

Dear Senators HEIDER, Brackett, Stennett, and
Representatives GIBBS, Gestrin, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Fish and Game:

IDAPA 13.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 13-0000-1900F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 07/29/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/26/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: July 10, 2019

SUBJECT: Department of Fish and Game

IDAPA 13.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 13-0000-1900F)

The Department of Fish and Game submits notice of temporary and proposed rules that reauthorize and re-publish the following previously approved chapters at:

- IDAPA 13.01.02.100 - Hunter and Archery Education
- IDAPA 13.01.02.102 - Trapper Education
- IDAPA 13.01.04.600 - Nonresident Deer and Elk Tag Quotas
- IDAPA 13.01.08.263 (expiring rule numbered as 13.01.08.260.06) - Refunds of Controlled Hunt Fees
- IDAPA 13.01.10.410 (expiring rule numbered as 13.01.10.400.09) - Large Commercial Wildlife Facilities
- IDAPA 13.01.19.102 (consolidation of expiring rules numbered as 13.01.19.112 and 13.01.20.102.04) - Selection of Vendors

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. According to the department, the rules have been re-written and simplified. The department also notes that the rulemaking includes edits and re-numbering that do not significantly change the effect of existing rules to comply with formatting requirements, etc. No other changes from the existing rules have been noted.

This is a fee rule. According to the department, this rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules.

The rulemaking appears to be authorized pursuant to Sections 36-104, 36-303, 36-404, 36-407, 36-409, 36-412, 36-701, 36-703, and 36-708, Idaho Code.

cc: Department of Fish and Game
Paul Kline

*** PLEASE NOTE ***

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 13 – DEPARTMENT OF FISH AND GAME

DOCKET NO. 13-0000-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104, 36-303, 36-404, 36-407, 36-409, 36-412, 36-701, 36-703, and 36-708, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code. In conjunction, the Idaho Fish and Game Commission (Commission) will accept oral comment concerning this rulemaking at its meeting at the Idaho Department of Fish and Game Regional Office at 99 Highway 93 North, Salmon, Idaho 83467 on July 24, 2019, beginning at approximately 8 pm.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and publishes the following existing and previously approved and codified chapters of IDAPA 13, Rules of the Department of Fish and Game. This temporary and proposed rulemaking includes edits and re-numbering that do not significantly change the effect of existing rules to comply with Uniform Format Requirements of “Rules of the Office Of Administrative Rules Coordinator,” IDAPA 44.01.01, and to comply with the Red Tape Reduction Act (Executive Order No. 2019-02) directing agencies to streamline state government through the repeal of outdated or ineffective rules or the significant simplification of rules.

IDAPA 13

- IDAPA 13.01.02.100
- IDAPA 13.01.02.102
- IDAPA 13.01.04.600
- IDAPA 13.01.08.263 (*expiring rule numbered as 13.01.08.260.06*)
- IDAPA 13.01.10.410 (*expiring rule numbered as 13.01.10.400.09*)
- IDAPA 13.01.19.102 (*consolidation of expiring rules numbered as 13.01.19.112 and 13.01.20.102.04*)

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

In addition, the Idaho Constitution, Art. 1, Sec. 23, states the “rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping.” Continuity of existing fee rules support hunter, archery, and trapper education, and implement good governance, public transparency, accountability for license vendors and large commercial wildlife facilities, and responsible management of state monies and assets.

The fee or charge imposed by these rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget, or are bond requirements for security of public

money or guarantee of performance and reimbursement of state costs. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

The following are agency specific findings on a chapter-by-chapter basis. The fee rules in Chapter 2, Sections 100 and 102 (IDAPA 13.01.02.100.02, 13.01.02.102.02) implement an eight dollar (\$8.00) fee for hunter, archery, and trapper education. Section 36-412(c), Idaho Code, specifically directs the Commission to establish education program fees not to exceed eight dollars (\$8.00). These fees are part of the dedicated fund portion of the State of Idaho's budget. The Department's obligation to provide hunter, archery, and trapper education is a crucial safety measure and integral in fulfilling the Department's constitutional and statutory obligation to provide hunting and trapping opportunities to the public. The fee rule in Chapter 4, Section 600 (IDAPA 13.01.04.600.03) establishes a \$50 processing fee and sliding scale for refund of nonresident licenses, permits, and tag in special circumstances. These fees are part of the dedicated fund portion of the State of Idaho's budget and are integral the Department's license system. The fee rule in Chapter 8, Section 263 (IDAPA 13.01.08.263.d) provides that overpayment of fees of more than five dollars (\$5) will be refunded and overpayment of five dollars (\$5) or less will not be refunded and will be retained by the Department. This rule is critical for the Department because refunds of these amounts cost more to process than the amount of the actual refund. The fee rule in Chapter 10, Section 410 (IDAPA 13.01.10.410.03) provides bond requirements for large commercial wildlife facilities. These bonding requirements should be reauthorized to avoid immediate danger because they are integral to guarantee performance of license conditions and to reimburse the Department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. The fee rule in Chapter 19, Section 102 (IDAPA 13.01.19.102.04) implements a \$10,000 minimum surety bond requirement for vendors that present a risk level appropriate for surety. License vendors receive and hold public monies from the sale of licenses, and Section 36-303 recognizes bonding requirements for license vendors. This fee rule needs to be reauthorized to avoid immediate danger because it is critical to ensuring the Department has the ability to recoup public licensing dollars from vendors who do not fully reimburse the Department.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. The following is a description of each fee category:

