

Meeting Date: May 14, 2020

Agenda Item No. 6.

Agenda Item: 2021 Legislative Proposals, Department Sponsored

Bureau Chief Approval: PK

Prepared by: Paul Kline, Deputy Director

Background: Staff seeks policy guidance from the Commission regarding concepts for Department-sponsored legislation for the 2021 Legislative Session. Submission of formal proposals is through the Executive Agencies Legislation System (EALS). The last day to preview ideas for legislation with the Governor's Office and Division of Financial Management is June 12, 2020. The last day to submit legislative ideas is July 10, 2020. Subsequently, the agency must submit Governor-approved proposals in legislative bill format through the EALS by August 14, 2020. The EALS process does not apply to legislative ideas that may be sponsored by legislators, non-executive entities, or the public.

Staff are asking the Commission to consider authorizing the Department to move forward with two agency-sponsored legislative ideas to come before the state Legislature in 2021.

The first legislative idea would change the current framework for hunting sage-grouse from a permit-based approach to a limited tag approach. The current sage-grouse permit framework is implemented at a statewide scale and does not allow for harvest management within specific hunt zones. A limited tag framework would better address Department management needs, allow for continued hunting opportunity and provide for adaptive management that could better address ongoing concerns over sage grouse populations. The current hunting framework for hunting sharp-tailed grouse will remain permit-based and will not change at this time.

The second legislative idea is in response to direction state agency directors received from the Division of Financial Management on April 19, 2020 requiring each agency to submit a legislative idea that seeks to eliminate outdated or unnecessary provisions within our respective section of code (Title 36). Staff will provide a recommendation on statutory provision(s) to eliminate at a future meeting.

Statutory Authority and/or Policy issues: The Commission provides policy direction for Department-sponsored legislation.

For the first legislative idea (sage-grouse hunt framework), the following sections of state code would be modified:

1. Section 36-409: establish sage-grouse tags for resident and nonresident hunters;
2. Section 36-416: establish the price of sage-grouse tags for resident and nonresident hunters;
3. Section 36-416: remove the option to purchase a permit for sage-grouse (leaving the option for sharp-tailed grouse); and
4. Section 36-1401: revise violation provision so that a permit will not be required in addition to a tag.

Note: concurrent rulemaking is needed to amend IDAPA 13.01.09 (Rules Governing the Taking of Game Birds) to establish tag validation and attachment requirements for sage-grouse. At the March 20, 2020 Commission meeting, the Commission authorized the Department to move forward with rulemaking.

For the second legislative idea, staff will provide a recommendation on proposed statutory provision(s) to eliminate at a future meeting.

Public Involvement Process: There is opportunity for public input associated with Commission meetings from May 2020 through January 2021 for public input regarding approved legislative proposals. There will also be substantial opportunity for public involvement through legislative committee hearings about bills during the 2021 session.

Justification: Review is necessary to ensure consistency between legislative ideas and Commission policy and priorities.

Staff Recommendation: Provide direction for staff submittal of these legislative ideas through the EALS process.