

TITLE 36
FISH AND GAME

CHAPTER 1
FISH AND GAME COMMISSION

36-101. FISH AND GAME DEPARTMENT. A department of fish and game is hereby established. Said department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government. The department shall have its principal office in Ada county.

[36-101, added 1976, ch. 95, sec. 2, p. 316; am. 2001, ch. 183, sec. 10, p. 619.]

36-102. IDAHO FISH AND GAME COMMISSION. (a) Creation. There is hereby created the Idaho fish and game commission. The department of fish and game of the state of Idaho is hereby placed under the supervision, management and control of said Idaho fish and game commission, hereinafter referred to as the commission or as said commission.

(b) Membership -- Appointment -- Qualifications. The commission shall consist of seven (7) members, to be appointed by the governor of the state of Idaho, who shall hold office during the pleasure of the governor and who shall be subject to removal by him. The selection and appointment of said members shall be made solely upon consideration of the welfare and best interests of fish and game in the state of Idaho, and no person shall be appointed a member of said commission unless he shall be well informed upon, and interested in, the subject of wildlife conservation and restoration. No member shall hold any other elective or appointive office, state, county or municipal, or any office in any political party organization. Not more than four (4) of the members of said commission shall at any time belong to the same political party. Each of the members of said commission shall be a citizen of the United States, and of the state of Idaho, and a bona fide resident of the region from which he is appointed as hereinafter set forth. Said members so appointed shall act and assume full powers and duties upon appointment, as herein provided, but such appointments shall be subject to confirmation by the senate at its next session.

(c) Creation of Regions. For the purpose of this act, the state of Idaho is divided into seven (7) regions, which shall be named:

- (1) Panhandle region to consist of the counties of Boundary, Bonner, Kootenai, Shoshone and Benewah;
- (2) Clearwater region to consist of the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho;
- (3) Southwestern region to consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee;
- (4) Magic Valley region to consist of the counties of Camas, Blaine, Gooding, Lincoln, Minidoka, Jerome, Twin Falls and Cassia;
- (5) Southeastern region to consist of the counties of Bingham, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake;
- (6) Upper Snake River region to consist of the counties of Clark, Fremont, Butte, Jefferson, Madison, Teton and Bonneville;
- (7) Salmon region to consist of the counties of Lemhi and Custer.

Each of the above enumerated regions shall, at all times, be represented by one (1) member of the commission, appointed from said region by the governor.

(d) Terms of Office.

(1) Except as provided in paragraph (2) of this subsection, the members of said commission shall be appointed for a term of four (4) years; provided, that in the case of the death of any commissioner, or his removal from office as hereinbefore provided, the governor shall appoint a successor from the same region for the unexpired term. Beginning in 1999 and thereafter, the term of each member shall expire on June 30. The term of any member which would otherwise expire prior to June 30 shall be extended to June 30. No member shall serve more than two (2) terms, except that a member appointed to fill an unexpired term may be appointed to two (2) additional, full terms. Members serving on the effective date of this act shall be eligible to complete the term they are then serving, and shall thereafter be governed by the provisions of this subsection limiting the length of any additional terms to four (4) years and the number of terms to two (2).

(2) In appointing successors for the members whose terms expire in 1999, the governor shall designate two (2) members to be appointed for a term of three (3) years and two (2) members to be appointed for a term of four (4) years. Successors to the members appointed for a term of three (3) years shall be appointed for a term of four (4) years thereafter.

(e) Oath of Office -- Bond. Each commissioner shall, before entering upon his official duties, take and subscribe to the official oath, in writing, as provided by section [59-401](#), Idaho Code, to which said official oath there shall be added a declaration as to the name of the political party to which such commissioner belongs, and said commissioner shall be bonded to the state of Idaho in the time, form, and manner prescribed by [chapter 8, title 59](#), Idaho Code.

(f) Compensation and Reimbursement for Expenses. Each member of the commission shall be compensated as provided by section [59-509](#)(h), Idaho Code. All such compensation and expenses shall be paid from the fish and game account.

(g) Quorum. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power.

(h) Office and Supplies. The commission shall have its principal office in Ada county and is authorized to purchase supplies, equipment, printed forms, and notices, and to issue such publications as may be necessary.

[36-102, added 1976, ch. 95, sec. 2, p. 316; am. 1979, ch. 78, sec. 1, p. 193; am. 1980, ch. 247, sec. 29, p. 601; am. 1990, ch. 387, sec. 1, p. 1065; am. 1994, ch. 406, sec. 1, p. 1276; am. 1996, ch. 172, sec. 1, p. 555; am. 1998, ch. 334, sec. 1, p. 1078; am. 2001, ch. 183, sec. 11, p. 619.]

36-103. WILDLIFE PROPERTY OF STATE -- PRESERVATION. (a) Wildlife Policy. All wildlife, including all wild animals, wild birds, and fish, within the state of Idaho, is hereby declared to be the property of the state of Idaho. It shall be preserved, protected, perpetuated, and managed. It shall be only captured or taken at such times or places, under such conditions, or by such means, or in such manner, as will preserve, protect, and perpetuate

such wildlife, and provide for the citizens of this state and, as by law permitted to others, continued supplies of such wildlife for hunting, fishing and trapping.

