

IN THE SENATE

SENATE BILL NO. 1237

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE
2 FOR GAME TAGS FOR SWAN, TO REVISE PROVISIONS REGARDING UPLAND GAME BIRD
3 PERMITS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-416,
4 IDAHO CODE, TO PROVIDE FOR FEES FOR SWAN TAGS AND TO REVISE FEE PROVI-
5 SIONS FOR UPLAND GAME BIRD PERMITS; AND AMENDING SECTION 36-1401, IDAHO
6 CODE, TO REVISE HUNTER ORANGE REQUIREMENTS REGARDING CERTAIN LOCA-
7 TIONS.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 36-409, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game
13 Tags. A resident who has obtained authorization to hunt, as provided in
14 section 36-401, Idaho Code, or has purchased or obtained a license to hunt,
15 as provided in section 36-406, Idaho Code, upon payment of the fees provided
16 ~~herein in this chapter~~ shall be eligible to receive a resident game tag to
17 hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope,
18 mountain lion, black bear, grizzly bear, wolf, sandhill crane, swan, or
19 turkey in accordance with the laws of this state and rules promulgated by
20 the commission; provided further, that any person who holds a senior res-
21 ident combination license or any person who holds a junior combination or
22 hunting license or any disabled American veteran who holds a disabled com-
23 bination license, may be issued a black bear, deer, elk, or turkey tag for
24 a fee as specified in section 36-416, Idaho Code; provided further, that
25 resident game tags may be issued only to those persons who meet residency
26 requirements of section 36-202(s), Idaho Code. In the event an emergency is
27 declared to open a season to protect private property as provided in section
28 36-106(e)6.(B), Idaho Code, the affected landowner or his designee shall
29 be eligible to receive a resident deer, elk or antelope tag without charge;
30 provided further, that resident game tags may be issued only to persons who
31 qualify as residents pursuant to section 36-202, Idaho Code.

32 (b) Nonresident Game Tags. A nonresident who has purchased a license
33 to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained
34 a license to hunt, as provided in section 36-406(e), Idaho Code, or a res-
35 ident who has purchased or obtained a license or authorization to hunt, as
36 provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees
37 provided ~~herein in this chapter~~, shall be eligible to receive a nonresident
38 tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, ante-
39 lope, mountain lion, black bear, grizzly bear, wolf, sandhill crane, swan,
40 or turkey in accordance with the laws of this state and rules promulgated by
41 the commission; provided further, that a nonresident who has purchased a li-
42 cense to hunt, as provided in section 36-407(k) and (l), Idaho Code, shall

1 be eligible to receive a junior mentored or disabled American veteran deer,
2 elk, black bear, or turkey tag for a fee as specified in section 36-416, Idaho
3 Code.

4 (c) Game Tags Required. The appropriate tag must be had for the hunt-
5 ing or taking of each and every one of the aforementioned wildlife. The
6 commission shall promulgate rules to allow exception from tag possession
7 to take wildlife for a disabled hunter companion who is assisting a hunter
8 possessing the appropriate tag and a valid disabled combination license or a
9 disabled archery permit or a disabled hunt motor vehicle permit or who is a
10 disabled veteran participating in a hunt as provided in section 36-408(7),
11 Idaho Code. Provided, that the commission may promulgate rules to allow a
12 nonresident deer or elk tag to be used to hunt and kill ~~either~~ a black bear, a
13 wolf, or a mountain lion during the open season for deer or elk in that area,
14 unit or zone as may be specified by the commission. All of said tags are to
15 bear and have serial numbers.

16 (d) Game Tag to Be Validated and Attached to Carcass. As soon as any
17 person kills any wildlife for which a tag is required, said tag, belonging to
18 him, must be validated and attached to said wildlife in a manner provided by
19 commission rule.

20 (e) Archery Permits. In addition to meeting the license and tag re-
21 quirements provided in this chapter, any person participating in any con-
22 trolled or general game season that has been specifically designated as an
23 archery hunt must have in his possession an archery hunt permit, which may be
24 purchased for a fee as specified in section 36-416, Idaho Code.

25 (f) Muzzleloader Permit. In addition to meeting the license and tag re-
26 quirements provided in this chapter, any person participating in any con-
27 trolled or general game season that has been specifically designated as a
28 muzzleloader hunt must have in his possession a muzzleloader permit, which
29 may be purchased for a fee as specified in section 36-416, Idaho Code.

