

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 195

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-106, IDAHO CODE, TO ESTABLISH
2 PROVISIONS REGARDING THE TRANSPLANT OR RELOCATION OF CERTAIN WILDLIFE
3 AND TO REQUIRE CERTAIN ANIMALS IMPORTED, TRANSPORTED, OR UTILIZED FOR
4 TRACKING PURPOSES BE TESTED FOR CERTAIN DISEASES; AND DECLARING AN
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 36-106, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Direc-
11 tor Created. The commission shall appoint a director of the department of
12 fish and game, hereinafter referred to as the director, who shall be a person
13 with knowledge of, and experience in, the requirements for the protection,
14 conservation, restoration, and management of the wildlife resources of the
15 state. The director shall not hold any other public office, nor any office
16 in any political party organization, and shall devote his entire time to the
17 service of the state in the discharge of his official duties, under the di-
18 rection of the commission.

19 (b) Secretary to Commission. The director or his designee shall serve
20 as secretary to the commission.

21 (c) Compensation and Expenses. The director shall receive such compen-
22 sation as the commission, with the concurrence and approval of the governor,
23 may determine and shall be reimbursed at the rate provided by law for state
24 employees for all actual and necessary traveling and other expenses incurred
25 by him in the discharge of his official duties.

26 (d) Oath and Bond. Before entering upon the duties of his office, the
27 director shall take and subscribe to the official oath of office, as provided
28 by section 59-401, Idaho Code, and shall, in addition thereto, swear and af-
29 firm that he holds no other public office, nor any position under any polit-
30 ical committee or party. Such oath, or affirmation, shall be signed in the
31 office of the secretary of state.

32 The director shall be bonded to the state of Idaho in the time, form and
33 manner prescribed by chapter 8, title 59, Idaho Code.

34 (e) Duties and Powers of Director.

35 1. The director shall have general supervision and control of all
36 activities, functions, and employees of the department of fish and
37 game, under the supervision and direction of the commission, and shall
38 enforce all the provisions of the laws of the state, and rules and
39 proclamations of the commission relating to wild animals, birds, and
40 fish and, further, shall perform all the duties prescribed by section
41 67-2405, Idaho Code, and other laws of the state not inconsistent with

1 this act, and shall exercise all necessary powers incident thereto not
2 specifically conferred on the commission.

3 2. The director is hereby authorized to appoint as many classified em-
4 ployees as the commission may deem necessary to perform administrative
5 duties, to enforce the laws and to properly implement management, prop-
6 agation, and protection programs established for carrying out the pur-
7 poses of the Idaho fish and game code.

8 3. The appointment of such employees shall be made by the director in
9 accordance with chapter 53, title 67, Idaho Code, and rules promulgated
10 pursuant thereto, and they shall be compensated as provided therein.
11 Said employees shall be bonded to the state of Idaho in the time, form,
12 and manner prescribed by chapter 8, title 59, Idaho Code.

13 4. The director is hereby authorized to establish and maintain fish
14 hatcheries for the purpose of hatching, propagating, and distributing
15 all kinds of fish.

16 5. (A) The director, or any person appointed by him in writing to
17 do so, may take wildlife of any kind, dead or alive, or import the
18 same, subject to such conditions, restrictions and rules as he may
19 provide, for the purpose of inspection, cultivation, propagation,
20 distribution, scientific or other purposes deemed by him to be of
21 interest to the fish and game resources of the state, subject to
22 the provisions of subparagraph (F) of this subsection.

23 (B) The director shall have supervision over all of the matters
24 pertaining to the inspection, cultivation, propagation and dis-
25 tribution of the wildlife propagated under the provisions of ti-
26 tle 36, Idaho Code. He shall also have the power and authority to
27 obtain, by purchase or otherwise, wildlife of any kind or variety
28 which he may deem most suitable for distribution in the state and
29 may have the same properly cared for and distributed throughout
30 the state of Idaho as he may deem necessary, subject to the provi-
31 sions of subparagraph (F) of this subsection.