- IDAPA 13.01.02.100.02 and 13.01.02.102.02 implement a statutory mandate to charge for hunter, archery, and trapping education. Section 36-412, Idaho Code, mandates that the Commission implement education programs in hunting, trapping, and archery and provides the "commission shall establish fees for each program not to exceed eight dollars (\$8.00)." This rule carries out this statutory mandate by implementing an eight dollar (\$8.00) fee for hunter, archery, and trapper education. These fees have been in effect since March 24, 2017.
- IDAPA 13.01.04.600.03 provides that non-resident general season and controlled hunt deer or elk tag fees may be refunded in certain circumstances. This rule establishes a \$50 processing fee for tag refunds or a sliding scale for tag refunds in these special circumstances. This rule has been in effect since April 6, 2005.
- IDAPA 13.01.08.263.d provides that overpayment of fees of more than five dollars (\$5) will be refunded and overpayment of five dollars (\$5) or less will not be refunded and will be retained by the Department. This rule has been in effect since July 1, 1993.
- IDAPA 13.01.10.410.03 provides bond requirements for large commercial wildlife facilities of fifty thousand dollars (\$50,000) or an amount equal to ten percent (10%) of the total facility construction cost plus two thousand dollars (\$2,000) per animal. This bond is meant to guarantee performance of license conditions and to reimburse the Department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. This rule has been in effect since July 1, 1999.
- IDAPA 13.01.19.102.04 implements a \$10,000 minimum surety bond requirement for vendors that present an undue risk. This bonding requirement ensures license vendors have sufficient coverage to ensure the Department is fully reimbursed for license sales and mitigating undue risk that may otherwise be placed upon the Department in the absence of such bonding. Section 36-303, Idaho Code, authorizes the Department to require a surety bond for license vendors. These vendor bonding rules have been in place since March 20, 1997.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Paul Kline, (208) 334-3771.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Paul Kline
Deputy Director
Idaho Department of Fish and Game
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**IDAPA 13
TITLE 01
CHAPTER 02**

13.01.02 – RULES GOVERNING MANDATORY EDUCATION AND MENTORED HUNTING

(BREAK IN CONTINUITY OF SECTIONS)

100. HUNTER AND ARCHERY EDUCATION.

01. Mandatory Hunter and Archery Education Programs. All students being certified under this program must have successfully completed instruction in firearms or archery safety, wildlife management, wildlife law, hunter ethics, first aid/survival, plus practical experience in the handling and shooting of firearms or archery equipment. This instruction may be completed through classroom study, home study, an on-line computer course, or other approved methods. The Department manages the Hunter Education Program pursuant to the Idaho Hunter Education Policy and Procedure Manual. Only certificates for courses that meet or exceed the standards of the Department course are acceptable from other states or countries. (6-30-19)T

02. Fees. A fee of eight dollars (\$8) shall be charged to each student enrolling in the Hunter or Archery Education Program. (6-30-19)T

03. Parent to Attend Shooting Clinic with Student. For students under the age of twelve (12), a parent, legal guardian or other adult designated by the parent or legal guardian shall attend any Hunter Education Shooting Clinic with the student. (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

102. TRAPPER EDUCATION.

01. Mandatory Trapper Education Program. All persons who purchased their first Idaho trapping license on or after July 1, 2011, must be certified as having successfully completed Department trapper education, or provide proof that such person holds the equivalent of such a certificate obtained either in Idaho or from an authorized agency or association in another state or country. Persons being certified in Department trapper education must have successfully completed instruction including safe trapping methods and rules, non-target species avoidance techniques, wildlife identification, and good conduct and respect for the rights and property of others. Persons who have successfully completed wolf trapping education in Idaho or in another state or country are not exempt from certification as having successfully completed trapper education. (6-30-19)T

02. Fee. A fee of eight dollars (\$8) shall be charged to each student enrolling in the Trapper Education Program. (6-30-19)T

