

Meeting Date: July 14, 2021

Agenda Item No. 6

Agenda Item: Legislative and Rulemaking update

Bureau Chief Approval: JF

Department Sponsored

Prepared by: Jim Fredericks

Background: Executive agencies have the opportunity to provide ideas for legislation through the Executive Agencies Legislation System (EALS). There were no legislative proposals from staff for 2022 legislation, and staff did not submit legislative ideas into the EALS for Governor's Office approval for 2022 agency-sponsored legislation. The EALS process does not apply to legislative ideas that may be sponsored by legislators and other non-executive agency stakeholders.

All Department administrative rules, approved by the Commission on a June 3, 2021 conference call, are currently temporary, as they were not approved by the 2021 Legislature prior to July 1. The Department has not yet received direction from the Division of Financial Management for omnibus proposed rulemaking.

The Department currently has one outstanding Negotiated Rulemaking item related to the Outfitter set-aside for deer and elk tags. At their December 22, 2020 meeting, the Commission directed the Department to conduct Negotiated Rulemaking in response to a petition from the Idaho Outfitter and Guides Association. The petition requested the number of tags the Commission sets-aside for use by outfitted hunters be set at 25% of the nonresident quotas for deer and elk tags, as opposed to a *maximum* of 25%. A negotiated rulemaking meeting was held on March 31, 2021, and subsequent meetings have been held with both IOGA representatives (May 3) and individual outfitter interests (April 28). During those meetings, parties recognized the complexity of the issue and understood that increasing the set-aside to 25% may not affect the number of tags available to individual outfitters because of other limitations on non-residents and factors governing tag allocation. There was a recognition that the temporary rule that increased the set-aside for elk from 2,400 to 2,800, approved at the November, 2020 was instrumental in making elk tags available to outfitted non-residents. Consequently, that rule was included as a temporary rule in the omnibus package. Staff will continue to work with the IOGA, outfitters, and other interested parties on the issue of tag availability for outfitted hunters.

Statutory Authority and/or Policy issues: The Commission has responsibility to provide policy direction for Department-sponsored legislation.

Public Involvement Process: There is an opportunity through Commission hearings in July through January for public input regarding Governor's Office- approved legislative proposals. There is also substantial opportunity for public involvement through legislative committee hearings about bills during the 2022 session. Rulemaking has informal and formal public involvement opportunity.

Staff Recommendation:

None -- Information only