

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1447

2005 HOUSE NATURAL RESOURCES

HB 1447

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1447

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1		x	200-3100
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

**Chr. Nelson:** Opened the hearing on HB 1447. All members present. Bill was read aloud.

**Rep. Dorvan Solberg, Dist. 2:** I bring this simple bill for the taking of wild turkeys with a 22 magnum hollow point bullet because hunters in my district had hunted with them. It's a common sense bill; they wanted to save the meat and don't like BB's in the meat.

**Chr. Nelson:** Are there questions of Rep. Solberg?

**Rep. Porter:** I'm not familiar with 22 magnums. What is the distance of accuracy?

**Solberg:** With the new ammunition, a 22 magnum is accurate up to 125-150 yards.

**Chr. Nelson:** Are there further questions for Rep. Solberg?

**Rep. Nottestad:** Why are you just picking the 22 magnum? Why wouldn't you pick other, higher powered rim fired cartridges, for example, the new 17HR caliber bullet, it has greater power than the 22 magnum? Yet, that wouldn't be legal and this would be.

**Solberg:** The folks who came to me with this didn't mention the 17 caliber.

**Rep. Charging:** Is there any state in the U.S. that currently allows this?

**Solberg:** I'm not aware of it. It seems to me that there are, but I don't have documentation and I'm unsure.

**Chr. Nelson:** Further questions for Rep. Solberg? Maybe someone from the Department could answer that question about other states. Roger, is anyone from your department familiar with regulations in other states as far as rim fire weapons being allowed for turkey hunting?

**Roger Rostvet, ND Game & Fish:** There is quite a variety, anything from high powered rifles to 22's and shotguns. In Montana, you can use a 7 mm magnum if you want.

**Solberg:** Thanks, Roger, that will help me.

**Rep. Hunsakor:** I assume that this is talk about shooting the turkey in the head. Shooting the turkey in the body with that type of weapon would be a better chance of wounding and losing the bird.

**Solberg:** I'm sure if you shot him in the leg they would keep going.

**Chr. Nelson:** Welcomed students from Bismarck State College. Is there further testimony in support of HB 1447?

**Dennis Daniel:** I have mixed emotions about it, and agree a little bit. I think for the serious spring turkey hunter, would probably reduce the amount of cripples. I think most people who hunt them with a rifle would shoot them in the head. I have, on occasion, have left a cripple behind simply because I get in a territory where there is not a lot of cover, so I couldn't draw them in close. I think you would be a lot less apt to take a bad shot. I think this would be a good bill for this reason. They're a hard bird to kill.

**Chr. Nelson:** Are there questions of Mr. Daniel? Seeing none, thank you. Is there further support for HB 1447?

**David Munsch:** Turkeys are hard to kill unless they're shot in the head. You can't stalk them.

**Chr. Nelson:** Is there further testimony in support of HB 1447? Seeing none, is there opposition to this bill?

**Ray Hager, Washburn:** I'm opposed to this bill for one main reason. I've hunted turkeys since there was a turkey season in ND. I've always used a shotgun, and I've always got my turkey. In the spring, you use decoys and camouflage, and you sit out there, they can't see you. I have a motion turkey decoy that moves. I don't really need someone walking around the woods with a rifle that may shoot in my direction, or shoot around or over the edge of a knoll. The hunter doesn't see me. It's too dangerous, it's not shooting. It's a privilege to hunt, and it might be a little hard, but any turkey within 35 yards with No. 2 shot and a 3 1/2 inch shell is dead if you have a man who can shoot the shotgun. I don't think we need to go after them with a rifle.

**Chr. Nelson:** Any questions of Mr. Hager?

**Rep. Hanson:** In the first season, 1958, you had to use a centerfire rifle, so you would be in violation again if you had to use a shotgun.

**Hager:** I can't dispute that. It works with a shotgun, makes it a little harder, and you don't have the guy casting out 175-200 yards, hoping, or flock shooting.

**Chr. Nelson:** You mention where you hunt. I'm assuming you're talking about the river valley. Is there a lot of hunting competition in that area where you decoy for turkeys?

