

2011 HOUSE ENERGY AND NATURAL RESOURCES

HB 1393

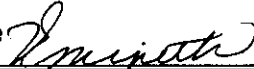
2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

HB1393
02/03/2011
1393

☐ Conference Committee

Committee Clerk Signature



Minutes:

Rep. Porter: We will open HB 1393

Rep. Kilichows: I have no prepared testimony. I have HB 1393 as drafted would allow crossbow hunting during the duration of any season that would allow the use of firearms. I had a couple of amendments drafted what these amendments would do is allow it for use during any firearm season which would be gun and muzzle loader and for the use during the spring and fall turkey season. They would have to be in the lottery and get their license in the lottery for the gun draw. I brought this bill forward because there people out there that would like to hunt with a crossbow. The only way you can hunt with a crossbow now is if you are disabled or get a doctors waiver. You can use them during the bow season. At first that is what I was going to put it in for.

After talking with the Game and Fish Department and some other people I can understand why they wouldn't want it during the bow and arrow season. Giving those people the opportunity to use their crossbow which is almost like a firearm during the firearm season and I would suggest you cross out the muzzle loader I think there is a bill coming in to take that out of the firearms or the guns. The Game and Fish thought that would be good to use it for the spring and fall turkey season.

Rep. Porter: Are there any questions for Rep. Kilichowski? Your intend and the intend of the amendment is to allow a person who has a license for the regular deer gun season to be able to choice to use a crossbow for that season only and also for spring and fall turkey hunting?

Rep. Kilichowski: Yes.

Rep. Keiser: If we were to adopt the amendments does that hold true? Have you seen these amendments?

Rep. Kilichowski: Yes

Rep. Keiser: So If we were to adopt these amendments would your intend still remain?

Rep. Kilichowski: Yes I did ask that you strike the muzzle loader. It would be the deer gun and spring and fall turkey season.

Rep. Porter: Inside the Kilichowski amendments it would start out by crossing out "or muzzle loader firearm season." And the amendment would start there saying "provided the individual hunting possesses the appropriate deer gun" and then overstrike or muzzle loader hunting and then continue license and then "a crossbow may be used during the spring and fall turkey seasons" would be what Rep. Kilichowski has for. Are further questions for Rep. Kilichowski?

Randy Kreil: I am Chief of the Wildlife Division for the North Dakota. Our department is neutral on this bill. I would like to take a moment to address a comment by Rep. Kilichowski about muzzle loaders. The muzzle loader bill that is being circulated throughout the Legislature does not deal with Game and Fish related use of muzzle loader use during hunting seasons. If that bill passes or fails it does not affect the ability to use a muzzle loader for muzzle loader hunting. If the intend of the sponsor and intend of the committee was to allow people to use crossbows during the regular deer gun season as long as they had a regular deer gun license and during the muzzle loader season that would be ok. You wouldn't have to strike the muzzle thing because the previous bill would have no impact on this.

Rep. Porter: Is there any other testimony in support of HB 1393? Is there any opposition to HB 1393?

Nancy Buechler: I am speaking on behalf of the United Sportsmen of North Dakota. (see attachment 1) We urge a do not pass on this bill.

Rep. Porter: Are there questions for Nancy Buechler?

Rep Kasper: What is the problem with crossbows in the season you don't want them in?

Nancy Buechler I would rather have Mr. Helphrey with the bow hunters association give you the information on the crossbows.

Rep. Porter: Are there any other questions for Nancy Buechler?

Foster Ray Hager: I am from Washburn. I am an avid turkey hunter and these new crossbows are pretty dangerous over 100 yards. When I am out there I really don't want anybody out there with a crossbow because the new ones shoot too far. We have had them shooting 22's at one time and in turkey season and that was the same problem. I am against that portion of the bill.

Rep. Porter: Your concern than if we were to strike out spring and leave it as fall because it is a little different hunting situation, would that be ok?

Foster Ray Hager: As far as I am concerned yes.

Rep. Porter: Are there any questions for Mr. Hager?

Rep. Hanson: In your handout you say 70% of the respondents were against allowing crossbows in the archery season. I don't think this bill says they can use the crossbow during the archery season.

Nancy Buechler: I understand that yes and again we are concerned that they are going to use this as a stepping stone to bring it into the archery season. More than half of our members were opposed to it being in the gun season.

Rep. Hanson: I have never heard of this survey.

Nancy Buechler: It was sent out in December in the news letter. I will verify your address.

Rep Porter: Is there further opposition to HB 1393.

Bill Helphrey: I represent the North Dakota Bow Hunters Association. I do not speak in support of this bill because it deals with the crossbow in the rifle season. We as bow hunters feel we shouldn't try to tell a rifle hunter what they can or cannot have in their season. I speak in opposition on this bill because of the fears that this is going to be a stepping stone to moving it into the regular archery season. That is what has happened in other states. The industry has used this as an approach to get the crossbow into the bow seasons in many states.

Rep. Porter: When Rep. Kilichowski brought this bill to me we had the discussion about regular bow season and making it a weapon during season. I told him the chances were very slim that this would be allowed during the bow season as a legal weapon.

Rep Kasper: What is the problem with the crossbows?

