a Do Not Pass on SB 2376.

Rep. DeKrey: I second.

Chairman Rennerfeldt: I have a motion for a Do Not Pass. Any further discussion?

Rep. Galvin: I call for the question.

Chairman Rennerfeldt: No discussion, we have SB 2376 before us, call the roll.

**MOTION FOR A DO NO PASS**

**YES, 14**

**NO, 1**

Page 2

House Natural Resources Committee

Bill/Resolution Number SB 2376

Hearing Date March 15, 2001

**CARRIED BY REP. DEKREY**

Date: 3/15/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2376

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT Pass

Motion Made By Rep. Nelson Seconded By Rep. DeKrey

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) 14 No 1

Absent \_\_\_\_\_

Floor Assignment Rep. DeKrey

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 16, 2001 7:45 a.m.**

**Module No: HR-46-5778**  
**Carrier: DeKrey**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2376, as engrossed: Natural Resources Committee (Rep. Rennerfeldt, Chairman)**  
**recommends DO NOT PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).**  
**Engrossed SB 2376 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2376

SB2376

Hello Chairman Fischer and Honorable Senators of the Natural Resource Committee.

For the record, my name is Mark Roster. I reside in Davenport, ND

I am the current President of the N. D. Muzzleloaders association but I write to you today as a individual. Since our state organization does not meet until this coming Saturday, I cannot carry the voices of our membership to you at this time.

I plan on being at the hearing, but with the forecast of a winter storm on Thursday, I felt I should at least write to give you my testimony.

PLEASE

pass this onto your constituents, Senator Layton Freborg and Senator Ben Tollefson, as they do not have e mail.

First, I must state that I am in favor of this bill - IF- the following is amended OUT:

Senate Bill 2376 adds the following language to ND Century Code " Except as provided under section 20.1-08-04.5, an individual who holds a valid license to hunt deer may not hunt deer with a muzzleloading firearm."

IF IT IS NOT amended OUT - I am 100% against this bill as it condemns the use of the muzzleloading firearm in the regular rifle season - a season that has always recognized it as a legitimate firearm, and a type of arm enjoyed by many who choose it for rifle season because they were not drawn for the

special muzzleloading season. To add this provision would not accomplish anything except angry hunters.

If it IS AMENDED OUT, I am in favor of this bill, SB 2376.

I believe that, as a hunter who enjoys much time in the field, passage of this bill would show the legislators and the Game and Fish Dept, just how serious I take my muzzleloading season. It shows that I am willing to give up applying for the regular rifle season and apply just for the muzzleloading season. It is a choice and a commitment I and many others I have spoken with, are willing to make.

What will this accomplish?

It should drop the number of applicants who use this season as just another chance to kill another deer. Each year, this number of applicants goes up. Many of those who apply right now, draw a license and get a gun later. I know this for a fact as I have talked to several folks who have purchased their arm only a few days before the season "because they drew a tag."

It should bring back into check the weighted lottery of receiving a license. I know personally several applicants that have applied for 4, 5 and 6 years in a row that have not received a tag - people who truly want to hunt this special season with its statewide status - while others who know nothing about muzzleloaders have drawn tags. I understand their frustration and I sympathize for them. Several constituents have just flat out quit applying.

Several neighboring states (Minnesota and Nebraska) have the applicants choose. I am fortunate enough to be able to hunt those states from time to

time as a out of state hunter. This doesn't pose a problem there.

While I am a tried and true North Dakotan - I did follow my wife to Nebraska for 6 years while she worked for Cabelas. There I CHOSE to hunt the muzzleloading season. Their season was set up very similar to ours with one exception, they can hunt either mule deer or whitetail deer, buck OR doe. I liked it as I was virtually guaranteed a muzzleloading tag even though they are "on a lottery". Nebraska gave out approximately 8000 licenses in 1999, unfortunately Minnesota does not designate between rifle or muzzle loader so there is no statistics.

