

IN THE SENATE

SENATE BILL NO. 1008

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-401, IDAHO CODE, TO PROVIDE THAT SPECIFIED MILITARY VETERANS SHALL NOT BE REQUIRED TO PROCURE CERTAIN LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF FREE PERMITS AND TAGS TO SPECIFIED MILITARY VETERANS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 36-401, Idaho Code, be, and the same is hereby amended to read as follows:

36-401. HUNTING, TRAPPING, FISHING – LICENSE REQUIREMENT – EXCEPTIONS. No person shall hunt, trap, or fish for or take any wild animal, bird or fish of this state, without first having procured a license as hereinafter provided. Provided that no license shall be required:

(a) 1. For children under the age of fourteen (14) years who are residents of this state to fish during the open season therefor.

2. For nonresident children under the age of fourteen (14) years to fish during the open season therefor provided they are accompanied by the holder of a valid fishing license, and provided further that any fish caught by such nonresident children shall be included in the bag and possession limit of such license holder.

3. For resident children under the age of twelve (12) years to hunt, take or kill predatory, unprotected birds and animals by means other than with firearms.

4. For resident children under the age of fourteen (14) years to trap muskrats from irrigation ditches or property on which they live during the open season.

5. For children under the age of eighteen (18) years who are residents of a licensed foster home or a children’s residential care facility to fish during the open season therefor, provided they are accompanied and supervised by the director, officer, or other employee of the facility where the child resides.

6. For children with life - threatening medical conditions participating in a hunt in association with a qualified organization as provided in section 36-408(6), Idaho Code.

7. For military veterans with disabilities participating in a hunt in association with a qualified organization as provided in section 36-408(7), Idaho Code.

(b) For any person to fish on a "free fishing day" as may be designated by the commission.

(c) State Long-term Care Facility Residents. For any resident of a state long-term-care facility to fish during open seasons, provided said state long-term care facility has a permit therefor from the director. The director is authorized to issue such permits upon the request of the head of the respective state long-term care facility having custody of said

1 resident upon a showing that the state long-term care facility recommends the issuance of such  
2 permit and will assume full responsibility for and control over any resident while using said  
3 permit. For purposes of this subsection only, "state long-term care facility" shall mean the state  
4 hospital north, state hospital south, Idaho state school and hospital, and state veterans homes,  
5 and "resident" shall mean any individual residing and receiving treatment services at a state  
6 long-term care facility.

7 (d) State Juvenile Corrections Center Students. For students of the state juvenile  
8 corrections center, under the supervision of an officer of the center, to fish during the open  
9 season.

10 (e) Boy Scouts. For boy scouts who are official participants in attendance at national  
11 or international encampments at Farragut State Park to take fish during the encampment  
12 period from Lake Pend Oreille in such areas and such numbers as may be designated by the  
13 commission.

14 (f) Participants in Fish and Game Sponsored Functions. For persons who are official  
15 participants in attendance at official department sponsored functions including clinics, courses  
16 or other educational events, while under the supervision of a department approved instructor for  
17 the function, to fish during any open season, provided that the instructor has been issued an  
18 educational fishing permit by the director.

19 (g) Nothing contained herein shall be construed to prohibit citizens of the United States  
20 who are residents of the state of Idaho from carrying arms for the protection of life and  
21 property.

22 SECTION 2. That Section 36-408, Idaho Code, be, and the same is hereby amended to  
23 read as follows:

24 36-408. COMMISSION'S AUTHORITY – TAGS – PERMITS – NONRESIDENTS  
25 LIMITED – OUTFITTERS SET-ASIDE. (1) Tags and Permits – Method of Use. The  
26 commission is hereby authorized to prescribe the number and kind of wildlife that may be  
27 taken under authority of the several types of tags and permits provided for in this title, and the  
28 manner in which said tags and permits shall be used and validated.

29 (2) Limit – Licenses, Tags or Permits – Controlled Hunts. The commission is hereby  
30 authorized to establish a limit annually as to the number of each kind and class of licenses,  
31 tags, or permits to be sold or issued and is further authorized to limit the number or prohibit  
32 entirely, the participation by nonresidents in controlled hunts.

33 (3) Outfitters Set-aside. When the commission establishes a limit as to the number  
34 of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of  
35 twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The  
36 set-aside tags shall be sold pursuant to commission rule, only to persons that have entered  
37 into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter  
38 21, title 36, Idaho Code.

