

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 Jarne</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 KELSH: 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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Senate Natural Resources Committee
Bill/Resolution Number SB 2178
Hearing Date 1-18-01

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
Revenues						
Expenditures				\$5,000		\$5,000
Appropriations						

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.*

Name:	Paul T. Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	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"

Renumber accordingly

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

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2178

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Adoption of Amendments prepared by Legislative Council

Motion Made By Traynor Seconded By Tollefson

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) 4 No 3

Absent 0

Floor Assignment _____

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

Date: 1-25-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2178

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Adoption of Kelsh Amendment

Motion Made By Kelsh Seconded By Traynor

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 _____

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

Page 10, line 15, replace "minimum period that would" with "same period as the issuing state not to exceed the limit that could"

Page 10, line 23, replace "class B misdemeanor" with "class A misdemeanor"

Page 11, line 6, replace "class B misdemeanor" with "class A misdemeanor"

Page 11, line 11, remove the third "The"

Page 11, line 12, remove "hearing must be informal."

Renumber accordingly

Date: 1-25-01
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2178

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Adoption of Bill Sponsor Amendments

Motion Made By Christmann Seconded By Freborg

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 _____

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

Date: 1-26-01
Roll Call Vote #: 4

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2178

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Kelsh Seconded By Every

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 Kelsh

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

REPORT OF STANDING COMMITTEE

SB 2178. Natural Resources Committee (Sen. Fischer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Sixth order on the calendar.

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, after "department" insert ", in consultation with the chairman of the legislative council,"

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 15, replace "minimum" with "same" and replace "that would" with "as the issuing state, not to exceed the limit that could"

Page 10, line 23, replace "B" with "A"

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

Page 11, line 6, replace "B" with "A"

Page 11, line 11, remove "The"

Page 11, remove line 12

Renumber accordingly

2001 HOUSE NATURAL RESOURCES

SB 2178

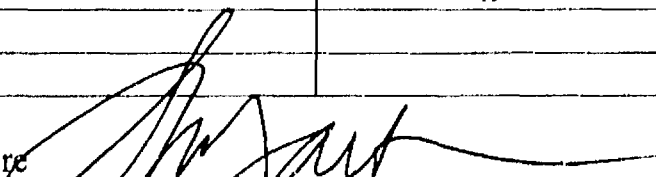
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2178

House Natural Resources Committee

Conference Committee

Hearing Date March 1, 2001

Tape Number	Side A	Side B	Meter #
1		x	1243 to 3760
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: I will open the hearing on SB 2178. Would you read the title.

Sen. Lyson - District 12: The bill in front of you is nothing more than a fair bill. It is fair to sportsmen, hunters and so on. This bill is going to let us join a compact within the United States so that sportsmen from ND that go someplace else will have to abide by their laws and if they don't abide by the laws of the states they are in, they are going to come back home and they will not hunt here either is they were suspended in that state. If we have people coming to ND and violating our laws, they will be penalized in their home states as we penalize our own. That is why I think it is a fair bill and it is going to help with the enforcement portion of the Game and

Fish Department. People are going to know that it isn't only here that they can run out on a ticket. When they get home they are going to find it there also. I think it is a fair situation.

Rep. Drovdal: You said that ND people go somewhere else and break the law, they come back and won't be able to hunt and when other people come here and break our laws. If other people come from other states and break their laws, we will know about it here also?

Sen. Lyson: Absolutely. Both places. That is why it is a fair bill.

Chairman Rennerfeldt: Any questions? Anyone else wish to testify in favor of this bill?

Daryl Kleyer - ND Game Wardens Association: I am here to testify in favor of this bill. (See written testimony and compact).

Chairman Rennerfeldt: Do you have any idea right now how many violators are hunting in ND?

Kleyer: From out of state we know there are some, from in-state suspensions do not occur real often. I was looking at statistics to see how many people this would affect. The compact wants to deal with the most severe violators. Of course the court determines whether there is a suspension at all. If there is a suspension and it is determined to be a suspend-able offense here, in the last two years it would have been 6 to 8 people per year that this compact would have affected. I think more importantly is probably the deterrent affect this compact may have. Even though we may not suspend a lot of people under this contract the fact that they know if they are suspended here could possibly affect them in other states where they hunt, could possibly affect that.

Rep. DeKrey: If they are charged out here and found guilty of a crime and are put on probation or whatever, we also have an interstate compact within our judicial system which states that they are supervised for their probation period in the state that they are in, so if we may supervise them for 5 years here and they go to Minnesota and they only supervise them for 3 years and under

that compact they would only be supervised for 3 years. How is this going to affect that compact?

Kleyer: I wasn't aware of that type of compact with probation. This deals simply with a suspension. It wouldn't deal with a probationary....

Rep. DeKrey: What I am saying is they commit a crime here and they go to another state, under that compact, if they are under supervision in this state through that compact they have to be accepted in a whole lot of other things. They are supervised in the state they go to under their rules. My question is how does that dovetail into that?

Kleyer: It shouldn't affect that in any way, shape or form. Simply because this doesn't deal with probationary. That would still be in effect. If a person was put under probation here and were still under probation there, that would still hold. This deals simply with suspension of privileges.

Rep. Droydal: To clarify, there are different laws in different states pertaining to hunting and fishing and everything else. If a person is picked up in Montana for a law that is in violation of Montana's law for hunting and fishing and they came over here and we don't have that exact same law, would they still be suspended over here?

Kleyer: No, they could not be, in the compact it says that it has to be a suspend-able offense here. It is possible even though there are 13 states that someone could be suspended in five of those states and the other 8 not.

Rep. Porter: How is ND in that scenario, how is ND going to know that this person has a suspend-able offense in another state?

Kleyer: This compact operates through a data base in Utah. The Utah Information Network. So that information is shared through that data base which our agency would have access to over the

Internet. We would be able to share that information and determine who is under suspension and who is not under suspension.

Rep. Porter: Since we are doing, the last figure we got from Mr. Schadewald was like 40% of our sales for nonresident licenses were over the Internet, how is this going to prevent someone from obtaining a license. If a person comes in and they buy the license off the Internet and they come into ND to hunt upland game or waterfowl or deer and they are suspended, but they legally have a license in their possession, how is this going to stop them from coming in and hunting? And how are you as a warden going to know that they even exist if you to stop and do a check and they have a valid license?

