

HOUSE BILL REPORT

EHB 2534

*As Passed House
February 13, 1992*

Title: An act relating to the wildlife violator compact.

Brief Description: Creating a wildlife violator compact.

Sponsor(s): Representatives R. King, Wilson, R. Meyers, Orr, Haugen and Kremen; by request of Department of Wildlife.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, January 31, 1992, DPA;
Passed House, February 13, 1992, 90-1.

**HOUSE COMMITTEE ON
FISHERIES & WILDLIFE**

Majority Report: *Do pass as amended.* Signed by 8 members: Representatives R. King, Chair; Morris, Vice Chair; Fuhrman, Assistant Ranking Minority Member; G. Cole; Haugen; Hochstatter; Orr; and Spanel.

Staff: Keitlyn Watson (786-7310).

Background:

What is a Compact?

A compact is generally initiated by individual states in order to generate coordinated multi-state activity to resolve a common problem. A compact may be used when a binding effect is desirable. A compact is both a statute and a contract. It is almost always a statute in each of the jurisdictions which is party to it. Congressional consent to a compact is required for those agreements that affect the political balance within the federal system or affect a power delegated to the national government.

There are three basic steps in formulating an interstate compact. They are: negotiation, drafting of the compact document, and ratification. Usually a proposed compact is drafted by state officials who want to address a particular problem. Negotiation with other states is accomplished through interstate forums or regional conferences. Another method of negotiation and drafting is for a group such as

the National Conference of State Legislators to propose an interstate compact. The first state to enact the compact is the offeror, and states who subsequently enact the compact are acceptors. Ratification of the compact by each member state is done by enacting the compact as a statute.

Wildlife Violator Compact - History

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. During the 1989 legislative session, compact legislation was passed into law in Colorado, Nevada, and Oregon. Currently, Arizona, Colorado, Idaho, Nevada and Oregon have adopted wildlife violator compact legislation.

Current Procedure: License Revocation

A hunter or fisher in Washington is subject to revocation of license privileges for certain violations involving big game, hunting accidents, and repeated wildlife violations within a 10-year period. License privileges of over 250 violators are revoked by the Department of Wildlife each year. Other states do not recognize the suspension of wildlife license privileges in Washington, and Washington does not recognize such suspensions in other states. Non-residents violating Washington's wildlife laws are often required to post collateral or bond to secure appearance for a trial at a later date, or are taken into custody if unable to pay, or are taken directly to court for an appearance. This can be time consuming for law enforcement officials.

Summary of Bill: The wildlife violator compact is established in Washington with summaries of each article as follows:

Article I. Policy and purpose.

Article II. Definition of terms.

Article III. Procedures to be followed by the state issuing the citation. These are:

- (1) When a wildlife officer issues a citation for a wildlife violation to a person from another party state, collateral to secure appearance is not required if the officer receives the person's personal recognizance that the person will comply with the terms of the citation.
- (2) If a person is convicted of a wildlife violation or fails to comply with the terms of a wildlife

citation, the appropriate official is to report this to the licensing authority of the party state in which the wildlife citation was issued.

- (3) Upon receipt of the report of conviction or noncompliance, the licensing authority of the issuing state shall transmit pertinent information to the licensing authority in the home state of the violator.

Article IV. Procedures to be followed by the home state of the violator. These are:

- (1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of the issuing state, the licensing authority of the home state shall notify the violator, initiate a suspension action in accordance with the home state's suspension procedures, and suspend the violator's license until evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority.
- (2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall treat the conviction as if it occurred in the home state for the purposes of the suspension of license privileges.
- (3) The licensing authority of the home state shall maintain a record of actions taken and make reports to issuing states.

Article V. Parties to the compact are to recognize the suspension of license privileges of any person by any state as if the violation on which the suspension is based had, in fact, occurred in their state.

Article VI. The compact does not affect existing laws of each state.

Article VII. Sets up a board of compact administrators, composed of one representative from each of the party states, to administer the provisions of the compact, and outlines the powers and duties.

Article VIII. In order for the compact to become effective, it must be adopted by at least two states. The process for entry into and withdrawal from the compact is outlined.

Article IX. Establishes procedures for compact amendments.

Article X. Describes construction and severability.

Article XI. The compact title is the Wildlife Violator Compact.

In addition to the compact language outlined above, specific direction is given to the departments of Wildlife and Fisheries for procedures to facilitate compact administration.

The director of the Department of Wildlife is to furnish to participating states information or documents necessary to facilitate compact administration. On receipt of a report of failure to comply with the terms of a citation or of a conviction from the licensing authority of a state that is a party to the compact, the Department of Wildlife 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 Department. The department shall adopt rules outlining procedures for the timely notification and administrative review of suspension of licensing privileges.

Where the violation is of a law administered by the Department of Fisheries, the Department of Wildlife shall notify the Department of Fisheries on receipt of a report of failure to comply with the terms of a citation or of a conviction from the licensing authority of a state that is party to the compact. The Department of Fisheries is directed to suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the Department of Wildlife. The Department of Fisheries shall adopt by rule procedures for the timely notification and administrative review of such suspension of licensing privileges.

The relevant agency shall enter convictions in the agency's records and shall treat the conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of license privileges.

Fiscal Note: Requested 1/23/92.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is an incentive to respect Washington's hunting and fishing laws. It inconveniences violators and enforcement officers less than current procedure. This is part of a continuing effort to cooperate with other agencies

and states. Passage of the bill will help to solve the national problem of poaching.

Testimony Against: None.

Witnesses: Pam Madsen, Department of Wildlife (in favor); Dayna Matthews, Department of Fisheries (in favor); and Ed Scullywest, Coalition Against Poaching (in favor).