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ROLL NUMBER

DESCRIPTION

1274

2001 HOUSE NATURAL RESOURCES

HB 1274

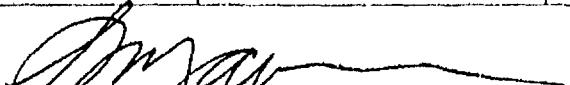
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1274

House Natural Resources Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1		x	527 to 1805
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: We will open the hearing on HB 1274.

Rep. Kretschmar - District 28: I introduced HB 1274. I hope to explain the bill to you and let the committee decide what to do with it.

Chairman Rennerfeldt: Who would like to introduce this bill and speak in favor of it?

Jim Nagel - ND Guide and Outfitters: This is our bill. The bill itself says that certified guides only would be eligible for the drawing of white tail bucks. First of all, a certified guide is a guide that has \$300,000 liability insurance, CPR and first aid certification. On a safety issue we believe upland game is the most dangerous sport. We believe these tags should go to people who care

enough to have liability. These 100 deer tags, for a guide and outfitter, the odds of drawing one of these is 4 or 5 to one. Unfortunately, it still goes on today with the standards of only a \$100 to buy a license there are people out there who are genuinely not guides and outfitters that are paying the fee and getting into the hat for the drawing. They don't guide, but obtain one of these tags for a relative. I would also ask this committee to consider a Do Pass, that only certified guides and outfitters would be in the hat to obtain one of these 100 white tail deer tags. That this committee also talk about possible amendments to this bill to change the codes that there would only be certified guides and outfitters. Our original intent was that would be only certified guides and outfitters. Outfitters are increasing by leaps and bounds and perhaps this would be the time that the state should say we need some minimum standards, besides a \$100 to buy a license. These are some basic requirements. No one else can run a business in this state without some liability insurance. This is the time with the increase in activity would be a good time to introduce minimum standards for guides and outfitters and to remove from the Century Code the existing portion of the code that states that there is another class of guides out there.

Rep. Porter: Of the 270 guides, how many belong to the Assn.?

Nagel: One third, or less.

Vice Chair Nelson: What is the break out of certified guides as opposed to the number of guides in the state?

Nagel: There is a state publication put out by tourism, the certified guides are listed separate from the rest of the guides. That is a small number at this time. The tendency would be for the committee to say okay, now we have the 10 % trying to enforce rules for the rest of the 90%. I want to bring up two points. I believe that far more than 50% of the guides are ready to be

certified, that they already carry insurance. They have not listed themselves as certified, because up to now there is absolutely no benefits for being certified.

Vice Chair Nelson: If I was potential client and I looked at the advertisement for a place to go to ND to hunt and I see guide A and guide B. I would think as a buyer of a product that certification would be more important to me than non certified. Wouldn't you agree with that?

Nagel: I agree. There would be a benefit to being certified. But by the same token, I hear the tendency for people to think that we are discriminating against the guide that doesn't want to be certified. There are those bargain hunters that would go to an uncertified guide. I have to charge my clients a higher rate because of liability insurance.

Vice Chair Nelson: Is there a round number as to what the liability coverage costs?

Nagel: I have some figures. Bare minimum, 1 sport, you can guide hunting or fishing, guiding one or the other up to \$10,000 annual income, \$250.00 a year will buy you liability insurance. 1 guide for both and bare minimum on a \$10,000 income policy is \$500.00. It is roughly \$36 per additional \$1,000 additional income above \$10,000.

Chairman Rennerfeldt: Any questions of the committee? Anyone else in favor of HB 1274?

Mike Donahue - USND & NDWF: We support the certified guides program.

Chairman Rennerfeldt: Any questions of the committee? Anyone else here in favor of HB 1274?

Dean Hildebrand - Director of the ND Game and Fish: (see written testimony) We think it would be in the best interest of the public to have high standards for guides and outfitters. It is common for those doing business in this state to obey rules and regulations that protect and insure safe service to the public. A certified guide would have to provide \$100,000 minimum liability, and be certified in CPR and standard First Aid. We think it is a good policy. This provides a valuable

service to the public and in case of an emergency they are prepared for that. We stand in support of this bill.

Chairman Rennerfeldt: Any committee questions?

Vice Chair Nelson: Do you have a break down of how many certified guides as compared to non-certified in the state?

Hildebrand: I don't have those accurate figures with me, I would say that out of 270 guides, I would guess it would be 35. That is about 25 - 35%.

Chairman Rennerfeldt: Anyone else here in favor of HB 1274?

Larry Knoblich - ND Sportsmen's Alliance: (See written testimony)

Chairman Rennerfeldt: Any questions of the committee? Anyone else opposed to HB 1274. I will close the hearing on HB 1274.

COMMITTEE WORK

Chairman Rennerfeldt: Let's work on HB 1274.

Rep. Hanson: This bill requires certified guides. There were some amendments proposed that would require CPR and First Aid and liability insurance.

Vice Chair Nelson: 20.1-03-36 is the area, it was handed out this morning.

Chairman Rennerfeldt: This is in the code already.

Rep. Droydal: This is the code.

