

1999 SENATE NATURAL RESOURCES

SB 2351

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2351

Senate Natural Resources Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
1	x		1835-5710
2		x	1570-2880
1	x		2095-3320
1	x		4785-6209
1		x	0-1300
Committee Clerk Signature <i>Lyla A. Hagen</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on SB2351: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SECTION TO CHAPTER 20.1-03 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO REQUIREMENTS FOR GUIDES OR OUTFITTERS.

SENATOR GRINDBERG stated if you are a guide or outfitter, you need to have general liability insurance, certified in CPR and certified first aid. A concern is if a guide has insurance because accidents do happen.

SENATOR TRAYNOR asked what increase of cost this would be to guides and outfitters, and is liability insurance available. Is the insurance broad enough to cover guest shot by another guest. JAMES NAGEL, ND Guides and Outfitters Ass'n., replied the basic cost for liability insurance depends upon how you are insuring. If entertaining a lot of employees or clients, \$250 would be

a minimum for a year, up to \$1,000 a year. The liability insurance is available. The insured would be the guide and outfitter and would probably be insurance adjusters dealing with insurance adjusters as to who is at fault. Most policies cover medical. There was a similar bill in the 1995 Legislative Session which would have required guide and outfitters to have liability insurance, etc. A decision was made by our association not to support that bill and we were successful in getting the bill killed. It was the intent to bring this back in as administrative rules under the ND Game and Fish Dept. This rule was put into effect and then legislators became involved between sessions and undid those administrative rules. The purpose of this bill is to protect our clients. A DO PASS was requested.

SENATOR FREBORG asked what purpose is there to have insurance for the client.

JAMES NAGEL replied if there is a medical issue, it is for the protection of both parties, and it protects the client from not having to pay for a misfortune.

JOHN HANSON, Logging Camp Ranch, stated that one criticism our industry has always faced is that we needed to present ourselves with a better image, and responding to this criticism is why some of these things like SB2350 and SB2351 happen. It sets a minimum bar of standards like other professions. This bill was crafted to respond to some of that criticism.

SENATOR REDLIN asked what would a typical contract you have with a client might cost.

JOHN HANSON replied \$100 per day, excluding food and lodging, regardless of the game taken.

PAT CANDRIAN, Cannonball Co., if a guide put a client in danger, the guide has to be responsible.

PAUL SCHADEWALD, ND Game and Fish Dept., stated professionalism needs to be added to the guide industry to protect the industry, and to keep a good reputation in North Dakota.

SENATOR HEITKAMP asked if the licensed guides are certified in the 3 areas mentioned in the bill.

PAUL SCHADEWALD, replied some do and some don't. They did have it while this rule was in effect for the one year.

SENATOR REDLIN asked if farm liability would cover this.

PAUL SCHADEWALD replied by saying each insurance holder needs to contact their insurance company to be sure they are covered, either by a statement or rider to the policy.

SENATOR CHRISTMANN asked if anyone would be grandfathered in.

PAUL SCHADEWALD replied no. When the law goes into effect, Anyone purchasing a license has to meet the requirements.

SENATOR FISCHER asked when someone applies for an outfitters license, do you require proof of certification, and how would you track that in the event they would cancel.

PAUL SCHADEWALD replied yes. The insurance companies have a certificate of insurance they can send along, and training certificates need to be submitted. The insurance companies notify ND Game and Fish directly of cancellations.

NANCY DIETZ, Cass Co. Wildlife Club, testified in support of SB2351.

MIKE DONAHUE, ND Wildlife Federation, testified in support of SB2351.

SENATOR REDLIN asked if ND Wildlife Federation is supporting this assuming SB2350 will not pass.

MIKE DONAHUE replied the federation was neutral on SB2350. SB2350 should not pass and SB2351 should.

RICHARD BREUER, Coast Guard Auxiliary, testified in support of SB2351. This bill also encompasses fishing, and not just hunting. Safety is a big issue and for what is charged by guides and outfitters per day, the 3 issues in the bill are necessary.

SENATOR FISCHER closed the hearing on SB2351.

SENATOR TRAYNOR reopened the hearing on SB2351-(January 28, 1999(Tape 2, Side B-Meter # 1570-2880))

BEV MEYER explained when requesting liability insurance, it was so prohibitive with many riders and exclusions. There are many hoops to go through to provide you are a great guide and outfitter. When contacting ND Game and Fish Dept. they didn't know of any complaints against guides and outfitters. If there are guides and outfitters that are unethical and not reputable, the organization can crack down on them, without having to write sections like this into the code.

SENATOR TRAYNOR closed the hearing on SB2351.

COMMITTEE DISCUSSION, January 29, 1999-Tape 1, Meter# 2095-3320

SENATOR FREBORG asked who are we going to include as a guide and outfitter; is that the farmer who takes money for allowing someone to come in and hunt on his property.

SENATOR FISCHER stated his concern about farmers who volunteer to help hunters on their own land and get nothing for it, so this would put farmers right in the middle of this.

SENATOR REDLIN referred to (8) "Outfitter" definition in the Montana definition where this language would let the farmer do what they want when they own the land, besides agricultural purposes.

SENATOR FREBORG stated insurance coverage skyrockets once policies are issued for a particular business, whether it's used or not. To keep a license alive, you have to pay insurance. There are no exceptions. If you drop a license for a year, you pay the full price for the license, where you have a deduction if you renew it from year to year.

