

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 328

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO OUTFITTERS; AMENDING SECTION 36-2107, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING INDIVIDUAL OUTFITTER COMPUTATION IN CONTROLLED HUNTS
3 AND TO PROVIDE THAT THE BOARD MAY PROMULGATE RULES.
4

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

6 SECTION 1. That Section 36-2107, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 36-2107. POWERS AND DUTIES OF BOARD. The board, which may by written
9 agreement authorize the bureau of occupational licenses as agent to act in
10 its interest, shall have the following duties and powers:

11 (a) To conduct examinations to ascertain the qualifications of appli-
12 cants for outfitter's or guide's licenses, and to issue such licenses to
13 qualified applicants, with such restrictions and limitations thereon as the
14 board may find reasonable.

15 (b) To prescribe and establish rules of procedure to carry into effect
16 the provisions of this chapter including, but not limited to, rules pre-
17 scribing all requisite qualifications of training, experience, knowledge of
18 rules of governmental bodies, condition and type of gear and equipment, ex-
19 aminations to be given applicants, whether oral, written or demonstrative,
20 or a combination thereof.

21 (c) To conduct hearings and proceedings to suspend, revoke or restrict
22 the licenses of outfitters or guides, and to suspend, revoke or restrict said
23 licenses for due cause in the manner hereinafter provided.

24 (d) The board is expressly vested with the power and the authority to
25 enforce the provisions of this chapter, including obtaining injunctive re-
26 lief, and to make and enforce any and all reasonable rules which shall by it
27 be deemed necessary and which are not in conflict with the provisions of this
28 chapter, for the express purpose of safeguarding the health, safety, welfare
29 and freedom from injury or danger of those persons utilizing the services of
30 outfitters and guides, and for the conservation of wildlife and range re-
31 sources.

32 (e) The board shall have the power to cooperate with the federal and
33 state government through its appropriate agency or instrumentality in mat-
34 ters of mutual concern regarding the business of outfitting and guiding in
35 Idaho.

36 (f) The board shall have the power throughout the state of Idaho to re-
37 quest the attendance of witnesses and the production of such books, records
38 and papers as may be required at any hearing before it. The board or its hear-
39 ing officer may issue and serve subpoenas or subpoenas duces tecum in a man-
40 ner consistent with chapter 52, title 67, Idaho Code, the rules of the of-
41 fice of the attorney general, and rules 45(e) (2) and 45(g) of the Idaho rules
42 of civil procedure. Payment of fees or mileage for service of subpoenas or

1 attendance of witnesses shall be paid by the board consistent with the pro-
 2 visions of chapter 52, title 67, Idaho Code, the rules of the office of the
 3 attorney general, and rule 45(e) (1) of the Idaho rules of civil procedure.
 4 Disobedience of a subpoena or subpoena duces tecum may be enforced by making
 5 application to the district court. Disobedience by a licensee of a subpoena
 6 or subpoena duces tecum issued by the board shall be deemed a violation of a
 7 board order.

8 (g) The board shall have the power to appoint an executive director to
 9 serve at the pleasure of the board. The executive director shall carry out
 10 such administrative duties as delegated to the director by the board. The
 11 board may, in its discretion, refuse, sustain or reverse, by majority vote,
 12 any action or decision of the executive director. The executive director
 13 shall be exempt from the provisions of chapter 53, title 67, Idaho Code, and
 14 shall receive a salary that is fixed by the board.

15 (h) The board shall have the power to hire enforcement agents in or-
 16 der to conduct investigations and enforce the provisions of this chapter.
 17 All enforcement agents appointed by the board who are certified by the Idaho
 18 peace officer standards and training advisory council shall have the power
 19 of peace officers limited to:

- 20 1. Enforcement of the provisions of this chapter.
- 21 2. Responding to express requests from other law enforcement agencies
 22 for aid and assistance in enforcing other laws. For purposes of this
 23 section, such a request from a law enforcement agency shall mean only a
 24 request as to a particular and singular violation or suspicion of viola-
 25 tion of law and shall not constitute a continuous request for assistance
 26 outside the purview of enforcement of the provisions of this chapter.

27 (i) By August 1 of each year, the board shall provide to the director of
 28 the department of fish and game, in a manner and form prescribed by the direc-
 29 tor, the number of each species of big game taken in each management unit by
 30 clients of licensed outfitters between July 1 of the immediately preceding
 31 calendar year and June 30 of the current calendar year.

32 (j) The board shall designate the number of deer or elk tags allocated
 33 pursuant to section 36-408(4), Idaho Code, among the authorized outfitting
 34 operations within each capped or controlled zone, unit, or game management
 35 area in a fair and equitable manner. The number of tags designated to each
 36 outfitter operation will be reported back to the Idaho department of fish and
 37 game for distribution.

38 Individual outfitter computation in capped zones shall be made as fol-
 39 lows: The average of the last two (2) years of all outfitted elk or deer tag
 40 use in capped zones will become the individual outfitter's base allocation
 41 number for that tag until the next big game season setting, when the tag num-
 42 bers will be recomputed.

43 Individual outfitter computation in controlled hunts shall be made as
 44 follows: The highest year within the last two (2) years of outfitted elk ~~and~~
 45 ~~or deer tag use in controlled zone, unit, or game management area~~ the hunt or
 46 hunts that most closely match the conditions for the allocated tag being des-
 47 ignated will become the individual outfitter's base allocation number for
 48 ~~elk or deer tags~~ that tag until the next big game season setting, when the tag
 49 numbers will be recomputed.

1 The board ~~shall~~ may promulgate all necessary rules to implement the pro-
2 visions of this subsection.