Chairman Rennerfeldt: This is the definition of what a certified guide is. I handed these out and I meant to announce what they were. That is already defined under certified so we really shouldn't need any amendments.

Rep. Hanson: I think the guides ought to have some restrictions. You just pay the \$100 and say you're a guide. To weed out some of the guides that are iffy in getting into the business, this would make sure they are somewhat legitimate. A lot of times you are away from hospitals and you might need CPR and First Aid, in a couple of hours you can get all that stuff. I think most guides have the liability insurance already.

Rep. DeKrey: I have a question, I don't understand, if I was to hire a guide or outfitter and I saw that he was certified that would conjure up in my mind that he knew something about hunting. I don't particularly see First Aid and CPR as distinguishing a good guide or outfitter so you are still back to experience and hire someone you have had luck with in the past. If we are going to have certified guides and outfitters there has got to be something out there that tells you better what a good guide is other than they passed the first aid training.

Vice Chair Nelson: This bill has been around longer than I have and we did open the crack in the door last session by adding the certified and non certified section to distinguish between the two. The certified guides came in and said that they wanted this professional atmosphere. In the testimony today, Dean Hildebrand said, if that was true, it is ironic at best that there was 37 certified guides last year and this year there are only 9. The facts of the matter is - it is simply about drawing nonresident deer licenses. That is what has been about. That's what it is still about. Whatever you may feel about the professionalism of this business, there's a number of people that do some guiding and outfitting in their spare time and they don't feel that first aid should be a requirement and I guess I would have to agree with them. We accomplished what they asked for last time and I think it's fine the way it is.

Chairman Rennerfeldt: Any further discussion?

Rep. Hanson: I don't think this bill is in here to get the white tail license. Maybe for a couple of guys. I don't know why the bill came in here. In most cases the guides don't guide for white tail deer in ND. It is pheasant and ducks. I don't care if you don't want to put the CPR and First Aid in there.

Rep. Droydal: I move a Do Pass and then I would like to comment on it.

Rep. Nottestad: Second.

Rep. Droydal: I understand Rep. Nelson and Rep. DeKrey's arguments and they are certainly valid. I have heard cases in the area where someone has paid the \$100 to get the license and then has guided friends and relatives. That isn't the purpose of this particular bill. Why this was originally passed was to help build a guiding industry. It has been kind of undercut because anyone can walk up and absolutely no requirement. I can be a guide just to get a chance at drawing a license. I don't think that is right and I think the bill was introduced to get some fairness in the issue. I think it is going in the right direction. I don't think CPR and First Aid is asking too much. I am going to support the bill.

Rep. Porter: I agree with Rep. DeKrey. I also agree with Rep. Droydal. I think what we are trying to say here is that we don't care if you are certified or not certified. That issue isn't on this bill, but what we do care is that when we are going to hand out the carrots it will be to the rabbits operating a business that is represented itself with liability insurance, with training and running a professional outfitting service. If those people want the carrots, they're going to make every effort in the world to become a certified guide and be a professional and run themselves as a business. This bill is a message to the guides and outfitters that says exactly that. All the carrots are going to the certified guides and nothing is going to the uncertified guides and outfitters. You choose what you want to be. I am totally in support of this bill.

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House Natural Resources Committee
Bill/Resolution Number HB 1274
Hearing Date January 25, 2001

Chairman Remmerfeldt: You are disagreeing with Rep. DeKrey?

Rep. Porter: No, I am saying is that I don't think we need to do away with the dual class we have out there, but that when we have bills like this that give incentives to people to become certified and run themselves as a business. It gives the other people incentive to run their business professionally. That's all I am saying.

Chairman Remmerfeldt: Any further discussion? Are we ready to vote?

MOVED DO PASS

YES 14 NO 1

CARRIED BY REP. DEKREY

Date: 1-25-01
 Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1274**

House Natural Resources Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Drovdal Seconded By Nottestad

Representatives	Yes	No	Representatives	Yes	No
Earl Ronnerfeldt - Chairman	X		Lyle Hanson	X	
Jon O. Nelson - Vice Chairman		X	Scot Kelsh	X	
Curtis E. Brekke	X		Lonnie B. Winrich	X	
Duane DeKrey	X		Dorvan Solberg	X	
David Drovdal	X				
Pat Galvin	X				
George Kelsner	X				
Frank Klein	X				
Darrell D. Nottestad	X				
Todd Porter	X				
Dave Weiler	X				

Total (Yes) 14 No 1

Absent _____

Floor Assignment Rep. DeKrey

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 4:08 p.m.

Module No: HR-13-1665
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1274: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends DO PASS (14 YEAS, 1 NAY, ABSENT AND NOT VOTING). HB 1274 was placed on the Eleventh order on the calendar.

2001 SENATE NATURAL RESOURCES

HB 1274

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1274

Senate Natural Resources Committee

Conference Committee

Hearing Date 3-16-01

Tape Number	Side A	Side B	Meter #
1		X	Start - 25.0
Committee Clerk Signature <i>J. [Signature]</i>			

Minutes:

SENATOR TOLLEFSON opened the hearing on HB 1274.