03. Effective Date. On and after July 1, 2018, no person who purchased their first Idaho trapping license on or after July 1, 2011 shall be issued a trapping license unless that person presents a certificate of completion in trapper education issued by the Department or presents proof of equivalent certification obtained in Idaho or from an authorized agency or association in another state or country. (6-30-19)T

04. Exemption. Persons who are acting pursuant to Section 36-1107, Idaho Code, are exempt from the trapper education requirement. (6-30-19)T

**IDAPA 13
TITLE 01
CHAPTER 04**

13.01.04 – RULES GOVERNING LICENSING

(BREAK IN CONTINUITY OF SECTIONS)

600. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents: (6-30-19)T

a. Fourteen thousand (14,000) regular or White-tailed deer tags; (6-30-19)T

b. Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones; (6-30-19)T

c. One thousand five hundred (1,500) White-tailed deer tags available only upon sell out of deer tags referenced in Subsection 600.01.a. of these rules. (6-30-19)T

02. Exceptions. Sales of nonresident deer and elk tags to the following persons shall not be counted in the quota: (6-30-19)T

a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (6-30-19)T

b. Designated Buyers: Nonresident tag buyers who return their unused nonresident deer or elk tag and a notarized affidavit stating that the tag buyer has not hunted may designate another nonresident to purchase an additional tag. If the original buyer does not make a designation and has retained an outfitter or guide, the outfitter or guide may make the designation. The designated buyer must pay the regular fee for the replacement tag. If no designation is made by either the original buyer or the outfitter or guide, the Department may sell the replacement tag on a first-come, first-serve basis. (6-30-19)T

c. Successful nonresident controlled hunt applicants who have not purchased a tag as of the date of the controlled hunt drawing. (6-30-19)T

d. Junior mentored tag holders. (6-30-19)T

03. Refunds. The fee for any nonresident license (as defined in Section 36-202(aa), Idaho Code) shall not be refunded for any reason except as follows. (6-30-19)T

a. Nonresident general season deer or elk tag fees and prerequisite hunting license fee and controlled hunt deer and elk tag fees may be refunded for death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount of the applicable deer or elk tag and hunting license less all issuance fees and a fifty dollar (\$50) processing fee. The refund request must be postmarked on or before December 31 of the calendar year in which the license and tags were valid. (6-30-19)T

b. Nonresident general season and controlled hunt deer or elk tag fees may be partially refunded for any reason other than death of the licensee; illness or injury of licensee that totally disables the licensee for the entire length of all applicable seasons; or military deployment of licensee due to an armed conflict. The request for the

refund must be postmarked in the year in which the tag is valid. The hunting license fee will not be refunded. The refund will be based on the following sliding scale as a percent of the deer or elk tag fee.

Postmarked	Percent of Fee Refunded
Before April 1	75%
In April through June	50%
In July and August	25%
September through December	0%

(6-30-19)T

c. The Department determines that a Department employee made an error in the issuance of the license. (6-30-19)T

d. All refund requests must be in writing and be accompanied with the original copy of the license or tag. (6-30-19)T

04. Sale of Unsold Nonresident Deer and Elk Tags to Residents. Any unsold nonresident deer or elk tags may be sold to residents and to nonresidents as a second tag, at the nonresident deer or elk tag price, beginning August 1. All privileges and restrictions associated with the use of the nonresident deer or elk tag will apply equally to residents who purchase a nonresident deer or elk tag. (6-30-19)T

IDAPA 13
TITLE 01
CHAPTER 08

13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

(BREAK IN CONTINUITY OF SECTIONS)

263. REFUNDS OF CONTROLLED HUNT FEES.

01. Refunds. (6-30-19)T

a. Controlled hunt tag fees will be refunded to unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise.

(6-30-19)T

b. Fees for hunting licenses will NOT be refunded to unsuccessful or ineligible controlled applicants.

(6-30-19)T

c. Fees for deer or elk tags purchased prior to the drawing will NOT be refunded to unsuccessful or ineligible applicants.

(6-30-19)T

d. Overpayment of fees of more than five dollars (\$5) will be refunded. Overpayment of five dollars (\$5) or less will NOT be refunded and will be retained by the Department.

(6-30-19)T

e. Controlled hunt application fees are nonrefundable.

(6-30-19)T

f. Fees for resident and nonresident adult controlled hunt tags subsequently designated to a minor child or grandchild are not refundable.

(6-30-19)T

g. Fees for special controlled hunt application, tag and related hunting license are not refundable for any reason.

