

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 463

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE
2 THAT THE COMMISSION MAY PROMULGATE RULES TO ALLOW NONRESIDENT DEER OR
3 ELK TAGS TO BE USED TO HUNT AND KILL BEAR, WOLF OR MOUNTAIN LION DURING
4 OPEN SEASON FOR DEER OR ELK.
5

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

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

9 36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game
10 Tags. A resident who has obtained a permit to hunt, as provided in section
11 36-401, Idaho Code, or has purchased or obtained a license to hunt, as
12 provided in section 36-406, Idaho Code, upon payment of the fees provided
13 herein shall be eligible to receive a resident game tag to hunt and kill a
14 moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion,
15 bear, wolf, sandhill crane or turkey in accordance with the laws of this
16 state and rules promulgated by the commission; provided further, that any
17 person who holds a senior resident combination license or any person who
18 holds a junior combination or hunting license or any disabled American
19 veteran who holds a disabled combination license, may be issued a bear,
20 deer, elk, or turkey tag for a fee as specified in section 36-416, Idaho
21 Code; provided further, that resident game tags may be issued only to those
22 persons who meet residency requirements of subsection (s) of section 36-202,
23 Idaho Code. In the event an emergency is declared to open a season to protect
24 private property as provided in section 36-106(e)6.(B), Idaho Code, the
25 affected landowner or his designee shall be eligible to receive a resident
26 deer, elk or antelope tag without charge; provided further, that resident
27 game tags may be issued only to persons who qualify as residents pursuant to
28 section 36-202, Idaho Code.

29 (b) Nonresident Game Tags. A nonresident who has purchased a license to
30 hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained a
31 license to hunt, as provided in section 36-406(e), Idaho Code, or a resident
32 who has purchased or obtained a license to hunt, as provided in section
33 36-406, Idaho Code, upon payment of the fees provided herein, shall be
34 eligible to receive a nonresident tag to hunt and kill a moose, bighorn
35 sheep, mountain goat, elk, deer, antelope, mountain lion, bear, wolf,
36 sandhill crane or turkey in accordance with the laws of this state and rules
37 promulgated by the commission; provided further that a nonresident who has
38 purchased a license to hunt, as provided in section 36-407(k), Idaho Code,
39 shall be eligible to receive a junior mentored deer, elk, bear, or turkey tag
40 for a fee as specified in section 36-416, Idaho Code.

41 (c) Game Tags Required. The appropriate tag must be had for the hunting
42 or taking of each and every one of the aforementioned wildlife. Provided,

1 however, that the requirements for a wolf tag, a mountain lion tag or a
2 bear tag, as to different periods of time and areas of the state, shall be
3 determined and specified by the commission. Provided further, that the
4 commission may promulgate rules to allow a nonresident deer or elk tag to be
5 used to hunt and kill either a bear, wolf or a mountain lion during the open
6 season for deer or elk in that area, unit or zone as may be specified by the
7 commission. All of said tags are to bear and have serial numbers.

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

12 (e) Archery Permits. In addition to meeting the license and tag
13 requirements provided in this chapter, any person participating in any
14 controlled or general game season which has been specifically designated as
15 an archery hunt must have in his possession an archery hunt permit which may
16 be purchased for a fee as specified in section 36-416, Idaho Code.

17 (f) Muzzleloader Permit. In addition to meeting the license and tag
18 requirements provided in this chapter, any person participating in any
19 controlled or general game season which has been specifically designated as
20 a muzzleloader hunt must have in his possession a muzzleloader permit which
21 may be purchased for a fee as specified in section 36-416, Idaho Code.

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

27 (h) Nonresident Bird of Prey Capture Permit. The commission may, under
28 rules as it may prescribe, issue a nonresident bird of prey capture permit.
29 This capture permit may be purchased by any licensed, nonresident falconer
30 for capturing birds of prey in Idaho. The fee for the permit shall be as
31 specified in section 36-416, Idaho Code, and the permit shall be issued under
32 the condition that the nonresident's home state allows reciprocal raptor
33 capturing privileges for Idaho falconers.

34 (i) Wildlife Management Area (WMA) Upland Game Bird Permit. The
35 commission may, under rules as it may prescribe, issue a wildlife management
36 area upland game bird permit that must be purchased by all persons over
37 sixteen (16) years of age prior to hunting stocked upland game birds on state
38 wildlife management areas designated by the commission. The fee for the
39 permit shall be as specified in section 36-416, Idaho Code.

40 (j) Bear Baiting Permit. The commission may, under rules as it may
41 prescribe, issue a bear baiting permit. Any person placing or using bait as
42 may be allowed by rule for the purpose of attracting bear must have in his
43 possession a valid bear baiting permit which may be purchased by a license
44 holder for a fee as specified in section 36-416, Idaho Code.

45 (k) Migratory Bird Harvest Information Program Permit. The commission
46 may, as provided by federal laws or regulations and under rules as it may
47 prescribe, issue a migratory bird harvest information program permit that
48 must be purchased by all persons prior to hunting migratory game birds as
49 required by federal law or regulations. The fee for the permit shall be as
50 specified in section 36-416, Idaho Code.

1 (1) Dog Field Trial Permit. The commission may, under rules as it
2 may prescribe, issue a dog field trial permit to any person using birds for
3 dog field trials or training as may be allowed by rule. The permit may be
4 purchased for a fee as specified in section 36-416, Idaho Code.

5 (m) Idaho Nursing Home Facility Resident Fishing Permit. The
6 commission may, under rules as it may prescribe, issue an Idaho nursing home
7 facility resident fishing permit that must be purchased by an Idaho nursing
8 home facility to allow residents of its facility to fish during the open
9 season. Facilities eligible to purchase this permit are: intermediate care
10 facilities providing twenty-four (24) hour skilled nursing care, assisted
11 living facilities providing twenty-four (24) hour extensive assistance
12 and skilled nursing facilities providing twenty-four (24) hour skilled
13 nursing. By purchasing this permit the facility assumes full responsibility
14 for and control over the facility residents while using the permit. All
15 laws, rules and proclamations apply to the use of this permit and it is
16 the responsibility of the facility to assure compliance with all laws,
17 rules and proclamations. In case of a violation the facility shall be held
18 accountable and any citations shall be issued to the facility. The permit
19 may be purchased for a fee as specified in section 36-416, Idaho Code.