Kleyer: Today, we are under the same process, we have no way of knowing until after the fact. We get information on these individuals quite often that so and so is under suspension. At that point in time we would conduct an investigation. To know it up front is not possible at this time. Certainly with better licensing systems and computerized fee systems. It would be easier to flag that and know it up front. However, those individuals would be dealt with after the fact as they are now. When we determine someone is under suspension, we conduct an investigation, prove it in a court of law, just the same as we would today.

Rep. DeKrey: The fiscal note is \$2500 a year, to be a member of the compact? Is what we get for \$2500 is access to the computer data base?

Kleyer: No, the fiscal note is actually for the hearing process. If it was a ND resident and they requested a hearing that would be held right through the normal court proceeding. If a non resident was notified and they were going to lose their privileges in ND and they requested a hearing. We would handle that through the state hearing office and that is what that fiscal note is for.

Rep. DeKrey: That is what is anticipated? About \$2500 a years worth.

Kleyer: That is correct. With this bill it was changed from shall suspend their privileges to may which allows us to look at that more closely. If a hearing was held or they request a hearing and the department decides it is not a big issue. They can decide not to have the hearing period.

Rep. Droydal: I like the bill and the idea of it. I do see where it is enforceable on big game, but I see a problem with fishing license where they can come over and walk in a hardware store and there's no way a local hardware will know if they are in violation, we are not going to penalize the local merchant who happens to sell a license to a person who is under suspension?

Kleyer: That is correct, the agent is not responsible for that, the person who puts their signature on that license stating that they are eligible to buy that particular license is the person that is responsible for those actions.

Rep. Nottestad: I am looking at page 19 of the compact pertaining to violations that automatically can be used. Looking at what ND has in your department right now, violations that would cause suspension of license. Do they match up with this or would you have to rewrite to match up with this?

Kleyer: No, these would pretty much fall into place with something that is under our code. Currently the law says that any criminal violation can result in a suspension of privileges in ND. What that comes back to is the Department doesn't make that decision, the judge and the court determine whether there is going to be a suspension of privileges. So all of these would fall in somewhere within our current law. We wouldn't have to change our current law to make this workable.

Vice Chair Nelson: As far as administering this program, when someone buys a license, when that is submitted to the office, is that when they will do a cross check with the data base?

Kleyer: Yes, our division does at this time what we call a mis-rep check. Misrepresentation on a license application. We go through license books manually and match up individuals who are buying licenses in ND as a resident, when in fact they are nonresidents. They use other peoples phone numbers and a variety of methods to get by with that. We would do the same thing.

Vice Chair Nelson: As far as additional staff, is the staff going to be able to handle this, when there's possibly 23,500 water fowl permits sold in the state every year. Is the staff going to be able to handle this new compact? Or is it going to be an additional requirement at some time?

Kleyer: No, at this point in time we feel that there is not additional staff required. It is something we would simply do as an enforcement staff that we regularly deal with.

Rep. Porter: Do game wardens in the state right now use mobile data terminals that connect to the state radio?

Kleyer: No, we do not at this point.

Rep. Porter: If in the future that technology was made available, if you pulled someone over and they handed you their nonresident license and you ran a check on that license, you could access that data base in Utah and instantly know if that person had restrictions within this compact.

Kleyer: That is correct. In fact we are working with the BCI at this point in time on a data base that would do that for us for residents currently.

Chairman Rennerfeldt: Any further questions of the committee? Anyone else care to speak in favor of SB 2178?

Jim Nagel - NDSFC and the ND Guide and Outfitter Assn.: We support SB 2178. We don't want any bad apples going to other states with hunting and fishing privileges and we don't need bad apples from other states coming in here.

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House Natural Resources Committee

Bill/Resolution Number SB 2178

Hearing Date March 1, 2001

Rep. Porter: If the data base information was made available to the guides and outfitters, would you see a use in having someone who called in or was coming up to hunt or fish with you, so you could check and see that they were not a violator of this compact?

Nagel: I can assure you that I personally would not entertain that person as a client. I wouldn't want to jeopardize my guide license.

Rep. Porter: One of the things that we have been doing at least from this committee standpoint... We've been using the benefits that have been made available to certified guides so that the 100 white tail deer tags and the 25% of out of state waterfowl licenses are available to certified guides and outfitters. Would you see that as you're selling someone a white tail deer tag because you are a certified guide and outfitter, that this is part of your responsibility to check and make sure that this persons name is not one of those listed on this compact?

Nagel: If you would care to tie this bill into those other bills on guide issues, I am sure our association would not have an opposition to that.

Bill Pfeifer - ND Chapter of the Wildlife Society: We certainly support SB 2178. (see written testimony).

Mike Donahue - United Sportsmen of ND and the ND Wildlife Federation: We support SB 2178. (see written testimony).

Paul Crary - Cass County Wildlife Club: We do support SB 2178 for reasons already given.

Chairman Rennerfeldt: Anyone else care to testify in favor of this bill? Any opposition to SB 2178? If not, I will close the hearing on SB 2178.

Rep. DeKrey: I move a Do Pass on SB 2178.

Rep. Solberg: I second.

Chairman Rennerfeldt: Any further discussion on SB 2178? If not, call the roll.

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House Natural Resources Committee
Bill/Resolution Number SB 2178
Hearing Date March 1, 2001

MOTION FOR A DO PASS

YES, 15 NO, 0

CARRIED BY REP. KLEIN

Date: 3/1/01
 Roll Call Vote #: ~~20000~~ #1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2178

House Natural Resources Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Rep. DeBruy Seconded By Rep. Solberg

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

Total (Yes) 15 No 0

Absent _____

Floor Assignment Rep. Klein

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

REPORT OF STANDING COMMITTEE (410)
March 1, 2001 11:59 a.m.

Module No: HR-35-4588
Carrier: F. Klein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2178, as engrossed: Natural Resources Committee (Rep. Rennerfeldt, Chairman)
recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2178 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2178

TESTIMONY OF THE NORTH DAKOTA GAME WARDEN ASSOCIATION
SB 2178
SENATE NATURAL RESOURCES COMMITTEE
JANUARY 18, 2001

Interstate Wildlife Violator Compact

The people of North Dakota have long felt that the preservation, protection, management and restoration of wildlife contribute greatly to the aesthetic, recreational and economic qualities of North Dakota. The natural resources are held in trust by the State of North Dakota and managed, in part, through the ND Game and Fish Department.