(b) Commission to Administer Policy. Because conditions are changing and in changing affect the preservation, protection, and perpetuation of Idaho wildlife, the methods and means of administering and carrying out the state's policy must be flexible and dependent on the ascertainment of facts which from time to time exist and fix the needs for regulation and control of fishing, hunting, trapping, and other activity relating to wildlife, and because it is inconvenient and impractical for the legislature of the state of Idaho to administer such policy, it shall be the authority, power and duty of the fish and game commission to administer and carry out the policy of the state in accordance with the provisions of the Idaho fish and game code. The commission is not authorized to change such policy but only to administer it.

[36-103, added 1976, ch. 95, sec. 2, p. 317.]

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

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

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.
2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make a rule or proclamation embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.
3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by temporary rule or proclamation the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and

conditions upon hunting, angling or trapping as said commission shall find to be necessary. Every such temporary rule shall be made in accordance with the provisions of [chapter 52, title 67](#), Idaho Code.

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

5. (A) Upon notice to the public, cause to be held pursuant to the provisions of section [36-104A](#), Idaho Code, a drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit or tag authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules as it shall prescribe.

(B) The commission may, under rules or proclamations as it may prescribe, authorize the director to issue additional controlled hunt permits or tags and collect fees therefor authorizing landowners of property valuable for habitat or propagation purposes of deer, elk, antelope, bear or turkey, or the landowner's designated agent(s) to hunt deer, elk, antelope, bear or turkey in controlled hunts containing the eligible property owned by those landowners in units where any permits or tags for deer, elk, antelope, bear or turkey are limited.

(C) A nonrefundable fee as specified in section [36-416](#), Idaho Code, shall be charged each applicant for a controlled hunt permit or tag. Successful applicants for controlled hunt permits or tags shall be charged the fee as specified in section [36-416](#), Idaho Code. Additionally, a fee may be charged for telephone and credit card orders in accordance with subsection (e)11. of section [36-106](#), Idaho Code. The department shall include a checkoff form to allow applicants to designate one dollar (\$1.00) of such nonrefundable application fee for transmittal to the reward fund of citizens against poaching, inc., an Idaho nonprofit corporation. The net proceeds from the nonrefundable fee shall be deposited in the fish and game account and none of the net proceeds shall be used to purchase lands.

(D) The commission may by rule establish procedures relating to the application for the purchase of controlled hunt bonus or preference points by sportsmen and the fee for such application shall be as specified in section [36-416](#), Idaho Code.

6. Adopt rules pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other device, lands or waters suitable for the purposes hereinafter enumerated in this paragraph. Whenever the commission proposes to purchase a tract of land in excess of fifteen (15) acres, the commission shall notify the board of county commissioners of the county where this land is located of the intended action. The board of county commissioners shall have ten (10) days after official notification to notify the commission whether or not they desire the commission to hold a public hearing on the intended purchase in the county. The commission shall give serious consideration to all

public input received at the public hearing before making a final decision on the proposed acquisition. Following any land purchase, the fish and game commission shall provide, upon request by the board of county commissioners, within one hundred twenty (120) days, a management plan for the area purchased that would address noxious weed control, fencing, water management and other important issues raised during the public hearing. When considering purchasing lands pursuant to this paragraph, the commission shall first make a good faith attempt to obtain a conservation easement, as provided in [chapter 21, title 55](#), Idaho Code, before it may begin proceedings to purchase, condemn or otherwise acquire such lands. If the attempt to acquire a conservation easement is unsuccessful and the commission then purchases, condemns or otherwise acquires the lands, the commission shall record in writing the reasons why the attempt at acquiring the conservation easement was unsuccessful and then file the same in its records and in a report to the joint finance-appropriations committee. The commission shall develop, operate, and maintain the lands, waters or conservation easements for said purposes, which are hereby declared a public use:

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

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

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

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

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

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

10. In the event owners or lawful possessors of land have restricted the operation of motor-propelled vehicles upon their land, the commission, upon consultation with all other potentially affected landowners, and having held a public hearing, if requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which either lie outside or are not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

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

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

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

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

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

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

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

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

16. Adopt rules governing a mentored hunting program.

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

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

[36-104, added 1976, ch. 95, sec. 2, p. 318; am. 1977, ch. 116, sec. 1, p. 249; am. 1986, ch. 52, sec. 1, p. 149; am. 1986, ch. 288, sec. 1, p. 725; am. 1986, ch. 329, sec. 1, p. 810; am. 1987, ch. 159, sec. 1, p. 311; am. 1989, ch. 316, sec. 1, p. 812; am. 1989, ch. 372, sec. 1, p. 937; am. 1990, ch. 372, sec. 1, p. 1023; am. 1992, ch. 81, sec. 1, p. 222; am. 1993, ch. 197, sec. 1, p. 539; am. 1993, ch. 216, sec. 17, p. 599; am. 1994, ch. 82, sec. 1, p. 190; am. 1994, ch. 218, sec. 5, p. 687; am. 1995, ch. 64, sec. 1, p. 158; am. 1998, ch. 170, sec. 1, p. 568; am. 1999, ch. 372, sec. 1, p. 1016; am. 2000, ch. 211, sec. 1, p. 539; am. 2001, ch. 183, sec. 12, p. 621; am. 2002, ch. 224, sec. 1, p. 644; am. 2004, ch. 17, sec. 1, p. 16; am. 2009, ch. 201, sec. 1, p. 643; am. 2011, ch. 109, sec. 1, p. 280; am. 2014, ch. 104, sec. 1, p. 305; am. 2016, ch. 103, sec. 1, p. 300.]