I believe it is high time the legislation states to muzzleloading constituents " Okay, we have gave you a season, (since 1987) and every 2 years since we have passed legislation to the benefit of this season. Now we ask you to show us how serious you are about this season - are you willing to show this by making a choice of one season or the other?"

The number of applicants will give you your answer. If it keeps growing, which I hope it does - Great! That number will give the Game and Fish Dept some real numbers to work with for the parties that are truly interested in this particular type of hunt and they can adjust accordingly. If the applicants are not there - then I don't think anymore changes need to be made for several years!

The bottom line is that by passing the AMENDED bill, it will show you exactly how many people are truly interested in this hunting season.

I do not believe this should be tied in with second or third drawings for available licenses as that is a year to year decision. Those that apply for the 2nd or 3rd drawing should still have the freedom of choice to

use the  
license in either season as currently written. I also believe tha  
t this  
SHOULD NOT have an effect on the gratis statis that landowners enj  
oy, (of  
which I am not one of the priviledged!) - if for their personal us  
e.

I think Outfitters and Guides, who apply for the tags for "their"  
hunters /  
hunts, also need to make a choice.

We are just talking about the first applications here.

Please vote to PASS (ammended) SB 2376.  
but vote no if NOT ammended.

Sincerely,  
Mark Roster  
PO Box 248  
Davenport, ND 58021  
701-428-9985  
e mail: dacroost@aol.com

**Law Changes which may improve the chances to draw a muzzleloader license.**

Disconnect the number of licenses during the muzzleloader season from being dependent on the regular season licenses.

I believe that a lot of the regular season hunters who do not receive their license because of the draw, see that some of the licenses go to the muzzleloader season and then they apply for a muzzleloader license the next year to "insure that they get a license" the next year. These are the hunters who are in the stores purchasing a muzzleloader one week before the season starts because they were drawn for a license, but did not believe they would receive one.

Prohibit the use of gratis licenses during the muzzleloader season.

This method of obtaining a muzzleloader license insures them of receiving a license, and that actually decreases the available licenses for the actual draw for the remaining applicants.

Base the number of licenses available on the estimated kill rate rather than the total licenses available.

Since the muzzleloader season is after the regular season, and the requirement to be closer to the deer for a shot, the successful fill of the licenses is only 35 to 40 percent. While the regular season success rate is around 80 percent. Why not increase the number of licenses available for the muzzleloader season to try to harvest 2 percent of the actual harvest rate of the previous year?

Increase the number of available licenses for muzzleloader season, but start a unit system for the distribution.

If the Game and Fish Department is worried about the inability to control the location of the harvest of deer during the muzzleloader season, especially if the number of licenses were to be increased, allow them to break the state up into units and limit the number of licenses in each unit.

Limit the harvest of deer during the season to include only the antlerless deer.

This would eliminate all the hunters that use the muzzleloader season for another shot at a trophy buck.

Good morning, chairman, members of the committee. My name is Darrel Rytter, I am from Kenmare, an avid deer hunter including muzzleloader, and a landowner.

I am opposed to the bill. This bill to me is vague in its intent and does not address the real problem. I think that this bill comes from a knee jerk reaction trying to decrease the number of applications for the limited licenses allowed for the muzzleloader season.

I have a lot of question that I will put before the committee that I feel should be addressed before voting on this bill.

Was not the initial intent of the muzzleloader season a "special" season? If so, why limit the hunters who hunt during the regular season from applying for a muzzleloader license?

How would the gratis licenses be handled? Would a gratis license be able to hunt in either season? Since I am a landowner, if I apply for a muzzleloader license through the draw, would I still be able to use my gratis license for the regular season? Or vice versa?

Is this bill an attempt to eliminate the muzzleloader season? If this bill were passed, it would bring up the question of why have a muzzleloader season since one has to select to hunt in either the regular season or the muzzleloader season.

Is this bill trying to improve the chances of being drawn for a muzzleloader license? If so, I have a list of ways that that could be accomplished without limiting hunters to hunting in only one of the rifle seasons.

