

Moved by Siddoway

Seconded by Geddes

IN THE SENATE  
SENATE AMENDMENT TO S.B. NO. 1141

AMENDMENT TO BILL

1  
2 On page 1 of the printed bill, delete lines 9 through 32, delete pages 2 and 3; and on page  
3 4, delete lines 1 through 21, and insert:

4 "SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to  
5 read as follows:

6 36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization --  
7 Meetings. The members of the commission shall annually meet at their offices and organize by  
8 electing from their membership a chairman, who shall hold office for a period of one (1) year,  
9 or until his successor has been duly elected. In addition to the regular annual meeting, to be  
10 held in January, said commission shall hold other regular quarterly meetings each year at such  
11 places within the state as the commission shall select for the transaction of business. Special  
12 meetings may be called at any time and place by the chairman or a majority of the members of  
13 the commission. Notice of the time, place and purpose of any and all special meetings shall be  
14 given by the secretary to each member of the commission prior to said meeting.

15 (b) Authorization for Commission Powers and Duties. For the purpose of administering  
16 the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and  
17 empowered to:

18 1. Investigate and find facts regarding the status of the state's wildlife populations in  
19 order to give effect to the policy of the state hereinbefore announced.

20 2. Hold hearings for the purpose of hearing testimony, considering evidence and de-  
21 termining the facts as to when the supply of any of the wildlife in this state will be  
22 injuriously affected by the taking thereof, or for the purpose of determining when an open  
23 season may be declared for the taking of wildlife. Whenever said commission determines  
24 that the supply of any particular species of wildlife is being, or will be, during any partic-  
25 ular period of time, injuriously affected by depletion by permitting the same to be taken,  
26 or if it should find a longer or different season, or different bag limit should be adopted  
27 for the better protection thereof, or if it finds that an open season may be declared with-  
28 out endangering the supply thereof, then it shall make a rule or proclamation embodying  
29 its findings in respect to when, under what circumstances, in which localities, by what  
30 means, what sex, and in what amounts and numbers the wildlife of this state may be  
31 taken.

32 3. Whenever it finds it necessary for the preservation, protection, or management of any  
33 wildlife of this state, by reason of any act of God or any other sudden or unexpected  
34 emergency, declare by temporary rule or proclamation the existence of such necessity, and  
35 the cause thereof, and prescribe and designate all affected areas or streams, and close  
36 the same to hunting, angling or trapping, or impose such restrictions and conditions upon

1 hunting, angling or trapping as said commission shall find to be necessary. Every such  
2 temporary rule shall be made in accordance with the provisions of chapter 52, title 67,  
3 Idaho Code.

4 4. At any time it shall deem necessary for the proper management of wildlife on any  
5 game preserve in the state of Idaho, declare an open season in any game preserve as it  
6 deems appropriate.

7 5. (A) Upon notice to the public, hold a public drawing giving to license holders, under  
8 the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt  
9 permit authorizing the person to whom issued to hunt, kill, or attempt to kill any  
10 species of wild animals or birds designated by the commission under such rules as  
11 it shall prescribe.

12 (B) The commission may, under rules or proclamations as it may prescribe, au-  
13 thorize the director to issue additional controlled hunt permits and collect fees  
14 therefor authorizing landowners of property valuable for habitat or propagation  
15 purposes of deer, elk or antelope, or the landowner's designated agent(s) to hunt  
16 deer, elk or antelope in controlled hunts containing the eligible property owned by  
17 those landowners in units where any permits for deer, elk or antelope are limited.

