

Dear Senators BAIR, VICK, Stennett, and  
Representatives RAYBOULD, Gestrin, Pence:

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

IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting - (Fee Rule) Proposed  
Rule (Docket No. 13-0102-1601).

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 10/24/2016. 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 11/22/2016.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*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:** October 04, 2016

**SUBJECT:** Department of Fish and Game

IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting - (Fee Rule) Proposed Rule (Docket No. 13-0102-1601)

The Department of Fish and Game submits notice of a proposed fee rule at IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting. According to the department, the rules implement a mandatory trapping education program for trappers who purchased their first trapping license on or after July 1, 2011, broadens the description of mandatory education, establishes fees for mandatory hunter, archery and trapping education, integrates reference to existing archery education pursuant to Sections 36-411 and 36-412, Idaho Code and deletes an obsolete rule about practical handling and shooting of firearms requirement for hunter education certification. The proposed fee for the education program is eight dollars.

The department indicates that negotiated rulemaking was not conducted because consensus was not achieved for similar rules for trapping education negotiated in 2015 so affected interests were not likely to reach consensus in 2016. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-412, Idaho Code.

cc: Department of Fish and Game  
Sharon Kiefer

# IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

## 13.01.02 - RULES GOVERNING HUNTER EDUCATION AND MENTORED HUNTING

### DOCKET NO. 13-0102-1601 (FEE RULE)

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 36-103, 36-104, and 36-412, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rules implement a mandatory trapping education program for trappers who purchased their first trapping license on or after July 1, 2011, broadens the description of mandatory education, establishes fees for mandatory hunter, archery, and trapping education, integrates reference to existing archery education pursuant to Sections 36-411 and 36-412, Idaho Code, and deletes an obsolete rule about practical handling and shooting of firearms requirement for hunter education certification.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Pursuant to Section 36-412, Idaho Code, the fee charged to each student enrolling in Hunter Education, Archery Education, or Trapper Education Program will be eight dollars (\$8.00).

**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 resulting from this rulemaking: There will be no negative fiscal impact on the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because consensus was not achieved for similar rules for trapping education negotiated in 2015 so affected interests were not likely to reach consensus in 2016.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brenda Beckley, (208) 287-2884. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 17th day of August, 2016.

Sharon W. Kiefer  
Deputy Director  
600 S. Walnut, P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 13-0102-1601  
(Only Those Sections With Amendments Are Shown.)

IDAPA 13  
TITLE 01  
CHAPTER 02

13.01.02 - RULES GOVERNING ~~HUNTER~~ MANDATORY EDUCATION AND MENTORED HUNTING

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-103, 36-104(b) and 36-412, Idaho Code, to adopt rules concerning education programs in hunting, trapping, and archery. The Idaho Fish and Game Commission is authorized to adopt rules concerning a mentored hunting program under Idaho Code Section 36-1508(b).

~~(4-4-13)~~( )

001. TITLE AND SCOPE.

01. **Title.** These rules shall be cited in full as IDAPA 13.01.02.000, et seq., Rules of the Idaho Fish and Game Commission, IDAPA 13.01.02, "Rules Governing Hunter Mandatory Education and Mentored Hunting."

~~(4-4-13)~~( )

02. **Scope.** These rules establish criteria for education programs in hunting, trapping, and archery, and for mentored hunting.

~~(4-4-13)~~( )

(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 ~~at least ten (10) hours of~~ 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 of Fish and Game shall manage the Hunter Education Program pursuant to the Idaho Hunter Education Policy and Procedure Manual. Only certificates for courses which meet or exceed the standards of the Idaho course are acceptable from other states or countries.

~~(4-7-11)~~( )

02. **Fees.** A fee ~~as established by Section 36-412(c), Idaho Code,~~ of eight dollars (\$8.00) shall be charged each student enrolling in the Hunter or Archery Education Program.

~~(3-20-04)~~( )

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. Preferably, the adult attending the Shooting Clinic exercise should be the same adult who will accompany the student into the field while hunting.

(4-11-15)

~~04. **Exemption from Practical Handling and Shooting of Firearms Requirement.** An active, former, or retired member of the United States Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard) or an active, former or retired peace officer as defined by Section 19-5101(d), Idaho Code, may be exempted from the practical firearms handling and shooting requirement of the Mandatory Hunter Education Program if they received~~

~~training in firearms handling and shooting. To qualify for the exemption the applicant must submit by mail or in person a signed affidavit provided by the Department, which certifies the applicant meets the criteria for exemption due to training in the practical handling and shooting of firearms provided through either the Armed Forces or as a peace officer.~~ (3-29-12)

**(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 of Fish and Game 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 of Fish and Game 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. ( )

**02. Fee.** A fee of eight dollars (\$8.00) shall be charged each student enrolling in the Trapper Education Program. ( )

**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 of Fish and Game or presents proof of equivalent certification obtained in Idaho or from an authorized agency or association in another state or country. ( )

**04. Exemption.** Persons who are acting pursuant to Section 36-1107, Idaho Code, are exempt from the provisions of IDAPA 13.01.02.102. ( )

**1023. -- 999. (RESERVED)**

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Department of Fish and Game

**Agency Contact:** Sharon W. Kiefer      **Phone:** (208) 334-3771

**Date:** September 23, 2016

**IDAPA, Chapter and Title Number and Chapter Name:**

**13.01.02 - RULES GOVERNING HUNTER EDUCATION AND MENTORED HUNTING**

**Fee Rule Status:**       **Proposed**                       **Temporary**

**Rulemaking Docket Number:** 13-0102-1601

### STATEMENT OF ECONOMIC IMPACT:

In 2016, the Idaho Legislature passed House Bill 378, which directed the fish and game commission to prescribe and administer an education program in trapping, and authorized a fee of up to \$8.00. The cost to Idaho Department of Fish and Game to initiate a trapping education program is estimated at \$50,000 in materials and instructor training to initially accommodate up to the 6,796 trappers who purchased their first trapping license on or after July 1, 2011 and who may purchase a trapping license on or after July 1, 2018. However, not all individuals are expected to participate in the trapper education in order to purchase a license; there has been up to 50% turnover each year relative to trapping license purchase so the estimated number of participants initially is 3,400 trappers. The proposed fee rule sets a fee for each participant of trapping education of \$8.00 for an estimated income in the first year of \$27,200 compared to the estimated \$50,000 estimated to implement the program.