39 In order for a person to purchase any set-aside nonresident deer tag or nonresident elk  
40 tag, that person's outfitter must submit an application with the proper fees as required by  
41 the director. If any nonresident deer tags or nonresident elk tags set aside pursuant to this  
42 subsection are unsold by July 1 of the year in which they were set aside, they may be sold by  
43 the department to the general public who are nonresidents. The commission may promulgate  
44 all necessary rules to implement the provisions of this subsection.

1 (4) Deer and Elk Tag Allocation. If the commission limits the number of deer or elk tags  
2 available for use in any game management area, unit or zone, the commission may allocate by  
3 rule a number of deer or elk tags for use by hunters that have entered into an agreement for that  
4 year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

5 (5) Special Game Tags. The commission is hereby authorized to issue two (2) special  
6 bighorn sheep tags per year.

7 (a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall be auctioned  
8 off by an incorporated nonprofit organization dedicated to wildlife conservation, selected  
9 by the commission. The tag shall be issued by the department of fish and game to the  
10 highest eligible bidder. No more than five percent (5%) of all proceeds for the tag may  
11 be retained by the organization. The tag to be issued pursuant to this subsection shall be  
12 taken from the nonresident bighorn sheep tag quota. The net proceeds shall be forwarded  
13 to the director for deposit in the fish and game expendable trust account and shall be  
14 used for bighorn sheep research and management purposes. Moneys raised pursuant to  
15 this subsection may not be used to transplant additional bighorn sheep into that portion  
16 of southwest Idaho south of the Snake River and west of U.S. highway no. 93, nor for  
17 litigation or environmental impact statements involving bighorn sheep. No transplants of  
18 bighorn sheep accomplished with moneys raised pursuant to this subsection shall occur in  
19 any area until hearings are conducted in the area.

20 (b) Lottery bighorn sheep tag. The commission is also authorized to issue one (1)  
21 special bighorn sheep tag which will be disposed of by lottery. The lottery permit can  
22 be marketed by the department of fish and game or a nonprofit organization dedicated  
23 to wildlife conservation selected by the commission. The tag will be issued by the  
24 department of fish and game to an eligible person drawn from the lottery provided in this  
25 subsection. No more than twenty-five percent (25%) of gross revenue can be retained  
26 for administrative costs by the organization. All net proceeds for the tag disposed of by  
27 lottery pursuant to this subsection shall be remitted to the department and deposited in the  
28 fish and game expendable trust account. Moneys in the account from the lottery bighorn  
29 sheep tag shall be utilized by the department in solving problems between bighorn  
30 sheep and domestic sheep, solving problems between wildlife and domestic animals or  
31 improving relationships between sportsmen and private landowners by being utilized in  
32 the veterinarian program established in subsection (e)9. of section 36-106, Idaho Code.

33 (6) Issuance of free permit or tag to minor children with life-threatening medical  
34 conditions. Notwithstanding any other provision of law, the commission may issue free big  
35 game permits or tags to minor children who have life-threatening medical conditions that  
36 have been certified eligible by a qualified organization. The commission may prescribe by  
37 rule the manner and conditions of issuing and using the permits or tags authorized under  
38 this subsection (6). For purposes of this subsection (6) a "qualified organization" means a  
39 nonprofit organization that is qualified under section 501(c)(3) of the Internal Revenue Code  
40 and that affords opportunities and experiences to minor children with life-threatening medical  
41 conditions.

42 (7) Issuance of free permit or tag to military veterans with disabilities. Notwithstanding  
43 any other provision of law, the commission may issue free big game permits or tags to  
44 disabled military veterans who have been certified eligible by a qualified organization. The  
45 commission may prescribe by rule the manner and conditions of issuing and using the permits  
46 or tags authorized under this subsection (7). For purposes of this subsection (7), a "qualified

1 organization" means a governmental agency that assists veterans or a nonprofit organization that  
2 is qualified under section 501(c)(3) of the Internal Revenue Code and that affords opportunities,  
3 experiences and assistance to disabled veterans.

4 (8) Special Wolf Tags. The commission is hereby authorized to issue up to ten (10)  
5 special auction or lottery tags for hunting wolves. Special wolf tags will be auctioned off  
6 or made available through lottery by incorporated nonprofit organizations dedicated to wildlife  
7 conservation and selected by the director. No more than five percent (5%) of all proceeds for  
8 each tag may be retained by the nonprofit organization for administrative costs involved. Each  
9 wolf tag shall be issued by the department of fish and game and awarded to the highest eligible  
10 bidder or winner of a lottery. Each tag will be good for the harvest of one (1) wolf pursuant to  
11 commission rule. The proceeds from each tag will be sent to the director to be placed in the  
12 department general license fund.