30 (g) Hound Hunter Permit -- Resident -- Nonresident. Any person using a
31 dog for the purpose of hunting or for taking, as defined in section 36-202,
32 Idaho Code, big game or furbearing animals must have in his possession a
33 valid hound hunter permit, which may be purchased by resident and nonresi-
34 dent license holders for a fee as specified in section 36-416, Idaho Code.

35 (h) Nonresident Bird of Prey Capture Permit. The commission may, un-
36 der rules as it may prescribe, issue a nonresident bird of prey capture per-
37 mit. This capture permit may be purchased by any licensed nonresident fal-
38 coner for capturing birds of prey in Idaho. The fee for the permit shall be as
39 specified in section 36-416, Idaho Code, and the permit shall be issued un-
40 der the condition that the nonresident's home state allows reciprocal raptor
41 capturing privileges for Idaho falconers.

42 (i) ~~Wildlife Management Area (WMA)~~ Upland Game Bird Permit. The com-
43 mission may, under rules as it may prescribe, issue ~~a wildlife management~~
44 ~~area~~ an upland game bird permit that must be purchased by all persons over
45 seventeen (17) years of age prior to hunting stocked upland game birds on
46 state wildlife management areas and other locations designated by the com-
47 mission. The fee for the permit shall be as specified in section 36-416,
48 Idaho Code.

49 (j) Black Bear Baiting Permit. The commission may, under rules as it
50 may prescribe, issue a black bear baiting permit. Any person placing or us-

1 ing bait as may be allowed by rule for the purpose of attracting black bear
2 must have in his possession a valid black bear baiting permit, which may be
3 purchased by a license holder for a fee as specified in section 36-416, Idaho
4 Code.

5 (k) Migratory Bird Harvest Information Program Permit. The commission
6 may, as provided by federal laws or regulations and under rules as it may pre-
7 scribe, issue a migratory bird harvest information program permit that must
8 be purchased by all persons prior to hunting migratory game birds as required
9 by federal law or regulations. The fee for the permit shall be as specified
10 in section 36-416, Idaho Code.

11 (l) Dog Field Trial Permit. The commission may, under rules as it may
12 prescribe, issue a dog field trial permit to any person using birds for dog
13 field trials or training as may be allowed by rule. The permit may be pur-
14 chased for a fee as specified in section 36-416, Idaho Code.

15 (m) Idaho Nursing Home Facility Resident Fishing Permit. The commis-
16 sion may, under rules as it may prescribe, issue an Idaho nursing home fa-
17 cility resident fishing permit that must be purchased by an Idaho nursing
18 home facility to allow residents of its facility to fish during the open sea-
19 son. Facilities eligible to purchase this permit are: intermediate care
20 facilities providing twenty-four (24) hour skilled nursing care, assisted
21 living facilities providing twenty-four (24) hour extensive assistance, and
22 skilled nursing facilities providing twenty-four (24) hour skilled nursing.
23 By purchasing this permit, the facility assumes full responsibility for and
24 control over the facility residents while using the permit. All laws, rules
25 and proclamations apply to the use of this permit and it is the responsibil-
26 ity of the facility to assure compliance with all laws, rules and proclama-
27 tions. In case of a violation, the facility shall be held accountable and any
28 citations shall be issued to the facility. The permit may be purchased for a
29 fee as specified in section 36-416, Idaho Code.

30 SECTION 2. That Section 36-416, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 36-416. SCHEDULE OF LICENSE FEES. As used in this section, "N/A" means
33 "not available."

34 (a) Sport Licenses

35 License	Resident	Non-Resident
36 Combination License	\$ 37.00	\$ 238.25
37 Hunting License	14.00	N/A
38 Hunting License with		
39 3 Day Fishing License	N/A	153.00
40 Fishing License	28.75	96.50
41 Sr. Combination License		
42 (65 and Older)	12.00	N/A
43 Sportsman's Pak License	135.00	N/A
44 Jr. Combination License	18.00	N/A
45 Jr. Hunting License	6.50	N/A