**Hager:** Yes, also a lot of road hunting, looking for a flock. I just think you're just looking for trouble. It didn't work for the 22's because ranchers found too many wounded years ago. I'm

concerned for the people who camouflage themselves in the spring and call. You also sometimes call in a hunter. I've stood up and waved and asked him not to shoot my decoys. Thank goodness he was hunting with a shotgun because if he'd been hunting with a 22 magnum, he might have been shooting (because he could shoot from a further distance).

**Rep. Solberg:** When you refer to wounded birds, my research shows that there were not only wounded birds shot with a 22, but also with a shotgun, so I found out there was a mix.

**Hager:** I agree with you. If you shoot at a turkey from 60 yards with a shotgun, your chances of killing that tom turkey are slim, where you could kill him with a 22 magnum at 60 yards. But at 70 yards, there is a guy camouflaged in the brush and you don't see me. That's why I'm opposed to the bill.

**Chr. Nelson:** Ray, would you be opposed to a rifle season only in the fall turkey season?

**Hager:** A lot of people don't know this, but if you use a lost turkey call (in the fall), you can call turkeys probably better than the other. Yes, I would be opposed to a rifle to shoot in any season.

**Chr. Nelson:** Further questions for Ray? Seeing none, is there further opposition to HB 1447?

**Mike Donahue, ND Wildlife Federation are opposed. United Sportsmen of ND are neutral:**

(Written testimony attached). Also, the bill doesn't address type of weapons, pistols could also be used.

**Chr. Nelson:** Are there questions for Mr. Donahue? Seeing none, is there further opposition?

**Roger Rostvet, ND Game & Fish:** We're opposed to the bill because we as an agency could, through a Governor's proclamation, allow 2 magnums or any type of rifle. A little bit of history on the reason we don't allow that right now ... back when the season opened in the 50's up until 1970, you could use a rifle, including centerfire rifle. Those were limited, small seasons. From

1971-1989, it was shotguns only. In the fall 1989 and the spring of 1990, we allowed the use of rim fire rifles. It was discontinued in the fall of 1991. The rationale for discontinuing the use of it was twofold. One was landowners were observing wounded birds in the field after the hunting season, and sportsmen were complaining about the number of turkeys that they shot that showed signs of wounding from 22's. There was also a concern about safety. At that time, turkeys were hunted right around farm places. We went so far in 1990-91, we published in our hunting guide, under the weapons sections, "rifles, rim fire rifles no smaller than 22 caliber, long rifle or muzzle loading long guns are legal. Rifles must have minimal barrel length of 60 inches. Fully automatic weapons are illegal." Then, "persons using rifles must exercise extreme caution. Be absolutely sure of your target and what lies beyond. Some landowners will not allow turkey hunters to use rifles on their property for safety reasons." We put that out because it was causing problems. We rarely put warnings in guides like that, but we had received enough concern from landowners for allowing rim fire rifles around their place. The fall of 1992, we discontinued the use of all rim fire rifles and it has remained that way since. Under the law now, we could reinstate without legislation, but we look back at the files and (see the reminders).

**Rep. Solberg:** So, at the present time, the only legal weapon to hunt turkeys is a (unintelligible).

**Rostvet:** No, pistols, muzzleloaders, and shotguns are legal.

**Solberg:** So the safety factor that you mention, that danger factor is still there with pistols or muzzleloaders as they have quite a range.

**Rostvet:** That definitely may be true, but I think it shows that we haven't had any problems with those folks. It's a select, small group that is already limiting itself quite a bit, one shot, not very effective. Our Department goal is to allow as many citizens (to hunt) as possible until problems

or concerns happen. There have not been any with the pistols or muzzleloaders, so we chose not to make those illegal. We have experienced them with the rim fires.

**Chr. Nelson:** Further questions for Mr. Rostvet? Seeing none, thank you for your testimony. Is there further opposition to HB 1447?

**Harold Neameyer, Cass County Wildlife Club: (Written testimony attached)** I'm taking my grandkids turkey hunting this fall and I am a little nervous about the possibility having 22 magnums on the other side of the tree row.