SENATOR ROBERT ERBELE of District 28 cosponsor of HB 1274 introduced the BILL TO RELATING TO GUIDE AND OUTFITTING SERVICES TO NONRESIDENTS. He testified that there 100 white tail buck licenses set aside for outfitters to be used for nonresidents. This number will not change but these licenses will now be restricted to "certified" outfitters.

Certified outfitters mean the outfitter must carry liability insurance, be CPR and 1st Aid trained which gives them the right to advertise.

REPRESENTATIVE TODD PORTER of District 34, cosponsor of HB 1274 testified that it is important to give incentives to outfitters to be certified. This bill would give a perk to those outfitters who are willing to set a higher standard.

SENATOR KELSH asked if there was sufficient time for outfitters to be certified before the next season.

REPRESENTATIVE PORTER stated this would go into effect August 1, 2001. He felt that there was plenty of time and with a little bit of effort it's a simply call to their insurance agent and the hour required for 1st aid and CPR training are not that extensive.

JIM NAGEL representing the North Dakota Guides and Outfitters Association testified in support of HB 1274. He stated that the qualifications of CPR and 1st aid, has to be either the American Heart Association or Red Cross approved course. The initial class may be a 20 hour class and after that renewal every 3 years.

ROGER ROSTUT, Deputy Director of the North Dakota Game and Fish Department testified in a neutral position of HB 1274. He stated the 100 license was used as an economic tool to bringing people into the state.

SENATOR CHRISTMANN asked about the requirements of the 1st aid training and the cost of that.

ROGER ROSTUT stated it is a basic life saving course of 12-16 hours that often are offered free in communitas or at a very minimal fee.

JIM NAGEL stated that liability insurance for outfitters runs about \$250 - \$350 per \$10, 000.00 income.

MIKE DONAHUE representing the United Sportsmen's Club and the North Dakota Wildlife Federation testified in support of HB 1274. He asked to be aware that if the bill passes in 2 or 4 years expect a request for increase number of licenses.

PAUL CRARY representing the Cass County Wildlife Club testified in support of HB 1274. There was no neutral or opposing testimony of HB 1274.

SENATOR FISCHER closed the hearing on HB 1274.

SENATOR FREBORG made a motion for a "DO PASS" of HB 1274.

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Senate Natural Resources Committee

Bill Resolution Number HB 1274

Hearing Date 3/16/01

SENATOR KEESSE second the motion

SENATOR FISCHER called for a roll vote of HB 1274 indicating a " YAYS, 0 NAYS, AND

0 ABSENT OR NOT VOTING.

SENATOR FRIEBORG will carry HB 1274

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Senate Natural Resources Committee
Bill/Resolution Number HB 1274
Hearing Date 3-16-01

SENATOR KELSIL second the motion.

SENATOR FISCHER called for a roll vote of HB 1274 indicating a 7 YAYS, 0 NAYS, AND
0 ABSENT OR NOT VOTING.

SENATOR FREDORGE will carry HB 1274.

Date:
Roll Call Vote # /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1274

Senate NATURAL RESOURCES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Freborg Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg	✓				
Sen. John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Freborg

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2001 12:46 p.m.

Module No: SR-46-5837
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1274: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1274

Dean Hildebrand

HB 1274

North Dakota Game and Fish Department

The North Dakota Game and Fish Department thinks it would be in the best interest of the hunting public to have high standards for guides and outfitters. They represent the state and provide service to the public. It is common for those doing business in our state to obey special rules, regulations and guidelines that protect and insure safe service to the public.

A certified guide would have to provide \$100,000 minimum liability insurance, be certified in adult CPR and be certified in standard first aid course or its equivalent.

North Dakota Sportsmen's Alliance

1205 6th Avenue NE
Jamestown, ND 58401
Phone: 701-252-1586



**TESTIMONY OF LARRY KNOBLICH
NORTH DAKOTA SPORTSMEN'S ALLIANCE
PRESENTED TO THE HOUSE COMMITTEE ON NATURAL RESOURCES
ON HB 1274, JANUARY 25, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Larry Knoblich, representing North Dakota Sportsmen's Alliance, an organization that started December 20, 2000, and now represents more than 2000 sportsmen throughout the state of North Dakota.

The Alliance strongly supports HB 1274, a bill which provides for the guides of white tail deer hunters to be certified. A certified guide will have been trained in C.P.R., first aid and have liability insurance. All of these requirements seem fitting for a group of persons that are considered to be professionals.

The North Dakota Sportsmen's Alliance urges the passage of HB 1274 for the continued improvement of our sporting life through the certification of guides.

Thank you,

A handwritten signature in cursive script, appearing to read "L. Knoblich".

Larry Knoblich

Executive Director

20.1-03-36. Certified guides and outfitters - Requirements. An individual may not be issued a certified guide license without first providing the director:

1. Proof that the individual is covered by general liability insurance against loss or expense due to accident or injury from guiding or outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per incident;
2. Proof that the individual is currently certified in adult cardiopulmonary resuscitation or its equivalent; and
3. Proof that the individual is currently certified in standard first aid or its equivalent.