If there is such a large growth in the interest of muzzleloader hunting, maybe more licenses should be available for the use during the season.

So I urge you to vote not to pass this bill, but I am in favor of changes which would improve the chances to be successful in the muzzleloader season license draw.

Thank you.

Darrel Rytter  
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**TESTIMONY SUPPORTING SB 2376**

**By Mike Donahue**

**March 8, 2001**

**House Natural Resources**

The United Sportsmen of North Dakota oppose SB 2376 and ask for a **Do Not Pass**. We believe that if an individual desires to apply for both the regular deer gun season and the muzzleloader season – he or she should not be forced to make a choice.

Thank you.



Mike Donahue  
Lobbyist #258

# North Dakota Sportsmen's Alliance

1205 6th Avenue NE  
Fargo, ND 58401  
Phone: 701-252-1586



## TESTIMONY OF LARRY KNOBLICH NORTH DAKOTA SPORTSMEN'S ALLIANCE PRESENTED TO THE HOUSE COMMITTEE ON NATURAL RESOURCES ON SB 2376, MARCH 8, 2001

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Larry Knoblich, representing the North Dakota Sportsmen's Alliance.

We do not think that having a problem drawing a tag is a valid argument for this bill. We people who really love to hunt big game animals have the same problem. Should we then run a background check on every applicant to determine whether they are truly dedicated hunters, not just someone's wife, grandpa, uncle, etc.? Who are we to determine that the novice hunter will not fall in love with the muzzle loader and someday be a muzzle loading sportsman?

How will the young hunter ever be a muzzle loader if he or she has to decide on one or the other? The choice will be "the other" because, as testified earlier, the muzzleloader hunters are truly outnumbered and there will only end up being fewer and fewer of them under this bill to pass on their skill and love of the sport.

I myself have hunted all the seasons in North Dakota; bow, gun, muzzle loader. I enjoy them all but I would forsake two of them for rifle hunting. I do not hunt for the meat alone, but for the joy of it also.

Are the muzzleloaders telling us that they are upset with the fact that when they don't draw a tag they don't get a chance to kill something? If the chance to kill is a reason to support this bill, then I say defeat this bill.

We are not proposing the taking away of the right to enjoy the use of the muzzleloader. The thrill and enjoyment, along with the right to go out during any time of the year, except for 16 1/2 days in the late fall, and shoot the muzzle loader is still guaranteed.

Many of us feel that the present law is just fine. Please defeat this bill.

DO NOT PASS SB 2376.

Respectfully,

  
Larry Knoblich, Executive Director

*"To Lobby for the Good of North Dakota Sports Persons"*

SB 2376 eliminates the special lottery we now have for a muzzle loader tag for a deer, which allows the average rifle hunter a second tag every 4-5 years as a treat.

"Traditionalists" feel this season and tag should be reserved for them only. I disagree. Anyone with a muzzleloading rifle that wants to apply should be able to without skipping regular deer season.

The people proposing this bill shouldn't be granted any special privilege, everyone should have the same opportunity to draw for a tag, without having to forgo the regular season.

If the people sponsoring this bill would think about it, they can use their muzzleloader regular season too, thus this bill if passed would decrease their opportunities also.

Muzzle loaders success rate runs in the 30% range, so if you eliminate the opportunity to draw a second tag, consequently you may have increases in depredation as fewer deer stand to be harvested the regular rifle season if people are forced to choose one tag over the other.

I.e., 30% of the 2% regular license would be  $90000 \times 0.02 = 1800 \times 0.3 = 540$  tags filled.

If a muzzle loader puts in for his "normal" first choice in rifle season as currently done, as his 3<sup>rd</sup> choice in the drawing as would be conducted should this pass, who now has preference in the drawing, the regular rifle hunter who puts in the same selection as his first choice, or the person trying to get a muzzle loading tag, and thus chooses the same deer type as his 3<sup>rd</sup> choice?

