

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2178

2001 SENATE NATURAL RESOURCES

SB 2178

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2178

Senate Natural Resources Committee

Conference Committee

Hearing Date 1-18-01

Tape Number		Side A	Side B	Meter #
1-18-01	1	X		Start - end
			X	Start - 19.2
1-25-01	2	X		7.8 - 42.8
1-26-01	2	X		5.4 - 9.5
Committee Clerk Signature <i>Janet Jarrett</i>				

Minutes:

SENATOR FISCHER opened the Committee meeting.

Attendance was taken with all Committee members present.

SENATOR FISCHER: opened the hearing on SB 2178. A BILL FOR AN ACT TO ENTER THE INTERSTATE WILDLIFE VIOLATOR COMPACT.

SENATOR STANLEY LYSON, cosponsor of the bill had a short presentation on the bill explaining he felt it was good bill and was long over due. He also presented proposed amendments to the bill.

SENATOR TRAYNOR

SENATOR FISCHER: wanted to include cosponsor Senator David O'Connell, who was not able to be present, in the record as being in favor of the SB 2178.

DARYL KLEYER, representing the North Dakota Game Warden Association presented testimony in support of SB 2178. (See attached testimony).

SENATOR TRAYNOR: wanted know to where you would find in the bill that North Dakota would react as long as the violation could result in the suspension in the North Dakota.

DARYL KLEYER: stated the compact specifically outlines the procedure for suspension in the state.

SENATOR TRAYNOR: no where in the bill does it list any thing about a hearing

DARYL KLEYER: Section 3 of Article 10 deals with the reciprocal recognition of license suspension, Section 4 applies to when a person fails to comply and Section 5 deals with the hearing procedure.

SENATOR FREBORG: questioned if penalties of suspension or fees for violations were different within the two states which would prevail.

DARYL KLEYER: if the violations are both suspendable in each state, North Dakota suspension would be the greater of the two, if violation is not suspendable in North Dakota, the violator would only be suspended in the other state. Penalty fees would not be charged twice. This is not in the bill but stated in the compact.

Copies of the Interstate Wildlife Compact were distributed to the committee.

SENATOR CHRISTMANN: questioned if there is a organizing body of the states for the compact, who changes the rules, will the state have any input.

DARYL KLEYER: all amendments to the compact have to ratified by each state through the Game & Fish Department.

ROGER ROSTUET, representing the North Dakota Game & Fish Department gave testimony in support of SB 2178. (See attached testimony).

Senators questioned his understanding of the bill and the Interstate Wildlife Compact. He agreed with the explanation of the previous testimony.

SENATOR KELSH: questioned if there was protection against the violator that his home state has a higher penalty and that it is the fine of the state of where the violation occurred.

ROGER ROSTUET: that would be the convenience of the compact as a violator could post cash bond and no delays will occur.

SENATOR TOLLEFSON: will there be additional work load for the department.

ROGER ROSTUET: fiscal note is to cover the hearings that might be requested but not much administratively.

SENATOR EVERY: how do we protect the state for violators entering the state for hunting

ROGER ROSTUET: only through spot checking in the field.

BILL PFEIFER representing the North Dakota Chapter of the Wildlife Society, testified in support of the bill. (See attached testimony).

SENATOR TRAYNOR: asked if it would require state legislation to leave the compact.

ROGER ROSTUET: notification by the department would be made and then eventually we would want to remove the wording from the law through legislation.

JAMES NAGEL, representing the North Dakota Guides and Outfitters and the North Dakota Sports Fishing Congress testified in support of the bill.

MIKE DONAHUE, representing the North Dakota Wildlife Federation and the United Sportsmen of North Dakota, testified in support of the bill.

PAUL CRARY, representing the Cass County Wildlife Club, testified in support of the bill.

MARK POLLERT, representing the North Dakota Game Warden Association, testified in support of the bill. He pointed out sections of the bill that would help clarify questions the committee members had.

SENATOR TRAYNOR: asked if a big game violation causing suspension, would the hunter also be suspended from bird hunting.

MARK POLLERT: confirmed that would be the case.

SENATOR KELSH: questioned if the department policy is to really watch more closely out of state hunters.

MARK POLLERT: all hunters are treated the same.

SENATOR FISCHER closed the hearing on SB 2178.

Discussion was held.

SENATOR TRAYNOR: is troubled about the mandatory language of the bill where it says "Shall" and also feels there is a lot missing from the bill. If amendments are made to the bill it might so devastate the concept of the compact that we won't have a compact. Changes could be made in the verbiage of the bill to make it clearer, but would it be within the terms of the compact. Also are violators tried twice for the same violation by bringing it to North Dakota? Discussion was held if the wording in the bill should be "Shall" or "May". Also discussion on the hearing procedure for suspension and if it could go beyond the Game & Fish Department to judiciary court.

