

IN THE SENATE

SENATE BILL NO. 1027

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE A
2 DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-404,
3 IDAHO CODE, TO REVISE A CLASS 6 LICENSE PROVISION; AMENDING SECTION
4 36-406, IDAHO CODE, TO CLARIFY THAT CERTAIN BEAR TAGS ARE BLACK BEAR
5 TAGS AND TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 36-409, IDAHO
6 CODE, TO REVISE PROVISIONS REGARDING GAME TAGS, TO PROVIDE FOR CERTAIN
7 GRIZZLY BEAR TAGS AND DISABLED AMERICAN VETERAN GAME TAGS, TO CLARIFY
8 THAT CERTAIN BEAR PERMITS ARE BLACK BEAR PERMITS, TO REMOVE CERTAIN
9 PROVISIONS REGARDING DISABLED AMERICAN VETERAN GAME TAGS, TO PROVIDE
10 A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
11 36-601, IDAHO CODE, TO REQUIRE TAXIDERMIST AND FUR BUYER'S LICENSES
12 FOR THOSE THAT ENGAGE IN THE BUSINESS OF BUYING CERTAIN SKINS AND PARTS
13 OF SPECIFIED ANIMALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SEC-
14 TION 36-603, IDAHO CODE, TO REQUIRE THE RETENTION OF RECORDS FOR THOSE
15 WHO PURCHASE CERTAIN SKINS AND PARTS OF SPECIFIED ANIMALS AND TO MAKE
16 A TECHNICAL CORRECTION; AMENDING SECTION 36-1107, IDAHO CODE, TO RE-
17 VISE REPORTING REQUIREMENTS REGARDING THE TAKING OF CERTAIN WOLVES, TO
18 PROVIDE FOR THE CONTROL OF DEPREDATION OF GRIZZLY BEAR AND TO MAKE TECH-
19 NICAL CORRECTIONS; AMENDING SECTION 36-1202, IDAHO CODE, TO PROVIDE AN
20 EXCEPTION FOR GRIZZLY BEAR IN THE PROHIBITION OF WASTE AND DESTRUCTION
21 OF WILDLIFE; AND AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE FOR
22 REIMBURSEMENT TO THE STATE FOR GRIZZLY BEAR KILLED, POSSESSED OR WASTED
23 AND TO MAKE A TECHNICAL CORRECTION.
24

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

26 SECTION 1. That Section 36-202, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 36-202. DEFINITIONS. Whenever the following words appear in title 36,
29 Idaho Code, and orders and rules promulgated by the Idaho fish and game com-
30 mission or the director of the Idaho department of fish and game, they shall
31 be deemed to have the same meaning and terms of reference as hereinafter set
32 forth. The present tense includes the past and future tenses, and the fu-
33 ture, the present.

34 (a) "Title" means all of the fish and game laws and rules promulgated
35 pursuant thereto.

36 (b) "Commission" means the Idaho fish and game commission. "Commis-
37 sioner" means a member of the Idaho fish and game commission.

38 (c) "Department" means the Idaho department of fish and game.

39 (d) "Director" means the director of the Idaho department of fish and
40 game or any person authorized to act in his name.

41 (e) "Employee" means any employee of the Idaho department of fish and
42 game whose salary is paid entirely or in part by funds administered by the

1 Idaho fish and game commission and whose appointment is made in accordance
2 with chapter 53, title 67, Idaho Code, and related rules.

3 (f) "Person" means an individual, partnership, corporation, company,
4 or any other type of association, and any agent or officer of any partner-
5 ship, corporation, company, or other type of association. The masculine
6 gender includes the feminine and the neuter. The singular, the plural, and
7 the plural, the singular.

8 (g) "Wildlife" means any form of animal life, native or exotic, gener-
9 ally living in a state of nature provided that domestic cervidae as defined
10 in section 25-3701, Idaho Code, shall not be classified as wildlife.

11 (h) "Trophy big game animal" means any big game animal deemed a trophy
12 as defined in this subsection ~~(h) 1. through 8.~~ For the purpose of this sec-
13 tion, a score shall be determined from the antlers of the mule deer, white-
14 tailed deer or elk as measured by the copyrighted Boone and Crockett scoring
15 system. The highest of the typical or nontypical scores shall be used for de-
16 termining the total score.

17 1. Mule deer: any buck scoring over one hundred fifty (150) points;

18 2. White-tailed deer: any buck scoring over one hundred thirty (130)
19 points;

20 3. Elk: any bull scoring over three hundred (300) points;

21 4. Bighorn sheep: any ram;

22 5. Moose: any bull;

23 6. Mountain goat: any male or female;

24 7. Pronghorn antelope: any buck with at least one (1) horn exceeding
25 fourteen (14) inches;

26 8. Caribou: any male or female;

27 9. Grizzly bear: any male or female.

28 (i) "Take" means hunt, pursue, catch, capture, shoot, fish, seine,
29 trap, kill, or possess or any attempt to so do.