36-104A. DRAWINGS TO AWARD CONTROLLED HUNT PERMITS -- TAGS -- CONTRACT WITH PRIVATE ENTITY -- PROCEDURE -- RULES. (1) The department shall contract

with a private entity to conduct drawings for controlled hunt permits or tags as established by the commission. The drawings must be conducted using a computer program that awards permits and tags based on a random order of selection. The department shall solicit bids for the contract pursuant to Idaho law.

(2) The department shall:

(a) Provide to the private entity to whom a contract is awarded pursuant to the provisions of subsection (1) of this section, any applications for permits or tags, documents or other information required by the private entity to conduct the drawings; and

(b) Otherwise cooperate with the private entity in conducting the drawings;

(c) Continue to be solely responsible for enforcement and administration of all laws relating to licenses and tags.

(3) As soon as practicable after a drawing is completed, the private entity shall submit the results of the drawing to the department.

(4) The commission shall adopt rules necessary to carry out the provisions of this section.

[36-104A, added 2016, ch. 103, sec. 2, p. 303.]

36-105. COMMISSION ORDERS, RULES AND PROCLAMATIONS. (1) Adoption and Publication of Rules and Orders. All rules and orders adopted pursuant to the provisions of this title shall be made in accordance with [chapter 52, title 67](#), Idaho Code. Said rules and orders may also be given such other publicity as the commission may deem desirable.

(2) Violation of Rules, Proclamations and Orders. All rules, proclamations and orders made as herein provided shall have full force and effect as law and any person violating any such rule, proclamation or order of the commission, adopted and published as herein set forth, shall be found guilty as set forth in section [36-1401](#), Idaho Code.

(3) Notwithstanding any other provision of [chapter 52, title 67](#), Idaho Code, the Idaho fish and game commission and the director of the Idaho fish and game department shall be excepted from the requirements of rulemaking when adopting, repealing, or amending any proclamation relating to setting of any season or limit on numbers, size, sex or species of wildlife classified by the commission as game animals, game birds, furbearers, migratory birds, salmon, steelhead and resident fish which may be taken in this state if:

(a) Notice of the proposed proclamation is published in the Idaho administrative bulletin and is provided in the same manner as an open meeting under section [74-204](#), Idaho Code;

(b) Notice is given to the director of the legislative services office for review by the germane joint subcommittee as soon as possible after adoption by the commission; and

(c) The proclamation shall be published in a pamphlet or brochure as provided in section [59-1012](#), Idaho Code, and distributed without charge to the public. The text of the proclamation published in a pamphlet or brochure shall be the official text of the proclamation. Judicial notice shall be taken of the proclamation pamphlet or brochure.

[36-105, added 1976, ch. 95, sec. 2, p. 321; am. 1979, ch. 79, sec. 1, p. 196; am. 1991, ch. 44, sec. 1, p. 83; am. 1992, ch. 81, sec. 2, p. 225;

am. 1992, ch. 263, sec. 56, p. 817; am. 1998, ch. 170, sec. 2, p. 572; am. 2015, ch. 141, sec. 75, p. 435.]

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

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

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

(d) Oath and Bond. Before entering upon the duties of his office, the director shall take and subscribe to the official oath of office, as provided by section [59-401](#), Idaho Code, and shall, in addition thereto, swear and affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be signed in the office of the secretary of state.

The director shall be bonded to the state of Idaho in the time, form and manner prescribed by [chapter 8, title 59](#), Idaho Code.

(e) Duties and Powers of Director.

1. The director shall have general supervision and control of all activities, functions, and employees of the department of fish and game, under the supervision and direction of the commission, and shall enforce all the provisions of the laws of the state, and rules and proclamations of the commission relating to wild animals, birds, and fish and, further, shall perform all the duties prescribed by section [67-2405](#), Idaho Code, and other laws of the state not inconsistent with this act, and shall exercise all necessary powers incident thereto not specifically conferred on the commission.

2. The director is hereby authorized to appoint as many classified employees as the commission may deem necessary to perform administrative duties, to enforce the laws and to properly implement management, propagation, and protection programs established for carrying out the purposes of the Idaho fish and game code.

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

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

5. (A) The director, or any person appointed by him in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and rules as he may

provide, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game resources of the state.

(B) The director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under the provisions of [title 36](#), Idaho Code. He shall also have the power and authority to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution in the state and may have the same properly cared for and distributed throughout the state of Idaho as he may deem necessary.

(C) The director is hereby authorized to issue a license/tag/permit to a nonresident landowner who resides in a contiguous state for the purpose of taking one (1) animal during an emergency depredation hunt which includes the landowner's Idaho property subject to such conditions, restrictions or rules as the director may provide. The fee for this license/tag/permit shall be equal to the costs of a resident hunting license, a resident tag fee and a resident depredation permit.

(D) Unless relocation is required pursuant to subparagraph (E) herein, notwithstanding the provisions of section [36-408](#), Idaho Code, to the contrary, the director shall not expend any funds, or take any action, or authorize any employee or agent of the department or other person to take any action, to undertake actual transplants of bighorn sheep into areas they do not now inhabit for the purpose of augmenting existing populations until:

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

(ii) The affected federal and state land grazing permittees and owners or leaseholders of private land in or contiguous to the proposed release site have been given reasonable notice of the proposed release.

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

Upon request, the department shall grant one (1) hearing per transplant or relocation if any affected individual or entity expresses written concern within ten (10) days of notification regarding any transplants or relocations of bighorn sheep and shall take into consideration these concerns in approving, modifying or canceling any proposed bighorn sheep transplant or relocation. Any such hearing shall be held within thirty (30) days of the request. It is the policy of the state of Idaho that existing sheep or livestock operations in the area of any bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted. Prior to any transplant or relocation of bighorn sheep into areas

they do not now inhabit or a transplant or relocation for the purpose of augmenting existing populations, the department shall provide for any affected federal or state land grazing permittees or owners or leaseholders of private land a written agreement signed by all federal, state and private entities responsible for the transplant or relocation stating that the existing sheep or livestock operations in the area of any such bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted.