(6-30-19)T

IDAPA 13
TITLE 01
CHAPTER 10

**13.01.10 – RULES GOVERNING THE IMPORTATION, POSSESSION,
RELEASE, SALE, OR SALVAGE OF WILDLIFE**

(BREAK IN CONTINUITY OF SECTIONS)

410. LARGE COMMERCIAL WILDLIFE FACILITIES.

Commercial wildlife facilities that are of a size large enough or with a large number of animals incompatible with the cage or enclosure requirements of Subsection 400.08 may, in the Director's discretion, be addressed on a case-by-case basis. A facility must house at least three (3) or more species or encompass display or exhibit areas larger than one (1) acre to qualify for consideration. (6-30-19)T

01. Animal Display and Security. Animals will be displayed in such a way as to preserve their dignity and in a natural appearing environment. Display should enhance appreciation for the species and its natural history. Any cage or enclosure shall be of such structure or type of construction to prevent escape of the captive wildlife, or damage to native wildlife through habitat degradation, genetic contamination, competition, or disease. The Department will refer to the standards such as those set by the American Zoological Association to develop cage, open space, shelter, and enclosure requirements. Such requirements may include, but not limited to, fence specifications, electric fence specifications, pits or moats, or buried fencing. (6-30-19)T

02. Application. Application for a large commercial wildlife facility license shall generally meet the requirements of Subsection 400.04. Additionally, the application shall identify the veterinarian of record for the facility. (6-30-19)T

03. Bond. Any application for a large commercial wildlife facility shall be accompanied by a bond to the Department in the amount of fifty thousand dollars (\$50,000) or an amount equal to ten percent (10%) of the total facility construction cost plus two thousand dollars (\$2,000) per animal, whichever is greater, executed by a qualified surety duly authorized to do business in the state of Idaho, to guarantee performance of license conditions and to reimburse the Department for any costs incurred for clean up of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. With prior approval, the applicant may submit a cash bond to the Department including, but not limited to, certificates of deposit, registered checks, certified funds, and money orders. (6-30-19)T

04. Specific Requirements. The Director has discretion to identify specific license conditions, and violation of any such condition shall be a violation of these rules. (6-30-19)T

**IDAPA 13
TITLE 01
CHAPTER 19**

13.01.19 – RULES FOR SELECTING, OPERATING, DISCONTINUING, AND SUSPENDING VENDORS

(BREAK IN CONTINUITY OF SECTIONS)

102. SELECTION.

The following factors will be considered for selecting an applicant to become a license vendor: (6-30-19)T

01. Low Numbered Vendors. Applicants classified in lower-numbered vendor classifications will be given priority over applicants in higher-numbered classifications from the same general location. (6-30-19)T

02. Class Six Applicants. Applicants classified as class six (6) will generally not be approved. They will be approved only when they have demonstrated a major significant public benefit to have a license vendorship at their location. (6-30-19)T

03. Unsettled Debts Reported. Applicants who have unsettled debts listed with a credit bureau will not be approved. Unsettled debts that are in dispute will not be considered against the applicant. (6-30-19)T

04. Surety Bond Needed. The Department may require an applicant to provide at a minimum for each location, a ten thousand dollar (\$10,000) surety bond from a corporate surety authorized to do business in the state of Idaho, which guarantees the payment of all state funds collected as a result of licenses and tags issued by the license vendor if it appears from the application or information otherwise obtained by the Department that an undue risk might otherwise be placed upon the Department in the absence of such bonding. Applicants who would otherwise qualify for a vendorship and have been in business less than three (3) years will be required to furnish the Department a ten thousand dollar (\$10,000) surety bond in the form and length as determined by the Director. Upon request, at the completion of two (2) years of service, the Department may review the requirement and may release the vendor from the bonding requirement. (6-30-19)T

05. Permanent Place of Business Required. Applicants who do not have a permanent place of business open and accessible to all segments of the public will not be approved. (6-30-19)T

06. Number of Existing Vendors in Area. The number of existing vendors in the applicant's geographical area and their distance to the applicant. For the three (3) closest existing vendors, their hours and days of operation, classification, accessibility to the public, and other pertinent information, including their distance to the applicant, will be compared to the applicant. (6-30-19)T

07. Minimum Sales Volume Requirement. The applicant's estimated license sales volume should meet the minimum sales volume requirements. If the applicant is seeking to replace an existing vendor at the prior vendor's location, the prior vendor's sales volume will be used to estimate the applicant's sales volume. (6-30-19)T

08. Satisfactory Past Performance Record Required. If the applicant was a license vendor or the manager for a license vendor within the past five (5) years, the performance record for compliance with the requirements for license vendors must be satisfactory. (6-30-19)T

09. No Fish and Game Violations Allowed. Neither the owner(s) nor store manager (if the applicant is a corporation) shall have had a fish and game violation other than an infraction within the past five (5) years. (6-30-19)T

10. Remote Location. An applicant's location will be considered remote if there are no year-round vendors within a twenty-five (25) mile radius. (6-30-19)T

11. Need Determination. Can the public reasonably obtain licenses/tags without this vendor. (6-30-19)T