30 (j) "Hunting" means chasing, driving, flushing, attracting, pursuing,
31 worrying, following after or on the trail of, shooting at, stalking, or ly-
32 ing in wait for, any wildlife whether or not such wildlife is then or sub-
33 sequently captured, killed, taken, or wounded. Such term does not include
34 stalking, attracting, searching for, or lying in wait for, any wildlife by
35 an unarmed person solely for the purpose of watching wildlife or taking pic-
36 tures thereof.

37 (k) "Fishing" means any effort made to take, kill, injure, capture, or
38 catch any fish or bullfrog.

39 (l) "Trapping" means taking, killing, and capturing wildlife by the
40 use of any trap, snare, deadfall, or other device commonly used to capture
41 wildlife, and the shooting or killing of wildlife lawfully trapped, and
42 includes all lesser acts such as placing, setting or staking such traps,
43 snares, deadfalls, and other devices, whether or not such acts result in the
44 taking of wildlife, and every attempt to take and every act of assistance to
45 any other person in taking or attempting to take wildlife with traps, snares,
46 deadfalls, or other devices.

47 (m) "Possession" means both actual and constructive possession, and
48 any control of the object or objects referred to; provided that wildlife
49 taken accidentally and in a manner not contrary to the provisions of this ti-

1 tle shall not be deemed to be in possession while being immediately released
2 live back to the wild.

3 (n) "Possession limit" means the maximum limit in number or amount of
4 wildlife which may be lawfully in the possession of any person. "Possession
5 limit" shall apply to wildlife being in possession while in the field or be-
6 ing transported to final place of consumption or storage.

7 (o) "Bag limit" means the maximum number of wildlife which may be
8 legally taken, caught, or killed by any one (1) person for any particular
9 period of time, as provided by order of the commission. The term "bag limit"
10 shall be construed to mean an individual, independent effort and shall not be
11 interpreted in any manner as to allow one (1) individual to take more than his
12 "bag limit" toward filling the "bag limit" of another.

13 (p) "Buy" means to purchase, barter, exchange, or trade and includes
14 any offer or attempt to purchase, barter, exchange, or trade.

15 (q) "Sell" means to offer or possess for sale, barter, exchange, or
16 trade, or the act of selling, bartering, exchanging or trading.

17 (r) "Transport" means to carry or convey or cause to be carried or con-
18 veyed from one (1) place to another and includes an offer to transport, or re-
19 ceipt or possession for transportation.

20 (s) "Resident" means any person who has been domiciled in this state,
21 with a bona fide intent to make this his place of permanent abode, for a pe-
22 riod of not less than six (6) months immediately preceding the date of ap-
23 plication for any license, tag, or permit required under the provisions of
24 this title or orders of the commission and who, when temporarily absent from
25 this state, continues residency with intent to return, and who does not claim
26 any resident privileges in any other state or country for any purpose. Such
27 privileges include, but are not limited to: state where valid driver's li-
28 cense is issued; state of voter registration; state where resident state in-
29 come taxes are filed; state where homeowner's tax exemption is granted. Pro-
30 vided that, until any such person has been continuously domiciled outside
31 the state of Idaho for a sufficient period of time to qualify for resident
32 hunting and fishing privileges in his new state of residence, said person
33 shall be deemed not to have lost his residency in Idaho for the purposes of
34 this title. However, mere ownership of real property or payment of property
35 taxes in Idaho does not establish residency. Provided further that:

36 1. Idaho residents shall not lose their residency in Idaho if they
37 are absent from the state for religious (not to exceed two (2) years)
38 or full-time educational (not to exceed five (5) years) purposes,
39 full-time to be defined by the educational institution attended, and
40 do not claim residency or use resident privileges in any other state or
41 country for any purpose.

42 2. Idaho residents who are in the military service of the United States
43 and maintain Idaho as their official state of residence as shown on
44 their current leave and earnings statement, together with their spouse
45 and children under eighteen (18) years of age living in the household,
46 shall be eligible for the purchase of resident licenses.

47 3. A member of the military service of the United States or of a for-
48 eign country, together with his spouse and children under eighteen (18)
49 years of age residing in his household, who have been officially trans-
50 ferred, stationed, domiciled and on active duty in this state for a pe-

1 rioid of thirty (30) days last preceding application shall be eligible,
 2 as long as such assignment continues, to purchase a resident license. A
 3 member of the state national guard or air national guard, domiciled in
 4 this state for a period of thirty (30) days last preceding application
 5 shall be eligible, as long as such residency continues, to purchase a
 6 resident license.

7 4. Any person enrolled as a corpsman at a job corps center in Idaho shall
 8 be eligible, as long as he is so enrolled, to obtain a resident fishing
 9 license irrespective of his length of residence in this state.

10 5. Any foreign exchange student enrolled in an Idaho high school shall
 11 be eligible, as long as he is so enrolled, to obtain a resident fishing
 12 license irrespective of his length of residence in this state.

13 (t) "Senior resident" means any person who is over sixty-five (65)
 14 years of age who meets the definition of a "resident" pursuant to the provi-
 15 sions of this section.

16 (u) "Nonresident" means any person who does not qualify as a resident.

17 (v) "Order, rule, regulation and proclamation" are all used inter-
 18 changeably and each includes the others.