Bill Helphrey I represent the state of North Dakota at the Northern American Bow Hunting Coalition. That is a coalition of 83 plus bow hunting groups both the national levels and the states. We have tracked in the states that have introduced crossbows into the archery season over the past years. When the crossbow was introduced it spiked and since then it has gone downhill to where there are fewer bow hunters in the field now than there were 6 years prior to the crossbow. We could cut down on the harvest of the buck deer for the bow hunters by shorting the season or we could put the bow hunters in a lottery the same as a gun hunter and do that by district. That would hurt some of us that live here and in the eastern part of the state that would like to take the opportunity to hunt in the badlands and try to hunt for a mule deer. Crossbow in the archery season would accelerate that, we feel in a matter of a few years it will be there.

Rep. Porter: currently you can't use a compound in the spring turkey season?

Bill Helphrey: You can use the bow and arrow during the spring turkey. Yes

Rep. Porter: The range of that bow with the arrow what would happen if that arrow went array?

Bill Helphrey: Are you asking if the arrow glances off a rock?

Rep. Porter: I was wondering what the difference is of a missed shot out of a crossbow in comparison to a missed shot off a compound bow.

Bill Helphrey: I don't know if there would be more danger because you are talking ricochet, a glancing shot. Where the arrow would land determines the distance. Who knows.

Rep. Porter: So what would be the potential of range of a arrow on a missed shot if it missed and kept flying off of a compound bow?

Bill Helphrey: I think the big difference would be the traditional bow or the compound bow or the crossbow. Is the path in which it would go, the crossbow shoots a much shorter bolt so it is much lighter I think the compound bow and the traditional bow arrow would travel a less distance than a crossbow because of the weight and the motion.

Rep. Porter: Is there further testimony in opposition of HB 1393?

Paul Shannon: I live outside of Bismarck. I have been in bow hunting for over half a century. Think of crossbow as a machine. You have anywhere from a 4 to a 10 power scope mounted on there. You will use a leverage system to get that 150 pound machine cocked and you put a bow on there then you are walking around with a very quite 30-30 all cocked and ready to go. Many states call it the ideal poachers weapon. I represent the professional bow hunters society we have about 1400 members across the country and Canada. We try to keep bow hunting at what it is, that is keep close to nature. The crossbow doesn't fit into the scheme of things.

Rep. Damschen: When would you suggest people could hunt with crossbow ?

Paul Shannon: I don't want to see them out in the woods. There are 1300 crossbow permits for handicapped people to use for the archery season.

Rep. Porter: How would you look at differentiating the difference between a 357 pistol during the deer gun season and someone hunting with a crossbow?

Paul Shannon: The crossbow has about a 60 yard advantage. Very few hand gunners will try out the 50 yards.

Rep. Porter: Is there further opposition to HB 1393?

Mike Donahue: I representing the North Dakota Wildlife Federation. We support a do not pass on this bill.

Rep. Porter: Are there any questions for Mr. Donahue? Is there any further opposition?

Rep. Hanson: How many states legalized crossbows?

Randy Kreil: I believe the number is 15 states. There are many that are allowing them during the firearm season.

Rep Hanson: During the gun season legal weapons are hand guns, rifles shotguns?

Randy Kreil: you may use archery equipment during the regular deer hunting season. In 2010 we had a total 1630 crossbow permits. We have seen an increase in the number of people applying for the permanent disabilities, this year we had 251. When you buy a archery license it is any deer. There is no restriction on the sex or deer involved.

Rep. Porter: They are also hunting for the entire length of the archery season?

Randy Kreil: That is correct with a over the counter archery license you are allowed to hunt from when archery season opens until the first Sunday in January, until you fill that license.

Rep. Porter: The use of the crossbow. Is there an optics restriction on the crossbow?

Randy Kreil: I believe they can use advanced optics when they are using a crossbow.

Rep. Porter: Were the 1300 crossbow permits during the season a little bit high?

Randy Kreil: 1300 is the number of residents and then toss in the number on nonresidents and that gets to about 1600.

Rep. Porter: So those 1600 permits could they be walking with a crossbow and hunting right now? Could these individuals hunt during the spring and fall turkey season with a crossbow in place of a regular bow?

Randy Kreil: Yes you are correct.

Rep. Nathe: Do you have any stats of injuries from the crossbow hunting?

Randy Kreil: No we do not.

Rep. Hunsakor: We heard that the person wanting a permit to hunt with a disability could go to Game and Fish and possibility get one. What is the procedure in North Dakota?

Randy Kreil: The Game and Fish Department Director doesn't have medical license. No he does not make that decision. If they bring a letter from a doctor stating they have a permanent disability and are unable to use a regular bow they are eligible to use a crossbow permit.

Rep. Porter: Are there any other questions for Mr. Kreil? We will close the hearing on HB 1393.

2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB1393
2/10/2011
14377

☐ Conference Committee

Committee Clerk Signature



Minutes:

Rep. Porter: We will open HB 1393. Rep. Kilchowski presented us with the amendment 01002 in that amendment he asked that we overstrike the language on "muzzle loader firearm season provided" and overstrike or muzzle loader hunting. We would be replacing on there "that allows the use of"

Rep. Hanson: It goes to the regular deer season along with using a bow and arrow, a shotgun, slugs, riffle, handgun, and it would add crossbow?