(E) The Idaho department of fish and game: (1) shall develop a state management plan to maintain a viable, self-sustaining population of bighorn sheep in Idaho which shall consider as part of the plan the current federal or state domestic sheep grazing allotment(s) that currently have any bighorn sheep upon or in proximity to the allotment(s); (2) within ninety (90) days of the effective date of this act will cooperatively develop best management practices with the permittee(s) on the allotment(s). Upon commencement of the implementation of best management practices, the director shall certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep. The director's certification shall continue for as long as the best management practices are implemented. The director may also certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep based upon a finding that other factors exist, including but not limited to previous exposure to pathogens that make separation between bighorn and domestic sheep unnecessary.

6. (A) The director shall have the power, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the state of Idaho shall be threatened with excessive shooting, trapping, or angling or otherwise, to close any open season or to reduce the bag limit or possession limit for such species for such time as he may designate; in the event an emergency is declared to exist such closure shall become effective forthwith upon written order of the director; in all other cases upon publication and posting as provided in section [36-105](#), Idaho Code.

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

(ii) In the event a kill permit is issued by the director or his designee, the individual or landowner with the kill permit, in con-

junction with their responsibility for field dressing the animals taken, may keep one (1) animal for their personal use. In the event the director or his designee issues a subsequent kill permit for the same individual or landowner due to continued depredation, the director or his designee may authorize the individual or landowner to keep a second subsequently taken animal for their personal use.

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

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

(E) Prior to the opening of any special depredation hunt, the director or his designee shall be authorized to provide up to a maximum of fifty percent (50%) of the available permits for such big game to the landholder(s) of privately owned land within the hunt area or his designees. If the landholder(s) chooses to designate hunters, he must provide a written list of the names of designated individuals to the department. If the landholder(s) fails to designate licensed hunters, then the department will issue the total available permits in the manner set by rule. All hunters must have a current hunting license and shall have equal access to both public and private lands within the hunt boundaries. It shall be unlawful for any landholder(s) to receive any form of compensation from a person who obtains or uses a depredation controlled hunt permit.

7. The director shall make an annual report to the governor, the legislature, and the secretary of state, of the doings and conditions of his office.

8. The director may sell or cause to be sold publications and materials in accordance with section [59-1012](#), Idaho Code.

9. Any deer, elk, antelope, moose, bighorn sheep or bison imported or transported by the department of fish and game shall be tested for the presence of certain communicable diseases that can be transmitted to domestic livestock. Those communicable diseases to be tested for shall be arrived at by mutual agreement between the department of fish and game and the department of agriculture. Any moneys expended by the department of fish and game on wildlife disease research shall be mutually agreed upon by the department of fish and game and the department of agriculture.

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

10. In order to monitor and evaluate the disease status of wildlife and to protect Idaho's livestock resources, any suspicion by fish and game personnel of a potential communicable disease process in wildlife shall be reported within twenty-four (24) hours to the department of agricul-

ture. All samples collected for disease monitoring or disease evaluation of wildlife shall be submitted to the division of animal industries, department of agriculture.

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

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

(C) All moneys collected for the telephone orders of such licenses, tags, and permits shall be and remain the property of the state, and such moneys shall be directly deposited by the contractor into the state treasurer's account in accordance with the provisions of section [59-1014](#), Idaho Code. The contractor shall furnish a good and sufficient surety bond to the state of Idaho in an amount sufficient to cover the amount of the telephone orders and potential refunds.

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

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

[36-106, added 1976, ch. 95, sec. 2, p. 321; am. 1983, ch. 59, sec. 2, p. 137; am. 1984, ch. 154, sec. 1, p. 368; am. 1987, ch. 211, sec. 2, p. 445; am. 1988, ch. 260, sec. 1, p. 504; am. 1989, ch. 284, sec. 1, p. 695; am. 1990, ch. 9, sec. 1, p. 15; am. 1990, ch. 10, sec. 1, p. 18; am. 1993, ch. 309, sec. 1, p. 1140; am. 1994, ch. 82, sec. 2, p. 194; am. 1994, ch. 218, sec. 4, p. 684; am. 1997, ch. 284, sec. 1, p. 863; am. 1998, ch. 170, sec. 3, p. 572; am. 1999, ch. 370, sec. 22, p. 1002; am. 2000, ch. 211, sec. 2, p. 543; am. 2004, ch. 176, sec. 1, p. 555; am. 2005, ch. 35, sec. 1, p. 151; am. 2009, ch. 314, sec. 1, p. 913; am. 2014, ch. 104, sec. 2, p. 308; am. 2017, ch. 199, sec. 1, p. 498; am. 2019, ch. 161, sec. 5, p. 529.]

