

Short Ballot Title

Initiative relating to the Fish and Game Commission limiting Governor's removal and appointment authority; creating advisory council; and realigning regions.

Long Ballot Title

An initiative relating to the Fish and Game Commission amending Idaho Code § 36-102(b) to change the appointment process for commissioners; remove the restriction on political party affiliation; limit the removal authority of the Governor; create a Citizen Wildlife Advisory Council (CWAC); creation of a nominating process by the Citizens Wildlife Council; amend Idaho Code § 36-102(c) to change the geographical boundaries of the seven (7) commission regions; amend Idaho Code § 36-102(d) to increase the length of commissioner's terms to six (6) years; and provide for staggered terms.

Text of Initiative

Be it enacted by the People of the State of Idaho:

SECTION 1. That Chapter 11, Title 36, Idaho code be amended to read as follows:

36-102(b): Membership – Appointment – Qualifications. 1. The commission shall consist of seven (7) members, appointed by the governor of the state of Idaho, selected from two qualified applicants from each region as recommended by the Citizens Wildlife Advisory Council (CWAC) of each region. The governor must select one of the two candidates submitted by the CWAC.

2. Commissioners shall be subject to removal for cause only. A Commissioner being removed for cause must be notified in writing at least ten days in advance of a proposed removal which must be at a public hearing.

3. The selection and appointment of said members shall be made solely upon consideration of the welfare and best interest of fish and game in the state of Idaho, and no person shall be appointed a member of said commission unless he be well informed upon, and interested in, the subject of wildlife conservation and restoration. No member shall hold any other elected or appointed office, state, county or municipal, or any office in any political party organization. Each of the members of said commission shall be a citizen of the United States, and of the state of Idaho, and a bona fide resident of the region from which he is appointed as hereinafter set forth. Said members so appointed shall act and assume full powers and duties upon appointment, as herein provided.

4. Upon passage of this initiative the Director of the Idaho Fish and Game Department shall cause the formation of Citizens Wildlife Advisory Councils in each region. The Director or his designee shall visit each region during February 2005 at a time and place specified and advertised in a local newspaper of general circulation in the region to begin the initial council meeting by taking nominations of those wishing to become council members from those citizens that are present at said meetings. Once nominations have closed the Director or his designee will conduct an election with those citizens present and elect by a majority vote of those present, a nine (9) member CWAC, for each region, whose members must be from that region. The Director or his designee will provide information on how to search for qualified nominees and at this point his duties are complete with respect to such selection process. The CWAC will then elect a chairman and secretary from within their group and proceed with the process of selecting two (2) well qualified nominees to send forward to the Governor for appointment. Nominees must be forwarded to the Governor's office not later than May 15, 2005 initially, and May 15 in all future years that a Commissioner is to be appointed. Regional CWAC members will be elected in February of every year a commissioner is to be appointed in that region at the direction of the director as provided herein.

36-102(c): Creation of regions – For purposes of this act, the state of Idaho is divided into seven (7) regions, which shall be named:

Region 1 to consist of the counties of Boundary, Bonner, Kootenai, Shoshone and Benewah;

Region 2 to consist of the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho;

Region 3 to consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee;

Region 4 to consist of the counties of Camas, Blaine, Gooding, Lincoln, Minidoka, Jerome, Twin Falls and Cassia;

Region 5 to consist of the counties of Bingham, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake;

Region 6 to consist of the counties of Fremont, Jefferson, Madison, Teton and Bonneville;

Region 7 to consist of the counties of Lemhi, Custer, Butte and Clark.

Each of the above enumerated regions shall, at all times, be represented by one (1) member of the commission, appointed from said region by the Governor in accordance with the provisions of 36-102(b).

36-102(d): Terms of office: The members of said Commission shall be appointed for a term of six (6) years, provided that in case of the death of any commissioner, or his removal from office as hereinbefore provided, the Governor will appoint a successor from two proposed successors recommended by the regional CWAC for the unexpired term per 36-102-b above. Commissioners may be reappointed but must go through the CWAC selection process and be a nominee to the Governor. Beginning in 2005 and thereafter, the term of each commissioner shall expire on June 30. The term of any member which would otherwise expire prior to June 30 shall be extended to June 30. Upon passage of this initiative, terms for all seven (7) Commissioners shall begin July 1, 2005. One (1) commissioner will be appointed for 3 years, two (2) for 4 years, two (2) for five years and two (2) for 6 years. The determination of which commissioner receives which term will be by determination of the draw after appointments have been made and prior to taking office. The purpose of this procedure is to stagger the appointments so no more than two commissioners are appointed in any one year.