Rep. Porter: That is correct: and then the other thing it does is continues on to "also spring and fall turkey season." You would be able to use the crossbow as a legal weapon during the 16 day deer gun season and then also during spring and fall turkey season.

Rep. Nathe: I make a motion to adopt the amendments.

Rep. DeKrey: Second

Rep. Porter: We have a motion to the adopt the Kilchowski 01002 amendment with the overstrike on or muzzle loader firearm season provided and or muzzle loader hunting. Is there discussion on the purposed amendment? Voice vote taken, motion carries. We have an amended bill.

Rep. Kasper: I move a do not pass as amended.

Rep. Kreun: Second.

Rep. Porter: Motion Fails

Rep. Nelson: I move to make pass as amended

Rep. DeKrey: Second.

Rep. Porter: We have a motion for a Do Pass as amended. Motion Carries

YES 8

NO 4 Absent 3

Carrier: Brabandt

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1393

Page 1, line 2, replace "during any gun" with "for"

Page 1, line 2, replace "season" with "purposes"

Page 1, line 6, remove "during any gun hunting season"

Page 1, line 8, after "any" insert "deer gun"

Page 1, line 8, replace "that allows the use of a firearm during that season" with "or muzzleloader firearm season provided the individual hunting possesses the appropriate deer gun or muzzleloader hunting license. A crossbow also may be used during the spring and fall turkey seasons"

Renumber accordingly

Date: 2-10-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1393

House House Energy and Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep Nathe Seconded By Rep DeKrey

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|-----------------|-----|----|
| Chairman Porter | | | Rep. Hanson | | |
| Vice Chairman Damschen | | | Rep. Hunskor | | |
| Rep. Brabandt | | | Rep. Kelsh | | |
| Rep. Clark | | | Rep. Nelson | | |
| Rep. DeKrey | | | | | |
| Rep. Hofstad | | | | | |
| Rep. Kasper | | | | | |
| Rep. Keiser | | | | | |
| Rep. Kreun | | | | | |
| Rep. Nathe | | | | | |
| Rep. Anderson | | | | | |
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Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*voice vote taken to adopt amendments
motion Carried*

Date: 2-10-11
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1393

House House Energy and Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep Kasper Seconded By Rep Kreun

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|-----------------|-----|----|
| Chairman Porter | | ✓ | Rep. Hanson | | ✓ |
| Vice Chairman Damschen | | ✓ | Rep. Hunskor | | ✓ |
| Rep. Brabandt | | ✓ | Rep. Kelsh | | ✓ |
| Rep. Clark | | ✓ | Rep. Nelson | | ✓ |
| Rep. DeKrey | | ✓ | | | |
| Rep. Hofstad | | ✓ | | | |
| Rep. Kasper | ✓ | | | | |
| Rep. Keiser | | ✓ | | | |
| Rep. Kreun | ✓ | | | | |
| Rep. Nathe | | ✓ | | | |
| Rep. Anderson | ✓ | | | | |
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Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Failed

VK
2/11/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1393

Page 1, line 2, replace "during any gun" with "for"

Page 1, line 2, replace "season" with "purposes"

Page 1, line 6, remove "during any gun hunting season"

Page 1, line 7, after the underscored comma insert "an individual may use"

Page 1, line 7, remove "may be used"

Page 1, line 8, after "any" insert "deer gun"

Page 1, line 8, replace "that allows the use of a firearm during that season" with "the individual possesses the appropriate deer gun license. A crossbow also may be used during the spring and fall turkey seasons"

Renumber accordingly

Date: 2-10-11
Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1393

House House Energy and Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By _____ Seconded By _____

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|-----------------|-----|----|
| Chairman Porter | ✓ | | Rep. Hanson | ✓ | |
| Vice Chairman Damschen | ✓ | | Rep. Hunsakor | ✓ | |
| Rep. Brabandt | ✓ | | Rep. Kelsh | AY | |
| Rep. Clark | | ✓ | Rep. Nelson | ✓ | |
| Rep. DeKrey | ✓ | | | | |
| Rep. Hofstad | No | | | | |
| Rep. Kasper | | ✓ | | | |
| Rep. Keiser | AY | | | | |
| Rep. Kreun | | ✓ | | | |
| Rep. Nathe | ✓ | | | | |
| Rep. Anderson | | ✓ | | | |
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Total (Yes) 8 No 4

Absent 3

Floor Assignment Rep Brabandt

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

REPORT OF STANDING COMMITTEE

HB 1393: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1393 was placed
on the Sixth order on the calendar.

Page 1, line 2, replace "during any gun" with "for"

Page 1, line 2, replace "season" with "purposes"

Page 1, line 6, remove "during any gun hunting season"

Page 1, line 7, after the underscored comma insert "an individual may use"

Page 1, line 7, remove "may be used"

Page 1, line 8, after "any" insert "deer gun"

Page 1, line 8, replace "that allows the use of a firearm during that season" with "the individual possesses the appropriate deer gun license. A crossbow also may be used during the spring and fall turkey seasons"

Renumber accordingly

2011 SENATE NATURAL RESOURCES

HB 1393

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1393
March 17, 2011
Job #15562

☐ Conference Committee

Committee Clerk Signature

Veronica Sparling

Explanation or reason for introduction of bill/resolution:

Relating to legal weapons for hunting purposes

Minutes:

Testimony Attached

Chairman Lyson opened the hearing on engrossed HB 1393.

