

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 469

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2108, IDAHO CODE,
2 TO PROVIDE THAT THE OUTFITTERS AND GUIDES LICENSING BOARD SHALL NOT
3 ACCEPT, PROCESS OR APPROVE ANY APPLICATIONS FOR OUTFITTED OR GUIDED
4 TURKEY OR WATERFOWL HUNTING, TO PROVIDE THAT UNLESS LICENSED PRIOR TO
5 A CERTAIN DATE, A PERSON MAY NOT OUTFIT OR GUIDE TURKEY OR WATERFOWL
6 HUNTERS FOR COMPENSATION, TO PROVIDE CIRCUMSTANCES WHEN ANY RULE, OR-
7 DER, MEMORANDUM, POLICY, GUIDANCE OR OTHER DOCUMENT ADOPTED BY THE
8 BOARD, OR PORTION THEREOF, IS NULL AND VOID AND SHALL HAVE NO FORCE OR
9 EFFECT AND TO MAKE A TECHNICAL CORRECTION.
10

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

12 SECTION 1. That Section 36-2108, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE -- QUALIFICATIONS
15 ~~---TERM~~ -- BOND. (a) Each applicant for an outfitter's or guide's license
16 shall make application for such license upon a form to be prescribed and fur-
17 nished by the board.

18 1. All applications for an outfitter's license shall be signed by the
19 applicant, under oath or affirmation that all information supplied by
20 him in the application form is true and correct as he verily believes and
21 shall be duly notarized. Such applications shall include, but are not
22 limited to, a worded description of the boundaries of the operating area
23 in which such activity will be conducted.

24 2. All applications for a guide's license shall be signed by the ap-
25 plicant. Such application shall contain the written endorsement of the
26 outfitter(s) by whom the applicant will be employed.

27 (b) Applications shall be made to and filed with the board and, unless
28 arrangements have been made otherwise with the board, accompanied by proof
29 of eligibility for a bond payable to the person or persons employing the li-
30 censee and in a form approved by the board in the sum of ten thousand dollars
31 (\$10,000) for outfitters, to be executed by a qualified surety, duly autho-
32 rized to do business in this state, conditioned that for the current license
33 year said applicant, his agents and employees, if said license is issued to
34 him, shall conduct his business as an outfitter without fraud or fraudulent
35 representation, and will faithfully perform his contracts with and duties to
36 his patrons; said bond shall be filed with the board before issuance of the
37 license as provided herein.

38 (c) The board, in its discretion, may make such additional investiga-
39 tion and inquiry relative to the applicant and his qualifications as it shall
40 deem advisable, provided that final decision by the board upon an applica-
41 tion submitted by an applicant who has held during the preceding license year
42 a license of the same kind for which application is made, and upon an applica-

1 tion submitted by an applicant not holding during the preceding license year
2 a license of the same kind or embracing the same activity(ies) or area for
3 which application is made, shall be made not later than the end of the license
4 year in which the board receives all materials required to be submitted in
5 order to complete a license application or ninety (90) days from the date the
6 board receives all such materials, whichever is later.

7 (d) The applicant shall pay license, penalty, amendment and applica-
8 tion fees to the board as hereinafter provided:

9 1. The license fee shall be paid prior to the issuance of a license.

10 2. The license fee shall be used for the investigation of applicants,
11 for enforcement of this chapter, and for the administration costs of the
12 board.

13 3. The license fee for outfitters for the 2005 license year shall be
14 three hundred dollars (\$300) for online licensing and three hundred
15 fifty dollars (\$350) for offline licensing; for the 2006 license year
16 it shall be three hundred twenty-five dollars (\$325) for online li-
17 censing and three hundred seventy-five dollars (\$375) for offline
18 licensing; for the 2007 license year it shall be three hundred fifty
19 dollars (\$350) for online licensing and four hundred dollars (\$400)
20 for offline licensing; for the 2008 license year it shall be three hun-
21 dred seventy-five dollars (\$375) for online licensing and four hundred
22 twenty-five dollars (\$425) for offline licensing; for the 2009 license
23 year, and for each year thereafter, it shall be four hundred dollars
24 (\$400) for online licensing and four hundred fifty dollars (\$450) for
25 offline licensing; the license fee for a designated agent as defined
26 in section 36-2102(b), Idaho Code, for the 2005 license year shall be
27 one hundred twenty dollars (\$120) for online licensing and one hundred
28 forty dollars (\$140) for offline licensing; for the 2006 license year
29 it shall be one hundred twenty-five dollars (\$125) for online licensing
30 and one hundred fifty dollars (\$150) for offline licensing; for the 2007
31 license year it shall be one hundred thirty dollars (\$130) for online
32 licensing and one hundred sixty dollars (\$160) for offline licensing;
33 for the 2008 license year, and for each year thereafter, it shall be one
34 hundred forty dollars (\$140) for online licensing and one hundred sixty
35 dollars (\$160) for offline licensing; and the license fee for guides for
36 the 2005 license year shall be ninety-five dollars (\$95.00) for online
37 licensing and one hundred five dollars (\$105) for offline licensing;
38 for the 2006 license year it shall be ninety-five dollars (\$95.00) for
39 online licensing and one hundred ten dollars (\$110) for offline licens-
40 ing; for the 2007 license year it shall be one hundred dollars (\$100)
41 for online licensing and one hundred fifteen dollars (\$115) for offline
42 licensing; for the 2008 license year, and for each year thereafter, it
43 shall be one hundred five dollars (\$105) for online licensing and one
44 hundred fifteen dollars (\$115) for offline licensing.

45 4. A penalty fee in the amount of fifty dollars (\$50.00), which shall
46 increase to one hundred fifty dollars (\$150) beginning January 1, 2005,
47 may be charged in addition to the regular outfitter's license fee for
48 any such renewal applicant whose application is not complete by the end
49 of the outfitter's license year; this does not apply to a new applicant
50 for an outfitter's license.

1 5. A seventy-five dollar (\$75.00) fee, which shall increase to two
2 hundred dollars (\$200) beginning January 1, 2005, shall be charged for
3 every amendment to an outfitter's license other than a minor amendment,
4 a ten dollar (\$10.00) fee, which shall increase to thirty-five dollars
5 (\$35.00) beginning January 1, 2005, shall be charged for every minor
6 amendment to an outfitter's license, and a ten dollar (\$10.00) fee,
7 which shall increase to twenty dollars (\$20.00) beginning January 1,
8 2005, shall be charged for every amendment to the license of a desig-
9 nated agent or guide.

10 6. The following fees shall be established annually by the board and
11 shall be used for application related expenses: a one-time application
12 fee for outfitters not to exceed four hundred dollars (\$400); a one-time
13 application fee for designated agents not to exceed fifty dollars
14 (\$50.00); and a one-time application fee for guides not to exceed ten
15 dollars (\$10.00), the maximum of which shall increase to twenty dollars
16 (\$20.00) beginning January 1, 2005. The board shall establish by rule
17 a policy to refund unused application fees and shall establish by rule
18 fees for expedited, exceptional, resubmittal or emergency processing
19 of license applications, a fee credit for electronic filing of applica-
20 tions and a fee for the use of credit cards corresponding to the cost to
21 the agency of processing the card use.

22 (e) The board shall not accept, process or approve any applications for
23 outfitted or guided turkey or waterfowl hunting. Unless licensed to do so
24 prior to November 13, 2013, a person may not outfit or guide turkey or water-
25 fowl hunters for compensation. Any rule, order, memorandum, policy, guid-
26 ance or other document adopted by the board, or portion thereof, which is
27 contrary to this subsection is null and void and shall have no force or ef-
28 fect.