36-107. FISH AND GAME ACCOUNT. (a) The director shall promptly transmit to the state treasurer all moneys received by him, from the sale of hunting, fishing and trapping licenses, tags and permits or from any other source connected with the administration of the provisions of the Idaho fish and game code or any law or regulation for the protection of wildlife, including moneys received from the sale of predatory animal furs taken under the provisions of this chapter, and the state treasurer shall deposit all such moneys in the fish and game account, which is hereby established, reserved, set aside, appropriated in the state treasury, and made available until expended as may be directed by the commission in carrying out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose. Pending expenditure or use, surplus moneys in the fish and game account shall be invested by the state treasurer in the manner provided for idle state moneys in the state treasury by section [67-1210](#), Idaho Code. Interest received on all such investments shall be paid into the account. The state controller shall annually, by August 1 of each year, transfer the sum of one hundred thousand dollars (\$100,000) from the fish and game account to the University

of Idaho College of Agricultural and Life Sciences, Department of Animal and Veterinary Science for disease research regarding the interaction of disease between wildlife and domestic livestock. Said moneys shall be expended on projects agreed upon by the University of Idaho College of Agricultural and Life Sciences, Department of Animal and Veterinary Science and the director of the department of fish and game.

(b) The commission shall govern the financial policies of the department and shall, as provided by law, fix the budget for the operation and maintenance of its work for each fiscal year. Said budget shall not be exceeded by the director.

(c) The sum of five dollars (\$5.00) from each license authorized in sections [36-406](#)(a) and [36-407](#)(b), Idaho Code, which entitles a person to fish, shall be used for the construction, repair, or rehabilitation of state fish hatcheries, fishing lakes, or reservoirs or for fishing access.

(d) The department is authorized to expend up to one dollar and fifty cents (\$1.50) from each resident deer and elk tag sold and five dollars (\$5.00) from each nonresident deer and elk tag sold to fund the department's big game landowner-sportsman's relations program.

[36-107, added 1976, ch. 95, sec. 2, p. 323; am. 1977, ch. 212, sec. 1, p. 580; am. 1980, ch. 88, sec. 1, p. 191; am. 1981, ch. 97, sec. 3, p. 140; am. 1984, ch. 197, sec. 1, p. 485; am. 1985, ch. 154, sec. 1, p. 411; am. 1986, ch. 294, sec. 2, p. 740; am. 1990, ch. 372, sec. 2, p. 1027; am. 1990, ch. 388, sec. 1, p. 1067; am. 1992, ch. 140, sec. 1, p. 433; am. 1994, ch. 180, sec. 56, p. 463; am. 2013, ch. 69, sec. 1, p. 167; am. 2016, ch. 57, sec. 1, p. 178; am. 2017, ch. 195, sec. 1, p. 461.]

36-108. FISH AND GAME EXPENDABLE TRUST ACCOUNT. The director may receive on behalf of the department any money or real or personal property donated, bequeathed, devised, or conditionally granted to the department. Such moneys received directly or derived from the sale of such property shall be deposited in an account in the agency asset fund to be known as the fish and game expendable trust account, which is hereby established. Moneys in the account may be appropriated to carry out the terms or conditions of such donation, bequest, devise, or grant, or in the absence of such terms or conditions, may be appropriated to the commission to expend, use, and administer such funds as advisable in the public interest and in accordance with the policies set forth in the Idaho fish and game code, and shall be used for no other purpose.

Pending such expenditure or use, surplus moneys in the fish and game expendable trust account shall be invested by the state treasurer in the manner provided for investment of idle state moneys in the state treasury by section [67-1210](#), Idaho Code. Interest received on all such investments shall be paid into the fish and game expendable trust account.

[36-108, added 1990, ch. 388, sec. 4, p. 1069.]

36-109. FISH AND GAME NONEXPENDABLE TRUST ACCOUNT. The director may receive on behalf of the department any money or real or personal property donated, bequeathed, devised, or conditionally granted to the department. Such moneys received directly or derived from the sale of such property shall be deposited in an account in the agency asset fund to be known as the fish and game nonexpendable trust account, which is hereby established. The principal amount of moneys in the account are not subject to appropriation.

Interest earned on investment of moneys in the account are subject to appropriation to carry out the terms or conditions of such donation, bequest, devise, or grant, and shall be used for no other purpose.

Moneys in the account shall be invested by the state treasurer in the manner provided for investment of idle state moneys in the state treasury by section [67-1210](#), Idaho Code. Interest received on all such investments shall be paid into the fish and game nonexpendable trust account.

[36-109, added 1990, ch. 388, sec. 5, p. 1070.]

36-110. FISH AND GAME FEDERAL ACCOUNT. All moneys received from the federal government for the administration of any aspect of the fish and game laws of this state shall be deposited in the fish and game federal account, which is hereby established in such fund as the state controller directs.

Moneys in the fish and game federal account are subject to appropriation, and the provisions of section [67-3516](#), Idaho Code. Moneys in the account shall be invested by the state treasurer in the manner provided for investment of idle state moneys in the state treasury by section [67-1210](#), Idaho Code, if not prohibited or limited by the terms of applicable federal law or rule. Interest earned on all such investments shall be paid into the fish and game federal account.

[36-110, added 1990, ch. 388, sec. 6, p. 1070; am. 1994, ch. 180, sec. 57, p. 464.]

36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby established the fish and game set-aside account in the dedicated fund. The account shall have paid into it moneys as follows:

(a) Fifty percent (50%) of each steelhead trout or anadromous salmon permit sold, except that class 7 permits shall be exempt from this provision. Moneys from this source shall be used for the acquisition, development and maintenance of parking areas, access sites, boat ramps and sanitation facilities in salmon and steelhead fishing areas, for management of and research on steelhead trout and anadromous salmon problems, and for technical assistance with litigation concerning steelhead and anadromous salmon originating in Idaho.