Representative Robert Kilichowski, District 16, introduced the bill. It would allow crossbow hunting during the gun deer hunting season. After visiting with Game and Fish, it is more like using a handgun. The crossbow hunters would still get their license through the lottery. Right now the only way you can hunt with a crossbow is if you are disabled and get a medical waiver through a doctor. In 1951 they did not want to expand deer hunting to bow and arrow. (See Attachment #1.) It has been good for the hunters and for the state for tourism and revenue. This would expand it a little. He encouraged a Do Pass on HB 1393.

Senator Freborg: How far does a crossbow shoot?

Representative Robert Kilichowski: My understanding is about 100 yards.

Senator Freborg: I thought a bow could shoot farther than a crossbow and I'm not sure any bow is effective at 100 yards.

Senator Burckhard: A survey of bow hunters shows 92% of bow hunters are against crossbow usage in the archery season.

Representative Robert Kilichowski: I understand that. This doesn't apply to the archery season at all. This is strictly during the gun season.

Opposition

Foster Ray Hager, representing himself, spoke in opposition to HB 1393. He is opposed to it when it involves turkey. There is a new crossbow called the "tactical assault" crossbow. It is on an AR15 frame. 800 yards would be nothing if they missed what they were shooting at. If you hit a turkey with this new crossbow, it's more powerful than a 30 30. If you miss, it

may go 300-400 yards. For deer, fine, people are dressed in orange and should be visible. In turkey season people are wearing camouflage. It is too dangerous. He handed out a letter from the Licensing Division. See Attachment #2.

Senator Uglem: Are crossbows illegal to own at this time?

Foster Ray Hager: They are legal to own. They are just too powerful for turkeys, ok for deer.

Bill Helphrey, a member of the ND Bowhunters Association, presented written testimony in opposition to HB 1393. See Attachment #3, #4, and #5. He has been hunting with bow & arrow in ND for 55 years. He explained some of the acronyms on the Accuracy Comparison chart. PSE stands for Precision Shooting Equipment. TAC stands for Tactical Assault Crossbow. ATA is the Archery Trade Association Show. He asked for a Do Not Pass. He is not opposed to using a crossbow in the deer rifle season, but his concern is the in the states where it has been introduced in the deer rifle season, it keeps expanding into the archery seasons. This bill lays a foundation for that expansion as it legalizes the crossbow as a legal weapon for hunting.

Chairman Lyson: Are you the President of the ND Bowhunters Association?

Bill Helphrey: No, I am a member.

Chairman Lyson: The Bowhunters Association that I belong to has contacted me and said they don't have a problem with this being in gun season and they don't have a problem with it being in the turkey season.

Bill Helphrey: We are not concerned with it being in the deer rifle season, we are afraid it will expand into other seasons as it has in other states.

Senator Uglem: Do we have any reason to believe that this high powered crossbow would be a legal crossbow in ND? Information from the ND Game and Fish Dept. it says "not more than 200 pounds" Is it your fear that it would be a legal weapon?

Bill Helphrey: Yes, It would be a legal weapon.

Senator Uglem: I would like to hear confirmation from the Fish and Game Dept. that that is indeed true.

Chairman Lyson asked Roger Rostvet to come to the podium.

Roger Rostvet, Director of ND Game and Fish Dept: I am assuming it would be a legal weapon. Up to and including 200 lbs. would be legal.

Senator Burckhard: Would the use of this crossbow have an effect on managing the deer population?

Roger Rostvet: As written, there would be minimal if any change.

Senator Burckhard: How many permits are issued for deer hunting and what percent are filled?

Roger Rostvet: It can vary from 116,000 to 146,000. There is a 65 to 70% success rate.

Senator Triplett: Could you respond to Mr. Hager's comments about the danger of use of crossbows in turkey season when hunters are in camouflage instead of in blaze orange?

Roger Rostvet: There is more of a danger; it is hard to speculate and quantify how much more dangerous it is.

Senator Triplett: When you say you can use a bow now, you are referring to a regular bow? Presently crossbows cannot be used in turkey season?

Roger Rostvet: That is correct.

Senator Triplett: Does Game and Fish have a position on whether that piece should be taken out of the bill?

Roger Rostvet: We have not taken a position.

Senator Uglem: Would it be easy to change department policy so the more powerful crossbows would not be legal during turkey season?

Roger Rostvet: It is set by statute right now. The Century Code says what equipment is useable. The pounds of pull are more of a mechanical advantage by new crossbows and compounding with pulleys. It would probably be impractical.

Chairman Lyson closed the hearing on HB 1393.

Senator Triplett: motion to amend the bill by striking the language about turkey season.

Senator Freborg: Second

Senator Triplett: It is a matter of safety because of the way hunters dress in camouflage rather than in blaze orange.

Motion carried by voice vote.

