

**Idaho Fish and Game Commission
Special Meeting
March 5, 2009
Boise, Idaho**

Present in the Director's Office: Director Groen, Deputy Director Moore; Dallas Burkhalter, Deputy Attorney General; Kathleen Trever, Deputy Attorney General; Sharon Kiefer, Assistant Director - Policy; Mary Boyer, Executive Assistant; Mike Keckler, Chief, Communications; Bonnie Butler, Governor's Office; Jeff Gould, Wildlife Chief; Jon Heggen, Enforcement Chief, and Deputy Director Jim Unsworth.

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Chairman Wayne Wright with Commissioners McDermott, Trevey, Barowsky, Budge, Wheeler and Power participating.

Chairman Wright called the meeting to order at 8:00 a.m.

LEGISLATION

New Bill Analysis

Sharon Kiefer, Assistant Director-Policy provided an update on legislation.

HB 194 – Adds to and amends existing law relating to sport shooting activities to provide for a limitation of liability on certain sport shooting activities and to provide exceptions; and to provide an exception to governmental liability relating to certain sport shooting ranges (Appendix 42, Exhibit 17).

09- 23 Commissioner Budge moved and Commissioner McDermott seconded a motion TO SUPPORT HOUSE BILL 194. The motion carried in a unanimous vote.

Additional Discussion about Previously Analyzed Bills

Ms. Kiefer covered bills that have been previously discussed by the Commission due to new status or information on the bills.

Revised Revenue Proposal, RS 18578C1 will have a print hearing on Friday.

HB 138 – Adds to existing law relating to actions for negligence to provide for negligence actions against certain individuals in the event of injury or death to a person caused by a nonnative animal species or subspecies introduced into the state of Idaho by a governmental agency.

HB 139 – Adds to existing law relating to wolves to prohibit the protection of certain Canadian gray wolves, to provide for a felony and to provide penalties.

Deputy Attorney General, Kathleen Trever, stated that several legislators requested an opinion from the Attorney General's office on HB 138. The Chief of Civil Litigation analyzed the bills and that analysis is consistent with prior information on the Department Legislative Analysis sheets provided. Ms. Trever noted that the Chief of Criminal Division analyzed HB 139 and the information was consistent with the Department legislative analysis sheets previously provided.

09-24 Commissioner Power moved and Commissioner Trevey seconded a motion TO OPPOSE HOUSE BILLS 138 AND 139. The motion carried in a unanimous vote.

SB 1124 – Amends existing law relating to fish and game to revise provisions relating to the actions of the Director of the Department of Fish and Game regarding the translocation of bighorn sheep into certain areas and the augmentation of bighorn sheep in existing herds; and to revise provisions relating to testing and reporting for certain communicable diseases.

Ms. Kiefer stated that additional information regarding SB 1124 will be provided by the Attorney General's office. Staff has met with Department of Agriculture to discuss. Some of the common points of concern about the bill are disease testing and animal disposition feasibility logistics and transfer authority, the threshold for diseases that are communicable to livestock and any such animal that tests positive the authority for disposing of that wildlife goes to Department of Agriculture.

09-25 Commissioner Budge moved and Commissioner Wheeler seconded a motion TO RECONSIDER AND OPPOSE SENATE BILL 1124 AS BEING UNNECESSARY BECAUSE THE EXISTING LAW ADEQUATELY ADDRESSES THE DISEASE ISSUES AND THE COMMISSION FEELS THIS UNNECESSARY AND BURDENSOME AND HAS SOME TECHNICAL FLAWS. The motion carried in a unanimous vote.

SB 1035 – Authorizes collection of reasonable fees for services.

- A new bill may surface

New Bill Information

HB 177 – Adds to existing law to require the state controller to construct and compile a searchable budget database for state spending.

House Joint Memorial Number 4 – Stating findings of the Legislature claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution.

HB 210 – Adds to existing law to provide that the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer is approved as a component of the Comprehensive State Water Plan; to provide that the Idaho Water Resource Board shall prepare and submit a funding mechanism to the Legislature for approval; and to provide that implementation of Phase I of the plan is subject to legislative approval of a funding mechanism.

HB 150 – License plates, fees (puts a new fee on specialty and personalized plates for highways).

Bonnie Butler stated that HB 150 did not make it out of committee and has failed.

Status Update for Bills of Concern

See House and Senate Bill tables (Appendix 42, Exhibit 18).

Previously Discussed Bill

Director Groen noted that SB 1125 is connected with SB 1124 and recommends that Commission consider change position on SB 1125.

Sharon Kiefer stated that staff is working on determining the actual fiscal effect of reducing the portion of the lottery tag that the non profit agency who markets and conducts the lottery. Currently they are allowed to keep up to 25% of that revenue and that this bill would reduce it to 5%. SB 1125 limits the management abilities.

SB 1125 – Idaho Code 36-408 (5) (a) authorizes the commission to issue one big horn sheep tag to be sold at auction by a nonprofit organization dedicated to wildlife conservation selected by the Fish and Game Commission. No more than 5% of the proceeds for the tag may be retained by the organization. The funds are to be used for bighorn sheep research and management purposes. Funds are prohibited from being used for transplanting additional sheep into the area of Idaho south of the Snake River and west of U.S. Highway 93 nor can they be used for litigation or environmental impact statements involving big horn sheep. Transplants must comply with Idaho Code section 36-106.

09-26 Commissioner Power moved and Commissioner Trevey seconded a MOTION TO RECONSIDER AND OPPOSE HB 1125 DUE TO THE FINANCIAL EFFECTS AND THE LIMITS ON MANAGEMENT ABILITIES. The motion carried in a unanimous vote.

MISCELLANEOUS

Director Groen and Mike Keckler, Communications Chief, provided an update and description on the Lolo Zone Proposal Public Information Campaign. Mr. Keckler stated that the Department is working on a special edition of the Fish and Game News focusing solely on wolf management as part of this campaign.

10(j) Proposal

Director Groen reported that the Department continues to work on the 10(j) proposal for the Lolo Zone should delisting not occur.

MISCELLANEOUS

Adjournment

The Commission meeting adjourned at 9:07 a.m.

Wayne Wright
Chairman

Cal Groen
Secretary