19 (w) "Blindness" means sight that does not exceed 20/200 as provided by
 20 the administrative guidelines of section 56-213, Idaho Code.

21 (x) "Public highway" means the traveled portion of, and the shoulders
 22 on each side of, any road maintained by any governmental entity for public
 23 travel, and includes all bridges, culverts, overpasses, fills, and other
 24 structures within the limits of the right-of-way of any such road.

25 (y) "Motorized vehicle" means any water, land or air vehicle propelled
 26 by means of steam, petroleum products, electricity, or any other mechanical
 27 power.

28 (z) "Commercial fish hatchery" means any hatchery, pond, lake or stream
 29 or any other waters where fish are held, raised, or produced for sale but
 30 shall not include facilities used for the propagation of fish commonly con-
 31 sidered as ornamental or aquarium varieties.

32 (aa) "License" means any license, tag, permit or stamp.

33 (bb) "License vendor" means any person authorized to issue or sell li-
 34 censes.

35 (cc) "Proclamation" means the action by the commission and publication
 36 of the pertinent information as it relates to the seasons and limits for tak-
 37 ing wildlife.

38 SECTION 2. That Section 36-404, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 36-404. CLASSES OF LICENSES. The licenses required by the provisions
 41 of this title shall be of eight (8) classes. Classes one (1) through five (5)
 42 and eight (8) in this section may be purchased or obtained only by persons who
 43 meet residency requirements under the provisions of section 36-202(s) and
 44 (t), Idaho Code, or who are valid holders of a lifetime license certificate.

45 Class 1: Adult Combination -- Hunting -- Fishing -- Trapping Licenses.
 46 Licenses to be issued only to persons who are residents of the state of Idaho.

47 Class 2: Junior Hunting -- Trapping.

48 (a) Junior hunting license. Licenses to be issued only to persons who
 49 are residents of the state of Idaho and are between ten (10) and seventeen

1 (17) years of age, inclusive. Provided, that a license may be issued to qual-
 2 ified persons who are nine (9) years of age to allow the application for a
 3 controlled hunt big game tag or turkey permit; however, said persons shall
 4 not hunt until they are ten (10) years of age. Persons with a junior hunting
 5 license who are ten (10) or eleven (11) years of age shall be accompanied in
 6 the field by an adult licensed to hunt in the state of Idaho.

7 (b) Junior trapping licenses. Licenses to be issued only to persons who
 8 are residents of the state of Idaho and are seventeen (17) years of age or
 9 younger.

10 Class 3: Junior Combination -- Fishing Licenses. Licenses to be issued
 11 only to persons who are residents of the state of Idaho between fourteen (14)
 12 and seventeen (17) years of age, inclusive.

13 Class 4: Senior Resident Combination License. Licenses to be issued
 14 only to persons over sixty-five (65) years of age who meet the definition of
 15 "resident" pursuant to the provisions of section 36-202, Idaho Code.

16 Class 5: Resident Lifetime Combination -- Hunting -- Fishing License.
 17 Licenses to be issued only to persons who are valid holders of a lifetime li-
 18 cense certificate.

19 Class 6: Nonresident Combination -- Hunting -- Fishing -- Trapping --
 20 Junior Mentored Hunting -- Disabled Hunting License for American Veteran
 21 ~~Participating in a Hunt in Association with a Qualified Organization~~ -- Li-
 22 censes. Licenses required of persons who are nonresidents.

23 Class 7: Duplicate License -- Tag. A license or tag to be issued as a re-
 24 placement for an original license or tag lost or mutilated. Said license or
 25 tag shall be issued in the same class and type as the original and upon is-
 26 suance of such duplicate license or tag the original license or tag shall be-
 27 come null and void.

28 Class 8: Resident Hunting and Fishing License with Tags, Permits and
 29 Stamps. Licenses to be issued only to persons who meet residency require-
 30 ments under the provisions of section 36-202(s) and (t), Idaho Code.

31 SECTION 3. That Section 36-406, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a)
 34 Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license
 35 of the first class may be had by a person possessing the qualifications
 36 therein described on payment of a fee as specified in section 36-416, Idaho
 37 Code, for a combined fishing and hunting license entitling the purchaser
 38 to hunt and fish for game animals, game birds, unprotected and predatory
 39 wildlife and fish of the state, a fee as specified in section 36-416, Idaho
 40 Code, for a fishing license entitling the purchaser to fish in the public
 41 waters of the state, a fee as specified in section 36-416, Idaho Code, for
 42 a hunting license entitling the purchaser to hunt game animals, game birds,
 43 unprotected and predatory wildlife of the state, and a fee as specified in
 44 section 36-416, Idaho Code, for a trapping license entitling the purchaser
 45 to trap wolves, furbearing animals and unprotected and predatory wildlife of
 46 the state.

47 (b) Junior Licenses -- Hunting -- Trapping. A license of the second
 48 class may be had by a person possessing the qualifications therein described
 49 on payment of a fee as specified in section 36-416, Idaho Code, for a hunting

1 license, and a fee as specified in section 36-416, Idaho Code, for a trapping
2 license entitling the purchaser to the same privileges as the corresponding
3 license of the first class provides.