(b) Two dollars (\$2.00) from each combination hunting and fishing license, or each hunting license sold, as provided in sections [36-406](#) and [36-407](#), Idaho Code, except that class 4 and class 7 licenses shall be exempt from this provision. Moneys from this source shall be used for the purposes of acquiring access to and acquiring and rehabilitating big game ranges and upland bird and waterfowl habitats. Unless it is inconsistent with the goals of the commission, it is the intent of the legislature that the commission negotiate lease arrangements as compared with outright purchase of private property.

(c) Three dollars and fifty cents (\$3.50) from each pronghorn antelope, elk and deer tag sold as provided in section [36-409](#), Idaho Code, except that class 7 tags shall be exempt from this provision. Not less than one dollar and seventy-five cents (\$1.75) of each three dollars and fifty cents (\$3.50) collected shall be placed in a separate account to be designated as a feeding account. Moneys in this account shall be used exclusively for the purposes of actual supplemental winter feeding of pronghorn antelope, elk and deer. Moneys shall be used solely for the purchase of blocks, pellets and hay for such winter feeding purposes

and/or for the purchase of seed or other material, labor or mileage that can be shown to directly provide feed or forage for the winter feeding of pronghorn antelope, elk and deer. The balance of moneys realized from this source may be used for the control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer. Moneys in the feeding account shall not be used for any purpose other than winter feeding as herein specified. Moneys in the feeding account may not be expended except upon the declaration of a feeding emergency by the director of the department of fish and game. Such emergency need not exist on a statewide basis but can be declared with respect to one (1) or more regions of the state. The department shall by rule establish the criteria for a feeding emergency. The department shall submit a yearly report to the senate resources and environment committee and the house resources and conservation committee of the legislature on or before July 31, detailing how funds in the feeding account have been expended during the preceding fiscal year.

(d) Those amounts designated by individuals in accordance with section [63-3067A](#)(3)(a), Idaho Code, and from fees paid under the provisions of section [49-417](#), Idaho Code. Moneys from these sources shall be used for a nongame management and protection program under the direction of the fish and game commission.

(e) Money derived from the assessment of processing fees. Moneys derived from this source shall be used as provided in section [36-1407](#), Idaho Code.

(f) Money derived from each license endorsement pursuant to the provisions of section [36-414](#), Idaho Code. Moneys derived from this source shall be spent as follows:

(i) The state controller shall annually, as soon after July 1 of each year as practical, transfer five hundred thousand dollars (\$500,000) to the expendable big game depredation fund established in section [36-115](#)(b), Idaho Code.

(ii) The next five hundred thousand dollars (\$500,000) shall be used for control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer.

(iii) The balance shall be used for sportsmen access programs. Provided however, that none of these moneys shall be used to purchase private property.

(2) Moneys in the fish and game set-aside account and the feeding account established in subsection (1)(c) of this section are subject to appropriation and the provisions of section [67-3516](#), Idaho Code. Moneys in the fish and game set-aside account and the feeding account shall be invested by the state treasurer in the manner provided for investment of idle state moneys in the state treasury by section [67-1210](#), Idaho Code, with interest earned on investments from each account to be paid into that account.

[36-111, added 1990, ch. 388, sec. 7, p. 1071; am. 1992, ch. 190, sec. 2, p. 594; am. 1994, ch. 149, sec. 2, p. 343; am. 1994, ch. 269, sec. 1, p. 832; am. 2000, ch. 211, sec. 4, p. 547; am. 2008, ch. 218, sec. 1, p. 675; am. 2012, ch. 342, sec. 1, p. 954; am. 2015, ch. 44, sec. 1, p. 96; am. 2017, ch. 189, sec. 1, p. 427; am. 2017, ch. 195, sec. 2, p. 462.]

36-112. ANIMAL DAMAGE CONTROL FUND. The animal damage control fund is hereby established in the state treasury. Moneys in the fund are subject to appropriation to the state animal damage control board established by section [25-2612A](#), Idaho Code, for the control of predatory animals and birds. In addition to moneys transferred into the fund pursuant to section [36-115](#)(c), Idaho Code, the state controller shall annually, by August 1 of each year, transfer the sum of one hundred thousand dollars (\$100,000) from the fish and game fund to the animal damage control fund. The state animal damage control board in using these moneys shall follow fish and game commission direction on actions regarding predatory animals or birds forwarded by the department by the same date.

[36-112, added 1990, ch. 388, sec. 8, p. 1072; am. 1994, ch. 180, sec. 58, p. 464; am. 1997, ch. 285, sec. 4, p. 870; am. 1997, ch. 288, sec. 1, p. 876; am. 2006, ch. 230, sec. 1, p. 687.]

36-113. ELECTROFISHING PERMITS -- WATER QUALITY DATA. The department of fish and game shall enter into an agreement with the director to grant necessary permits and licenses for electrofishing needed to accomplish water quality monitoring pursuant to [chapter 36, title 39](#), Idaho Code. Additionally, the department of fish and game shall provide as requested by basin advisory groups created pursuant to [chapter 36, title 39](#), Idaho Code, any information regarding the presence or absence of aquatic species listed as "threatened," "endangered" or "candidate" pursuant to the federal endangered species act, together with any special water quality requirements necessary to the recovery or maintenance of those individual species.

[36-113, added 1995, ch. 352, sec. 6, p. 1182.]