In recent years, more and more hunters from other states come to ND to hunt and fish.

Also, more of our residents go into other states to hunt and fish as well. With the increased mobility of the natural resource users it follows that states need to maintain open channels of communication to effectively manage and protect our natural resources.

The Interstate Wildlife Violator Compact, or Compact, was originally started in 1989 when three states, Colorado, Nevada, and Oregon, developed the Compact. The Compact was signed into legislation that year. Currently there are 13 states involved in the compact. They include: Arizona, Colorado, Idaho, Indiana, Maryland, Minnesota, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. New Mexico is also currently considering legislation to adopt the Compact.

The Compact is not a Federal mandate but rather a cooperative agreement between states to assist one another in protecting our natural resources. Currently, residents of other states that are under suspension in their home state can come to ND, hunt, fish, and possibly take

advantage of our natural resources. Likewise, residents of ND currently under suspension here often just cross the border into adjoining states to continue hunting and fishing. Many of these non-residents and residents are under suspension because of multiple violations in their past.

The first part of the Compact allows for reciprocal suspension of privileges among the Compact states. In other words, if someone receives a suspension of privileges in a Compact state they would also be under suspension in the other Compact States, as long as the violation could result in a suspension of privileges in those other states.

The second part of the Compact deals with how we, as Game Wardens, handle non-residents of ND, and also how other state's Game Wardens handle our residents when they hunt outside of North Dakota. Currently, when a non-resident is found with a criminal violation, Judicial process dictates that the person is physically arrested and taken to jail. At jail the violator must post an appearance bond to be released. If he cannot post the bond he must be held until he can be brought before the presiding judge. Our residents are also handled in this manner if they happen to make a mistake while hunting or fishing outside of North Dakota. Often times these situations arise during peak times of usage when numerous natural resource users are afield. This process can often remove an officer from active duty in the field for several hours on one offense. Currently, non-residents are handled in this manner because if they were allowed to exit the state they would not be extradited on our misdemeanor charges if they failed to return to answer to the charges against them.

As a member of the Compact, residents and non-residents would be handled in the same manner. A citation would be issued and upon the violator signing a promise to appear they would be released allowing them to take care of the matter by paying the fine or appearing at a later date in court. Under the Compact, if a non-resident fails to comply with the fine or court date, their home state would suspend their privileges until the situation was rectified.

Nothing in the Compact can supercede State Law. Also, due process is accorded violators in that they can request a hearing before the Department can suspend their privileges.

We ask for your support of SB 2178. Your support would show that protection of North Dakota's natural resources is important to all North Dakotans.

**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT
SB 2178: INTERSTATE WILDLIFE VIOLATORS COMPACT
SENATE NATURAL COMMITTEE
JANUARY 18, 2001**

The Game and Fish Department supports SB 2178. This bill addresses several important areas that currently are problematic and need to be addressed. The main focus of this bill is on the serious habitual wildlife law offender. In addition there are positive aspects of this bill which in many cases provide conveniences for individuals visiting our state and our residents who hunt and fish in other states that are involved in minor violations.

The Interstate Wildlife Violators Compact is designed to mimic the very successful and well accepted concepts that our current drivers license system operates under. The main difference is that individual violation reports are not exchanged between states, but only violation that result in court ordered suspensions.

Hunting privileges are only suspended by the court and not the Game and Fish Department. Based on past history, judges have been suspending an average of less than 24 individuals per year. Clearly these suspensions are for serious and or repeat violators.

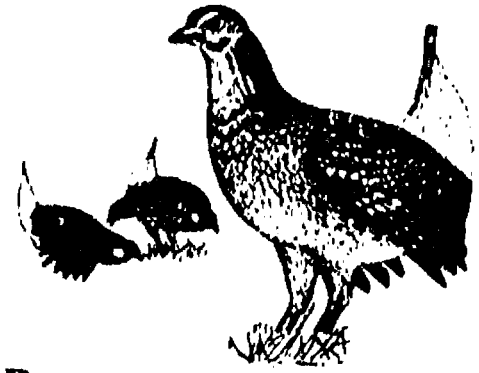
The North Dakota Game and Fish Department supports a **Do Pass** recommendation on SB 2178.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE SENATE NATURAL RESOURCE COMMITTEE
ON SB 2178, JANUARY 18, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society, an organization of approximately 300 professional natural resource managers including biologists, game wardens, teachers, Forest Service, etc. The Wildlife Society supports SB 2178 as it relates to the interstate wildlife violator compact.

You've heard how the compact functions, it's purpose, and the benefits of entering into the compact. I only wish to reiterate the increased efficiency and effectiveness that entering this compact will produce in aiding game law enforcement personnel.

As it stands now, nonresident game violators can return to their home state with no further consequences as soon as they cross the state line. Then, instead of returning to North Dakota, they'll just go to another state with no restrictions. States that have joined the wildlife violator compact, exchange violator information thereby aiding in furthering violation processing.

