

## **IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME**

### **All Bureaus**

#### **13.01.01 – Rules of Practice and Procedure of the Idaho Fish and Game Commission**

##### **Who does these rules apply to?**

*These rules apply to the Idaho Fish and Game Commission and Director of the Idaho Fish and Game Department. These rules also apply to persons who wish to provide input to the Commission or Department for rulemaking and other decisions, or who wish to appeal a decision as it applies to them.*

##### **What is the purpose of these rules?**

*These rules govern rulemaking, contested cases, Commission meeting procedure and appearances before the Commission and Department.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Fish and Game -

Fish and Game Commission:

- [Section 36-103, Idaho Code](#) – Wildlife Property of the State, Preservation.
- [Section 36-104, Idaho Code](#) – General Powers and Duties of Commission.

##### **Who do I contact for more information on this rule?**

Idaho Department of Fish and Game  
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Boise, ID 83712

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Boise, ID 83707  
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## IDAPA 13 – DEPARTMENT OF FISH AND GAME

### 13.01.01 – RULES OF PRACTICE AND PROCEDURE OF THE IDAHO FISH AND GAME COMMISSION

#### 000. LEGAL AUTHORITY.

Sections 36-103 and 36-104, Idaho Code, authorize the Commission to adopt rules concerning administration of the state's wildlife policy. (3-31-22)

#### 001. TITLE AND SCOPE.

The title of this chapter for citation is IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission." These rules govern rulemaking, contested cases, meeting procedure, and appearances before the Commission and Department. (3-31-22)

#### 002. ADMINISTRATIVE PROCEDURE.

IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," govern rulemaking and contested cases for the Commission and Department unless otherwise provided by these rules. (3-31-22)

#### 003. – 010. (RESERVED)

#### 011. COMMISSION OFFICERS.

The Commission annually elects a Chair and Vice-chair for the ensuing year. Newly elected officers assume their respective duties at the end of the meeting at which they are elected. (3-31-22)

#### 012. DUTIES OF CHAIR AND VICE-CHAIR.

The Chair presides at meetings, sets meeting agendas, and performs other duties at Commission direction. The Vice-chair performs the Chair's duties in the Chair's absence. If both Chair and Vice-chair are absent, the Commission may appoint an Acting Chair to preside. (3-31-22)

#### 013. DIRECTOR – COMMISSION SECRETARY.

The Director is Commission Secretary (non-voting). The Secretary is custodian of Commission records and responsible for taking meeting minutes and issuing publications and notices. (3-31-22)

#### 014. DELEGATION OF POWERS.

The Commission may delegate powers to the Director as law allows. The Director may delegate powers to Department employees as law allows. Because timely addressing property damage from wildlife or feeding emergencies depends on local conditions, the Commission and Director delegate authority to issue kill permits, declare emergency depredation hunts, declare feeding emergencies, or expend funds on feeding to the Department's Regional Supervisors. (3-31-22)

#### 015. INVESTIGATIONS.

The Commission may authorize formal or informal investigations for fact-finding (e.g., IDAPA 04.11.01.420.01), with results reported to the Director, hearing officer or Commission. (3-31-22)

#### 016. OFFICIAL RECEIPT OF DOCUMENTS.

The Director, or a specified designee in a particular matter, is the officer with whom to file all documents in rulemakings or contested cases under IDAPA 04.11.01, at the principal office address listed on the cover sheet to these rules, unless provided otherwise by statute, rule, order, or notice. A document is not officially received by the Commission until received at the Commission's office, as evidenced by date stamp placed on paper documents, or timestamp of email receipt as of a business day. Communications received by individual Commissioners are not considered officially received by the Commission unless they are received at the Commission office. (3-31-22)

#### 017. ORDERS.

**01. Signature on Commission Orders.** The Chair or the Director (as Secretary) signs all orders authorized by the Commission. (3-31-22)

**02. Signature on Director's Orders.** The Director (as Director) signs all orders issued under the Director's authority in carrying out Idaho Code, Title 36. (3-31-22)

#### 018. – 049. (RESERVED)

**050. CONDUCT OF COMMISSION MEETINGS.**

The Commission holds regular and special meetings under Section 36-104(a), Idaho Code. (3-31-22)

**01. Motions and Voting.** A motion needs a second for Commission consideration. All members vote upon all motions placed before the Commission unless excused by the Chair for reasons stated for the record. (3-31-22)

**02. Parliamentary Rules.** Robert's Revised Rules of Order, with Procedure in Small Boards, governs the conduct of Commission meetings when applicable, unless inconsistent with statute or these rules. (3-31-22)

**051. PUBLIC TESTIMONY AT COMMISSION MEETINGS.**

The Commission provides an opportunity for oral public testimony at its annual and quarterly meetings and at other times at its discretion. (3-31-22)

**01. Record Information.** For administrative record purposes, any persons wishing to speak at a meeting will provide their names and contact addresses. (3-31-22)

**02. Limiting Testimony.** The Chair has sole discretion to set a uniform time limit for oral public testimony at a meeting, and to limit oral testimony that is: (3-31-22)

**a.** Not relevant to Commission business; (3-31-22)

**b.** Not directed to the Commission (e.g., where the person testifying seeks to converse with the audience or individuals other than the Commission); or (3-31-22)

**c.** Is threatening, abusive, or profane. (3-31-22)

**03. Written Testimony.** The Commission accepts written testimony instead of or in addition to oral testimony. (3-31-22)

**04. Public Conduct.** No person may behave in a manner that disrupts the orderly conduct of a Commission meeting or hearing. Any person who refuses to conduct himself appropriately, and who fails to depart immediately from the meeting area when the Chair notifies him to do so, is subject to removal. (3-31-22)

**052. – 999. (RESERVED)**