Senator Freborg: Do Pass as Amended

Senator Schneider: Second

Roll Call Vote: 6-0-1

Carrier: Senator Lyson

Date: 3-17-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1393

Senate Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Triplett Seconded By Freborg

| Senators | Yes | No | Senators | Yes | No |
|-------------------|-----|----|-------------------|-----|----|
| Chairman Lyson | | | Senator Schneider | | |
| Vice-Chair Hogue | | | Senator Triplett | | |
| Senator Burckhard | | | | | |
| Senator Freborg | | | | | |
| Senator Uglem | | | | | |
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Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

spring & fall
amend to take out the turkey season
- can't

carried by voice vote

Date: 3-17-11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1393

Senate Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ^{as} ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Freborg Seconded By Schneider

| Senators | Yes | No | Senators | Yes | No |
|-------------------|-----|----|-------------------|-----|----|
| Chairman Lyson | ✓ | | Senator Schneider | ✓ | |
| Vice-Chair Hogue | | | Senator Triplett | ✓ | |
| Senator Burckhard | ✓ | | | | |
| Senator Freborg | ✓ | | | | |
| Senator Uglem | ✓ | | | | |
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Total (Yes) 6 No 0

Absent 1

Floor Assignment Lyson

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

REPORT OF STANDING COMMITTEE

HB 1393, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1393
was placed on the Sixth order on the calendar.

Page 1, line 8, remove "A"

Page 1, remove line 9

Renumber accordingly

2011 TESTIMONY

HB 1393



United Sportsmen of North Dakota

Post Office Box 272

Bismarck, ND 58502

www.unitedsportsmen-nd.org

E-mail: info@unitedsportsmen-nd.org

TESTIMONY REFERENCING HB 1393

By Nancy Buechler, Lobbyist #290

House Energy & Natural Resources Committee

February 3, 2011

Mr. Chairman and Members of the Committee:

I am Nancy Buechler speaking on behalf of the United Sportsmen of North Dakota, an organization of over 600 sportspeople organized to promote conservation of wildlife, to promote sportsmanship in hunting, fishing, and trapping and to support the proper management of these resources.

In recent years the multimillion dollar crossbow industry has launched a national campaign to legalize the crossbow for hunting in all 50 states. So far they have been successful in only 15 states but their campaign continues. While their goal is for the crossbow to be designated a legal weapon in archery seasons, they have attempted to use the gun season as a stepping stone toward that end.

United Sportsmen recently conducted a survey reviewing legislative issues and polling members opinion on several bills. When asked about the legalization of crossbows 70% of respondents were against allowing crossbows in archery season and more than half were against allowing crossbows in either archery or gun seasons. However, our membership wholeheartedly supports current law which allows handicapped individuals the opportunity to use crossbows with a special permit.

If this bill included allowing crossbows in archery season my testimony would be several pages longer and this room would be filled beyond capacity. But for now we feel that stopping the "stepping stone" process that has been successfully employed in other states is in the best interest of United Sportsmen of North Dakota and all North Dakota bow hunters.

We urge a Do Not Pass on HB 1393.

#1

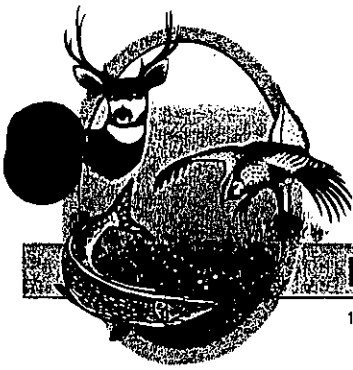
Deer Archery? "Never, Never!"

"Shoot if you must—" is the attitude of Sen. E. C. Stucke of McLean county to a bill now being prepared for introduction in the North Dakota House of Representatives designed to legalize deer hunting with bows and arrows.

Such a bill was passed in the House in 1951 but didn't survive Sen. Stucke's eloquent opposition.

And Stucke is quick to assure everyone concerned he is more than ready to take up the fight.

2



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

Dear Sportsman/Sportswoman

Enclosed you will find a plastic card. This is your permission to shoot with a crossbow. Please put this card in a safe place, as you will need to carry it with you while hunting.

A Crossbow can be carried loaded in a vehicle. A crossbow is not considered a firearm. You cannot shoot from a vehicle with this permit.

A current archery license is necessary for each species hunted or season participated in addition to the special crossbow permit.

Crossbows must: a) have a peak draw weight of at least 75 pounds and not more than 200 pounds, b) be equipped with a working safety to prevent accidental firing, c) have a stock at least 14 inches long, d) use arrows or bolts at least 14 inches in length, e) crossbow hunters must comply with all other archery equipment regulations listed in the guide.

Battery-powered and electronic-lighted sight pins and telescopic sights not exceeding a maximum power of four by thirty-two millimeters may be attached to crossbows.

Sincerely,

Licensing Division
701-328-6344

Senate testimony, March 17, 2011, HB1393

Good morning Mr. Chairman and members of the Committee.