1	Jr. Mentored Hunting License		
2	or Disabled American Veteran		
3	Hunting License with 3 Day		
4	Fishing License	N/A	30.00
5	Jr. Fishing License	14.25	20.00
6	Disabled Combination License	4.00	N/A
7	Disabled Fishing License	4.00	N/A
8	Military Furlough Combination		
9	License	18.75	N/A
10	Military Furlough Fishing		
11	License	18.75	N/A
12	Small Game Hunting License	N/A	96.00
13	3 Day Small Game Hunting		
14	License	N/A	33.75
15	Daily Fishing (1st-day)		
16	License	11.75	13.25
17	Consecutive Day Fishing		
18	License	6.00	7.00
19	3 Day Fishing with Salmon/Steelhead		
20	Permit	N/A	35.75
21	Nongame Hunting License	N/A	33.75
22	Jr. Trapping License	6.50	N/A
23	Trapping License	28.00	300.00
24	(b) Sport Tags		
25	Deer Tag	\$ 23.00	\$ 300.00
26	Controlled Hunt Deer Tag	23.00	300.00
27	Jr. or Sr. or Disabled American		
28	Veteran Deer Tag	10.75	N/A
29	Jr. Mentored or Disabled		
30	American Veteran Deer Tag	N/A	22.00
31	Elk A Tag	35.00	415.00
32	Elk B Tag	35.00	415.00
33	Controlled Hunt Elk Tag	35.00	415.00
34	Jr. or Sr. or Disabled American		
35	Veteran Elk Tag	17.00	N/A
36	Jr. Mentored or Disabled		
37	American Veteran Elk Tag	N/A	38.00
38	Black Bear Tag	12.00	184.25

1	Jr. or Sr. or Disabled American		
2	Veteran Black Bear Tag	6.00	N/A
3	Jr. Mentored or		
4	Disabled American Veteran		
5	Black Bear Tag	N/A	22.00
6	Turkey Tag	21.00	78.25
7	Jr. or Sr. or Disabled American		
8	Veteran Turkey Tag	10.75	N/A
9	Jr. Mentored or		
10	Disabled American Veteran		
11	Turkey Tag	N/A	18.00
12	Mountain Lion Tag	12.00	184.25
13	Gray Wolf Tag	12.00	184.25
14	Pronghorn Antelope Tag	34.75	310.00
15	Moose Tag	198.00	2,100.00
16	Bighorn Sheep Tag	198.00	2,100.00
17	Mountain Goat Tag	198.00	2,100.00
18	Grizzly Bear Tag	198.00	2,100.00
19	Sandhill Crane Tag	21.00	65.75
20	<u>Swan Tag</u>	<u>21.00</u>	<u>65.75</u>

21 For purposes of this subsection, disabled American veteran tags provided to
 22 nonresidents shall be limited to holders of a nonresident disabled American
 23 veterans hunting license.

24 (c) Sport Permits

25	Bear Baiting Permit	\$ 13.25	\$ 30.00
26	Hound Hunter Permit	13.25	168.00
27	WMA Upland Game Bird Permit	27.00	50.00
28	Archery Permit	17.75	18.25
29	Muzzleloader Permit	17.75	18.25
30	Salmon Permit	13.50	24.00
31	Steelhead Permit	13.50	24.00
32	Federal Migratory Bird Harvest Info.		
33	Permit	1.00	3.00
34	Disabled Archery Permit	0.00	0.00
35	2-Pole Fishing Permit	13.25	13.75
36	Turkey Controlled Hunt Permit	6.00	6.00
37	Sage/Sharptail Grouse Permit	4.00	4.00
38	Disabled Hunt Motor Vehicle		
39	Permit	0.00	0.00

1	(d) Commercial Licenses and Permits		
2	Raptor Captive Breeding		
3	Permit	\$78.75	\$ 94.50
4	Falconry Permit	78.75	N/A
5	Falconry Capture Permit	18.50	168.00
6	Peregrine Capture Permit	30.00	200.00
7	Taxidermist-Fur Buyer License		
8	5-Year License	175.00	N/A
9	1-Year License	38.25	168.25
10	Shooting Preserve Permit	329.75	N/A
11	Commercial Wildlife Farm		
12	License	137.50	N/A
13	Commercial Fishing License	110.00	265.00
14	Wholesale Steelhead License	165.00	198.25
15	Retail Steelhead Trout Buyer's		
16	License	33.00	39.25
17	(e) Commercial Tags		
18	Bobcat Tag	\$ 3.00	\$ 3.00
19	Otter Tag	3.00	3.00
20	Net Tag	55.00	65.75
21	Crayfish/Minnow Tag	1.25	3.00
22	(f) Miscellaneous-Other Licenses		
23	Duplicate License	\$ 5.50	\$ 6.50
24	Shooting Preserve License	11.00	22.00
25	Captive Wolf License	32.00	N/A
26	(g) Miscellaneous-Other Tags		
27	Duplicate Tag	\$ 5.50	\$ 6.50
28	Wild Bird Shooting Preserve		
29	Tag	5.50	6.50
30	(h) Miscellaneous-Other Permits-Points-Fees		
31	Falconry In-State Transfer		
32	Permit	\$ 5.50	\$ N/A
33	Falconry Meet Permit	N/A	26.25
34	Rehab Permit	3.00	3.00
35	Educational Fishing Permit	0.00	0.00
36	Live Fish Importation		
37	Permit	3.00	3.00

