

IN THE SENATE

SENATE BILL NO. 1266

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2109, IDAHO CODE, TO
REVISE TERM OF LICENSE PROVISIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 36-2109, Idaho Code, be, and the same is hereby
amended to read as follows:

36-2109. FORM AND TERM OF LICENSE -- NOTICE OF DENIAL. (a) Upon
concurrence of a majority, the board, in its discretion may issue a license
to any applicant who has filed an application in proper form with the board,
including, but not limited to, payment of the license fee and furnishing of
bond. Said license shall be in the form prescribed by the board, and shall be
valid for the ~~licensing year or years for which~~ issued from the date issued
until the end of the license year or years for which it is issued and shall
expire on March 31 of the following year; provided, that no outfitter's or
guide's license may be sold, assigned or otherwise transferred either by any
holder thereof or by the operation of law except as provided in this chapter.
The board may prescribe by rule that limitations or qualifications placed
upon an outfitter's or guide's license as provided in this chapter shall be
indicated on the face of the license or as an attachment to the license which
shall be considered a part of the license.

(b) A license granted by the board including any attachment thereto
shall specify the activities licensed and the exact territorial limits of
the outfitter's area of operation and shall specify the species of game
to be hunted. In so approving and/or licensing any outfitter's or guide's
activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area;
2. The extent to which the applicant is qualified by reason of
experience, equipment or resources to operate in that area;
3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain and the
weather conditions normal to that area during the outfitter's or
guide's season;
5. The total amount of outfitter's area requested by any applicant
giving due consideration to the effect ~~which that~~ such area license
grant would have upon the environment, the amount of game ~~which that~~
can be harvested, and the number of persons ~~which that~~ can be adequately
served in the area.

(c) The board shall refuse to issue any license to any applicant for an
outfitter's or guide's license who the board finds is not a competent person
of good moral character, less than eighteen (18) years of age and does not
possess a working knowledge of the game and fishing laws of the state of
Idaho and the regulations of the United States forest service. The board

1 shall also refuse to issue an outfitter's license to any applicant who the
2 board finds does not have sufficient financial responsibility to conduct
3 adequately the business of an outfitter. The board shall refuse to issue
4 any license to a firm, partnership, corporation or other organization or
5 any combination thereof ~~which~~ that fails to have at least one (1) designated
6 agent conducting its outfitting business who meets all of the qualifications
7 and requirements of a licensed outfitter. The board may also refuse to
8 grant an outfitter's or guide's license to any applicant for violation
9 of any of the provisions hereinafter specified in this chapter as grounds
10 for revocation or suspension of an outfitter's or guide's license. If the
11 application is denied, the board shall notify the applicant, in writing, of
12 the reasons for such denial within ten (10) days and if the applicant shall
13 correct, to the satisfaction of the board, such reasons within thirty (30)
14 days of receipt of such notice and if, thereafter, a majority of the board
15 concur, the board may issue a license to the applicant.

16 (d) No license shall be issued by the board until a majority thereof has
17 reported favorably thereon; except, an application for a license identical
18 to a license held during the previous year may be issued on approval by one
19 (1) board member providing there is no adverse information on file regarding
20 the applicant.