

2021 SENATE ENERGY AND NATURAL RESOURCES

SB 2143

2021 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2143
1/21/2021

A BILL for an Act to amend and reenact section 20.1-05-06 of the North Dakota Century Code, relating to wearing fluorescent pink or certain camouflage patterns while hunting big game.

Chairman Kreun called the meeting to order at 9:15am.
Senators Piepkorn, Patten, J. Roers, Bell, Schaible, and Kreun were all present.

Discussion Topics:

- The effect of wearing pink on hunting
- Potential Implications of wearing pink for hunting gear as opposed to conventional orange

Senator K. Roers, District 27, introduced the bill, testified in favor #989 (9:16am).

Senator Piepkorn moved DO PASS ON SB 2143 (9:19am)
Senator Bell seconded the motion (9:20am)

Motion passes 6-0-0
Senator Piepkorn will carry

Chairman Kreun closed the hearing at 9:21am

Dave Owen, Committee Clerk

Roll Call Vote: DO PASS ON SB 2143 Senators	Vote
Senator Curt Kreun	Y
Senator Jim Roers	Y
Senator Merrill Piepkorn	Y
Senator Dale Patten	Y
Senator Jessica Bell	Y
Senator Don Schaible	Y

REPORT OF STANDING COMMITTEE

SB 2143: Energy and Natural Resources Committee (Sen. Kreun, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB
2143 was placed on the Eleventh order on the calendar.



North Dakota Senate

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Senator Kristin Roers
District 27
4240 31st Avenue South
Fargo, ND 58104-8725

C: 701-566-0340
kroers@nd.gov

Committees:
Government and Veterans Affairs
Human Services

I'm here to introduce and support Senate Bill 2143. My interest in this started in the Fall of 2019, when I decided it was finally time to purchase my own hunting gear, rather than relying on family members loaning me gear. I went to Fleet Farm, as I didn't want to break the bank purchasing an item I would only wear 1-2 times per year. This is what I was greeted with – 2 color options, some with camo pattern, some without. But what I noticed relatively quickly was, the only clothes that were cut for a female body were in Blaze Pink. There was no signage telling me that Blaze Pink was not legal in ND – and while it is definitely my responsibility to know the regulations in the state I choose to hunt in – I was unaware, so bought the coat that fit the best, in the price range I was willing to spend.



So, you can understand my surprise when a coworker told me it wouldn't be legal in ND. I could clearly remember in my hunter safety course, the instructor telling us that blaze pink was as visible, if not more visible, than blaze orange. So I started my research.

A [study from the University of Wisconsin](#) stated: The "study used a spectrophotometer to compare the amount of light reflected from several blaze orange hunting and blaze pink hats. We also investigated the color contrast with green and orange (the colors most found in the woods in hunting season) under different light sources.

It is well known that blaze orange provides a very good contrast in wooded areas in the spring and summer. However, when compared to the orange colors found in the fall leaves, we discovered that blaze orange was harder to detect than the pink colors that were tested. The pink colors provided a better color contrast and our spectrometric analysis indicated that the blaze pink color had a visibility similar to, or better than, the blaze orange.

Whether deer perceive the difference is a matter for further study. However, we know that because of the nature of deer eyesight, the effect of color is far less significant than the effect of a hunter's scent, movement, deterrents, and noise."



Blaze Pink is legal in 9 states (some sources say 14, but I could only validate 9), including Minnesota and Wyoming. At least 13 states also allow up to a 50% camo pattern.

I hope that you can support making this change in North Dakota to allow for a second color option, along with up to the 50% camo when big game hunting. This change could allow some hunters more options when shopping, to be being slightly safer – when their clothes fit correctly – and maybe even attract more people to hunting.

2021 HOUSE ENERGY AND NATURAL RESOURCES

SB 2143

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2143

3/5/2021

Relating to wearing fluorescent pink or certain camouflage patterns while hunting big game

9:22 AM

Chairman Porter opened the hearing. Roll call was taken. Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, Ruby, Zubke, Guggisberg, and Ista.

Discussion Topics:

- Blaze pink vs blaze orange
- Blaze vs fluorescent
- Red/green color blindness
- Big game hunting regulations

Testimony:

#7481 & 7950 Sen Kristin Roers, District 27

#7528 Bob Wetsch, Mandan

#7499 Mike McEnroe, ND Hunter Education instructor

#7501 John Bradley, director, ND Wildlife Federation

Additional written testimony:

#7335 Rachel Busch

9:40 AM hearing closed.

Kathleen Davis, Committee Clerk



North Dakota Senate

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I'm here to introduce and support Senate Bill 2143. My interest in this started in the Fall of 2019, when I decided it was finally time to purchase my own hunting gear, rather than relying on family members loaning me gear. I went to Fleet Farm, as I didn't want to break the bank purchasing an item I would only wear 1-2 times per year. This is what I was greeted with – 2 color options, some with camo pattern, some without. But what I noticed relatively quickly was, the only clothes that were cut for a female body were in Blaze Pink. There was no signage telling me that Blaze Pink was not legal in ND – and while it is definitely my responsibility to know the regulations in the state I choose to hunt in – I was unaware, so bought the coat that fit the best, in the price range I was willing to spend.



