

IN THE SENATE

SENATE BILL NO. 1019

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE FOR MEETING NOTICES AND THE SOLICITATION OF PUBLIC INPUT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization -- Meetings. The members of the commission shall annually meet at their offices and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings each year at such places within the state as the commission shall select for the transaction of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place, and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting. Notice of every meeting, with a description of the time, place, and purpose of the meeting, shall be published on the website of the department of fish and game a minimum of ten (10) days prior to such meeting, and input regarding the purpose of the meeting shall be solicited from the public.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make a rule or proclamation embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

1 3. Whenever it finds it necessary for the preservation, protection, or
2 management of any wildlife of this state, by reason of any act of God
3 or any other sudden or unexpected emergency, declare by temporary rule
4 or proclamation the existence of such necessity, and the cause thereof,
5 and prescribe and designate all affected areas or streams, and close the
6 same to hunting, angling or trapping, or impose such restrictions and
7 conditions upon hunting, angling or trapping as said commission shall
8 find to be necessary. Every such temporary rule shall be made in accor-
9 dance with the provisions of chapter 52, title 67, Idaho Code.

10 4. At any time it shall deem necessary for the proper management of
11 wildlife on any game preserve in the state of Idaho, declare an open
12 season in any game preserve as it deems appropriate.

13 5. (A) Upon notice to the public, cause to be held pursuant to the
14 provisions of section 36-104A, Idaho Code, a drawing giving to li-
15 cense holders, under the wildlife laws of this state, the privi-
16 lege of drawing by lot for a controlled hunt permit or tag autho-
17 rizing the person to whom issued to hunt, kill, or attempt to kill
18 any species of wild animals or birds designated by the commission
19 under such rules as it shall prescribe.

20 (B) The commission may, under rules or proclamations as it
21 may prescribe, authorize the director to issue additional con-
22 trolled hunt permits or tags and collect fees therefor authorizing
23 landowners of property valuable for habitat or propagation pur-
24 poses of deer, elk, antelope, bear or turkey, or the landowner's
25 designated agent(s) to hunt deer, elk, antelope, bear or turkey in
26 controlled hunts containing the eligible property owned by those
27 landowners in units where any permits or tags for deer, elk, ante-
28 lope, bear or turkey are limited.

29 (C) A nonrefundable fee as specified in section 36-416, Idaho
30 Code, shall be charged each applicant for a controlled hunt per-
31 mit or tag. Successful applicants for controlled hunt permits or
32 tags shall be charged the fee as specified in section 36-416, Idaho
33 Code. Additionally, a fee may be charged for telephone and credit
34 card orders in accordance with subsection (e)11. of section
35 36-106, Idaho Code. The department shall include a checkoff form
36 to allow applicants to designate one dollar (\$1.00) of such non-
37 refundable application fee for transmittal to the reward fund of
38 citizens against poaching, inc., an Idaho nonprofit corporation.
39 The net proceeds from the nonrefundable fee shall be deposited in
40 the fish and game account and none of the net proceeds shall be used
41 to purchase lands.

42 (D) The commission may by rule establish procedures relating to
43 the application for the purchase of controlled hunt bonus or pref-
44 erence points by sportsmen and the fee for such application shall
45 be as specified in section 36-416, Idaho Code.

46 6. Adopt rules pertaining to the importation, exportation, release,
47 sale, possession or transportation into, within or from the state of
48 Idaho of any species of live, native or exotic wildlife or any eggs
49 thereof.

1 7. Acquire for and on behalf of the state of Idaho, by purchase, condem-
2 nation, lease, agreement, gift, or other device, lands or waters suit-
3 able for the purposes hereinafter enumerated in this paragraph. When-
4 ever the commission proposes to purchase a tract of land in excess of
5 fifteen (15) acres, the commission shall notify the board of county com-
6 missioners of the county where this land is located of the intended ac-
7 tion. The board of county commissioners shall have ten (10) days after
8 official notification to notify the commission whether or not they de-
9 sire the commission to hold a public hearing on the intended purchase
10 in the county. The commission shall give serious consideration to all
11 public input received at the public hearing before making a final deci-
12 sion on the proposed acquisition. Following any land purchase, the fish
13 and game commission shall provide, upon request by the board of county
14 commissioners, within one hundred twenty (120) days, a management plan
15 for the area purchased that would address noxious weed control, fenc-
16 ing, water management and other important issues raised during the pub-
17 lic hearing. When considering purchasing lands pursuant to this para-
18 graph, the commission shall first make a good faith attempt to obtain a
19 conservation easement, as provided in chapter 21, title 55, Idaho Code,
20 before it may begin proceedings to purchase, condemn or otherwise ac-
21 quire such lands. If the attempt to acquire a conservation easement is
22 unsuccessful and the commission then purchases, condemns or otherwise
23 acquires the lands, the commission shall record in writing the reasons
24 why the attempt at acquiring the conservation easement was unsuccess-
25 ful and then file the same in its records and in a report to the joint
26 finance-appropriations committee. The commission shall develop, oper-
27 ate, and maintain the lands, waters or conservation easements for said
28 purposes, which are hereby declared a public use:

29 (A) For fish hatcheries, nursery ponds, or game animal or game
30 bird farms;

31 (B) For game, bird, fish or fur-bearing animal restoration, prop-
32 agation or protection;

33 (C) For public hunting, fishing or trapping areas to provide
34 places where the public may fish, hunt, or trap in accordance with
35 the provisions of law, or the regulation of the commission;

36 (D) For public shooting ranges to provide places where the public
37 may engage in target shooting, training, and competition.

38 (E) To extend and consolidate, by exchange, lands or waters suit-
39 able for said purposes.

40 8. Enter into cooperative agreements with educational institutions and
41 state, federal, or other agencies to promote wildlife research and to
42 train students for wildlife management.

43 9. Enter into cooperative agreements with state and federal agencies,
44 municipalities, corporations, organized groups of landowners, associ-
45 ations, and individuals for the development of wildlife rearing, propa-
46 gating, management, protection and demonstration projects.

47 10. In the event owners or lawful possessors of land have restricted the
48 operation of motor-propelled vehicles upon their land, the commission,
49 upon consultation with all other potentially affected landowners, and
50 having held a public hearing, if requested by not less than ten (10) res-

1 idents of any county in which the land is located, may enter into coop-
2 erative agreements with those owners or possessors to enforce those re-
3 strictions when the restrictions protect wildlife or wildlife habitat.
4 Provided, however, the commission shall not enter into such agreements
5 for lands that either lie outside or are not adjacent to any adjoining
6 the proclaimed boundaries of the national forests in Idaho.

7 (A) The landowners, with the assistance of the department, shall
8 cause notice of the restrictions, including the effective date
9 thereof, to be posted on the main traveled roads entering the areas
10 to which the restrictions apply. Provided, however, that nothing
11 in this subsection shall allow the unlawful posting of signs or
12 other information on or adjacent to public highways as defined in
13 subsection (5) of section 40-109, Idaho Code.

14 (B) Nothing in this section authorizes the establishment of any
15 restrictions that impede normal forest or range management opera-
16 tions.

17 (C) No person shall violate such restrictions on the use of motor-
18 propelled vehicles or tear down or lay down any fencing or gates
19 enclosing such a restricted area or remove, mutilate, damage or
20 destroy any notices, signs or markers giving notice of such re-
21 strictions. The commission may promulgate rules to administer the
22 restrictions and cooperative agreements addressed in this subsec-
23 tion.

24 11. Capture, propagate, transport, buy, sell or exchange any species
25 of wildlife needed for propagation or stocking purposes, or to exercise
26 control of undesirable species.

27 12. Adopt rules pertaining to the application for, issuance of and ad-
28 ministration of a lifetime license certificate system.

29 13. Adopt rules governing the application and issuance of permits for
30 and administration of fishing contests on waters under the jurisdiction
31 of the state. The fee for each permit shall be as provided for in section
32 36-416, Idaho Code.

33 14. Adopt rules governing the application for and issuance of licenses
34 by telephone and other electronic methods.

35 15. Enter into agreements with cities, counties, recreation districts
36 or other political subdivisions for the lease of lands or waters, in
37 accordance with all other applicable laws, including applicable pro-
38 visions of titles 42 and 43, Idaho Code, to cost-effectively provide
39 recreational opportunities for taxpayers or residents of those local
40 governments or political subdivisions.

41 16. Adopt rules governing a mentored hunting program.

42 17. Enter into agreements with and assist counties, cities, recreation
43 districts, other political subdivisions, and nonprofit clubs or asso-
44 ciations in locating or relocating shooting ranges.

45 (c) Limitation on Powers. Nothing in this title shall be construed to
46 authorize the commission to change any penalty prescribed by law for a viola-
47 tion of its provisions, or to change the amount of license fees or the author-
48 ity conferred by licenses prescribed by law.

49 (d) Organization of Work. The commission shall organize the depart-
50 ment, in accordance with the provisions of title 67, Idaho Code, into admin-

1 istrative units as may be necessary to efficiently administer said depart-
2 ment. All employees of the department except the director shall be selected
3 and appointed by the director in conformance with the provisions of chapter
4 53, title 67, Idaho Code.