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

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

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

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

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

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

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

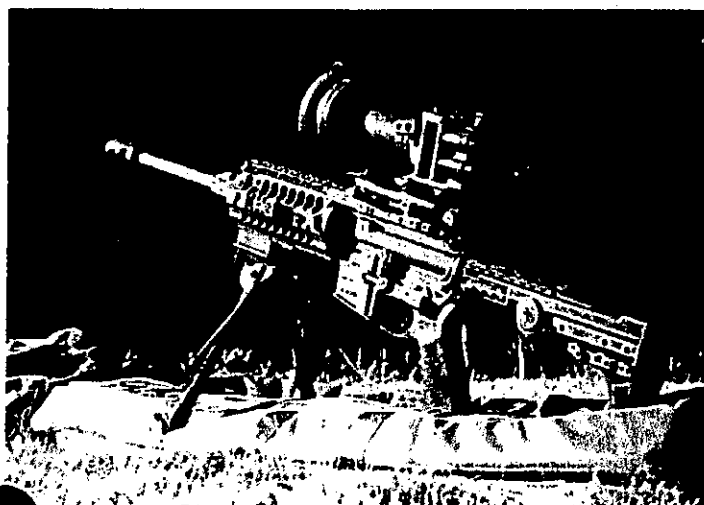
I thank you for your time.

Are there any questions of me?

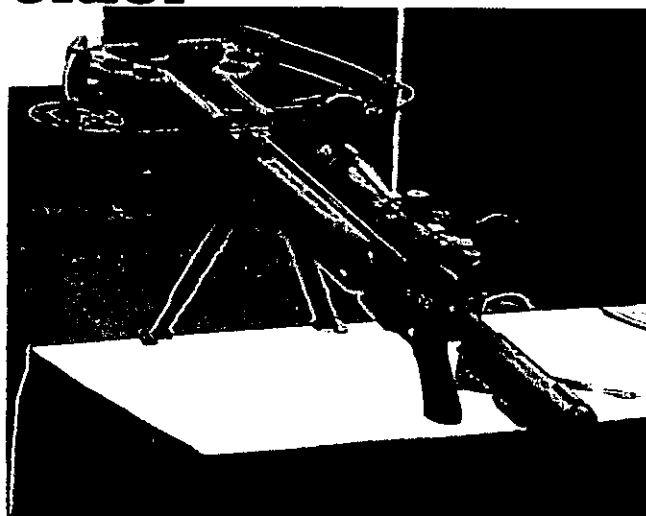
Crossbow or Crossgun?

Does the modern crossbow belong in the Archery Only Season or in the Regular Firearms season?

You Decide!



Modern AR-15 Assault Rifle



Modern AR TAC 15 Crossbow (Tactical Assault Crossbow)

Precision Shooting Equipment (PSE) introduced its Tactical Assault Crossbow, the AR TAC 15 in January 2009. The AR TAC 15 requires the "lower unit of an AR-15 [Assault] Rifle." According to PSE sales rep. Paul Penix, if the "AR-15 owner has tricked out the trigger and has a half ounce trigger pull, he will have a half ounce trigger *pull on this gun.*" Furthermore, Penix states: "In the right hands [...] it can shoot 1 hole groups at 100 yards!"

Does this sound like archery equipment?

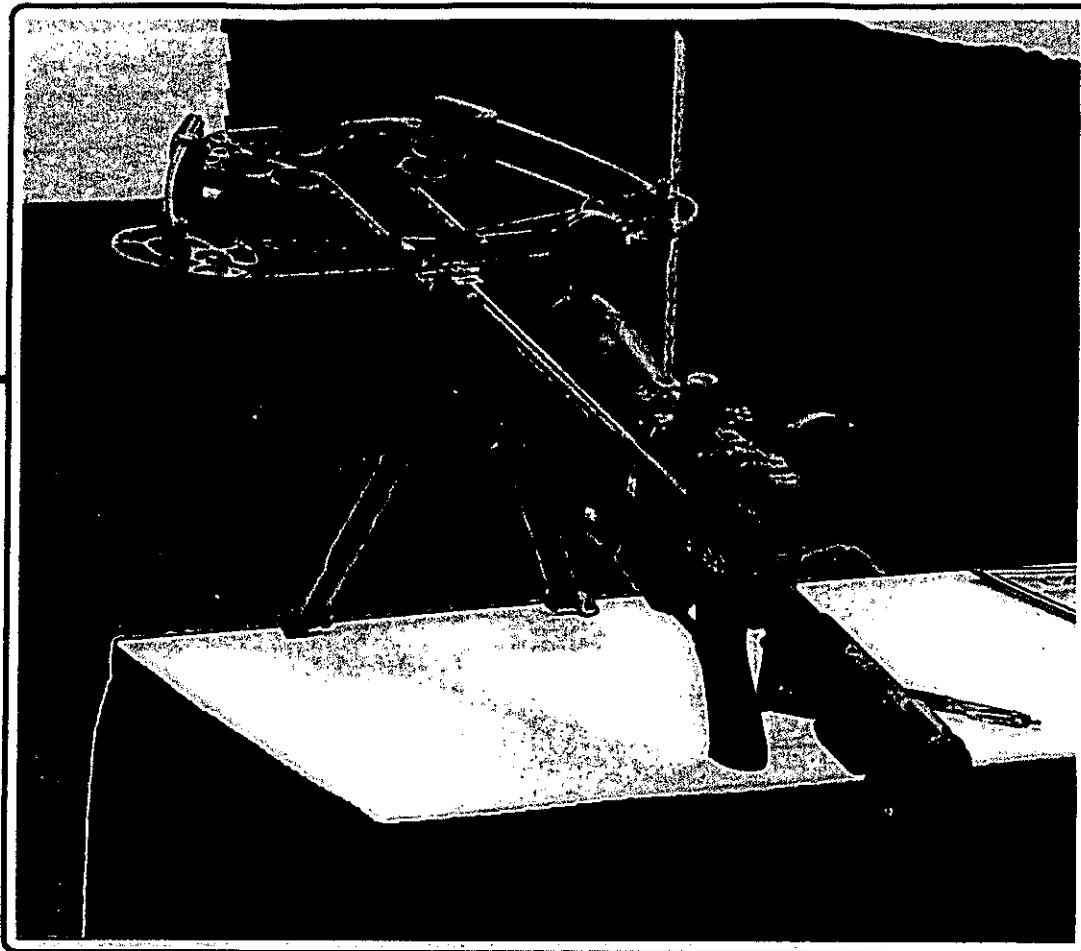
AR TAC 15 Crossbow vs. Modern Inline Muzzle loading Rifle