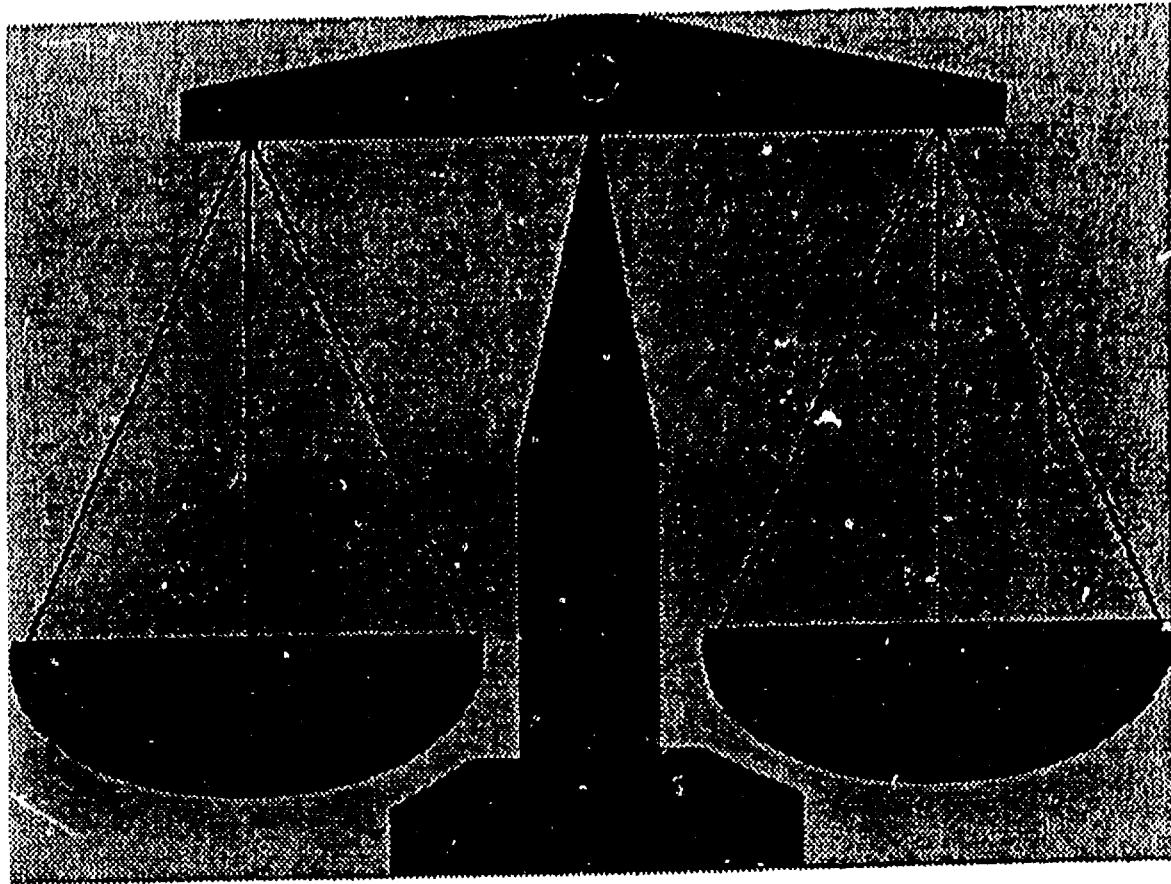
Without being a member state to the compact, violators know they can come to North Dakota. In other words, North Dakota will be collecting the scum that we don't want here; the habitual violator.

The cost of operating this program is small and will be offset by permitting the game wardens to do their job of enforcement rather than setting up court procedures for nonresident violators. If, at a later date, North Dakota wishes to leave the compact, it may do so.

The Wildlife Society strongly supports SB 2178 and further requests the committee give a unanimous "DO PASS" to this Bill.

11-2003-A

WILDLIFE VIOLATOR COMPACT OPERATIONS MANUAL



REVISED 7/99



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MEMBERS

WILDLIFE VIOLATOR COMPACT MEMBER STATES

ARIZONA
COLORADO
IDAHO
MONTANA
NEVADA
OREGON
UTAH
WASHINGTON
WYOMING

Minn. 2.

NM



DIRECTORY

WILDLIFE VIOLATOR COMPACT DIRECTORY

STATE	COMPACT ADMINISTRATOR	ADDRESS	PHONE	ENTRY DATE
Arizona	Leonard Ordway	Arizona Game & Fish 2221 W. Greenway Rd. Phoenix, AZ 85023	office 602-789-3307 fax 602-789-3945 e-mail lordway@gf.state.az.us	10/1991
Colorado	David A. Croonquist	Colorado Division of Wildlife 6060 Broadway Denver, CO 80216	office 303-291-7216 fax 303-291-7112 e-mail davecroonquist@state.co.us	2/1991
Idaho	Al Nicholson	Idaho Fish & Game 600 S. Walnut Street Boise, ID 83707	office 208-334-3736 fax 208-334-3714 e-mail anichols@idfg.state.id.us	3/1991
Montana	Mark Earnhardt	Montana Fish, Wildlife & Parks P.O. Box 200701 Helena, MT 59620-0701	office 406-444-2456 fax 406-444-4952 e-mail mearnhardt@state.mt.us	2/1996
Nevada	Rob Buonamici	Nevada Division of Wildlife P.O. Box 10678 Reno, NV 89520	office 775-688-1544 fax 775-688-1551 e-mail buonamic@govmail.state.nv.us	2/1991
Oregon	Don't Have One			12/1991
Utah	Doug Messely	Utah Division of Wildlife P.O. Box 606 Oedar City, UT 84720	office 435-865-6116 fax 435-586-2457 e-mail dmessel@state.ut.us	N/A
Washington	Don Gatlin	Washington Dept. Of Wildlife 600 Capitol Way North Olympia, WA 98501-1091	office: 360-902-2938 fax: 360-902-2207 e-mail: gatlidlg@dfw.wa.gov	N/A
Wyoming	Russ Pollard	Wyoming Dept. Of Game & Fish 5400 Bishop Blvd. Cheyenne, Wyoming 82006	office: 307- 777-4585	N/A

BY LAWS

BYLAWS

**WILDLIFE VIOLATOR COMPACT
BOARD OF COMPACT ADMINISTRATORS**

SEPTEMBER 15, 1999

BYLAWS

WILDLIFE VIOLATOR COMPACT

BOARD OF COMPACT ADMINISTRATORS

ARTICLE I - STRUCTURE AND OFFICERS

Section 1.

Each state or province participating in the Wildlife Violator Compact (Compact) shall have one representative on the Board of Compact Administrators (Board).

Section 2.

Board members shall be appointed by the Chiefs of Law Enforcement or heads of the licensing authority in the participating states and shall be subject to removal in accordance with the laws of that state or province.

Section 3.

The Board shall elect annually from its membership a chairman, a vice-chairman and secretary. Officers shall serve no more than three consecutive one year terms.

Section 4.

In the event that an officer of the Board is unable to continue in that capacity for any reason, the vacancy shall be filled as follows:

Chairman - The vice-chairman shall assume the duties of chairman until the next meeting of the Board at which time a new chairman shall be elected from the membership.

Vice-chairman - The chairman shall appoint an interim vice-chairman from the membership to serve until the next meeting of the board at which time a new vice-chairman shall be elected from the membership.

Secretary - The chairman shall appoint a new secretary from the membership.

ARTICLE 2 - VOTING

Section 1.

Each participating state or province shall have one vote in matters affecting the Compact. That vote shall be in the person of the Board member from that state or province.