4 (c) Junior Combination -- Fishing Licenses. A license of the third
5 class may be purchased by a person possessing the qualifications therein
6 described on payment of a fee as specified in section 36-416, Idaho Code, for
7 a combined fishing and hunting license, and a fee as specified in section
8 36-416, Idaho Code, for a fishing license entitling the purchaser to the same
9 privileges as the corresponding license of the first class provides.

10 (d) Senior Resident Combination. A license of the fourth class may be
11 had by a person possessing the qualifications therein described on payment
12 of a fee as specified in section 36-416, Idaho Code, for a combined fishing
13 and hunting license entitling the purchaser to the same privileges as the
14 corresponding license of the first class provides.

15 (e) Lifetime Licenses -- Combination -- Hunting -- Fishing. A license
16 of the fifth class may be obtained at no additional charge by a person pos-
17 sessed the qualifications therein described for a combined hunting and
18 fishing license, for a hunting license, or for a fishing license, entitling
19 the person to the same privileges as the corresponding license of the first
20 class provides. Lifetime licensees must be certified under the provisions
21 of section 36-413, Idaho Code, before being issued a license to hunt.

22 (f) A license of the eighth class may be had by a person possessing the
23 qualifications therein described on payment of a fee as specified in section
24 36-416, Idaho Code, entitling the purchaser to hunt and fish for game ani-
25 mals, game birds, fish, and unprotected and predatory wildlife of the state.
26 With payment of the required fee, a person shall receive with this license a
27 deer tag, an elk tag, a black bear tag, a turkey tag, a mountain lion tag, a
28 wolf tag, an archery hunt permit, a muzzleloader permit, a steelhead trout
29 permit and an anadromous salmon permit. The director shall promptly trans-
30 mit to the state treasurer all moneys received pursuant to this subsection
31 for deposit as follows:

32 (i) Four dollars (\$4.00) in the fish and game set-aside account for the
33 purposes of section 36-111(1) (a), Idaho Code;

34 (ii) Two dollars (\$2.00) in the fish and game set-aside account for the
35 purposes of section 36-111(1) (b), Idaho Code;

36 (iii) One dollar and fifty cents (\$1.50) in the fish and game set-aside
37 account for the purposes of section 36-111(1) (c), Idaho Code; and

38 (iv) The balance in the fish and game account.

39 All persons purchasing a license pursuant to this subsection shall observe
40 and shall be subject to all rules of the commission regarding the fish and
41 wildlife of the state.

42 If the purchaser of this license does not meet the archery education re-
43 quirements of section 36-411(b), Idaho Code, then, notwithstanding the
44 provisions of section 36-304, Idaho Code, the archery hunt permit portion
45 of this license is invalid. The fee for this license will not change and the
46 license must be issued without the archery permit validation.

47 (g) Disabled Persons Licenses -- Combination -- Fishing. A license of
48 the first class may be had by any resident disabled person on payment of a
49 fee as specified in section 36-416, Idaho Code, for a combined fishing and
50 hunting license, and a fee as specified in section 36-416, Idaho Code, for a

1 fishing license, entitling the purchaser to the same privileges as the cor-
2 responding license of the first class provides. A disabled person means a
3 person who is deemed disabled by one (1) or more, but not necessarily all,
4 of the following: the railroad retirement board pursuant to title 45 of the
5 United States Code, or certified as eligible for federal supplemental secu-
6 rity income (SSI); or social security disability income (SSDI); or a nonserv-
7 vice-connected veterans pension; or a service-connected veterans disabili-
8 ty benefit with forty percent (40%) or more disability; or certified as per-
9 manently disabled by a physician. Once determination of permanent disabili-
10 ty has been made with the department, the determination shall remain on file
11 within the electronic filing system and the license holder shall not be re-
12 quired to present a physician's determination each year or prove their dis-
13 ability each year.

14 (h) Military Furlough Licenses -- Combination -- Fishing. A license of
15 the first class may be had by a resident person engaged in the military ser-
16 vice of the United States, while on temporary furlough or leave, possessing
17 the qualifications therein described on payment of a fee as specified in sec-
18 tion 36-416, Idaho Code, for a combined fishing and hunting license, and as
19 specified in section 36-416, Idaho Code, for a fishing license.

20 (j) Adult Licenses -- Three Year -- Combination -- Fishing -- Hunting.
21 A license of the first class may be had by a person possessing the qualifi-
22 cations therein described on payment of three (3) times the fee as specified
23 in section 36-416, Idaho Code, for a combined fishing and hunting license en-
24 titling the purchaser to hunt and fish for game animals, game birds, fish,
25 unprotected and predatory wildlife of the state, three (3) times the fee as
26 specified in section 36-416, Idaho Code, for a fishing license entitling the
27 purchaser to fish in the public waters of the state, or three (3) times the
28 fee as specified in section 36-416, Idaho Code, for a hunting license enti-
29 tling the purchaser to hunt game animals, game birds, unprotected and preda-
30 tory wildlife of the state. The expiration date for said licenses shall be
31 December 31 of the third year following the date of issuance.

