A meeting of the Idaho Fish and Game Commission was held by telephone conference, attended by Commissioners Dave Bobbitt, Don Ebert, Tim Murphy, Greg Cameron, Derick Attebury and Ron Davies.

IDFG staff present: Deputy Directors Jim Fredericks and Scott Reinecker; Deputy Attorney General Kathleen Trever; Lance Hebdon, Jon Rachael, Tricia Hebdon, Michael Pearson, Greg Wooten, Frank Edelmann, Rick Ward, Mary Boyer, and Valerie Taro. IDFG staff participating via phone: Director Ed Schriever, Chip Corsi, JJ Teare, Josh Royse, Craig White, Dan Garren, Jim White and Tom Curet.

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

**LEGISLATION**

Jim Fredericks, Deputy Director provided the updates on legislation.

**Update about Commissioner Confirmation**

Commissioner Dave Bobbitt has received his letter of confirmation.

**Update on Fish and Game Legislative Presentations (JFAC, Bills, other) and Budget**

There has not been a vote on the JFAC Budget yet.

Deputy Director Fredericks provided an update on HB 520 Fish and Game allocated tags. The bill was sent with a do pass recommendation to the House Floor.

Deputy Director Fredericks provided an update on HB 507 to allow lighted nocks and mechanical broadheads in Idaho for archery hunting. The House passed the bill and it is now with the Senate Committee. Deputy Director Fredericks will testify as to the Commission’s position to not support the bill.

HB 586 (Fish and Game violations) will heard in the House Resource Committee today February 17, 2022.

Rick Ward will give a Chronic Wasting Disease presentation February 17, 2022 to the House Resources and Conservation Committee.
New Bill Analysis for Discussion/Update on Pending Legislation / Action for Policy Position

There are no new bills.

Conditional Adoption of Omnibus Fee Rules

Deputy Director Fredericks provided an update on rulemaking. The Division of Financial Management has asked Executive Agencies to conditionally adopt fee rules in the event they are not adopted by the legislature. Deputy Director Fredericks provided a brief summary of fee rules and asked the Commission for a motion to adopt as temporary the IDAPA 13 fee rules to be effective upon sine die of the 2022 session of the Idaho Legislature. This action is conditional and will only become effective if the rules are not otherwise approved or rejected in part by the Legislature.

This rulemaking does not impose a new fee or charge, or increase an existing fee or charge, beyond what has been previously submitted for review in the prior rules.

- IDAPA 13.01.02.200 and 13.01.02.201 implement a statutory mandate to charge for hunter, archery, and trapping education. Section 36-412, Idaho Code, mandates that the Commission implement education programs in hunting, trapping, and archery and provides the “commission shall establish fees for each program not to exceed eight dollars ($8).” This rule carries out this statutory mandate by implementing an eight dollar ($8) fee for hunter, archery, and trapper education. These fees have been in effect since March 24, 2017.
- IDAPA 13.01.04.601 provides that non-resident general season and controlled hunt deer or elk tag fees may be refunded in certain circumstances. This rule establishes a $50 processing fee for tag refunds or a sliding scale for tag refunds in these special circumstances. This fee or charge is being imposed pursuant to Sections 36-104, 36-404, 36-407, and 36-409, Idaho Code. This rule has been in effect since April 6, 2005.
- IDAPA 13.01.08.263 provides that overpayment of fees of more than five dollars ($5) will be refunded and overpayment of five dollars ($5) or less will not be refunded and will be retained by the Department. This fee or charge is being imposed pursuant to Sections 36-104, 36-404, 36-407, and 36-409, Idaho Code. This rule has been in effect since July 1, 1993.
- IDAPA 13.01.10.410 provides bond requirements for large commercial wildlife facilities of fifty thousand dollars ($50,000) or an amount equal to ten percent (10%) of the total facility construction cost plus two thousand dollars ($2,000) per animal. This bond is meant to guarantee performance of license conditions and to reimburse the Department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. This fee or charge is being imposed pursuant to Sections 36-104, 36-701, 36-703, and 36-708, Idaho Code. This rule has been in effect since July 1, 1999.
- IDAPA 13.01.19.102 implements a $10,000 minimum surety bond requirement for vendors that present an undue risk. This bonding requirement ensures license vendors have sufficient coverage to ensure the Department is fully reimbursed for license sales and mitigating undue risk that may otherwise be placed upon the Department in the absence of such bonding. Sections 36-106(e)(11) and 36-303, Idaho Code, authorizes the Department to require a surety bond for license vendors. These vendor bonding rules have been in place since March 20, 1997.
Commissioner Davies moved and Commissioner Bobbitt seconded a motion:

Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of these fee rules is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

The Governor has also found that the fee(s) being imposed are justified and necessary to avoid immediate danger to the department’s budget, to the state budget, to necessary state functions and services, and to avoid immediate danger of a potential violation of Idaho’s constitutional requirement that it balance its budget.

Therefore, I move we adopt as temporary the IDAPA 13 fee rules to be effective upon sine die of the 2022 session of the Idaho Legislature. This action is conditional and will only become effective if the rules are not otherwise approved or rejected in part by the Legislature. Motion Carried.

Adjourn

Timothy M. Murphy
Chairman

Ed Schriever
Secretary