18 (C) A nonrefundable fee as specified in section 36-416, Idaho Code, shall be  
19 charged each applicant for a controlled hunt permit. Successful applicants for con-  
20 trolled hunt permits shall be charged the fee as specified in section 36-416, Idaho  
21 Code. Additionally, a fee may be charged for telephone and credit card orders in  
22 accordance with subsection (e)11. of section 36-106, Idaho Code. The department  
23 shall include a checkoff form to allow applicants to designate one dollar (\$1.00)  
24 of such nonrefundable application fee for transmittal to the reward fund of citizens  
25 against poaching, inc., an Idaho nonprofit corporation. The net proceeds from the  
26 nonrefundable fee shall be deposited in the fish and game account and none of the  
27 net proceeds shall be used to purchase lands.

28 (D) The commission may by rule establish procedures relating to the application  
29 for the purchase of controlled hunt bonus or preference points by sportsmen and  
30 the fee for such application shall be as specified in section 36-416, Idaho Code.

31 6. Adopt rules pertaining to the importation, exportation, release, sale, possession or  
32 transportation into, within or from the state of Idaho of any species of live, native or  
33 exotic wildlife or any eggs thereof.

34 7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease,  
35 agreement, gift, or other device, lands or waters suitable for the purposes hereinafter enu-  
36 merated in this paragraph. Whenever the commission proposes to purchase a tract of  
37 land in excess of fifteen (15) acres, the commission shall notify the board of county com-  
38 missioners of the county where this land is located of the intended action. The board  
39 of county commissioners shall have ten (10) days after official notification to notify the  
40 commission whether or not they desire the commission to hold a public hearing on the  
41 intended purchase in the county. The commission shall give serious consideration to all  
42 public input received at the public hearing before making a final decision on the proposed  
43 acquisition. Following any land purchase, the fish and game commission shall provide,  
44 upon request by the board of county commissioners, within one hundred twenty (120)  
45 days, a management plan for the area purchased that would address noxious weed control,  
46 fencing, water management and other important issues raised during the public hearing.

1 When considering purchasing lands pursuant to this paragraph, the commission shall first  
 2 make a good faith attempt to obtain a conservation easement, as provided in chapter 21,  
 3 title 55, Idaho Code, before it may begin proceedings to purchase, condemn or otherwise  
 4 acquire such lands. If the attempt to acquire a conservation easement is unsuccessful  
 5 and the commission then purchases, condemns or otherwise acquires the lands, the com-  
 6 mission shall record in writing the reasons why the attempt at acquiring the conservation  
 7 easement was unsuccessful and then file the same in its records and in a report to the joint  
 8 finance-appropriations committee. The commission shall develop, operate, and maintain  
 9 the lands, waters or conservation easements for said purposes, which are hereby declared  
 10 a public use:

11 (A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

12 (B) For game, bird, fish or fur-bearing animal restoration, propagation or protec-  
 13 tion;

14 (C) For public hunting, fishing or trapping areas to provide places where the  
 15 public may fish, hunt, or trap in accordance with the provisions of law, or the  
 16 regulation of the commission;

17 (D) To extend and consolidate by exchange, lands or waters suitable for the above  
 18 purposes.

19 8. Enter into cooperative agreements with educational institutions, and state, federal, or  
 20 other agencies to promote wildlife research and to train students for wildlife management.

21 9. Enter into cooperative agreements with state and federal agencies, municipalities, cor-  
 22 porations, organized groups of landowners, associations, and individuals for the develop-  
 23 ment of wildlife rearing, propagating, management, protection and demonstration projects.

24 10. In the event owners or lawful possessors of land have restricted the operation of mo-  
 25 tor-propelled vehicles upon their land, the commission, upon consultation with all other  
 26 potentially affected landowners, and having held a public hearing, if requested by not less  
 27 than ten (10) residents of any county in which the land is located, may enter into coop-  
 28 erative agreements with those owners or possessors to enforce those restrictions when the  
 29 restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall  
 30 not enter into such agreements for lands which either lie outside or are not adjacent to any  
 31 adjoining the proclaimed boundaries of the national forests in Idaho.