**Chr. Nelson:** Are there questions of Mr. Neameyer? Seeing none, thank you, Harold. Is there further testimony in opposition of HB 1447?

**Curtis Blohm, ND Outdoor Heritage Coalition: (Written testimony attached)**

**Chr. Nelson:** Any questions for Mr. Blohm? Seeing none, thank you for your testimony. Is there further opposition to HB 1447? Seeing none, I'll close the hearing on HB 1447. What's the committees wishes?

**Rep. Dorvan Solberg:** I'll make a motion for Do Pass.

**Rep. Norland:** Second

**Chr. Nelson:** Committee discussion?

**Rep. Norland:** Is it too late to amend that bill after...

**Chr. Nelson:** It is now. We can reconsider the action if you'd like to do that. all right, make that motion.

**Rep. Solberg:** I move to reconsider the action.

**Rep. Norland:** Second

**Chr. Nelson:** All those in favor, signify by saying aye, opposed. (1st) **Motion carried.**



**Rep. Norland:** I think in the bill, if it has a chance to pass, what we should do is amend it to say "22 magnum rim fire cartridge." I don't want to include a 22. It says 22 magnum there, but there Rep. Nottestad was right. There use to be a 17 caliber Remington and a centerfire. I checked with Roger, and they do make a brand new rim fire weapon, that is 17 caliber. That is probably going to cause some problems, so maybe that should be included in the bill and get rid of the hollowpoint and just put 22 mag. I'm not sure how to state that.

**Rep. Nottestad:** 17HR is the official name.

**Rep. Norland:** I think those are the only two on the market. "Any rim fire excluding a 22 cartridge," that isn't going to work.

**Nottestad:** "Excluding 22 short, long, or long rifle..."

**Norland:** The amendment would read, Line 9, " 22 mag, 17HR, excluding 22 short, long or long rifle to take wild turkeys."

**Rep. Porter:** Rep. Norland, are you striking "hollow point bullets" ?

**Norland:** Yes.

**Chr. Nelson:** Does everybody understand the proposed amendment?

**Norland:** The 22 Mag does make hollow point or full metal jacket. Actually, the hollow point is not good for turkeys because it explodes on the exterior when it hits the feathers; it's not a good bullet. If you're going to use it, you need to use a full metal jacket. I'm still going to vote against the bill, but this should be the amendment.

**Rep. Solberg:** Second

**Chr. Nelson:** An amendment has been moved by Norland, seconded by Solberg.

**Rep. DeKrey:** I'm going to oppose the amendment just for the reason the Game & Fish had the authority to do *any* of this right now. I think if we put all that into law it would limit what they can do.

**Chr. Nelson:** Is there further discussion?

**Rep. Porter:** I'd just ask for a roll call vote on the amendment.

**Chr. Nelson:** It will be granted. Is there further discussion on the proposed amendment? I'll ask for a roll call vote on the proposed amendment. Call the roll:

**2nd Vote - for Amendment: 6-Yeas; 8-Nays; 0-Absent - Amendment Failed**

**Rep. Hanson:** I'd like to amend Line 10, after turkeys "in fall season only."

**Chr. Nelson:** The proposed amendment is to include in Line 10, "in fall season only?"

**Hanson:** Yes.

**Chr. Nelson:** Is there a second?

**Rep. Solberg:** Second

**Rep. DeKrey:** Game & Fish can already do it.

**Chr. Nelson:** Any further discussion? Seeing none, I'll ask for a voice vote on this amendment, all those in favor? Opposed? **Chair calls motion defeated.**

**Rep. Keiser:** I move a Do Not Pass on HB 1447.

**Rep. Drovdal:** I'll second it.

**Chr. Nelson:** Do pass moved by Keiser, seconded by Drovdal. Committee discussion. Seeing none, I'll ask the clerk to call the roll.

