

**2013 HOUSE JUDICIARY**

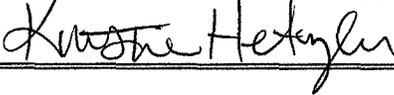
**HB 1169**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1169  
January 23, 2013  
Job 17523

Conference Committee



## Explanation or reason for introduction of bill/resolution:

Suspension of hunting, fishing, and trapping privileges as a sentencing alternative.

## Minutes:

*Testimony 1*

**Chairman Koppelman:** Opens.

**Andrew Bornemann:** Oppose HB 1169. Testimony 1.

**Rep Pauer:** So you are asking that hunting and fishing privileges should only be connected to hunting and fishing incidents?

**Andrew Bornemann:** Correct.

**Duane Dekray,** Deputy Director of the Game and Fish Department: Neutral. Concerned with language of the bill. Ask that if the court does use as a sentence that they would be the one to confiscate the licenses from the individual and they would be turned into the court and then our dept be notified.

**Rep Brabandt:** Are you for it or against.

**Duane:** Neutral.

**Rep Klemin:** Testimony 1?

**Chairman Koppelman:** If the courts ordered to remove license is it a document the individual would have to turn in or is it just to notify your dept?

**Duane:** It is required by law that they carry their hunting and fishing license while out in the field.

**Chairman Koppelman:** So unless the license is turned in, they could continue to hunt and fish.

**Duane:** Correct, we would not know the difference out in the field unless our dept got some sort of notification.

**Rep Steiner:** What about the vender?

**Duane:** There is a bill this session to make all of it electronic; we are trying to catch up with the times.

**Chairman Koppelman:** Close.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1169  
January 23, 2013  
Job 17631

Conference Committee

*Kristi Helder*

**Explanation or reason for introduction of bill/resolution:**

Suspension of hunting, fishing, and trapping privileges as a sentencing alternative.

**Minutes:**

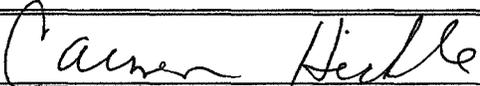
Chairman Koppelman: Hold HB 1169 until Rep. Keiser can speak on it.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1169  
Job 17972  
DATE January 30, 2013

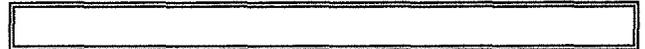
Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to the suspension or hunting, fishing, and trapping privileges as a sentencing alternative.

## Minutes:



**Chairman Kim Koppelman:** Re-opened the committee meeting on HB 1169.

**Rep. Keiser:** He encouraged all Legislatures to ride along with Highway Patrol as he had done. He described how the Officer had stopped a person for speeding and with a taillight out. He was also holding a beer bottle resulting in open container, no license and no insurance. You cannot prevent a person from not driving again. Rep. Keiser said taking someone's hunting and fishing privileges gets the attention of dead beat dad's, those who are not paying their child support. Once Legislation was passed stating if you are not up to date on child support we can now restrict your access to hunting and fishing licenses. This bill is flexible and gives the Judge the authority when there is any form of mandatory sentence. It's not going to cost us anything although we may lose a few license fees. He said he believes this gives the Jude another tool and also the flexibility if they want to use it and flexibility on how to use it. They can restrict privileges for one year, they can restrict privileges for two years, or for life. This is giving Judges a real tool to impact the activities of some of our citizens that don't seem to want to follow the law.

**Rep. Gary Paur:** In your illustration the driver had his driver's license suspended and he was still driving, what makes you think not giving his a hunting or fishing license will stop him from hunting or fishing?

Rep. Keiser: It may not but you years we chased dead beat dads and tried to get them to pay and couldn't. When we passed this kind of legislation we suddenly had a significant number of dead beat dads that recognized they could not get a hunting permit unless they paid the back child support. We picked up a

significant amount of money. When those dads weren't paying the Dept. of Human Services was likely paying.

**Vice Chairman Larry Klemin:** I understand that Game and Fish Dept. has some very significant deterrents to fishing or hunting without licenses or otherwise violating hunting and fishing licenses. Such as confiscating the vehicle, confiscating the boat, all the fishing equipment he was using. They have sales every year with the things that were confiscated. Whereas we don't confiscate anybody's car for driving while intoxicated. Is that correct Rep. Keiser?

**Rep. Keiser:** We have given Game and Fish Dept. authority to confiscate personal property if violating our hunting and fishing laws. Those individuals can lose the right to a license forever.