32 (A) The landowners, with the assistance of the department, shall cause notice of  
 33 the restrictions, including the effective date thereof, to be posted on the main trav-  
 34 eled roads entering the areas to which the restrictions apply. Provided, however,  
 35 that nothing in this subsection shall allow the unlawful posting of signs or other  
 36 information on or adjacent to public highways as defined in subsection (5) of sec-  
 37 tion 40-109, Idaho Code.

38 (B) Nothing in this section authorizes the establishment of any restrictions that  
 39 impede normal forest or range management operations.

40 (C) No person shall violate such restrictions on the use of motor-propelled vehi-  
 41 cles or tear down or lay down any fencing or gates enclosing such a restricted area  
 42 or remove, mutilate, damage or destroy any notices, signs or markers giving notice  
 43 of such restrictions. The commission may promulgate rules to administer the re-  
 44 strictions and cooperative agreements addressed in this subsection.

45 11. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for  
 46 propagation or stocking purposes, or to exercise control of undesirable species.

1 12. Adopt rules pertaining to the application for, issuance of and administration of a life-  
2 time license certificate system.

3 13. Adopt rules governing the application and issuance of permits for and administration  
4 of fishing contests on waters under the jurisdiction of the state. The fee for each permit  
5 shall be as provided for in section 36-416, Idaho Code.

6 14. Adopt rules governing the application for and issuance of licenses by telephone and  
7 other electronic methods.

8 15. Enter into agreements with cities, counties, recreation districts or other political sub-  
9 divisions for the lease of lands or waters, in accordance with all other applicable laws,  
10 including applicable provisions of titles 42 and 43, Idaho Code, to cost-effectively provide  
11 recreational opportunities for taxpayers or residents of those local governments or political  
12 subdivisions.

13 (c) Limitation on Powers. Nothing in this title shall be construed to authorize the com-  
14 mission to change any penalty prescribed by law for a violation of its provisions, or to change  
15 the amount of license fees or the authority conferred by licenses prescribed by law.

16 (d) Organization of Work. The commission shall organize the department, in accordance  
17 with the provisions of title 67, Idaho Code, into administrative units as may be necessary to  
18 efficiently administer said department. All employees of the department except the director  
19 shall be selected and appointed by the director in conformance with the provisions of chapter  
20 53, title 67, Idaho Code.

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

23 36-416. SCHEDULE OF LICENSE FEES.

24 (a) Sport Licenses

25 License	Resident	Non-Resident
26 Combination License	\$ 31.75	\$ <del>198.00</del> <u>238.25</u>
27 Hunting License	11.00	<del>139.75</del> <u>153.00</u>
28 Fishing License	24.00	<del>80.25</del> <u>96.50</u>
29 Sr. Combination License (65 and Older)	10.00	N/A
30 Sportsman's Pak License	108.50	N/A
31 Jr. Combination License	15.75	N/A
32 Jr. Hunting License	5.50	N/A
33 Jr. Mentored Hunting License	N/A	<del>5.50</del> <u>30.00</u>
34 Youth Small Game License	5.50	<del>5.50</del> <u>18.25</u>
35 Youth Hunter Education		
36 Graduate Hunting License	3.25	3.25
37 Jr. Fishing License	12.00	<del>12.00</del> <u>20.00</u>
38 Disabled Combination License	3.25	N/A
39 Disabled Fishing License	3.25	N/A