32 (k) Junior Licenses -- Three Year -- Hunting. A license of the second
33 class may be had by a person possessing the qualifications therein described
34 on payment of three (3) times the fee as specified in section 36-416, Idaho
35 Code, for a hunting license. The expiration date for said license shall be
36 December 31 of the third year following the date of issuance.

37 (l) Junior Licenses -- Three Year -- Combination -- Fishing Licenses.
38 A license of the third class may be purchased by a person possessing the qual-
39 ifications therein described on payment of three (3) times the fee as spec-
40 ified in section 36-416, Idaho Code, for a combined fishing and hunting li-
41 cense and three (3) times the fee as specified in section 36-416, Idaho Code,
42 for a fishing license entitling the purchaser to the same privileges as the
43 corresponding license of the first class provides. The expiration date for
44 said licenses shall be December 31 of the third year following the date of is-
45 suance.

46 (m) Senior Resident Combination License -- Three Year. A license of
47 the fourth class may be had by a person possessing the qualifications therein
48 described on payment of three (3) times the fee as specified in section
49 36-416, Idaho Code, for a combined fishing and hunting license entitling the
50 purchaser to the same privileges as the corresponding license of the first

1 class provides. The expiration date for said license shall be December 31 of
2 the third year following the date of issuance.

3 (am) Disabled Persons Licenses -- Three Year -- Combination -- Fishing.
4 A license of the ninth class may be had by any resident disabled person pos-
5 sessing the qualifications therein described on payment of three (3) times
6 the fee as specified in section 36-416, Idaho Code, for a combined fishing
7 and hunting license, and a fee as specified in section 36-416, Idaho Code,
8 for a fishing license entitling the purchaser to the same privileges as the
9 corresponding license of the first class provides. The expiration date for
10 said licenses shall be December 31 of the third year following the date of is-
11 suance.

12 SECTION 4. That Section 36-409, Idaho Code, be, and the same is hereby
13 amended to read as follows:

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

34 (b) Nonresident Game Tags. A nonresident who has purchased a license
35 to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained
36 a license to hunt, as provided in section 36-406(e), Idaho Code, or a res-
37 ident who has purchased or obtained a license or authorization to hunt, as
38 provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees
39 provided herein, shall be eligible to receive a nonresident tag to hunt and
40 kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain
41 lion, black bear, grizzly bear, wolf, sandhill crane or turkey in accordance
42 with the laws of this state and rules promulgated by the commission; provided
43 further, that a nonresident who has purchased a license to hunt, as provided
44 in section 36-407(k) and (l), Idaho Code, shall be eligible to receive a ju-
45 nior mentored or disabled American veteran deer, elk, black bear, or turkey
46 tag for a fee as specified in section 36-416, Idaho Code.

47 (c) Game Tags Required. The appropriate tag must be had for the hunt-
48 ing or taking of each and every one of the aforementioned wildlife. The
49 commission shall promulgate rules to allow exception from tag possession

1 to take wildlife for a disabled hunter companion who is assisting a hunter
2 possessing the appropriate tag and a valid disabled combination license or a
3 disabled archery permit or a disabled hunt motor vehicle permit or who is a
4 disabled veteran participating in a hunt as provided in section 36-408(7),
5 Idaho Code. ~~Provided, however, that the requirements for a wolf tag, a~~
6 ~~mountain lion tag or a bear tag, as to different periods of time and areas of~~
7 ~~the state, shall be determined and specified by the commission.~~ Provided
8 further, that the commission may promulgate rules to allow a nonresident
9 deer or elk tag to be used to hunt and kill either a black bear, a wolf or a
10 mountain lion during the open season for deer or elk in that area, unit or
11 zone as may be specified by the commission. All of said tags are to bear and
12 have serial numbers.

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

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

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

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

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

39 (i) Wildlife Management Area (WMA) Upland Game Bird Permit. The com-
40 mission may, under rules as it may prescribe, issue a wildlife management
41 area upland game bird permit that must be purchased by all persons over sev-
42 enteen (17) years of age prior to hunting stocked upland game birds on state
43 wildlife management areas designated by the commission. The fee for the per-
44 mit shall be as specified in section 36-416, Idaho Code.

45 (j) Black Bear Baiting Permit. The commission may, under rules as it
46 may prescribe, issue a black bear baiting permit. Any person placing or us-
47 ing bait as may be allowed by rule for the purpose of attracting black bear
48 must have in his possession a valid black bear baiting permit, which may be
49 purchased by a license holder for a fee as specified in section 36-416, Idaho
50 Code.

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

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

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

26 ~~(n) Disabled American Veteran Game Tags. Any nonresident disabled~~
27 ~~American veteran participating in a hunt in association with a qualified~~
28 ~~organization may be issued a bear, deer, elk or turkey tag for a fee as spec-~~
29 ~~ified in section 36-416, Idaho Code. "Qualified organization," as used in~~
30 ~~association with these tags, shall be as defined in section 36-408(7), Idaho~~
31 ~~Code.~~

32 SECTION 5. That Section 36-601, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 36-601. TAXIDERMIST AND FUR BUYER'S LICENSE REQUIRED. (1) Any per-
35 son who at any time within the state of Idaho desires to mount, preserve or
36 prepare for preservation any of the dead bodies of any wildlife or any part
37 thereof not personally taken by him in compliance with the provisions of this
38 title, or who engages in the business of buying raw black bear or grizzly bear
39 skins, raw cougar skins, raw wolf skins, or parts of black bears, grizzly
40 bears, wolves or cougars, or the raw hides, skins, or pelts of any of the ~~fur~~
41 bearers ~~furbearers~~ of this state must obtain a taxidermist and fur buyer's
42 license.