**Do Not Pass Vote: 9-Yeas; 5-Nays; 0-Absent; CARRIER: Keiser**

Date: 2/10/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1447

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Move to reconsider action

Motion Made By : Solberg Seconded By : Norland

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson			Rep. Lyle Hanson		
Vice Chairman - Todd Porter			Rep. Bob Hunsakor		
Rep. Dawn Marie Charging			Rep. Scot Kelsh		
Rep. Donald L. Clark			Rep. Dorvan Solberg		
Rep. Duane DeKrey					
Rep. David Drovdal					
Rep. Dennis Johnson					
Rep. George J. Keiser					
Rep. Mike Norland					
Rep. Darrell D. Nottestad					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

Voice Vote passed

Date: 2/10/05  
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1447

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number           

Action Taken : Proposed amend. - Line 9 "22 mag, 17 HR excluding 22 shorts, long or by rights to take with pickup"

Motion Made By : Norland Seconded By : Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson		✓	Rep. Lyle Hanson		✓
Vice Chairman - Todd Porter		✓	Rep. Bob Hunsakor	✓	
Rep. Dawn Marie Charging		✓	Rep. Scot Kelsh		✓
Rep. Donald L. Clark		✓	Rep. Dorvan Solberg	✓	
Rep. Duane DeKrey		✓			
Rep. David Drovdal	✓				
Rep. Dennis Johnson	✓				
Rep. George J. Keiser		✓			
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad	✓				

Total (Yes) 6 No 8

Absent 0

Floor Assignment           

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

Alt Hanson: Amend

*Amendment failed*

2/10/05  
Entered

Date: 2/10/05  
Roll Call Vote #: 3

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1447

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

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

Action Taken : Do Not Pass

Motion Made By : Keiser Seconded By : Drovdal

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson		✓
Vice Chairman - Todd Porter	✓		Rep. Bob Hunsakor		✓
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh		✓
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg		✓
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Dennis Johnson	✓				
Rep. George J. Keiser	✓				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad		✓			

Total (Yes) 9 No 5

Absent 0

Floor Assignment Keiser

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

**REPORT OF STANDING COMMITTEE (410)**  
February 10, 2005 1:13 p.m.

**Module No: HR-27-2416**  
**Carrier: Kelser**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1447: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1447 was placed on the Eleventh order on the calendar.**

2005 TESTIMONY

HB 1447

House Bill No. 1447

Reference: Relates to allowing use of a twenty-two magnum  
rifle for the taking of wild turkeys

House Natural Resources Committee

Hearing Date: February 10, 2005

Good Morning, Mr. Chairman and Committee members. My name is Curtis Blohm. I appear before you today representing the North Dakota Outdoor Heritage Coalition. This coalition was founded out of the need for representation before the legislative committee by North Dakota citizens concerned for the preservation of our unique outdoor recreational heritage.

The ND Outdoor Heritage Coalition is not in favor of the content of this bill. The members believe that the use of a .22 magnum rifle creates a greater danger to hunters in the field or people in the surrounding area than the current use restriction of a shotgun. We would recommend to the Committee a "Do Not Pass" recommendation on this legislation.

Thank You.





**Cass County  
WILDLIFE CLUB**

**Box 336  
Casselton, ND 58012**

*By: Harold Neameyer*



**TESTIMONY OF HAROLD NEAMEYER  
CASS COUNTY WILDLIFE CLUB  
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE**

**ON**

**HB 1447**

**February 10, 2005**

Mr. Chairman and Members of the Committee:

The Clubs main concern about this bill is due to safety. With some hunters dressed in camouflage and in ground blinds with shotguns, a person with a 22 mag. may not know there is anyone else in the area, thus the danger for an accidental shooting.

Many turkeys are hunted in or near farm/ranch yards and using rifles may be offensive to them.



# North Dakota Wildlife Federation

Abundant wildlife and wildlife habitat, and access to wildlife recreational opportunities



2/10/2005

For: House Natural Resources Committee

Ref: HB 1447

The North Dakota Wildlife Federation opposes HB 1447. United Sportsmen of North Dakota are neutral.

The Federation is opposed because of safety concerns and because they believe there will be an increased number of birds hit that will escape only to die later from the wounds - in other words, wasted.

Please, do not pass.

Thank you,  
Mike Donahue  
Lobbyist #275



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