

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 563

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO AUTHORIZE
2 THE FISH AND GAME COMMISSION TO ADOPT RULES RELATING TO THE INTENSIVE
3 MANAGEMENT OF CERTAIN IDENTIFIED GAME SPECIES TO ACHIEVE HIGHER
4 SUSTAINED YIELD FOR HUMAN HARVEST, TO AUTHORIZE THE COMMISSION
5 TO COORDINATE WITH LAND AND MANAGEMENT PLANNING EFFORTS OF LOCAL
6 GOVERNMENTS AND TO AUTHORIZE THE COMMISSION TO REQUIRE THE DEPARTMENT
7 TO CONDUCT INTENSIVE MANAGEMENT PROGRAMS UNDER SPECIFIED CONDITIONS.
8

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

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

12 36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization
13 -- Meetings. The members of the commission shall annually meet at their
14 offices and organize by electing from their membership a chairman, who
15 shall hold office for a period of one (1) year, or until his successor has
16 been duly elected. In addition to the regular annual meeting, to be held in
17 January, said commission shall hold other regular quarterly meetings each
18 year at such places within the state as the commission shall select for the
19 transaction of business. Special meetings may be called at any time and
20 place by the chairman or a majority of the members of the commission. Notice
21 of the time, place and purpose of any and all special meetings shall be given
22 by the secretary to each member of the commission prior to said meeting.

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

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

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

1 what sex, and in what amounts and numbers the wildlife of this state may
2 be taken.

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

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

15 5. (A) Upon notice to the public, hold a public drawing giving
16 to license holders, under the wildlife laws of this state,
17 the privilege of drawing by lot for a controlled hunt permit
18 authorizing the person to whom issued to hunt, kill, or attempt
19 to kill any species of wild animals or birds designated by the
20 commission under such rules as it shall prescribe.

21 (B) The commission may, under rules or proclamations as it may
22 prescribe, authorize the director to issue additional controlled
23 hunt permits and collect fees therefor authorizing landowners of
24 property valuable for habitat or propagation purposes of deer,
25 elk or antelope, or the landowner's designated agent(s) to hunt
26 deer, elk or antelope in controlled hunts containing the eligible
27 property owned by those landowners in units where any permits for
28 deer, elk or antelope 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
31 permit. Successful applicants for controlled hunt permits shall
32 be charged the fee as specified in section 36-416, Idaho Code.
33 Additionally, a fee may be charged for telephone and credit card
34 orders in accordance with subsection (e)11. of section 36-106,
35 Idaho Code. The department shall include a checkoff form to allow
36 applicants to designate one dollar (\$1.00) of such nonrefundable
37 application fee for transmittal to the reward fund of citizens
38 against poaching, inc., an Idaho nonprofit corporation. The net
39 proceeds from the nonrefundable fee shall be deposited in the
40 fish and game account and none of the net proceeds shall be used to
41 purchase lands.

42 (D) The commission may by rule establish procedures relating
43 to the application for the purchase of controlled hunt bonus or
44 preference points by sportsmen and the fee for such application
45 shall 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,
2 condemnation, lease, agreement, gift, or other device, lands or waters
3 suitable for the purposes hereinafter enumerated in this paragraph.
4 Whenever the commission proposes to purchase a tract of land in
5 excess of fifteen (15) acres, the commission shall notify the board
6 of county commissioners of the county where this land is located of
7 the intended action. The board of county commissioners shall have
8 ten (10) days after official notification to notify the commission
9 whether or not they desire the commission to hold a public hearing on
10 the intended purchase in the county. The commission shall give serious
11 consideration to all public input received at the public hearing before
12 making a final decision on the proposed acquisition. Following any
13 land purchase, the fish and game commission shall provide, upon request
14 by the board of county commissioners, within one hundred twenty (120)
15 days, a management plan for the area purchased that would address
16 noxious weed control, fencing, water management and other important
17 issues raised during the public hearing. When considering purchasing
18 lands pursuant to this paragraph, the commission shall first make a
19 good faith attempt to obtain a conservation easement, as provided in
20 chapter 21, title 55, Idaho Code, before it may begin proceedings to
21 purchase, condemn or otherwise acquire such lands. If the attempt to
22 acquire a conservation easement is unsuccessful and the commission then
23 purchases, condemns or otherwise acquires the lands, the commission
24 shall record in writing the reasons why the attempt at acquiring the
25 conservation easement was unsuccessful and then file the same in its
26 records and in a report to the joint finance-appropriations committee.
27 The commission shall develop, operate, and maintain the lands, waters
28 or conservation easements for said purposes, which are hereby declared
29 a public use:

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

32 (B) For game, bird, fish or fur-bearing animal restoration,
33 propagation or protection;

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

37 (D) To extend and consolidate by exchange, lands or waters
38 suitable for the above purposes.

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

42 9. Enter into cooperative agreements with state and federal agencies,
43 municipalities, corporations, organized groups of landowners,
44 associations, and individuals for the development of wildlife rearing,
45 propagating, management, protection and demonstration projects.

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

1 cooperative agreements with those owners or possessors to enforce
2 those restrictions when the restrictions protect wildlife or wildlife
3 habitat. Provided, however, the commission shall not enter into such
4 agreements for lands which either lie outside or are not adjacent to any
5 adjoining the proclaimed boundaries of the national forests in Idaho.

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

13 (B) Nothing in this section authorizes the establishment of
14 any restrictions that impede normal forest or range management
15 operations.

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

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

26 12. Adopt rules pertaining to the application for, issuance of and
27 administration of a lifetime license certificate system.

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

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

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

40 16. Adopt rules to provide for the intensive management of identified
41 game species to maintain or restore high levels of game populations to
42 achieve higher sustained yield for human harvest where the commission
43 has determined that consumptive use of those game species is the
44 preferred use. The commission is further authorized and empowered
45 to coordinate with land and management planning efforts of local
46 governments and to require the department, within the department's
47 ability, to conduct intensive management programs to restore the
48 abundance or productivity of a game population as necessary to achieve
49 human consumptive use goals of the commission in an area where the
50 commission has determined that:

- 1 (A) Depletion of the game population or reduction of the
2 productivity of the game population has occurred and may result in
3 a significant reduction in the allowable human harvest of the game
4 population;
5 (B) Enhancement of abundance or productivity of the game
6 population is feasible; and
7 (C) The expected benefits to human consumptive use of the game
8 population justify intensive management.

9 (c) Limitation on Powers. Nothing in this title shall be construed
10 to authorize the commission to change any penalty prescribed by law for a
11 violation of its provisions, or to change the amount of license fees or the
12 authority conferred by licenses prescribed by law.

13 (d) Organization of Work. The commission shall organize the
14 department, in accordance with the provisions of title 67, Idaho Code,
15 into administrative units as may be necessary to efficiently administer said
16 department. All employees of the department except the director shall be
17 selected and appointed by the director in conformance with the provisions of
18 chapter 53, title 67, Idaho Code.