43 (2) Taxidermist and fur buyer's licenses shall be obtained from the di-
44 rector for a fee and subject to the limitations of this chapter.

45 SECTION 6. That Section 36-603, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 36-603. RECORDS. (1) The department may require any person licensed
2 under the provisions of this chapter to keep a record for two (2) years last
3 past of wildlife received for mounting or preserving, ~~fur bearers~~ furbearers
4 purchased or raw black bear or grizzly bear skins, raw cougar skins, raw wolf
5 skins, or parts of black bears, grizzly bears or cougars purchased. Records
6 may be written or may be retained on media other than paper, provided that the
7 form or medium complies with the standards set forth in section 9-328, Idaho
8 Code. The record shall be made upon a form provided by the department which
9 sets forth such information as may be required by the director and shall be
10 subject to his inspection at any time. In addition, the department may re-
11 quire licensees to submit forms or records, as determined by the department,
12 to the department relating to the purchase of black bears, grizzly bears and
13 cougars, skins, or parts thereof.

14 (2) Provided however, a commercial tannery receiving wildlife from a
15 licensed taxidermist or fur buyer, shall satisfy all recordkeeping require-
16 ments by recording the license numbers of such taxidermist or fur buyer, and
17 recording tag numbers of any attached tags required by law. This provision
18 shall not apply in the event a commercial tannery receives wildlife from a
19 taxidermist or fur buyer from a state other than the state of Idaho, and the
20 taxidermist or fur buyer is not required to be licensed in that state, in
21 which case the tannery shall record the date received, the name, address and
22 telephone number of the individual the wildlife was received from, and tag
23 numbers of any attached tags required by law in the state of origin, the name
24 and number of species received and the approximate date killed. Information
25 so recorded shall be retained for a period of two (2) years.

26 SECTION 7. That Section 36-1107, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions
29 of this title notwithstanding, any person may control, trap, and/or remove
30 any wild animals or birds or may destroy the houses, dams, or other struc-
31 tures of furbearing animals for the purpose of protecting property from the
32 depredations thereof as hereinafter provided.

33 The director may delegate any of the authority conferred by this section
34 to any other employee of the department.

35 (a) Director to Authorize Removal of Wildlife Causing Damage. Except
36 for antelope, elk, deer or moose when any other wildlife, protected by this
37 title, is doing damage to or is destroying any property, including water
38 rights, or is likely to do so, the owner or lessee thereof may make complaint
39 and report the facts to the director or his designee who shall investigate
40 the conditions complained of. In the case of water rights, the director
41 shall request an investigation by the director of the department of water
42 resources of the conditions complained of. The director of the department of
43 water resources shall request a recommendation from the local water master,
44 if any, and, upon such examination, shall certify to the director of the
45 department of fish and game whether said wildlife, or houses, dams or other
46 structures erected by said wildlife, is injuring or otherwise adversely
47 impacting water rights. If it appears that the complaint is well-founded
48 and the property of such complainant is being or is likely to be damaged or
49 destroyed by any such wildlife protected under this title, the director may:

1 1. Send a representative onto the premises to control, trap, and/or re-
2 move such protected wildlife as will stop the damage to said property.
3 Any animals or birds so taken shall remain the property of the state and
4 shall be turned over to the director.

5 2. Grant properly safeguarded permission to the complainant to con-
6 trol, trap and/or remove such protected wildlife or to destroy any
7 houses, dams, or other structures erected by said animals or birds. Any
8 protected wildlife so taken shall remain the property of the state and
9 shall be turned over to the director.

10 3. Whenever deemed to be in the public interest, authorize or cause the
11 removal, modification or destruction of any dam, house, structure or
12 obstruction erected by any furbearing animals. The director shall have
13 authority to enter upon all lands, both public and private, as neces-
14 sary, to control, trap or remove such animals, or to so remove, modify
15 or destroy such dam, house, structure or obstruction that is injuring or
16 otherwise adversely impacting water rights, or to require the landowner
17 to do so. The director shall make a reasonable effort to contact any
18 private landowner to schedule a date and approximate time for the re-
19 moval, modification or destruction. No liability whatever shall accrue
20 to the department or the director by reason of any direct or indirect
21 damage arising from such entry upon land, destruction, removal or modi-
22 fication.