So, you can understand my surprise when a coworker told me it wouldn't be legal in ND. I could clearly remember in my hunter safety course, the instructor telling us that blaze pink was as visible, if not more visible, than blaze orange. So I started my research.

A [study from the University of Wisconsin](#) stated: The "study used a spectrophotometer to compare the amount of light reflected from several blaze orange hunting and blaze pink hats. We also investigated the color contrast with green and orange (the colors most found in the woods in hunting season) under different light sources.

It is well known that blaze orange provides a very good contrast in wooded areas in the spring and summer. However, when compared to the orange colors found in the fall leaves, we discovered that blaze orange was harder to detect than the pink colors that were tested. The pink colors provided a better color contrast and our spectrometric analysis indicated that the blaze pink color had a visibility similar to, or better than, the blaze orange.

Whether deer perceive the difference is a matter for further study. However, we know that because of the nature of deer eyesight, the effect of color is far less significant than the effect of a hunter's scent, movement, deterrents, and noise."

I know that there have been some questions about color blindness and the color pink. The ND Optometric Society has stated that only the Primary colors of Red/Green are a concern and that Pink is not a concern.

Blaze Pink is legal in 9 states (some sources say 14, but I could only validate 9), including Minnesota and Wyoming. At least 13 states also allow up to a 50% camo pattern.

I hope that you can support making this change in North Dakota to allow for a second color option, along with up to the 50% camo when big game hunting. This change could allow some hunters more options when shopping, to be being slightly safer – when their clothes fit correctly – and maybe even attract more people to hunting.

Human vs Deer Eyesight



State	Orange Only	Orange & Pink	Other	Solid Only	Camo Permitted
Alabama	Y			Y	
Alaska					
Arizona					
Arkansas			Y		Y
California					
Colorado		Y		Y	
Connecticut	Y				
Delaware	Y				
Florida	Y				
Georgia	Y				
Hawaii	Y			Y	
Idaho	Y				
Illinois		Y		Y	
Indiana	Y			Y	
Iowa	Y			Y	
Kansas	Y				Y
Kentucky	Y			Y	
Louisiana		Y			
Maine	Y				Y
Maryland		Y			Y
Massachusetts	Y				
Michigan	Y				Y
Minnesota		Y			Y
Mississippi	Y			Y	
Missouri	Y				
Montana	Y				
Nebraska	Y				
Nevada					
New Hampshire	Y				
New Jersey	Y				
New Mexico					
New York		Y			Y
North Carolina	Y				
North Dakota	Y			Y	
Ohio	Y				Y
Oklahoma	Y				Y
Oregon	Y				
Pennsylvania	Y				Y
Rhode Island	Y			Y	
South Carolina					
South Dakota	Y				
Tennessee	Y				Y
Texas	Y				
Utah	Y				
Vermont					
Virginia		Y		Y	

Washington		Y			
West Virginia	Y				
Wisconsin	Y				Y
Wyoming		Y			Y
	33	9	1	11	13

Notes
No clothing requirement
No clothing requirement
Chartreuse
No clothing requirement
"Other colors, such as bright red, yellow and pink, can also be highly visible to hunters" notated
No clothing requirement
No clothing requirement
COULD NOT FIND
No clothing requirement

SB 2143

March 5, 2021

Chairman Porter and members of the House Natural Resource Committee.

My name is Bob Wetsch and I live at 4610 Fort Lincoln Rd. I am here on my own behalf and the 11% of the population that is red-green color blind.

I started hunting deer back in the day when hunters were required to wear red in the field. That didn't help me see a hunter in the field one bit since I along with 11% of the population are red green color blind. We cannot see red in a field of green. When blaze orange was finally the standard that was great. I can clearly see blaze orange in the woods or anywhere. It was a great positive step in safety.

What concerns me about hunters wearing something pink in the field instead of blaze orange is will it be clearly distinct to that 11% of us who are red green color blind. It is not that is a serious safety concern. I would urge you to know for sure that it is before you make any changes to the blaze orange standard.

Thank you for the opportunity to voice my concern. If you have any question I would be happy to answer.

Bob Wetsch
4610 Fort Lincoln Rd
Mandan, ND.

TESTIMONY OF MIKE McENROE
SENATE BILL 2143
HOUSE ENERGY AND NATURAL RESOURCES
COMMITTEE
MARCH 5, 2021

Chairman Porter and members of the Committee:

For the record, my name is Mike McEnroe and I have been a North Dakota Hunter Education instructor for 29 years and a deer and big game hunter for over 50 years. I am not providing testimony on behalf of the 700-800 Hunter Education instructors in the state, only commenting as one of them.

I support the concept of SB 2143 which would allow the use of fluorescent pink outer clothing for big game hunting. If fluorescent pink, hot pink, or blaze pink clothing would attract more women to hunting, that would be a very positive outcome for this legislation.