1	Sport Dog and Falconry Training		
2	Permit	3.00	3.00
3	Wildlife Transport Permit	3.00	3.00
4	Scientific Collection Permit	50.00	50.00
5	Private Park Permit	21.75	26.25
6	Wildlife Import Permit	21.75	26.25
7	Wildlife Export Permit	11.00	13.25
8	Wildlife Release Permit	11.00	13.25
9	Captive Wildlife Permit	21.75	26.25
10	Fishing Tournament Permit	21.75	25.00
11	Dog Field Trial Permit	33.00	40.00
12	Live Fish Transport Permit	21.75	26.25
13	Controlled Hunt Application Fee		
14	Moose, Sheep, Goat, Grizzly Bear	15.00	40.00
15	Controlled Hunt Application Fee	4.50	13.00
16	Fee for Application for the Purchase of		
17	Controlled Hunt Bonus or Preference		
18	Points	4.50	4.50
19	Nursing Home Fishing Permit	33.00	N/A

20 SECTION 3. That Section 36-1401, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 36-1401. VIOLATIONS. (a) Infractions. Any person who pleads guilty to
23 or is found guilty of a violation of the following provisions of the fish
24 and game code or the following rules or proclamations promulgated pursuant
25 thereto is guilty of an infraction:

26 1. Statutes.

27 (A) Take, transport, use or have in possession bait fish as set
28 forth in section 36-902(d), Idaho Code.

29 (B) Chumming as set forth in section 36-902(e), Idaho Code.

30 (C) Nonresident child under the age of fourteen (14) years fish-
31 ing without a valid license and not accompanied by a valid license
32 holder as set forth in section 36-401(a)2., Idaho Code.

33 (D) Use or cut a hole larger than ten (10) inches in the ice for ice
34 fishing as set forth in section 36-1509(a), Idaho Code.

35 (E) Store fish without required tags/permits/statements as set
36 forth in section 36-503, Idaho Code.

37 (F) Own, possess or harbor any dog found running loose and which
38 is tracking, pursuing, harassing or attacking a big game animal as
39 set forth in section 36-1101(b)7.(B), Idaho Code.

40 (G) Hunt migratory waterfowl without having in possession a
41 signed federal migratory bird hunting stamp as set forth in sec-
42 tion 36-1102(b)2., Idaho Code.

1 (H) Hunt migratory game birds without having in possession a li-
 2 cense validated for the federal migratory bird harvest informa-
 3 tion program permit as set forth in section 36-409(k), Idaho Code.

4 (I) Trap in or on, destroy or damage any muskrat house as provided
 5 in section 36-1103(c), Idaho Code.

6 (J) Hunt migratory game birds with a shotgun capable of holding
 7 more than three (3) shells as provided and incorporated in section
 8 36-1102(b), Idaho Code.

9 (K) Fail to purchase a muzzleloader permit as set forth in section
 10 36-409(f), Idaho Code.

11 (L) Fail to purchase an archery permit as set forth in section
 12 36-409(e), Idaho Code.

13 2. Rules or Proclamations.

14 (A) Fish from a raft or boat with motor attached in waters where
 15 motors are prohibited.

16 (B) Fish with hooks larger than allowed in that water.

17 (C) Fish with barbed hooks in waters where prohibited.

18 (D) Exceed any established bag limit for fish by one (1) fish, ex-
 19 cept bag limits for anadromous fish, landlocked chinook salmon,
 20 kamloops rainbow trout, lake trout, or bull trout.

21 (E) Fish with more than the approved number of lines or hooks.

22 (F) Fail to leave head and/or tail on fish while fish are in pos-
 23 session or being transported.