ARTICLE 3 - DUTIES OF OFFICERS

Section 1.

Chairman: The chairman shall preside over all meetings of the Board; may exercise the authority to accept donations or grants as authorized in Article VII (e) of the compact; and may call special meetings of the Board as are necessary for the purposes of Compact administration when issues need to be addressed between regular meetings.

Section 2.

Vice-chairman: The vice-chairman shall act as chairman in the absence of the chairman.

Section 3.

Secretary: The secretary shall keep minutes of all meetings and shall provide a copy of such minutes to each board member within 30 days of each meeting. In addition, the secretary shall maintain all permanent records of compact administrative matters including, but not limited to, records of compact administrative matters including, but not limited to, records related to entry to and withdrawal from the compact as specified in Article VIII of the Compact.

ARTICLE 4 - MEETINGS

Section 1.

There shall be an annual meeting of the Board. This meeting shall be held in conjunction with the annual workshop of the Western Wildlife Law Enforcement Association.

Section 2.

Special meetings of the Board which are necessary for the purposes of Compact administration when specific issues must be addressed between annual meetings may be called by the chairman. The chairman shall consult with a quorum of the membership prior to calling a special meeting and shall provide a minimum of 30 days notice.

Section 3.

Should emergency action by the Board be necessary, a meeting may be conducted via conference telephone call. Such conference call meeting shall consist of a quorum of the board.

Section 4.

A quorum of the Board shall consist of a majority of the total membership. In addition, no action of the Board shall be binding unless a majority of the total number of board members votes in favor thereof.

ARTICLE 5 - COMPACT MANUAL AND FORMS

Section 1.

The Board shall formulate all necessary procedures for the administration of the compact. These procedures shall be contained in the Compact Manual which will be provided to all participating states and provinces and which will govern the specific activities authorized in the Compact.

Section 2.

The Board shall develop uniform forms and data formats for the transmittal of Compact related information.

Section 3.

Revisions to Compact forms and data formats shall be done in conjunction with Board meetings and such revisions shall require a majority vote of the Board members present.

ARTICLE 6 - AMENDMENTS TO THE COMPACT

Section 1.

Proposed amendments to the Compact shall be initiated in accordance with Article IX of the Compact.

Section 2.

Depending on the enabling laws in a state or province, endorsement of an amendment to the Compact may require additional legislative action and may delay a states or province's participation in, or compliance with, the amended section of the Compact. Such delay shall have no impact on that state or province as relates to the remainder of the Compact.

Section 3.

Failure or inability of a state or province to endorse an amendment to the Compact shall have no impact on that state or province as it relates to the remainder of the Compact.

ARTICLE 7 - AMENDMENTS TO THE BY LAWS

Section 1.

No amendments to these By Laws shall become valid except by a majority vote of the Board. Written notice containing the text of any proposed amendments must be furnished to each Board member at least 30 days prior to a meeting at which such amendment is to be considered, unless such notice is waived by all members of the Board.



OPERATIONS MANUAL

WILDLIFE VIOLATOR COMPACT

OPERATIONS MANUAL

OPERATIONS MANUAL

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SECTION I BACKGROUND

I. Historical Information

The concept of a wildlife violator compact was first advanced in the early 1980s by member states in the Western Association of Fish and Wildlife Agencies. Law enforcement administrators and Wildlife Commissioners from several states began discussing the idea of a compact based on the format of the existing Drivers License Compact and Non-Resident Violator Compact, both of these related to motor vehicle operator licensing and enforcement.

In 1985 draft compacts were developed independently in Colorado and Nevada. Subsequently, these drafts were merged and the Wildlife Violator Compact (WVC) was presented for discussion at the 1986 Law Enforcement Technical Committee Workshop of the Western Association.

During the 1989 Legislative session compact legislation was passed into law in Colorado, Nevada and Oregon. These three states formed the nucleus for the development of the operational procedures of the WVC.

II. Compact Benefits

A. For the consumer

1. Delays, and/or the inconvenience involved with the processing of a violation are comparable for residents and non-residents of participating states.
2. Personal recognizance is permitted in many cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

B. For the agency

1. Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.

2. The burden on courts and jail facilities is reduced because of the decreased case load involving immediate appearances, bonding and incarceration.
3. Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding, or incarceration.
4. The number of "Failure to Appear" cases is reduced because non-residents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home states.
5. Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

SECTION II WILDLIFE VIOLATOR COMPACT

NOTE: This section contains the text of the Wildlife Violator Compact as passed by the Colorado Legislature in 1989. Details may differ from Wildlife Violator Compact language enacted by other participating states, but the substantive language remains intact.

ARTICLE I Findings, Declaration of Policy, and Purpose

- (a) The participating states find that:
- (1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.
 - (2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.
 - (3) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.
 - (4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.
 - (5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.
 - (6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.
 - (7) In most instances, a person who is cited for a wildlife violation in a state other than his home state:
 - (i) Is required to post collateral or a bond to secure appearance for a trial at a later date; or

- (ii) Is taken into custody until the collateral or bond is posted; or
 - (iii) Is taken directly to court for an immediate appearance.
- (8) The purpose of the enforcement practices set forth in paragraph (7) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.
 - (9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.
 - (10) The practices described in paragraph (7) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.
 - (11) The enforcement practices described in paragraph (7) of this article consume an undue amount of law enforcement time.
- (b) It is the policy of the participating states to:
- (1) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states.
 - (2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in their state.
 - (3) Allow a violator, except as provided in paragraph (b) of Article III, to accept a wildlife citation and, without delay, proceed on his way, whether or not a resident of the state in which the citation was issued, provided that the violator's home state is party to this compact.
 - (4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.
 - (5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had

occurred in the home state.

- (6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.
 - (7) Maximize effective use of law enforcement personnel and information.
 - (8) Assist court systems in the efficient disposition of wildlife violations.
- (c) The purpose of this compact is to:
- (1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.
 - (2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II Definitions

As used in this compact, unless the context requires otherwise:

- (a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.
- (b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.
- (c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.
- (d) "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure

appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

- (e) "Court" means a court of law, including magistrate's court and the justice of the peace court.
- (f) "Home state" means the state of primary residence of a person.
- (g) "Issuing state" means the participating state which issues a wildlife citation to the violator.
- (h) "License" means any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.
- (i) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (j) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.
- (k) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.
- (l) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.
- (m) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.
- (n) "Terms of the citation" means those conditions and options expressly stated upon the citation.
- (o) "Wildlife" means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for

the purposes of this compact shall be based on local law.

