

TITLE 36
FISH AND GAME

CHAPTER 17
COUNTY FISH HATCHERIES

36-1701. DECLARATION OF PUBLIC BENEFIT. The legislature of the state of Idaho declares that it would be for the public good to authorize and empower the boards of commissioners of the respective counties of the state to raise through taxation to be expended in the artificial propagation of game fish and in the distribution and planting of such fish within their respective counties and within the limitations and restrictions prescribed in and by section [36-1702](#), Idaho Code.

[36-1701, added 1976, ch. 95, sec. 2, p. 369.]

36-1702. OPERATION OF COUNTY FISH HATCHERIES -- SPECIAL TAX LEVY. In addition to any and all other powers conferred upon them in this chapter, the board of county commissioners in any county of the state shall have jurisdiction and power to be exercised at its option:

(a) Construction and Operation by Counties. To construct, maintain, operate, and improve such fish hatcheries, rearing ponds and such other facilities as it may deem necessary for the propagation and distribution of game fish within its own county.

(b) Authorized Expenditures. To expend moneys to be raised by taxation, as hereinafter provided, for the purpose of propagation and distribution of game fish within its own county provided that no moneys shall be so expended by any such board of county commissioners except in the direct payment of expenses and accounts which shall have been contracted or incurred by or under the immediate direction and with the approval of such board of county commissioners. Provided further that no moneys shall be expended under the provisions of this section upon or for the benefit of any such hatchery unless the entire output thereof shall be used in stocking waters within the county in which such hatchery is situated.

(c) Special Tax Levy. To levy annually for such purposes at the same time other taxes are levied a special tax of not to exceed five thousandths percent (.005%) of the market value for assessment purposes on all taxable property in the county provided that all moneys to be derived from such tax shall be deposited and kept by the county treasurer in a special fund to be designated as "fish hatchery fund" and no portion of such moneys shall be withdrawn from such fund except upon warrants drawn at the direction of the board of county commissioners and no portion of such moneys shall be expended or used except for said purposes and subject to the restrictions specified in this section.

[36-1702, added 1976, ch. 95, sec. 2, p. 370; am. 1995, ch. 82, sec. 14, p. 226.]