ROGER ROSTUET: was asked to clarify the procedure of notification of suspension.

SENATOR FISCHER: realized the fiscal note was a best guess, but could it be higher

ROGER ROSTUET: it could be, but does not expect a lot of appeals.

SENATOR TRAYNOR: asked where in the bill does it appear that state law is paramount to the compact.

ROGER ROSTUET: Article 6 of the compact.

SENATOR KELSIE: is there evidence that the compact will make a difference in keeping violators out of the state.

ROGER ROSTUET: confirmed by an example.

SENATOR FISCHER: advised all committee members to read the Compact and will be taken up at a later date. The committee meeting was closed.

**January 25, 2001**

SENATOR FISCHER: opened the committee meeting on SB 2178.

SENATOR FISCHER: asked if all received e-mail message about the compact and amendments that had been made in other states and then needed to be ratified.

SENATOR TRAYNOR: presented a draft of amendments prepared by the legislative council # 10182.0102 involving the exchanges of "may" and "shall" and other matters of control in ratifying changes to the compact.

SENATOR TRAYNOR made a motion to accept the amendments as proposed.

SENATOR TOLLEFSON second the motion.

Discussion was held regarding approval by the Game and Fish Department and if the amendments would keep the state out of the compact.

SENATOR FISCHER: called for the roll vote of the amendments as proposed by SENATOR TRAYNOR. The vote indicated 4 YAYS, 3 NAYS, 0 ABSENT OR NOT VOTING for adoption of the amendments.

SENATOR KELSH made a motion to further amend that on Page 9, Line 28, we delete "department" and after department put in "in consultation with the legislative council".

After some discussion the motion now reads "the department in consultation with the chairman of the legislation council"

SENATOR TRAYNOR second the motion.

SENATOR FISCHER called for a roll vote of the amendment as proposed by SENATOR KELSH. The vote indicated 7 YAYS, 0 NAYS, ABSENT OR NOT VOTING for adoption of the amendments.

SENATOR CHRISTMANN made a motion to adopt the amendments proposed by the sponsor of the bill.

SENATOR FREBORG second the motion.

SENATOR FISCHER called for roll vote of the amendments of the sponsor. The vote 7 YAYS, 0 NAYS, 0 ABSENT OR NOT VOTING for adoption of the amendments

The intern will make up a draft of the bill including the three sets of amendments that have been adopted and SENATOR FISCHER will visit with the Game and Fish Department for input of the changes.

**January 26, 2001**

SENATOR FISCHER: opened the committee meeting on SB 2178.

A draft of the Bill 2178 with the proposed amendments was presented to Dean Hildabrand of the North Dakota Game & Fish Department. They were pleased with amendments, a warden



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contacted the Compact who did not have a problem with any of the changes made and the legislative council is okay with all the "mays" and "shalls".

SENATOR KELSH made a motion for a "DO PASS AS AMENDED" of SB 2178.

SENATOR EVERY second the motion.

SENATOR FISCHER called for roll call vote of the bill. The vote indicated 7 YAYS, 0 NAYS,

0 ABSENT OR NOT VOTING.

SENATOR KELSH will carry SB 2178.

# FISCAL NOTE

Requested by Legislative Council  
01/11/2001

Bill/Resolution No.: SB 2178

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>				\$5,000		\$5,000
<b>Appropriations</b>						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Communications with compact states and required hearings would add some costs for the North Dakota Game and Fish Department.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is difficult to estimate the fiscal impact of this bill. It is a new system and will require some additional expenditures. Most of the work involved can be done with current Department resources. There may be \$5,000 in additional costs for hearing officers and communications with other states.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Paul T. Schadewald	<b>Agency:</b>	ND Game and Fish Department
<b>Phone Number:</b>	328-6328	<b>Date Prepared:</b>	01/11/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

Page 2, line 29, after "and" insert "may"

Page 6, line 14, replace the second "shall" with "may"

Page 6, line 15, replace "shall" with "may"

Page 6, line 20, replace "shall" with "may"

Page 6, line 21, replace "shall" with "may"

Page 6, line 22, after the word "privileges" insert "if the violation resulting in a suspension could have been the basis for suspension of license privileges in the home state"

Page 6, line 26, replace "shall" with "may"

Page 9, line 28, replace "department" with "legislative assembly"

Page 10, line 5, replace "shall" with "may"

Page 10, line 7, replace "or for the minimum period that would have been imposed" with "not to exceed the maximum limits allowed by state law."

Page 10, remove line 8

Page 10, line 10, replace "shall" with "may"

Page 10, line 14, replace "shall" with "may"

Page 10, line 26, replace "shall" with "may"

Re-number accordingly