**Vice Chairman Larry Klemin:** Are there provisions in other states that say if you lost your hunting and fishing privileges in North Dakota you can't hunt or fish in another state either?

**Rep. Keiser:** I'm not sure there might be a reciprocity agreement. What I do know that the people who drink and drive some of those are going to hunters and fishermen and they are going to be more concerned about losing their right to this than 10 days in jail or whatever you want to do with them.

**Rep. Kathy Hogan:** have you seen the proposed amendment from Game and Fish?

**Rep. Keiser:** I have and I support them. Game and Fish thinks this would be a deterrent for those people who hunt and fish. Just like Human Services currently informs Game and Fish. If we have dead beat parent that is not paying child support then Human Services informs Game and Fish and they will get tagged. If their name comes in for a permit it's not permitted.

**Chairman Kim Koppelman:** Is this section of law dealing with drunk driving?

**Rep. Keiser:** No, when I went to Counsel and said they have all of these drunk driver bills out there trying to get them off the road. Legislative Counsel said why don't we make it general? There are mandates for a variety of transgressions, why don't we give the Judges a tool that says if you reach the status of a mandatory sentence we may also, we don't have to, impose this penalty.

**Chairman Kim Koppelman:** So it would apply anytime there is a mandatory sentence for any offense?

**Rep. Keiser:** The Judge would have discretionary authority to impose this restriction. It could be for one year, two years, or life.

**Chairman Kim Koppelman:** Rep. Klemin said it's an alternative and you said a mandatory sentence, I just want to be clear the intent.

**Rep. Keiser:** That is certainly the intent. When a mandatory is reached for whatever crime is involved. If there is mandatory life sentence for prison you don't have to worry about that one. But if for some reason there was a loophole and they got out or we changed the law then this could still apply.

**Rep. Karen Karls:** Is there a way to petition to get your rights back after the sentence is served or you made this right with the world?

**Rep. Keiser:** The way the bill is written the Judge has discretion to do it for one year, two years or lifetime. So in that sentencing it is no different than any other sentence.

**Rep. Karen Karls:** I visited with a defense attorney who clients are mainly people who get into this trouble and he said the hardest thing for them to face is the possible felony conviction that will lose their gun rights, their hunting and fishing rights.

**Chairman Kim Koppelman:** It seems to be a minimum here but no maximum and should there be and/or should there be a process to get rights back.

**Rep. Lois Delmore:** If it is serious enough offense they might want to pull lifetime and deservedly so. I think it is hard for us as a committee to know how to exactly what those people have been convicted of. So I think putting a minimum and maximum would be very difficult to do.

**Chairman Kim Koppelman:** There is a minimum in the bill.

**Rep. Lois Delmore:** I understand that but it may make sense to some Judge to say you are terminated for life. You have come back here 8 times, look at all that has gone on so I am going to hurt you in the best way I know how.

**Chairman Kim Koppelman:** My concern this is a major public policy decision because the Judges currently don't have this authority and we should not dispatch this lightly.

**Vice Chairman Larry Klemin:** This committee has had bills come up in the past relating to the issue of people petitioning to get back their hunting privileges. So we have heard those bills before, I know those procedures exist.

**Rep. Lois Delmore:** because it's a sentence wouldn't you assume that automatically that would come back in a year's time? I would assume that right is given back to you.

**Chairman Kim Koppelman:** we should look and that and if this applies to mandatory sentences, which is what the sponsor intended. We will come back to this one. Closed.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1169  
DATE February 12, 2013  
JOB 18777

Conference Committee

*Carman Heick*

## Explanation or reason for introduction of bill/resolution:

Relating to the suspension of hunting, fishing, and trapping privileges as a sentencing alternative.

## Minutes:

Handout 1

**Chairman Kim Koppelman:** Opens HB 1169 for committee work.

**Vice Chairman Larry Klemin:** Handed out and explained proposed amendments. This bill provides sentencing alternatives. The one is being added is one the court could use in an appropriate case it is not mandatory. The Game and Fish brought in a proposed amendment but he feels his tracks the language better.

**Vice Chairman Larry Klemin:** Moves the amendment.

**Rep. Andy Maragos:** Second the motion.

Discussion was held on the process of giving up your license if you have lost it through the court process and the procedure for tracking loss of licenses at Game and Fish.

Voice vote carried.