36-115. NONEXPENDABLE BIG GAME DEPREDATION FUND -- EXPENDABLE BIG GAME DEPREDATION FUND. (a) The nonexpendable big game depredation fund is hereby established in the state treasury. On July 1, 2005, the state controller shall transfer two million two hundred fifty thousand dollars (\$2,250,000) from the big game secondary depredation account, created pursuant to section 3, chapter 370, laws of 1990, to the nonexpendable big game depredation fund. Moneys in the fund shall be invested as provided in section [67-1210](#), Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the expendable big game depredation fund. The principal amount in the fund shall not be appropriated, but only the interest earned on investment of the moneys in the fund shall be available for appropriation to the expendable big game depredation fund.

(b) The big game secondary depredation account was created in the state treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from the date of enactment of this act, be known and referred to as the expendable big game depredation fund. In addition to payments to the fund from the nonexpendable big game depredation fund as provided for in subsection (a) of this section and from the set-aside account as provided for in section [36-111](#)(f), Idaho Code, the state controller shall annually, as soon after July 1 of each year as practical, transfer into the fund two hundred thousand dollars (\$200,000) from the fish and game account. Moneys in the fund are subject to appropriation for the purposes recited in section [36-122](#), Idaho Code, section [36-1108](#)(a)3., Idaho Code, section [36-1108](#)(b), Idaho Code, section [36-1109](#) and section [36-1110](#), Idaho Code. Moneys in the fund shall be invested as provided in section [67-1210](#), Idaho Code, and interest earned

on investment of idle moneys in the fund shall be paid to the fund. The expendable big game depredation fund shall be under the administrative direction of the state controller.

(c) The state controller shall annually report to the legislature, the division of financial management, the director of the department of agriculture and the director of the department of fish and game the amount of interest earnings and the availability of moneys in the expendable big game depredation fund for appropriation. At the close of each fiscal year, any unexpended and unencumbered balance that exceeds two million five hundred thousand dollars (\$2,500,000), shall be transferred to the fish and game set-aside account to be earmarked for control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer established pursuant to section [36-111](#), Idaho Code. Transferred funds to the set-aside account shall be spent pursuant to the respective appropriation for the set-aside account.

(d) Any payment for damages pursuant to section [36-1108](#)(b), Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim that is to be paid from the expendable big game depredation fund to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The total payment amount to any person for approved claims in the aggregate in a fiscal year, including any payment to any pass-through entity as defined in [chapter 30, title 63](#), Idaho Code, from which the person receives income, and to any household member, shall not exceed ten percent (10%) of the original expendable big game depredation fund appropriation for the fiscal year.

(C) The balance of all unpaid approved claim amounts, including claims submitted under the provisions of sections [36-1109](#) and [36-1110](#), Idaho Code, shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay the balance of all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant.

(D) The director shall encumber the balance of moneys appropriated from the expendable big game depredation fund, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of seven hundred fifty dollars (\$750) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund, but the owner or lessee is required to absorb only a single seven hundred fifty dollar (\$750) deductible per claim.

(B) Provided however, that for claims in subsequent years for damage to standing or stored crops in the same location as the first occurrence, the seven hundred fifty dollar (\$750) deductible will be waived if the department failed to prevent property loss following the first occurrence.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(e) Any claim for damages pursuant to section [36-1109](#), Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order that not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The total payment amount to any person for approved claims in the aggregate in a fiscal year, including any payment to any pass-through entity as defined in [chapter 30, title 63](#), Idaho Code, from which the person receives income, and to any household member, shall not exceed ten percent (10%) of the original expendable big game depredation fund appropriation for the fiscal year.

(C) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall promptly pay them. If the balance is not sufficient to pay the balance of all approved claims, the director shall pay a proportionate share to each claimant.

(D) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following condition applies: the amount of seven hundred fifty dollars (\$750) must be deducted from each such statement. Provided however, if an owner or caretaker suffers damage to or destruction of livestock in more than one (1) occurrence during the fiscal year, then only one (1) deductible must be subtracted from the claims and the deductible on subsequent claims will be waived. This deductible is a net loss to the owner or caretaker, and will not be compensated for from the expendable big game depredation fund.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(f) Any claim for damages to forage pursuant to section [36-1110](#), Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant.

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of seven hundred fifty dollars (\$750) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund.

(B) The total amount of all claims for damages to forage that may be paid from the expendable big game depredation fund shall not exceed fifty percent (50%) of the amount of interest earned from investments of moneys in that fund in any one (1) fiscal year.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

[36-115, added 1990, ch. 370, sec. 3, p. 1010; am. 1994, ch. 180, sec. 60, p. 466; am. 1994, ch. 218, sec. 7, p. 692; am. 1996, ch. 369, sec. 1, p. 1241; am. 1997, ch. 231, sec. 1, p. 672; am. 2001, ch. 172, sec. 2, p. 590; am. 2004, ch. 189, sec. 2, p. 590; am. 2005, ch. 403, sec. 2, p. 1369; am. 2009, ch. 217, sec. 1, p. 677; am. 2017, ch. 195, sec. 3, p. 463; am. 2019, ch. 252, sec. 1, p. 757.]

36-116. WOLVES -- SOLICITATION FOR TRANSFER. Within thirty (30) days from the effective date of this act, the Idaho department of fish and game shall contact, in writing, all state agencies within the United States with comparable powers and duties as those vested in the department, soliciting interest in the transfer of wolves from Idaho to such agency. In the event an agency of another state requests such transfer, it shall pay to the state

of Idaho an amount as determined by the department to cover costs associated with capture, transportation and any other associated administrative expenses.

[36-116, added 2009, ch. 186, sec. 1, p. 608.]