- (p) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.
- (q) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.
- (r) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III Procedures for Issuing State

- (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph (b) of this article, if the officer receives the recognizance of such person that he will comply with the terms of the citation.
- (b) Personal recognizance is acceptable (1) if not prohibited by local law, issuing agency policy, procedure or regulation, or by the compact manual and (2) if the violator provides adequate proof of identification to the wildlife officer.
- (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.
- (d) Upon receipt of the report of conviction or noncompliance pursuant to paragraph (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

ARTICLE IV
Procedure for Home State

- (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards will be accorded.
- (b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.
- (c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V
Reciprocal Recognition of Suspension

- (a) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.
- (b) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

ARTICLE VI
Applicability of Other Laws

- (a) Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE VII
Compact Administrator Procedures

- (a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.
- (b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.
- (c) The board shall elect annually from its membership a chairman and vice-chairman.
- (d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.
- (e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize and dispose of same.
- (f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.
- (g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII
Entry into Compact and Withdrawal

- (a) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.
- (b)
 - (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.
 - (2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:
 - (i) A citation of the authority from which the state is empowered to become a party to this compact;
 - (ii) An agreement of compliance with the terms and provisions of this compact; and
 - (iii) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.
 - (3) The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given (a) by the chairman of the board of the compact administrators or (b) by the secretariat of the board to each participating state that the resolution from the applying state has been received.
- (c) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until ninety days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

ARTICLE IX
Amendments to the Compact

- (a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.
- (b) Adoption of an amendment shall require endorsement by all participating states and shall

become effective thirty days after the date of the last endorsement.

- (c) Failure of a participating state to respond to the compact chairman within sixty days after receipt of a proposed amendment shall constitute endorsement thereof.

ARTICLE X
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this Compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

ARTICLE XI
Title

This compact shall be known as the "Wildlife Violator Compact".

PROCEDURAL MATTERS

I. The Wildlife Violator Compact

A. What is it?

The Wildlife Violator Compact (WVC) assures non-resident violators receiving citations for certain wildlife violations in participating states the same treatment accorded residents who are in violation. Procedures are established in Section IV of this manual which cause a non-resident violator who fails to comply with the terms of a citation issued in a participating state to face the possibility of the suspension of his wildlife license privileges in his home state until the terms of the citation are met. Safeguards are built into the WVC to assure that a non-resident violator is afforded all due process protection.

In addition, the WVC provides for the reciprocal recognition of the suspension of license privileges by participating states, subject to limitations again intended to provide due process protection. The reciprocal recognition of suspensions is intended to address the problems associated with the mobility of many violators.

Finally, the WVC provides that information on convictions in participating states shall be forwarded to the home state of the violator. The home state shall treat such convictions as if they had occurred in that state for the purposes of license suspension actions.

The WVC not only assures equal treatment of residents and non-residents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers.

B. What it is not.

The WVC is not a device to secure court appearance if a defendant has previously delivered himself into the court's jurisdiction and trial has been postponed to a later date. It is not a device for collecting unpaid portions of fines allowed to be paid in installments by the courts. It is not a punitive device.

II. Release on Personal Recognizance

A. Violations covered

1. Any violation subject to the provisions of a "Penalty Assessment", which allows a violator to comply with a citation by mailing a fine payment to the issuing agency or a court, thereby admitting guilt without a formal appearance.
2. Any violation written as a summons requiring a violator to deal directly with the court, either in person, by mail or through an attorney. Unless there are other restrictions in this document or in the laws, policies or procedures of the issuing state or the court of jurisdiction.
3. In order for a violation to be subject to these provisions the person to whom the citation is issued must be a resident of a Compact state, other than the issuing state, at the time the citation is issued.

B. Types of Violations Not Covered

1. Any violations that mandate a personal appearance.
2. Any petty offense or misdemeanor violation that has a jail term as a mandatory penalty.
3. Any felony violation.
4. Any violation that the issuing officer deems serious enough to arrest a resident violator.
5. Any violation or situation which the laws, policies or procedures of the issuing state dictate shall be handled otherwise.

III. Compliance With a Citation

A. Methods of Compliance

1. Payment by mail where provided for.
2. Responding to the citation in person.
3. Submission of a plea by mail where allowed.

4. Responding through an attorney where allowed.

B. Evidence of Compliance (in response to a notice of suspension for non-compliance).

1. Certificate from the court.

2. Copy of the court judgement.

NOTE: personal representations, check stubs, money order receipts, etc. are not acceptable.

3. The violator copy of a Notice of Compliance sent by the issuing state.

SECTION IV COMPACT PROCESS

The following are the general procedures to be followed by enforcement agencies and courts in States which are participants in the Wildlife Violator Compact (WVC). Specific procedures which are developed to comply with the legal and administrative requirements of the various States shall be acceptable so long as they comply with the intent of this manual.

The following procedures make the assumption that the violation in question meets the general requirements of Paragraph II A. of Section III of this Manual.

I. Procedures for the Issuing State

- A. The officer issues a citation to the violator on the standard form used in that state.
 - 1. When a non-resident is issued a citation and released on personal recognizance under the provisions of this compact, it is advisable that the signature of the recipient is contained on the citation, regardless of specific requirements on that issue.
 - 2. The citation is returnable to the court at a future date specified on the document, in accordance with the laws, regulations, policies, or procedures of the Agency and/or the Court of jurisdiction
- B. If the violator pays the fine or resolves the case with the court, as appropriate, the matter is closed and no further action is taken under the provisions of Paragraphs I and II of this section of the WVC.
- C. If the violator does not resolve the case by payment of the fine or with the court, action under the provisions of the WVC will be initiated.
 - 1. The "Notice of Failure to Comply" form will be completed and the original delivered to the violator by certified mail, return receipt requested, or in person. The remaining copies are held in a suspense file pending a response from the violator.

Any "Notice of Failure to Comply" shall be processed by the issuing state and reported to the home state within six months of issuance of the citation.

- a. Sufficient time will be allowed for the defendant to respond to the

Notice of Failure to Comply Form prior to initiating further action under the WVC. This will normally be not less than 14 days and not more than 28 days.