**Rep. Andy Maragos:** Made a motion for do pass with amendment.

**Rep. Randy Boehning:** Second the motion.

**Vice Chairman Larry Klemin:** will carry the bill to the floor.

13.0392.01001  
Title.02000

Adopted by the Judiciary Committee

February 12, 2013

VR  
2/12/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

Page 2, line 10, after the underscored period insert "Upon imposition of the suspension, the court shall forward a certified copy of the suspension order to the director, along with any hunting, trapping, or fishing license or permit held by the defendant."

Renumber accordingly

Date: 2-12-13  
Roll Call Vote #: \_\_\_\_\_

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1169

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Voice Vote - Carried*

Date: 2-12-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1169

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman		/	Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt		/			
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner		/			
Rep. Nathan Toman		/			

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Klemin

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

**REPORT OF STANDING COMMITTEE**

**HB 1169: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1169 was placed on the Sixth order on the calendar.

Page 2, line 10, after the underscored period insert "Upon imposition of the suspension, the court shall forward a certified copy of the suspension order to the director, along with any hunting, trapping, or fishing license or permit held by the defendant."

Renumber accordingly

**2013 SENATE NATURAL RESOURCES**

**HB 1169**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1169  
March 15, 2013  
20002

Conference Committee

*Monica Spurling*

### Explanation or reason for introduction of bill/resolution:

Relating to the suspension of hunting, fishing, and trapping privileges as a sentencing alternative

### Minutes:

No attachments

Chairman Lyson opened the hearing for HB 1169.

Representative Keiser, District 47, introduced the bill. This bill was initiated to motivate people to avoid driving under the influence. The hope is that suspending hunting privileges would be a motivator. This would not have a fiscal note with it. When they took away hunting privileges, it had a significant impact on back payments for child support from deadbeat parents. State's Attorneys have said this will impact DUI's. It gives judges one more tool. Game and Fish did have a concern so he added an amendment to address their concern. They did not want to be responsible for monitoring this. The court will be responsible to notify Game and Fish if they suspend a license.

Senator Lyson agreed that it will be a deterrent and asked why it would not be mandatory. He feels it will be unfair if one judge uses it and another doesn't use it.

Representative Keiser did originally have it as mandatory but legislative council felt it should be discretionary.

### Opposition:

Foster Ray Hager, Cass County Wildlife, sated he feels it works well for Human Services and child support, but it will not work for this issue. He feels the punishment is not even related to the crime. He feels it may be a deterrent if it is well publicized.

### Neutral:

Robert Timian, Chief Game Warden with ND Game and Fish Department, stated if this were made a mandatory requirement for any conviction of any criminal offense in North Dakota they would want to revisit their fiscal note. It may have a major impact on their ability to collect license fees.

Senate Natural Resources Committee  
HB 1169  
March 15, 2013  
Page 2

Chairman Lyson closed the hearing for HB 1169.

Senator Triplett: Do Pass Motion

Senator Murphy: Second

Senator Triplett spoke about the pros and cons of making it mandatory. Adding a tool to the toolbox makes sense. Not everyone who violates a law would be motivated by loss of hunting privileges.

There was more discussion about the merits of it being mandatory and whether it would be an effective deterrent.

Roll Call Vote: 5, 2, 0

Carrier: Senator Triplett

Date: 3-15-13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1169

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Triplet Seconded By Murphy

Senators	Yes	No	Senators	Yes	No
Senator Lyson	✓		Senator Triplet	✓	
Senator Burckhard	✓		Senator Murphy	✓	
Senator Hogue		✓			
Senator Laffen	✓				
Senator Unruh		✓			

Total (Yes) 5 No 2  
Absent 0  
Floor Assignment Triplet

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

**REPORT OF STANDING COMMITTEE**

**HB 1169, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)**  
recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1169 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**HB 1169**

1-22-13

Duane DeKray

1

Proposed Language HB 1169

North Dakota Game and Fish Department

Page 2 line 10 "The judge shall order the defendant to surrender any active hunting or fishing licenses to the court and will notify the North Dakota Game and Fish department of the suspension.

2-12-13

Rep. Lawrence R. Klemin  
February 6, 2013

PROPOSED AMENDMENT TO HOUSE BILL NO. 1169

Page 2, line 10, after the second period insert:

"Upon imposition of the suspension, the court shall forward a certified copy of the suspension order to the director, along with any hunting, trapping, or fishing license or permit held by the defendant.

Renumber accordingly