| <u>Weapon</u> | <u>Bench Rest</u> | <u>100 Yd. Group Size</u> |
|-----------------------------|-------------------|---------------------------|
| AR TAC 15 Crossbow | Yes | 1 inch |
| Traditions Pursuit XLT M.L. | Yes | 3.8 inch |

-This data was provided by Precision Shooting Equipment and Up North Journal, January 2009 ATA Trade Show-

-Muzzle loading Rifle data proved by American Hunter Magazine March 2009-

4X More Accurate!!!



The new PSE AR TAC 15 Crossbow reported by the manufacturer to shoot 1" groups at 100 Yards

**Does the modern crossbow
belong in an archery only season
or in an archery only hunting area?**

You Decide!

| Modern Compound Bow | | New Crossbow | |
|--|--|--|--|
| 29"/70# with a 425gr arrow = 312fps and 92ft lbs of kinetic energy (By all rights an <u>extremely</u> high performance bow) | | 175# draw weight same 425gr weight projectile = 405fps and 155ft lbs of kinetic energy. | |
| At 90 yards | it is doing 284fps and 76ft lbs of KE | At 90 yards | it is still going 341fps with a KE of 110ft lbs. (at 90 yards it is still 16% more powerful than the compound is at point blank) |
| At 100 yards | it is at 281fps and 74.6ft lbs of KE. Impressive performance to say the least! | At 100 yards | it is still going 337.8fps with a KE of 107.6. At 100 yards the crossbow is still more powerful than a compound at point blank range. |

Source: January 2009 ATA Trade Show, Video by Mike Adam of Up North Journal

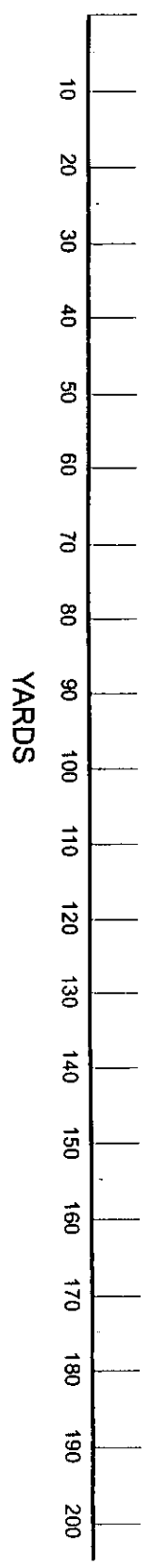
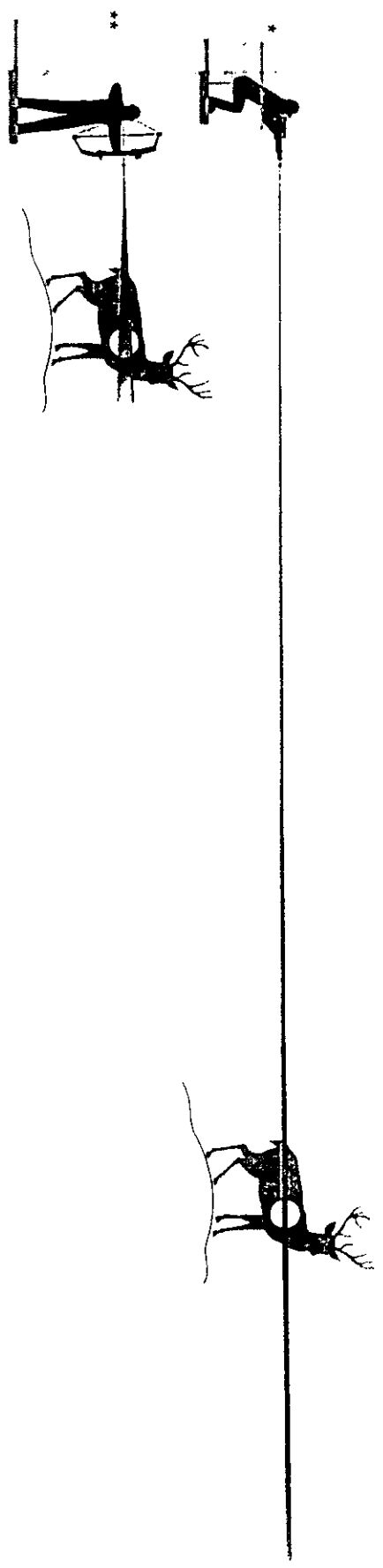
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ACCURACY COMPARISON