23 4. Issue a permit to any bona fide owner or lessee of property ~~which~~
24 that is being actually and materially damaged by furbearing animals,
25 to trap or kill or to have trapped or killed such animals on his own or
26 leased premises. Such permit may be issued without cost to a landholder
27 applicant and shall designate therein the number of furbearing animals
28 that may be trapped or killed, the name of the person who the landowner
29 has designated to take such furbearers and the valid trapping license
30 number of the taker. Furbearers so taken shall be the property of the
31 taker. Beaver so taken shall be handled in the manner provided in sec-
32 tion 36-1104, Idaho Code. The term "premises" shall be construed to
33 include any irrigation ditch or right-of-way appurtenant to the land
34 for which said permit is issued.

35 (b) Control of Depredation of Black Bear, Mountain Lion, and Predators.
36 Black bear, mountain lion, and predators may be disposed of by livestock own-
37 ers, their employees, agents and animal damage control personnel when same
38 are molesting or attacking livestock and it shall not be necessary to obtain
39 any permit from the department. Mountain lion so taken shall be reported to
40 the director within ten (10) days of being taken. Livestock owners may take
41 steps they deem necessary to protect their livestock.

42 (c) Control of Depredation of Wolves. Wolves may be disposed of by
43 livestock or domestic animal owners, their employees, agents and animal
44 damage control personnel when the same are molesting or attacking livestock
45 or domestic animals and it shall not be necessary to obtain any permit from
46 the department. Wolves so taken shall be reported to the director within
47 ~~seventy-two (72) hours, with additional reasonable time allowed if access to~~
48 ~~the site where taken is limited~~ ten (10) days of being taken. Wolves so taken
49 shall remain the property of the state. Livestock and domestic animal owners
50 may take all nonlethal steps they deem necessary to protect their property.

1 A permit must be obtained from the director to control wolves not molesting
 2 or attacking livestock or domestic animals. Control is also permitted by
 3 owners, their employees and agents pursuant to the Idaho department of fish
 4 and game harvest rules. For the purposes of this subsection ~~(e)~~, "molesting"
 5 ~~shall~~ means the actions of a wolf that are annoying, disturbing or perse-
 6 cuting, especially with hostile intent or injurious effect, or chasing,
 7 driving, flushing, worrying, following after or on the trail of, or stalking
 8 or lying in wait for, livestock or domestic animals.

9 (d) Control of Depredation of Grizzly Bears. For purposes of this sec-
 10 tion, "grizzly bear" means any grizzly bear not protected by the federal en-
 11 dangered species act. Grizzly bears may be disposed of by livestock or do-
 12 mestic animal owners, their employees, agents and animal damage control per-
 13 sonnel when the same are molesting or attacking livestock or domestic ani-
 14 mals and it shall not be necessary to obtain any permit from the department.
 15 Grizzly bears so taken shall be reported to the director within seventy-two
 16 (72) hours, with additional reasonable time allowed if access to the site
 17 where taken is limited. Grizzly bears so taken shall remain the property of
 18 the state. Livestock and domestic animal owners may take all nonlethal steps
 19 they deem necessary to protect their property.

20 (e) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may
 21 be taken at any time in or along the banks of irrigation ditches, canals,
 22 reservoirs or dams, by the owners, their employees, or those in charge of
 23 said irrigation ditches or canals.

24 SECTION 8. That Section 36-1202, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 36-1202. WASTEFUL DESTRUCTION OF WILDLIFE OR MUTILATION UNLAWFUL. It
 27 shall be unlawful to:

28 (a) Waste. Through carelessness, neglect or otherwise, to allow or
 29 cause the waste of edible portions of any game animal, except for mountain
 30 lion, black bear, grizzly bear or gray wolf. "Edible portions" are defined
 31 as follows:

- 32 1. Game birds. Breasts;
- 33 2. Big game animals. Hind quarters, front quarters, loins and tender-
- 34 loins;
- 35 3. Game fish. Fillets of fish, hind legs of bullfrogs and tails of cray-
- 36 fish;
- 37 4. Upland game animals. Hind legs, front legs and loins of rabbits and
- 38 hares.

39 (b) Destruction -- Mutilation. Capture or kill any game animal and de-
 40 tach or remove from the carcass only the head, hide, antlers, horns or tusks
 41 and leave the edible portions to waste, except mountain lion, black bear,
 42 grizzly bear or gray wolf.

43 (c) Prima Facie. It shall be prima facie evidence of a violation of the
 44 provisions of this section:

- 45 1. To fail to properly dress and care for any game animal killed by him,
 46 except mountain lion, black bear, grizzly bear or gray wolf; and
- 47 2. If the edible portions described in subsection (a) of this section
 48 are reasonably accessible, to fail to take or transport same to his camp
 49 within twenty-four (24) hours.

1 (d) Livestock owners, their employees, agents and animal damage con-
2 trol personnel in protecting livestock as provided in subsection (b) of sec-
3 tion 36-1107, Idaho Code, are exempt from subsections (b) and (c) of this
4 section.

5 (e) For purposes of this section, the term "game animal" shall mean game
6 birds, big game animals, upland game animals and game fish.

7 SECTION 9. That Section 36-1404, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS
10 AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES --
11 INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In
12 addition to the penalties provided for violating any of the provisions of ti-
13 tle 36, Idaho Code, any person who pleads guilty, is found guilty of or is
14 convicted of the illegal killing or the illegal possession or illegal waste
15 of game animals or birds or fish shall reimburse the state for each animal so
16 killed or possessed or wasted as follows:

17 1. Elk, seven hundred fifty dollars (\$750) per animal killed, possessed
18 or wasted.