32 (C) The director is hereby authorized to issue a license/tag/per-
33 mit to a nonresident landowner who resides in a contiguous state
34 for the purpose of taking one (1) animal during an emergency depre-
35 dation hunt which includes the landowner's Idaho property subject
36 to such conditions, restrictions or rules as the director may pro-
37 vide. The fee for this license/tag/permit shall be equal to the
38 costs of a resident hunting license, a resident tag fee and a resi-
39 dent depredation permit.

40 (D) Unless relocation is required pursuant to subparagraph (E)
41 herein, notwithstanding the provisions of section 36-408, Idaho
42 Code, to the contrary, the director shall not expend any funds, or
43 take any action, or authorize any employee or agent of the depart-
44 ment or other person to take any action, to undertake actual trans-
45 plants of bighorn sheep into areas they do not now inhabit for the
46 purpose of augmenting existing populations until:

47 (i) The boards of county commissioners of the counties in
48 which the release is proposed to take place have been given
49 reasonable notice of the proposed release.

1 (ii) The affected federal and state land grazing permittees
2 and owners or leaseholders of private land in or contiguous
3 to the proposed release site have been given reasonable no-
4 tice of the proposed release.

5 (iii) The president pro tempore of the senate and the speaker
6 of the house of representatives have received from the di-
7 rector a plan for the forthcoming year that details, to the
8 best of the department's ability, the proposed transplants
9 which shall include the estimated numbers of bighorn sheep
10 to be transplanted and a description of the areas the pro-
11 posed transplant or transplants are planned for.

12 Upon request, the department shall grant one (1) hearing per
13 transplant or relocation if any affected individual or entity
14 expresses written concern within ten (10) days of notification re-
15 garding any transplants or relocations of bighorn sheep and shall
16 take into consideration these concerns in approving, modifying or
17 canceling any proposed bighorn sheep transplant or relocation.
18 Any such hearing shall be held within thirty (30) days of the re-
19 quest. It is the policy of the state of Idaho that existing sheep
20 or livestock operations in the area of any bighorn sheep trans-
21 plant or relocation are recognized and that the potential risk,
22 if any, of disease transmission and loss of bighorn sheep when the
23 same invade domestic livestock or sheep operations is accepted.
24 Prior to any transplant or relocation of bighorn sheep into ar-
25 eas they do not now inhabit or a transplant or relocation for the
26 purpose of augmenting existing populations, the department shall
27 provide for any affected federal or state land grazing permittees
28 or owners or leaseholders of private land a written agreement
29 signed by all federal, state and private entities responsible for
30 the transplant or relocation stating that the existing sheep or
31 livestock operations in the area of any such bighorn sheep trans-
32 plant or relocation are recognized and that the potential risk,
33 if any, of disease transmission and loss of bighorn sheep when the
34 same invade domestic livestock or sheep operations is accepted.

35 (E) The Idaho department of fish and game: (1) shall develop a
36 state management plan to maintain a viable, self-sustaining pop-
37 ulation of bighorn sheep in Idaho which shall consider as part
38 of the plan the current federal or state domestic sheep grazing
39 allotment(s) that currently have any bighorn sheep upon or in
40 proximity to the allotment(s); (2) within ninety (90) days of the
41 effective date of this act will cooperatively develop best manage-
42 ment practices with the permittee(s) on the allotment(s). Upon
43 commencement of the implementation of best management practices,
44 the director shall certify that the risk of disease transmission,
45 if any, between bighorn and domestic sheep is acceptable for the
46 viability of the bighorn sheep. The director's certification
47 shall continue for as long as the best management practices are
48 implemented. The director may also certify that the risk of dis-
49 ease transmission, if any, between bighorn and domestic sheep
50 is acceptable for the viability of the bighorn sheep based upon

1 a finding that other factors exist, including but not limited
2 to previous exposure to pathogens that make separation between
3 bighorn and domestic sheep unnecessary.