I have reviewed some of Dr. Sarmadi's (university of Wisconsin) work on "blaze pink", the letters criticizing his work, and also his letter answering the critics of his studies. It seems that fluorescent, blaze, or hot pink in a solid color would be a safe color alternative to "hunter-safety" orange.

However, I do not believe that the same can be said for "camo orange" or "camo-pink" clothing. By very definition, "at least 50 percent fluorescent orange or fluorescent pink" is half of the legal requirement for 400 square inches of a highly visible color. Breaking the fluorescent color, either orange or pink, into smaller and camouflaged patches makes it more difficult to see. In low light or poor light conditions, camo-orange appears as brown. That is the very reason that current

North Dakota big game hunting regulations do not allow camo-orange clothing.

Besides, the idea of having “highly visible camouflage” is somewhat of a contradiction in terms.

I respectfully request that the Committee delete the camo-orange and camo-pink provisions of SB 2143.

Thank you for your consideration of my recommendations.

Mike McEnroe
Instructor # 1052
Fargo, North Dakota
memcenroe@midco.net



NORTH DAKOTA WILDLIFE FEDERATION

Testimony OF John Bradley Senate Bill 2143 House Energy and Natural Resources Committee March 5, 2021

Chairman Porter and members of the Committee:

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation. I am writing today representing our 1,500 members and 15 affiliated wildlife and sportsmen's club across North Dakota, one of which is the North Dakota Hunter Education Instructor Association.

We support the idea of trying to attract more women to hunting, and if allowing pink does increase recruitment that would be a positive outcome of this legislation.

Our primary concern with the bill is the allowance of "camo orange" and "camo pink" for big game hunting. By its very definition, "at least 50 percent fluorescent orange or fluorescent pink" is half of the legal requirement for 400 square inches of a highly visible color. Breaking the fluorescent color, either orange or pink, into smaller and camouflaged patches makes it more difficult to see. In low light or poor light conditions, camo-orange appears as brown. That is the very reason that current North Dakota big game hunting regulations do not allow camo-orange clothing.

We have also heard concerns from a few of our members who are colorblind and are not able to see fluorescent pink. Safety in the field is critically important to the Federation and probably the number one thing taught by our Hunter Ed instructors. We respectfully request that the Committee remove the camo-orange and camo-pink provisions of SB 2143 and investigate the concerns regarding colorblindness.

Thank you for your consideration of my recommendations.

From: Rachel Bush <Rachel.Bush@hotmail.com>

Sent: Wednesday, March 3, 2021 9:47 AM

To: Porter, Todd K. <tkporter@nd.gov>

Subject: SB2143

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Dear Chairman Porter,

I am writing to you today regarding the upcoming committee hearing on SB2143, as a sportswoman who has hunted a large portion of my childhood and my entire adult life. Personally, I would never consider blaze pink gear as an option, instead I choose to take a more active role in pushing the industry to develop high quality women's gear that doesn't continue to feed gender stereotypes and the idea that women in the outdoors, actively hunting is a novelty. That said if other women have no such issues with pink, go for it! I do however, as someone who spends a considerable amount of time afield, hold safety in the highest regard. Through my research into the topic, information on the safety and visibility of blaze pink is limited to one non-peer reviewed survey. ONE. Compare that to what is out there demonstrating the visibility of blaze orange throughout various seasons. Not to mention the inability for "blaze" pink to be standardized as a color. There is no standard within the industry, and that leads to further questions on gear color consistencies and safety. As such, I urge you to recommend a DO NOT PASS on SB2143.

With regard to the 50% camo option within the bill. Again, I will stress the importance of safety. The sole purpose of blaze orange is to increase the visibility of one hunter to another. If

50% camo is allowed for big game hunting, that DECREASES a hunter's ability to be seen by other hunters. Again, considering SAFETY as a top priority, I urge you to recommend a DO NOT PASS on SB2143.

Thank you for your time & consideration,

Rachel Bush, Sportswoman
Bismarck, ND

"We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect."?? ~ Aldo Leopold

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2143

3/11/2021

Relating to wearing fluorescent pink or certain camouflage patterns while hunting big game

11:19 AM

Chairman Porter opened the hearing. Roll call was taken. Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, Ruby, Zubke, Guggisberg, and Ista.

Discussion Topics:

- Red/green color blindness on green background
- Safety
- Women's hunting clothing options

Rep Anderson moved a Do Not Pass, seconded by Rep Heinert.

Representatives	Vote
Representative Todd Porter	Y
Representative Chuck Damschen	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	N
Representative Bill Devlin	Y
Representative Ron Guggisberg	N
Representative Pat D. Heinert	Y
Representative Zachary Ista	N
Representative George Keiser	Y
Representative Mike Lefor	Y
Representative Andrew Marschall	Y
Representative Shannon Roers Jones	N
Representative Matthew Ruby	AB
Representative Denton Zubke	Y

Motion carried. 9 – 4 – 1 Rep D Anderson is carrier.

11:26 AM hearing closed.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2143: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB
2143 was placed on the Fourteenth order on the calendar.