Modern crossbow vs. Modern compound bow
1 in. group @ 100 yds.* 4 in. group @ 25 yds.**



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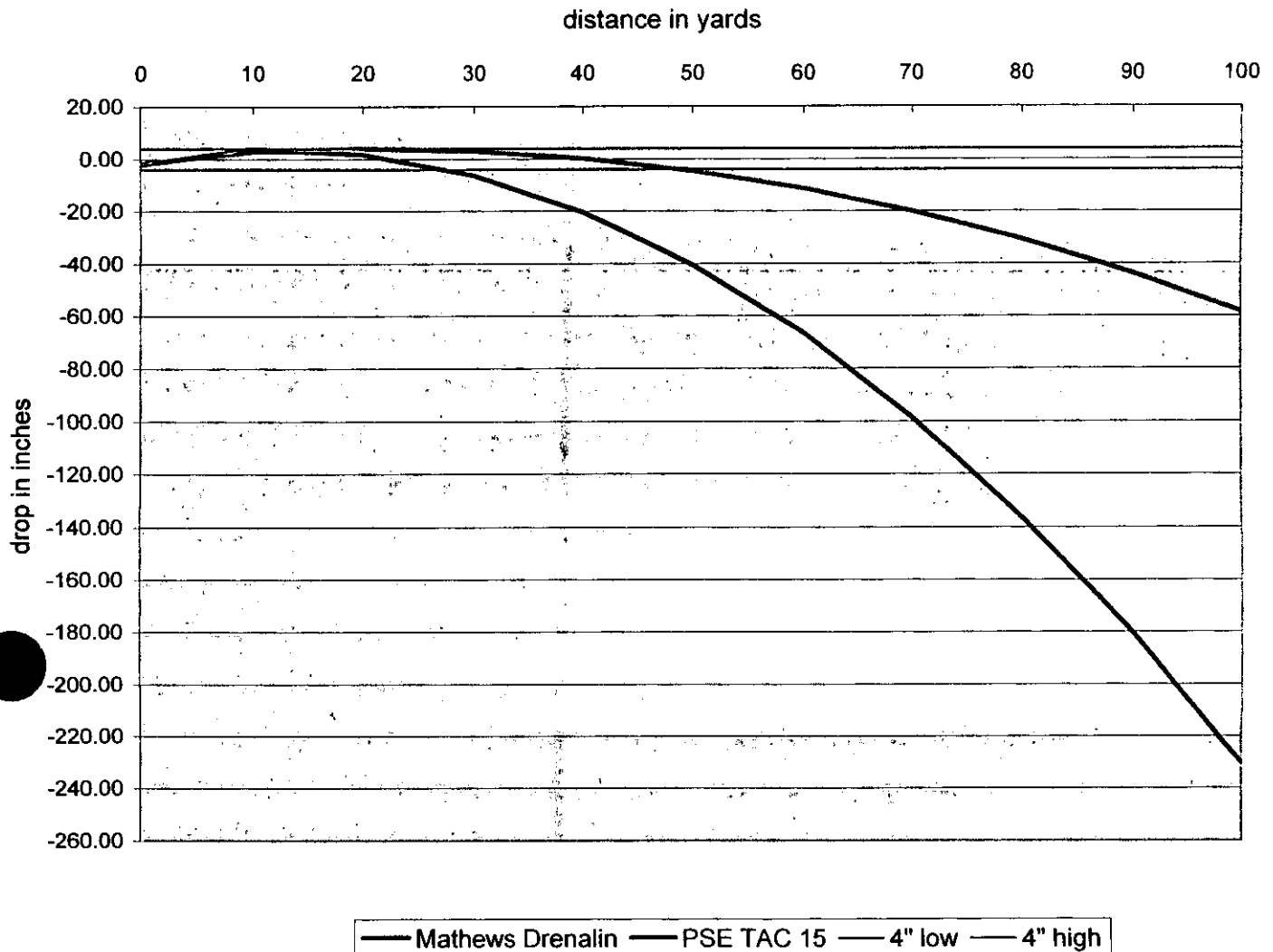


*Engineering performance description, PSE TAC 15 crossbow, PSE's Paul Penix video, ATA show, 2008

** Average group diameter, top 10 shooters, Wisconsin State Broadhead Shoot, 2008

Trajectory Comparison

popular modern compound bow vs. modern crossbow *



Modern crossbow

PSE TAC 15

** set at 170 lbs. (drawn with a winch requiring 12 lbs. cranking pressure)
26.25 inch projectile, 4" vanes, 485 grains (18.4 gr/in) @ 420 feet per second velocity

Popular high-performance
compound bow

Mathews Drenalin

*** set up at AMO (Archery Manufacturers Organization) standard:
60 lbs. (hand drawn)
30 inch arrow, 4" vanes, 540 grains (18.0 gr/in) @ 241 feet per second velocity

depth of kill comparison for single sight setting

*Roy S Marlow - Arrow Trajectory, Bowhunting World, Feb. 1995

**Paul Penix - PSE Archery representative, PSE TAC 15 video & GunShowReview.com, SHOT show PSE & Vitor

***Mathews Inc. AMO specifications, Drenalin