36-120. STATE GAME FARMS AND FISH HATCHERIES -- RESTRICTIONS ON EMPLOYEES. All classified personnel employed at state game farms and state fish hatcheries shall devote their entire time to the duties of their office, and shall not engage in any manner whatever in the operation of any fish hatchery or game farm, public or private, unless so ordered by the director and they shall not be entitled to have any holding in or own any private fish ponds, lakes or streams of this state, nor shall they engage in the selling or disposal of any wildlife whatever, except in the duties of their office and as directed by said director.

[(36-120) 1976, ch. 95, sec. 2, p. 324; am. and redesignated 1990, ch. 388, sec. 2, p. 1069.]

36-121. SPECIAL COUNSEL FOR DEPARTMENT. The director, with the approval of the governor, is hereby authorized to employ special counsel for the department of fish and game, and to pay reasonable attorneys' fees and expenses of such counsel incurred in the conduct of business of the department of fish and game, or prosecution of violations thereof civilly or criminally, and such fees and expenses shall be a proper charge against the fish and game fund.

[(36-121) 1976, ch. 95, sec. 2, p. 325; am. and redesignated 1990, ch. 388, sec. 3, p. 1069.]

36-122. ADVISORY COMMITTEE. (a) There is hereby created the fish and game advisory committee. The committee shall consist of twelve (12) members. Six (6) members of the committee shall be appointed by the director of the department of fish and game to generally represent wildlife interests. Six (6) members of the committee shall be appointed by the director of the department of agriculture to generally represent agricultural interests. At the beginning of each odd-numbered year, the director of the department of agriculture shall appoint a chairman from among his appointees, and the director of the department of fish and game shall appoint a vice-chairman from among his appointees. At the beginning of each even-numbered year, the director of the department of fish and game shall appoint a chairman from among his appointees, and the director of the department of agriculture shall appoint a vice-chairman from among his appointees. The committee shall meet at such times as appropriate, but not less frequently than annually.

(b) All members shall be appointed to serve three (3) year terms. Appointments to fill vacancies shall be for the balance of the unexpired term. All members shall be appointed by and serve at the pleasure of the respective directors of the department of agriculture or the department of fish and game. Members shall be compensated as provided in section [59-509](#)(b), Idaho Code, and such expenses shall be paid from the expendable big game depredation fund.

(c) The department of fish and game shall provide staff assistance and support for the committee.

(d) The committee shall have the authority to:

1. Act as a liaison between the commission, landowners, the department of agriculture, the department of fish and game, and wildlife, outdoor recreation and sportsmen's organizations;
2. Act as an independent resource to give advice and recommendations on administration of the programs authorized in sections [36-1108](#) and [36-1109](#), Idaho Code.

[36-122, added 1990, ch. 370, sec. 1, p. 1008; am. 1994, ch. 113, sec. 1, p. 260; am. 1998, ch. 178, sec. 1, p. 664; am. 2005, ch. 403, sec. 3, p. 1373.]

36-123. WINTER FEEDING ADVISORY COMMITTEES. (1) A winter feeding advisory committee shall be established for each district where winter feeding of antelope, elk, and deer normally occurs. Each committee shall consist of five (5) members. The members shall be appointed and removed for cause by unanimous vote of the Idaho fish and game commission. It is intended that the committees reflect the cross section of the major interest groups associated with each district. Each committee shall meet at such times as appropriate, but not less frequently than annually, on or before December 1, before the winter feeding season arrives, whichever is earlier.

(2) The term of office of a member shall be two (2) years, except a portion of the initial appointments may be for a term of one (1) year to provide staggered terms. Appointments to fill vacancies shall be for the balance of the unexpired term. The committees shall serve without compensation.

(3) Each winter feeding advisory committee established pursuant to subsection (1) of this section shall appoint a chairman. The chairmen of the committees shall meet at least annually to coordinate activities and promote consensus on issues of common interest among the winter feeding advisory committees. The chairmen may elect a leader from among the chairmen to call meetings and conduct and coordinate activities of the group.

(4) The department of fish and game shall provide staff assistance and support for the committees.

(5) The committees shall have the authority to:

- (a) Act as an independent resource in each district to give advice and recommendations on the administration of winter feeding programs;
- (b) Act as a liaison between the commission, the department, interest groups, and the public on winter feeding issues.

[36-123, added 1994, ch. 183, sec. 1, p. 601; am. 1999, ch. 172, sec. 1, p. 463; am. 2008, ch. 72, sec. 1, p. 191.]

36-124. RECIPROCAL LICENSURE AGREEMENTS WITH INDIAN TRIBES. The commission is authorized to enter into a reciprocal licensure agreement with any federally recognized Indian tribe that possesses a reservation within this state. Pursuant to such a reciprocal licensure agreement, the commission may recognize licenses or permits issued by the tribe for the hunting, angling or trapping of wildlife as satisfying license or permit requirements imposed by the commission on such activities and the tribe may recognize licenses or permits issued by the commission for the hunting, angling or trapping of wildlife as satisfying license or permit requirements imposed by the tribe on such activities.

[36-124, added 2003, ch. 154, sec. 1, p. 441.]

36-125. FIXING ASSESSMENT AND FEES FOR WILDLIFE -- WOLF CONTROL FUND. The fish and game commission shall comply with the provisions of section [22-5306](#), Idaho Code, in providing the wolf depredation control board with direction for use of fish and game funds transferred to the fish and game fund transfer subaccount of the wolf control fund made pursuant to the provisions of section [22-5306](#), Idaho Code.

[36-125, added 2014, ch. 188, sec. 3, p. 503; am. 2018, ch. 217, sec. 4, p. 491; am. 2019, ch. 37, sec. 4, p. 105.]