1	Military Furlough Combination License	15.75	N/A
2	Military Furlough Fishing License	15.75	N/A
3	Small Game Hunting License	N/A	<del>80.00</del> <u>96.00</u>
4	Daily Fishing (1st-day) License	9.75	<del>9.75</del> <u>11.00</u>
5	Consecutive Day Fishing License	5.00	<del>5.00</del> <u>6.00</u>
6	3 Day Fishing with Salmon/Steelhead Permit	N/A	<del>29.75</del> <u>35.75</u>
7	Nongame Hunting License	N/A	<del>27.50</del> <u>33.75</u>
8	(b) Sport Tags		
9	Deer Tag	\$ 18.00	\$ <del>256.75</del> <u>300.00</u>
10	Jr. or Sr. or Disabled American Veteran Deer Tag	9.00	N/A
11	Jr. Mentored Deer Tag	N/A	<del>9.00</del> <u>22.00</u>
12	Elk <u>A</u> Tag	29.00	<del>370.75</del> <u>415.00</u>
13	<u>Elk B Tag</u>	<u>35.00</u>	<u>415.00</u>
14	Jr. or Sr. or Disabled American Veteran Elk Tag	14.75	N/A
15	Jr. Mentored Elk Tag	N/A	<del>44.75</del> <u>38.00</u>
16	Bear Tag	9.75	<del>150.00</del> <u>184.25</u>
17	Jr. or Sr. or Disabled American Veteran Bear Tag	5.00	N/A
18	Jr. Mentored Bear Tag	N/A	<del>5.00</del> <u>22.00</u>
19	Turkey Tag	18.00	<del>65.75</del> <u>78.25</u>
20	Jr. or Sr. or Disabled American		
21	Veteran Turkey Tag	9.00	N/A
22	Jr. Mentored Turkey Tag	N/A	<del>9.00</del> <u>18.00</u>
23	Mountain Lion Tag	9.75	<del>150.00</del> <u>184.25</u>
24	Gray Wolf Tag	9.75	<del>150.00</del> <u>184.25</u>
25	Antelope Tag	29.50	<del>256.75</del> <u>310.00</u>
26	Moose Tag	165.00	<del>1,750.00</del> <u>2,100.00</u>
27	Sheep Tag	165.00	<del>1,750.00</del> <u>2,100.00</u>
28	Goat Tag	165.00	<del>1,750.00</del> <u>2,100.00</u>
29	Sandhill Crane Tag	18.00	65.75
30	(c) Sport Permits		

1	Bear Baiting Permit	\$ 11.00	\$ <del>11.00</del> <u>30.00</u>
2	Hound Hunter Permit	11.00	<del>100.00</del> <u>168.00</u>
3	WMA Upland Game Bird Permit	22.00	<del>22.00</del> <u>50.00</u>
4	Archery Permit	16.50	<del>16.50</del> <u>18.25</u>
5	Muzzleloader Permit	16.50	<del>16.50</del> <u>18.25</u>
6	Salmon Permit	11.00	<del>11.00</del> <u>24.00</u>
7	Steelhead Permit	11.00	<del>11.00</del> <u>24.00</u>
8	Federal Migratory Bird Harvest		
9	Info. Permit	0.00	<del>0.00</del> <u>3.00</u>
10	<del>Handicapped</del> <u>Disabled</u>		
11	Archery Permit	0.00	0.00
12	2-Pole Fishing Permit	12.00	<del>12.00</del> <u>13.75</u>
13	<u>Turkey Controlled Hunt Permit</u>	6.00	6.00
14	<u>Sage/Sharptail Grouse Permit</u>	<u>3.00</u>	<u>3.00</u>
15	<u>Disabled Hunt Motor</u>		
16	<u>Vehicle Permit</u>	<u>0.00</u>	<u>0.00</u>
17	(d) Commercial Licenses and Permits		
18	Raptor Captive Breeding Permit	\$ 65.75	\$ <del>65.75</del> <u>78.75</u>
19	Falconry Permit	27.25	N/A
20	Falconry Capture Permit	N/A	<del>139.75</del> <u>168.00</u>
21	Jr. Trapping License	5.50	N/A
22	Trapping License	25.00	<del>250.00</del> <u>300.00</u>
23	Taxidermist-Fur Buyer License		
24	5 year license	175.00	N/A
25	1 year license	38.25	<del>139.00</del> <u>168.25</u>
26	Shooting Preserve Permit	329.75	N/A
27	Commercial Wildlife Farm License	137.50	N/A
28	Commercial Fishing License	110.00	<del>220.00</del> <u>265.00</u>
29	Wholesale Steelhead License	165.00	<del>165.00</del> <u>198.25</u>
30	Retail Steelhead Trout Buyer's License	33.00	<del>33.00</del> <u>39.25</u>
31	(e) Commercial Tags		
32	Bobcat Tag	\$ <del>8.25</del> <u>3.00</u>	\$ <del>8.25</del> <u>3.00</u>
33	<del>Lynx Tag</del>	<del>8.25</del>	<del>8.25</del>
34	<del>Beaver Tag</del>	<del>5.50</del>	<del>5.50</del>