- b. If the defendant complies with the terms of the citation within the grace period allowed, no further action is taken under the provisions of this section of the WVC. Final action in a court case is not a prerequisite.
2. If the defendant fails to respond within the time allowed, copy 2 of the Notice of Failure to Comply will be sent to the home state of the defendant. The home state will proceed as outlined in Section II.

Procedures for Home State

- a. If at any time beyond this point in the WVC process the defendant resolves the case with the court, it is imperative that copies 3 and 4 of the Notice of failure to comply (Defendant's and Home State Acknowledgment of Compliance) be mailed immediately so that any pending or ongoing suspension of license privileges which are the result of the action at hand may be canceled.
- b. At any time subsequent to the mailing of the Notice of Failure to Comply that the violator complies with the citation as specified in Section B or Section C.1.b, above, no further actions under this section of the WVC will take place.

II. Procedures for the Home State

- A. Upon receipt of the "Notice of Failure to Comply" from the issuing state, the licensing authority of the home state of the violator will review the form for the following:
 1. Is it legible?
 2. Is it complete?
 3. Is it timely, within the six month limit of the compact?
 4. Is the violation covered under the compact?
 5. Are all other aspects of the case proper under applicable state laws, policies, and procedures?

- B. If for any reason the case cannot be acted on, it will be returned to the issuing state within 14 days with an explanation of the problem. If all problems are resolved and the case is returned to the home state it will be reinstated.
- C. If the case is accepted, it will be entered into the suspension process of the home state.
- D. A Notice of Suspension will be prepared and sent to the violator. If it is a provision of the laws, policies or procedures of the home state, an advance warning letter to the violator is acceptable.
1. The Notice of Suspension should have a delayed effective date to permit the violator to contact the court in the issuing state and resolve the case. The length of this delay is subject to the laws, policies or procedures of the home state, but should be at least 14 days in length.
 2. The Notice of Suspension must inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information on the court (name, address, phone number) must be provided in the Notice of Suspension. This will help eliminate inquiries of the home state which are costly, time consuming and nonproductive as the home state can do nothing to resolve the case.
- E. Should the defendant request a hearing on the suspension, it will follow the form appropriate to the laws, policies or procedures of the home state.
1. Such hearings will normally be restricted to challenging the right of the home state to suspend under the provisions of the WVC; to deny receiving the original citation (thus the importance of the violator's signature on the citation); or to claim that the case has been resolved.
 2. The question of guilt or innocence regarding the original charge will not be a subject of hearings held under the provisions of this section.
 3. If needed, assistance can be requested from the issuing state. This is normally limited to obtaining certified documentation.
 4. **NOTE: Suspensions levied for failure to comply with the terms of a citation are enforced only in the home state of the violator.** These administrative suspensions are not to be confused with suspensions which are the result of convictions of wildlife violations in one or more states which are participants in the WVC.

- F. If the suspension is upheld, the defendant must then proceed to resolve the court case with the suspension remaining in effect.
- G. If the suspension is denied for any reason, the case is terminated and the suspension order vacated. In such cases the issuing state will be informed of the reason for denial.
- H. Appeals from suspension orders will be handled in accordance with the laws, policies and procedures of the home state.
 - 1. Should a suspension order be overturned on appeal, the issuing state shall be notified.
- I. When a violator resolves a case with the court in the issuing state, an acknowledgement of compliance will be issued directly to that person. It is the responsibility of the violator to present this document to the licensing authority in the home state in order to terminate the suspension. The acknowledgement of compliance may take any form acceptable to the home state and the Court.
 - 1. If the acknowledgement of compliance is presented prior to the effective date of the suspension, the suspension is cleared immediately.
 - 2. If the acknowledgement of compliance is presented after the effective date of the suspension, reinstatement will be handled in accordance with the laws, policies and procedures of the home state.
- J. Any reinstatement or restoration fees shall be established and assessed in accordance with the laws, policies and procedures of the home state.

III. Reciprocal Recognition of Suspensions

- A. States participating in the WVC shall recognize the suspension for cause of the license privileges of any person by any other participating state under the following circumstances:
 - 1. The suspension is the result a conviction for one or more of the following violations types:
 - a) Priority will be placed on the following violation types:
-

WVC CODE FOR ULEIN

VIOLATION

Illegal take or possession of big game	BGV
Illegal take or possession of threatened or endangered species	TEV
Felony wildlife violations	FEV
License violations, fraud, false statement	LIV
Waste of wildlife	WAV
Accumulated wildlife violations	ACV
Violations while on revocation	REV
Sale/purchase of wildlife	SPV

- b) The following violation types will also be subject to reciprocal revocation by member states depending on member state laws:

VIOLATION

WVC CODE FOR ULEIN

Illegal take or possession of small game or migratory birds	SGV
Illegal take or possession of fish	FIV
Illegal take or possession of other wildlife	OWV
Tag/permit/license transfer	TRV
Federal Wildlife Violations	FDV
Other criminal violations	OTV
Guide/outfitter violations	GUV

2. And, such recognition of suspension is not contrary to the laws of that state.

- B. Recognition of suspensions which do not meet the criteria of section III. A. 1 and 2 above will be up to the laws, policies and procedures of that state.
- C. Each state participating in the WVC shall communicate suspension information to other participating states, using the Interstate Wildlife Violator Compact database contained within the Utah Law Enforcement Information Network (ULEIN). Participating states will use the guidelines prescribed by ULEIN administration. The following information will be included but not limited to:
 - 1. Positive identification of the subject of the suspension. Including:
 - a. Name
 - b. Date of birth
 - c. Physical description
 - d. Last known address
 - 2. The basis of the suspension including:
 - a. Violation(s) and convictions upon which the suspension is based.
 - b. The scope of the suspension (ie. fishing, hunting, trapping, all privileges).
 - e. Effective dates of the suspension.
- D. In the event documentation of a violation and subsequent license suspension is needed by a member state for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports, suspension orders and the disposition of the matter.

IV. Transmittal of Conviction Information to the Home State of the Violator

- A. Upon a conviction, the issuing state shall forward to the home state of the violator the following information:
 - 1. Personal Information

- a. Name
- b. Date of birth
- c. Sex
- d. Physical description (height, weight, hair, eyes)
- e. Last known address

2. Violation Information

- a. Citation number
- b. Violation description
- c. Revocation begin & end date
- d. Fine assessed

B. For the purpose of consideration for license suspension, the home state shall treat such convictions in other participating states as if they had occurred in the home state.

