

Section 3. AMENDMENT. Subsection 7 of section 20.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

7. An applicant for a ~~hunting guide~~ or hunting outfitter license must have legally hunted in this state for part of each of any three years in a manner directly contributing to the individual's experience and competency as a guide. ~~The Department may waive this requirement if the applicant proves that the applicant has legally hunted for parts of at least three years in other states and an outfitter employing that individual would suffer an undue hardship without that individual.~~

Department comments:

This subsection was put in place to help ensure that hunting guides had some familiarity with North Dakota's rules/regulations and the hunting culture within North Dakota while giving the Department the flexibility to issue exemptions which has served the purpose over the years. Furthermore, much of the input provided was at the request of the guides and outfitters association who wanted to ensure that outfitters were employing guides who were familiarized with North Dakota ensuring a good appearance and experience for all parties involved. The Department would recommend the above suggested amendment be removed and the existing language stay in place.

Section 4. AMENDMENT. Section 4 of section 20.1-03-38 of the North Dakota Century Code is amended and reenacted as follows:

4. The director may not issue a license to an individual to be a hunting guide or hunting outfitter unless the individual is proficient in the application of state and federal laws on the hunting of wild game. The director shall create and administer a written examination to test proficiency of hunting guides and outfitters in these laws. The director shall administer examinations at least twice a year; however, an examination may not be given within ninety days after ~~the previous examination a~~ ~~previously failed examination by the applicant.~~

Department comments:

The existing system of two scheduled test dates per year has appropriately met the demand for guide and outfitter testing over the last 20 years. Advertising, scheduling, and hosting of these tests on two specific dates (or more if the Dept feels the demand to do so) is an efficient way to annually test approximately 50 applicants. The proposed amendment would allow for these individuals to randomly show up at one of our Department offices and want to take the test. While our Bismarck office could better handle that scenario our district field offices are not equipped as the majority of staff in those offices are field personnel and not in the office the majority of time. In addition, the test should be administered by someone in the enforcement division so having a scheduling component to this process is important. There are some simple coordination and organizational functions to this process, even at our Bismarck office, which are important for both the Department and individual seeking to take the exam which would be lost if the above amendment were approved. If the committee chooses to act on this proposed amendment my suggestion would be to include some language similar to section 3 which grants the Department the ability to waive the

90-day requirement from the previous test if an outfitter would suffer an undue hardship. If the committee has desire to act on this amendment I would propose the following:

4. The director may not issue a license to an individual to be a hunting guide or hunting outfitter unless the individual is proficient in the application of state and federal laws on the hunting of wild game. The director shall create and administer a written examination to test proficiency of hunting guides and outfitters in these laws. The director shall administer examinations at least twice a year; however, an examination may not be given within ninety days after **the previous examination unless an outfitter employing a prospective guide would suffer an undue hardship without that individual.**