4 (F) (i) The director shall not expend any funds, take any ac-
5 tion, or authorize any action to undertake actual transplant
6 or relocation of any wildlife, excluding classified preda-
7 tory wildlife as defined in section 36-201, Idaho Code, in-
8 cluding such wildlife raised in captivity, until, at least
9 thirty (30) days prior to the action:

10 (1) The boards of county commissioners of the counties
11 in which the action is proposed to take place have been
12 given reasonable notice of the action; and

13 (2) The affected federal and state land grazing permit-
14 tees and owners or leaseholders of private land in or
15 contiguous to the proposed site have been given reason-
16 able notice of the proposed action.

17 (ii) The board of county commissioners of any county where
18 the transplant or relocation is proposed to take place shall
19 conduct one (1) hearing per transplant or relocation ac-
20 tion if any affected individual or entity expresses written
21 concern within ten (10) days of notification regarding the
22 transplant or relocation. Any such hearing shall be held
23 within thirty (30) days of the request. If a hearing is
24 held, the board of county commissioners shall take a vote
25 to approve, modify, or reject the proposed transplant or
26 relocation. Such vote shall be final and binding upon the
27 director.

28 (iii) It is the policy of the state of Idaho that existing
29 sheep or livestock operations in the area of any trans-
30 planted or relocated wildlife are prioritized and that the
31 potential risk, if any, of disease transmission and loss of
32 wildlife when such wildlife invade domestic sheep or live-
33 stock operations is accepted. Prior to any transplant or
34 relocation of wildlife, the department shall provide for any
35 affected federal or state land grazing permittees or owners
36 or leaseholders of private land a written agreement signed
37 by all federal, state, and private entities responsible for
38 the transplant or relocation of wildlife stating that the
39 existing sheep or livestock operations in the area of any
40 such transplant or relocation are recognized and that the
41 potential risk, if any, of disease transmission and loss of
42 wildlife when such wildlife invade domestic livestock or
43 sheep operations is accepted.

44 6. (A) The director shall have the power, at any time when it is
45 desired to introduce any new species, or if at any time any species
46 of wildlife of the state of Idaho shall be threatened with exces-
47 sive shooting, trapping, or angling or otherwise, to close any
48 open season or to reduce the bag limit or possession limit for such
49 species for such time as he may designate; in the event an emer-
50 gency is declared to exist, such closure shall become effective

1 forthwith upon written order of the director; in all other cases,
2 upon publication and posting as provided in section 36-105, Idaho
3 Code.

4 (B) (i) In order to protect property from damage by wildlife,
5 including bear and turkey, the fish and game commission
6 may delegate to the director or his designee the authority
7 to declare an open season upon that particular species of
8 wildlife to reduce its population. The director or his de-
9 signee shall make an order embodying his findings in respect
10 to when, under what circumstances, in which localities, by
11 what means, and in what amounts, numbers and sex the wildlife
12 subject to the hunt may be taken. In the event an emergency
13 is declared to exist, such open season shall become effec-
14 tive forthwith upon written order of the director or his
15 designee; in all other cases, upon publication and posting
16 as provided in section 36-105, Idaho Code.

17 (ii) In the event a kill permit is issued by the director
18 or his designee, the individual or landowner with the kill
19 permit, in conjunction with their responsibility for field
20 dressing the animals taken, may keep one (1) animal for their
21 personal use. In the event the director or his designee
22 issues a subsequent kill permit for the same individual or
23 landowner due to continued depredation, the director or his
24 designee may authorize the individual or landowner to keep a
25 second subsequently taken animal for their personal use.

26 (C) Any season closure order issued under authority hereof shall
27 be published in at least one (1) newspaper of general circulation
28 in the area affected by the order for at least once a week for two
29 (2) consecutive weeks, and such order shall be posted in public
30 places in each county as the director may direct.