19 2. Caribou, bighorn sheep, mountain goat, grizzly bear and moose, one
20 thousand five hundred dollars (\$1,500) per animal killed, possessed or
21 wasted.

22 3. Any other species of big game, four hundred dollars (\$400) per animal
23 killed, possessed or wasted.

24 4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird
25 killed, possessed or wasted.

26 5. Sturgeon, two hundred fifty dollars (\$250) per fish killed, pos-
27 sessed or wasted.

28 6. Bull trout, anadromous salmon and steelhead, one hundred fifty dol-
29 lars (\$150) per fish killed, possessed or wasted.

30 7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00)
31 per animal killed, possessed or wasted.

32 Provided further, that any person who pleads guilty, is found guilty of,
33 or is convicted of illegal killing, illegal possession or illegal waste of a
34 trophy big game animal as defined in section 36-202(h), Idaho Code, shall re-
35 imburse the state for each animal so killed, possessed or wasted, as follows:

36 1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed,
37 possessed or wasted;

38 2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal
39 killed, possessed or wasted;

40 3. Trophy elk: five thousand dollars (\$5,000) per animal killed, pos-
41 sessed or wasted;

42 4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal
43 killed, possessed or wasted;

44 5. Trophy moose: ten thousand dollars (\$10,000) per animal killed,
45 possessed or wasted;

46 6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal
47 killed, possessed or wasted;

48 7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal
49 killed, possessed or wasted;

1 8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed,
2 possessed or wasted;

3 9. Trophy grizzly bear: ten thousand dollars (\$10,000) per animal
4 killed, possessed or wasted.

5 For each additional animal of the same category killed, possessed or
6 wasted during any twelve (12) month period, the amount to be reimbursed shall
7 double from the amount for each animal previously illegally killed, pos-
8 sessed or wasted. For example, the reimbursable damages for three (3) elk
9 illegally killed during a twelve (12) month period would be five thousand
10 two hundred fifty dollars (\$5,250), calculated as follows: seven hundred
11 fifty dollars (\$750) for the first elk; one thousand five hundred dollars
12 (\$1,500) for the second elk; and three thousand dollars (\$3,000) for the
13 third elk. In the case of three (3) trophy elk illegally killed in a twelve
14 (12) month period, the reimbursable damages would be thirty-five thousand
15 dollars (\$35,000) calculated as follows: five thousand dollars (\$5,000)
16 for the first elk, ten thousand dollars (\$10,000) for the second elk, and
17 twenty thousand dollars (\$20,000) for the third elk. Provided however, that
18 wildlife possessing a fifty dollar (\$50.00) reimbursement value shall be
19 figured at the same rate per each animal in violation, without compounding.

20 (b) In every case of a plea of guilty, a finding of guilt or a convic-
21 tion of unlawfully releasing any fish species into any public body of water
22 in the state, the court before whom the plea of guilty, finding of guilt, or
23 conviction is obtained shall enter judgment ordering the defendant to reim-
24 burse the state for the cost of the expenses, not to exceed ten thousand dol-
25 lars (\$10,000), incurred by the state to correct the damage caused by the un-
26 lawful release. For purposes of this subsection, "unlawfully releasing any
27 fish species" ~~shall~~ means a release of any species of live fish, or live eggs
28 thereof, in the state without the permission of the director of the depart-
29 ment of fish and game; provided, that no permission is required when fish are
30 being freed from a hook and released at the same time and place where caught
31 or when crayfish are being released from a trap at the same time and place
32 where caught.

33 (c) In every case of a plea of guilty, a finding of guilt or a convic-
34 tion, the court before whom such plea of guilty, finding of guilt or convic-
35 tion is obtained shall enter judgment ordering the defendant to reimburse
36 the state in a sum or sums as hereinbefore set forth including postjudgment
37 interest. If two (2) or more defendants are convicted of the illegal tak-
38 ing, killing or the illegal possession or wasting of the game animal, bird or
39 fish, such judgment shall be declared against them jointly and severally.

40 (d) The judgment shall fix the manner and time of payment and may permit
41 the defendant to pay the judgment in installments at such times and in such
42 amounts as, in the opinion of the court, the defendant is able to pay. In no
43 event shall any defendant be allowed more than two (2) years from the date
44 judgment is entered to pay the judgment.

45 (e) A defaulted judgment or any installment payment thereof may be col-
46 lected by any means authorized for the enforcement of a judgment under the
47 provisions of the Idaho Code.

48 (f) All courts ordering such judgments of reimbursement shall order
49 such payments to be made to the department, which shall deposit them with the

1 state treasurer, and the treasurer shall place them in the state fish and
2 game account.

3 (g) The court shall retain jurisdiction over the case. If at any time
4 the defendant is in arrears ninety (90) days or more, the court may revoke
5 the defendant's hunting, fishing or trapping privileges until the defendant
6 completes payment of the judgment.