SENATOR HEITKAMP stated we are creating an industry that we are going to deter instead of expand. These issues should be addressed by the consumer to the guide before hiring the guide. I cannot support SB2351.

SENATOR REDLIN stated the conveyor of guide services should state the advantages of their services to the consumer and the price for the service to obtain more business without acing out a lot of modest approaches. Farm families have friends in the cities that they would like to be able to help during hunting.

SENATOR HEITKAMP stated we heard conflicting reports in relation to the insurance itself, but thinks the hunter that accidentally harms another hunter is responsible for the accident that was done with his own gun. People are responsible for themselves when they take a gun out in the field. Insurance is a moot argument.

SENATOR HEITKAMP moved for a DO NOT PASS, seconded by SENATOR FISCHER.

SENATOR HEITKAMP volunteered to be the carrier.

5 AYES, 1 NAYE, 0 ABSENT AND NOT VOTING.

SENATOR HEITKAMP suggested holding SB2351 until 2350 is dealt with. The bill was tabled for further action.

COMMITTEE ACTION-February 5, 1999-Tape 1, Side A, Meter# 4785-6209 and Side B,

Meter# 0-1300.

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Senate Natural Resources Committee

Bill/Resolution Number Sb 2351

Hearing Date January 28, 1999

The committee agreed to leave SB2351 as a DO NOT PASS, but SENATOR TRAYNOR volunteered to carry the bill, rather than SENATOR HEITKAMP.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2351 Amendment to: _____

Requested by Legislative Council Date of Request: 1-20-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

- State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	0	0	0
Expenditures:	0	0	0	0	0	0

- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1997-99 biennium: None
- For the 1999-2001 biennium: None
- For the 2001-03 biennium: None

- County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed *Paul T. Schadewald*

Typed Name Paul T. Schadewald

Department Game and Fish Dept.

Phone Number 328-6328

Date Prepared: 1/21/99

Date: 1-29-99

Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Natural Resources Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number SB 2351

Action Taken DO NOT PASS

Motion Made By Heitkamp Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann		✓			
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Traynor

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

REPORT OF STANDING COMMITTEE (410)
February 5, 1999 1:49 p.m.

Module No: SR-24-2083
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2351: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

SB 2351

DAKOTA FINS, FEATHERS AND TAILS
JAMES L. NAGEL - 1312 WESTWOOD ST.
BISMARCK, ND 58504
TEL. (701) 222-1620
CELLULAR 226-6525

2-5-'99

Senator Traynor & members of the Senate
Natural Resources Committee:

Regarding S.B.# 2350 & S.B.# 2351,
in behalf of the N.D. Professional Guides
& Outfitters Association:

1. S.B.# 2350 received the most opposition
during the committee hearing & we would
like to have this bill withdrawn.
2. Senator Grindberg will be notified today
of our wishes to have this bill withdrawn,
& I hope this committee can agree with
our decision on S.B.# 2350.
3. S.B.# 2351 received very little opposition
during the committee hearing & we would
hope that the Senate Natural Resources
Committee can support our Liability Insurance
request as originally stated.

DAKOTA FINS, FEATHERS AND TAILS

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4. CPR & FIRST aid certification Requirements per S.B. # 2351 are also important, however, secondary in importance to our Liability insurance concerns.
5. The Guide & outfitters association would support the proposed "Montana amendments" on S.B. # 2351 regarding those persons who charge for land access & are not to be considered as Guides or Outfitters.
6. IT is our understanding that under the proposed amendment to S.B. # 2351 those who charge ^{for} access to land & are not Guides or outfitters would not require either a Guide License or Liability Insurance.
7. IN preparing the "Montana amendment" for S.B. # 2351 the Bill must be worded that those persons who are to be excluded from the Guides & outfitters licensing requirements must either own the land or at the very least the land must be leased for agricultural purposes. Also the owner or the person leasing this land must be a Resident of N. Dakota.

DAKOTA FINS, FEATHERS AND TAILS
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8. The wording requested above is necessary to prevent the following possible situations:
- A. a Non-Resident from either buying or leasing land to simply entertain hunting clients & bypass the existing Guide & outfitters licensing requirements, which is by existing Century Code restricted to Residents of N. DAKOTA.
 - B. also to restrict a resident from only leasing hunting rights from their neighbor, to entertain hunting clients, & once again bypass the requirement for a Guide & outfitters license.
9. additional information not produced on the original hearing on S.B. # 2351 is that there are only 100 Non-Resident Whitetail Deer tags available to Guides & outfitters for their clients per existing N.D. Century Code. We are losing a good share of these tags to Non-Guides who are simply paying the \$100. fee to become a licensed guide & then entertaining Uncle Fred from MPLS., MINN. whose got the bucks!! \$ TO DO SO.

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10. This deer tag situation is not right those 100 Tags were intended to go to legitimate Guides & outfitters per N.D. Century Code. My point is it is time to separate who is truly a Guide & who is not, & one way to do this is the Liability Insurance Requirement.
11. a minority opposition to the Liability insurance question will state extremely high insurance quotes when using "horses" in their Guide Business. These figures are not \$1,500. as may have been stated to members of this Committee.
12. Carol Samson in the "State of Montana" will write insurance coverage including liability for those who use horses in their Guide Business for less than half of the previously quoted figure. Carol Samsons Toll Free # is 1-800-823-4488.

Thanks for your consideration,

James L. Nagel
Lobbyist Registration # 468