1	<u>Otter Tag</u>	3.00	3.00
2	Net Tag	55.00	<del>55.00</del> 65.75
3	Crayfish/Minnow Tag	1.25	<del>1.25</del> 3.00
4	(f) Miscellaneous-Other Licenses		
5	Duplicate License	\$ 5.50	\$ <del>5.50</del> 6.50
6	Shooting Preserve License	11.00	<del>11.00</del> 22.00
7	Captive Wolf License	22.00	N/A
8	(g) Miscellaneous-Other Tags		
9	Duplicate Tag	\$ 5.50	\$ <del>5.50</del> 6.50
10	Wild Bird Shooting Preserve Tag	5.50	<del>5.50</del> 6.50
11	(h) Miscellaneous-Other Permits-Points- <u>Fees</u>		
12	Falconry In-State Transfer Permit	\$ 5.50	\$ N/A
13	Falconry Meet Permit	N/A	<del>21.75</del> 26.25
14	<u>Rehab Permit</u>	<u>3.00</u>	<u>3.00</u>
15	<u>Educational Fishing Permit</u>	<u>0.00</u>	<u>0.00</u>
16	<u>Live Fish Importation Permit</u>	<u>3.00</u>	<u>3.00</u>
17	<u>Sport Dog and Falconry Training Permit</u>	<u>3.00</u>	<u>3.00</u>
18	<u>Wildlife Transport Permit</u>	<u>3.00</u>	<u>3.00</u>
19	<u>Scientific Collection Permit</u>	<u>50.00</u>	<u>50.00</u>
20	Private Park Permit	21.75	<del>21.75</del> 26.25
21	Wildlife Import Permit	21.75	<del>21.75</del> 26.25
22	Wildlife Export Permit	11.00	<del>11.00</del> 13.25
23	Wildlife Release Permit	11.00	<del>11.00</del> 13.25
24	Captive Wildlife Permit	21.75	<del>21.75</del> 26.25
25	Fishing Tournament Permit	21.75	<del>21.75</del> 25.00
26	Dog Field Trial Permit	33.00	<del>33.00</del> 40.00
27	Live Fish Transport Permit	21.75	<del>21.75</del> 26.25
28	Controlled Hunt Application Fee	4.50	<del>4.50</del> 13.00
29	<u>Fee for Application for the Purchase of Controlled</u>		

1	<u>Hunt Bonus or Preference Points</u>	<u>4.50</u>	<u>4.50</u>
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2	Nursing Home Fishing Permit	33.00	N/A".
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3 On page 4, in line 22, delete "2." and insert: "3."; in line 23, delete "3." and insert: "4.";  
 4 and in line 33, delete "4." and insert: "5."

5 CORRECTIONS TO TITLE

6 On page 1, in line 2, following "GAME;" insert: "AMENDING SECTION 36-104,  
 7 IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME COMMISSION MAY  
 8 ESTABLISH PROCEDURES RELATING TO THE APPLICATION FOR THE PURCHASE  
 9 OF CONTROLLED HUNT BONUS OR PREFERENCE POINTS BY SPORTSMEN AND  
 10 TO REFERENCE CERTAIN FEES;"; and in line 3, following "REVISE" insert: "AND TO  
 11 PROVIDE FOR".