C. In the event detailed information on a violation is needed by the home state, for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports and the disposition of the matter.

**SECTION V
ADMINISTRATIVE MATTERS**

I. Entry into the Compact

- A. Entry into the WVC may be accomplished by the following methods.
1. A state legislature may accomplish WVC joinder by adopting the full compact as a statute.
 2. A state legislature may authorize and direct that state's wildlife agency to enter into the compact.
- B. Upon legislative action as specified above, entry into the WVC shall be finalized by the submission of a resolution of ratification and an informational application submitted to the chairman of the board of compact administrators.
- The resolution of ratification shall be signed by the chief administrator of the wildlife agency or licensing authority and shall include the items found in section (b),2 of Article VIII of the WVC.
- C. The effective date of entry shall be specified by the applying state but shall be at least sixty days after notice has been given to each member state by the chairman of the board of compact administrators.
- D. Only violations which are committed on or after the effective date of entry, and resulting suspensions, shall be subject to the provisions of the Compact

II. Withdrawal from the Compact

- A. A member state may withdraw from the WVC by submitting official written notice to the other member states. Such withdrawal shall not be effective until ninety (90) days after such notice is mailed.
- B. Such notice must be directed to the compact administrator of each member state.
- C. The withdrawal of one or more member states shall have no effect on the validity of the WVC as to the remaining member states.

3/1/1

To: ND House Natural Resources Committee

reference: SB 2178

United Sportsmen of ND and the ND
Wildlife Federation support the bill.

they urge a do pass.

Thank you,

Mike Donahue
Lobbyist #258

TESTIMONY OF THE NORTH DAKOTA GAME WARDEN ASSOCIATION
SB 2178
HOUSE NATURAL RESOURCES COMMITTEE
MARCH 1, 2001

Interstate Wildlife Violator Compact

The people of North Dakota have long felt that the preservation, protection, management and restoration of wildlife contribute greatly to the aesthetic, recreational and economic qualities of North Dakota. The natural resources are held in trust by the State of North Dakota and managed, in part, through the ND Game and Fish Department.

In recent years, more and more hunters from other states come to ND to hunt and fish.

Also, more of our residents go into other states to hunt and fish as well. With the increased mobility of the natural resource users it follows that states need to maintain open channels of communication to effectively manage and protect our natural resources.

The Interstate Wildlife Violator Compact, or Compact, was originally started in 1989 when three states, Colorado, Nevada, and Oregon, developed the Compact. The Compact was signed into legislation that year. Currently there are 13 states involved in the compact. They include: Arizona, Colorado, Idaho, Indiana, Maryland, Minnesota, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. Five other states are currently considering legislation to adopt the Compact.

The Compact is not a Federal mandate but rather a cooperative agreement between states to assist one another in protecting our natural resources. Currently, residents of other states that are under suspension in their home state can come to ND, hunt, fish, and possibly take

advantage of our natural resources. Likewise, residents of ND currently under suspension here often just cross the border into adjoining states to continue hunting and fishing. Many of these non-residents and residents are under suspension because of multiple violations in their past.

The first part of the Compact allows for reciprocal suspension of privileges among the Compact states. In other words, if someone receives a suspension of privileges in a Compact state they could also be under suspension in the other Compact States, as long as it is a suspendable violation in those other states.

The second part of the Compact deals with how we, as Game Wardens, handle non-residents of ND, and also how other state's Game Wardens handle our residents when they hunt outside of North Dakota. Currently, when a non-resident is found with a criminal violation, Judicial process dictates that the person is physically arrested and taken to jail. At jail the violator must post an appearance bond to be released. If he cannot post the bond he must be held until he can be brought before the presiding judge. Our residents are also handled in this manner if they happen to make a mistake while hunting or fishing outside of North Dakota. Often times these situations arise during peak times of usage when numerous natural resource users are afield. This process can often remove an officer from active duty in the field for several hours on one offense. Currently, non-residents are handled in this manner because if they were allowed to exit the state they would not be extradited on our misdemeanor charges if they failed to return to answer to the charges against them.

As a member of the Compact, residents and non-residents would be handled in the same manner.

A citation would be issued and upon the violator signing a promise to appear they would be released allowing them to take care of the matter by paying the fine or appearing at a later date in court. Under the Compact, if a non-resident fails to comply with the fine or court date, their home state would suspend their privileges until the situation was rectified.

Nothing in the Compact can supercede State Law. Also, due process is accorded violators in that they can request a hearing before the Department can suspend their privileges.

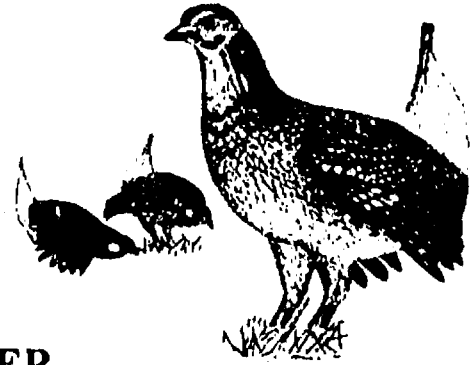
We ask for your support of SB 2178. Your support would show that protection of North Dakota's natural resources is important to all North Dakotans.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE
ON SB 2178, MARCH 1, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society supports SB 2178 as it relates to the interstate wildlife violator compact.

You've heard how the compact functions, it's purpose, and the benefits of entering into the compact. I only wish to reiterate the increased efficiency and effectiveness that entering this compact will produce in aiding game law enforcement personnel.

As it stands now, nonresident game violators can return to their home state with no further consequences as soon as they cross the state line. Then, instead of returning to North Dakota, they'll just go to another state with no restrictions. States that have joined the wildlife violator compact, exchange violator information thereby aiding in furthering violation processing.

Without being a member state to the compact, violators know they can come to North Dakota. In other words, North Dakota will be collecting the habitual violator, the scum that we don't want here.

The cost of operating this program is small and will be offset by permitting the game wardens to do their job of enforcement rather than setting up court procedures for nonresident violators. If, at a later date, North Dakota wishes to leave the compact, it may do so.

The Wildlife Society strongly supports SB 2178 and further requests the committee give a unanimous "DO PASS" to this Bill.