31 (D) During the closure of any open season or the opening of any
32 special depredation season by the director, all provisions of laws
33 relating to the closed season or the special depredation season
34 on such wildlife shall be in force and whoever violates any of the
35 provisions shall be subject to the penalties prescribed therefor.

36 (E) Prior to the opening of any special depredation hunt, the di-
37 rector or his designee shall be authorized to provide up to a max-
38 imum of fifty percent (50%) of the available permits for such big
39 game to the landholder(s) of privately owned land within the hunt
40 area or his designees. If the landholder(s) chooses to designate
41 hunters, he must provide a written list of the names of designated
42 individuals to the department. If the landholder(s) fails to des-
43 ignate licensed hunters, then the department will issue the total
44 available permits in the manner set by rule. All hunters must have
45 a current hunting license and shall have equal access to both pub-
46 lic and private lands within the hunt boundaries. It shall be un-
47 lawful for any landholder(s) to receive any form of compensation
48 from a person who obtains or uses a depredation controlled hunt
49 permit.

1 7. The director shall make an annual report to the governor, the legis-
2 lature, and the secretary of state of the doings and conditions of his
3 office.

4 8. The director may sell or cause to be sold publications and materials
5 in accordance with section 59-1012, Idaho Code.

6 9. Any deer, elk, antelope, moose, bighorn sheep, ~~or~~ bison, or wolves
7 imported, ~~or~~ transported, or utilized for tracking by methods such as
8 collaring by the department of fish and game shall be tested for the
9 presence of certain communicable diseases that can be transmitted to
10 domestic livestock. Those communicable diseases to be tested for shall
11 be arrived at by mutual agreement between the department of fish and
12 game and the department of agriculture. Any moneys expended by the de-
13 partment of fish and game on wildlife disease research shall be mutually
14 agreed upon by the department of fish and game and the department of
15 agriculture.

16 In addition, a comprehensive animal health program for all deer, elk,
17 antelope, moose, bighorn sheep, or bison imported into, transported, or
18 resident within the state of Idaho shall be implemented after said pro-
19 gram is mutually agreed upon by the department of fish and game and the
20 department of agriculture.

21 10. In order to monitor and evaluate the disease status of wildlife and
22 to protect Idaho's livestock resources, any suspicion by fish and game
23 personnel of a potential communicable disease process in wildlife shall
24 be reported within twenty-four (24) hours to the department of agricul-
25 ture. All samples collected for disease monitoring or disease evalu-
26 ation of wildlife shall be submitted to the division of animal indus-
27 tries, department of agriculture.

28 11. (A) The director is authorized to enter into an agreement with
29 an independent contractor for the purpose of providing a telephone
30 order and credit card payment service for controlled hunt permits,
31 licenses, tags, and permits.

32 (B) The contractor may collect a fee for its service in an amount
33 to be set by contract.

34 (C) All moneys collected for the telephone orders of such li-
35 censes, tags, and permits shall be and remain the property of the
36 state, and such moneys shall be directly deposited by the con-
37 tractor into the state treasurer's account in accordance with the
38 provisions of section 59-1014, Idaho Code. The contractor shall
39 furnish a good and sufficient surety bond to the state of Idaho in
40 an amount sufficient to cover the amount of the telephone orders
41 and potential refunds.

42 (D) The refund of moneys for unsuccessful controlled hunt permit
43 applications and licenses, tags, and permits approved by the de-
44 partment may be made by the contractor crediting the applicant's
45 or licensee's credit card account.

46 12. The director may define activities or facilities that primarily
47 provide a benefit: to the department; to a person; for personal use; to
48 a commercial enterprise; or for a commercial purpose.

49 13. The director shall consult with other agencies to identify eligible
50 land suitable for the location or relocation of shooting ranges.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.