So let's say you have 5000 applications, 1800 licenses will be issued. Now the 3200 unsuccessful applicants may not get a tag, so henceforth, more deer to winter.

Talking with Roger Rostvet Deputy G&F Director, he says this bill only benefits the small group, and hurts the average joe. G&F is remaining neutral on this issue.

The current drawing system in place now works just fine, everyone has equal chances, as it should be.

As a committee member, I hope you will give careful consideration to this bill, and give a DO NOT PASS recommendation; and in the floor vote, vote NO.

Mark Biel  
517 W Reno Ave  
Bismarck, ND  
255-7540

Subject: bismarck hearing

Date: Wed, 7 Mar 2001 11:20:31 EST

I

SB 2376 - states that a person would have to choose a season on the FIRST

application whether they are applying for regular firearm season or muzzleloading season.

-What SB 2376 does do, is, it gives the Game and Fish a real number to work with. It shows the G & F how many people are truly

interested in this particular season and not just applying for "another

chance to kill bucky". The people who apply for the muzzleloading season are

making a statement that this season is so important to them that they are

willing to give up the opportunity to apply for a regular rifle tag

- THE

FIRST TIME AROUND .. SB 2376 does not affect 2nd or 3rd or 4th drawings. If

you apply and get a tag for any of those drawings you are still permitted to

hunt the specified unit and sex during rifle or muzzleloading season or bow

season - just like we have done in the past.

The Game and Fish Dept. (who testified "neutral" at the hearing) stated

to the Senate hearing committee that there would be a box on the application

that states "regular firearm season" or "muzzleloading season". As a

individual, you would mark the box of your preferred interest.

I believe that the nice thing about that is, with this change, a family

or friends of up to 4 could apply on the same application for the muzzleloading season, as they do for the regular season right now.

Currently

people interested in the muzzleloading season must send in individual

applications and take their chances of whether or not they, their friends or

family gets a tag. The current system has broken up a number of good

*John Nizni*

d friends

hunting together during the muzzleloading season. This would be a BIG plus

for those really interested in hunting the muzzleloading season!

I DO NOT believe, that anyone in favor of this bill, is trying to

up their chances of getting "bucky". You still have a better chance at getting

a buck license during the regular firearms season. (Stats follow) I do

believe that many of those in favor of this bill, hopes that it will give

them a better chance at obtaining a statewide muzzleloading license, because

if people have to make the choice, many will opt for the rifle season, first

time around. Afterall, there are 60,000 (average # of deer harvested) plus

more deer, they haven't been educated, and the weather is generally nicer,

and the choice of arms is more reliable, shoots further and accept all the

modern technology money can buy.

Those who conscientiously choose the muzzleloading season fully understand the restrictions of the season and the arms they bear.

SB 2376 goes hand in hand with SB 2345 (season extension). IF SB 2345

passes and SB 2376 does not, you will see a even greater number of people

applying for the few muzzleloading tags that are available. This thought was

verbally expressed to several of us by Game and Fish Commissioner Dean

Hildebrand at the Senate hearing.

Last year there were approximately 1500 muzzleloading tags available

after gratis. Slightly over 3500 people applied for the buck only tags (750)

and slightly over 1300 applied for the doe only tags (750). I believe the

later # is closer to the real number of folks who are truly interested in

hunting this season. Yes, I know that there are some hunters who will not

shoot a doe at any cost - they exist in all three of the seasons, but many

muzzleloaders who really have a interest in this season consider getting ANY deer a trophy - not just one with horns.

By making a conscience effort applying for a muzzleloading tag, they SHOULD know that this is what they chose, and they SHOULD make every effort to get the muzzleloader of their choice early enough to learn the guns quirks and capabilities - afterall they made the choice as to what season they hunt.

At least with the passage of SB 2376, all those who use any muzzleloaders will have to make the same conscience choice.

Submitted by: John Horner  
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