24 (G) Snag or hook fish other than in the head and fail to release,
 25 excluding anadromous fish.

26 (H) Fail to attend fishing line and keep it under surveillance at
 27 all times.

28 (I) Fail to comply with mandatory check and report requirements.

29 (J) Fail to leave evidence of sex or species attached as required
 30 on game birds.

31 (K) Hunt or take migratory game birds or upland game birds with
 32 shot exceeding the allowable size.

33 (L) Fail to release, report or turn in nontarget trapped animals.

34 (M) Fail to complete required report on trapped furbearer.

35 (N) Fail to present required furbearer animal parts for inspec-
 36 tion.

37 (O) Fail to attach identification tags to traps.

38 (P) Possess not more than one (1) undersized bass.

39 (Q) Park or camp in a restricted area, except length of stay viola-
 40 tions.

41 (R) Fail to leave evidence of sex attached as required on game ani-
 42 mals.

43 (S) Fail to purchase sage grouse or sharp-tailed grouse hunting
 44 permit when hunting for sage grouse or sharp-tailed grouse any-
 45 where within the state, except licensed shooting preserves.

46 (T) Fail to wear at least thirty-six (36) square inches of visible
 47 hunter orange above the waist when hunting ~~on wildlife management~~
 48 ~~areas where pheasants are stocked~~ locations where the commission
 49 requires an upland game bird permit.

1 (U) Fail to comply with upland game bird shooting hours restric-
2 tions established by commission rule or proclamation.

3 (V) Public use restrictions. Activities prohibited unless
4 specifically authorized by the commission or under lease, permit,
5 contract or agreement issued by the director, regional supervisor
6 or other authorized agent:

7 (i) Use watercraft on any waters that are posted against
8 such use;

9 (ii) Conduct dog field trials of any type during the period
10 of October 1 through July 31. All dog field trials and dog
11 training with the use of artificially propagated game birds
12 between August 1 and September 30 will be under department
13 permit as authorized by the director;

14 (iii) Construct blinds, pits, platforms or tree stands where
15 the soil is disturbed, trees are cut or altered, and arti-
16 ficial fasteners such as wire, rope or nails are used. All
17 blinds shall be available to the public on a first-come,
18 first-served basis. Portable manufactured blinds and tree
19 stands are allowed but may not be left overnight;

20 (iv) Shoot within, across or into posted safety zones;

21 (v) Leave decoys unattended. Decoys cannot be put in place
22 any earlier than two (2) hours prior to official shooting
23 hours for waterfowl, and all decoys must be picked up and re-
24 moved from the hunting site no later than two (2) hours after
25 official shooting hours for waterfowl that particular day;

26 (vi) Discharge any paintball guns;

27 (vii) Place a geocache;

28 (viii) Use for group events of more than fifteen (15) people;

29 (ix) Use or transport any hay, straw or mulch that is not
30 weed seed free certified.

31 (W) Evidence of species. In seasons restricted to mule deer
32 only or white-tailed deer only, if the head is removed, the
33 fully-haired tail must be left naturally attached to the carcass.

34 (X) Continue to fish on Henry's lake after reaching limit.

35 (b) Misdemeanors. Any person who pleads guilty to, is found guilty
36 or is convicted of a violation of the provisions of this title or rules or
37 proclamations promulgated pursuant thereto, or orders of the commission,
38 except where an offense is expressly declared to be an infraction or felony,
39 shall be guilty of a misdemeanor.

40 (c) Felonies. Any person who pleads guilty to, is found guilty or
41 is convicted of a violation of the following offenses shall be guilty of a
42 felony:

43 1. Knowingly and intentionally selling or offering for sale or
44 exchange, or purchasing or offering to purchase or exchange, any
45 wildlife, or parts thereof, which has been unlawfully killed, taken or
46 possessed.

47 2. Releasing into the wild, without a permit from the director, any of
48 the following wildlife, whether native or exotic: ungulates, bears,
49 wolves, large felines, swine, or peccaries.

- 1 3. Unlawfully killing, possessing or wasting of any combination of
2 numbers or species of wildlife within a twelve (12) month period which
3 has a single or combined reimbursable damage assessment of more than one
4 thousand dollars (\$1,000), as provided in section 36-1404, Idaho Code.
- 5 4. Conviction within ten (10) years of three (3) or more violations of
6 the provisions of this title, penalties for which include either or both
7 a mandatory license revocation or a reimbursable damage assessment.