

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 350

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO REVISE AGE
2 PROVISIONS ASSOCIATED WITH THE PURCHASE OF WILDLIFE MANAGEMENT AREA UP-
3 LAND GAME BIRD PERMITS AND TO MAKE TECHNICAL CORRECTIONS.
4

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

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

8 36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game
9 Tags. A resident who has obtained authorization to hunt, as provided in
10 section 36-401, Idaho Code, or has purchased or obtained a license to hunt,
11 as provided in section 36-406, Idaho Code, upon payment of the fees provided
12 herein shall be eligible to receive a resident game tag to hunt and kill a
13 moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion,
14 bear, wolf, sandhill crane or turkey in accordance with the laws of this
15 state and rules promulgated by the commission; provided further, that any
16 person who holds a senior resident combination license or any person who
17 holds a junior combination or hunting license or any disabled American vet-
18 eran who holds a disabled combination license, may be issued a bear, deer,
19 elk, or turkey tag for a fee as specified in section 36-416, Idaho Code;
20 provided further, that resident game tags may be issued only to those per-
21 sons who meet residency requirements of subsection (s) of section 36-202,
22 Idaho Code. In the event an emergency is declared to open a season to protect
23 private property as provided in section 36-106(e)6.(B), Idaho Code, the
24 affected landowner or his designee shall be eligible to receive a resident
25 deer, elk or antelope tag without charge; provided further, that resident
26 game tags may be issued only to persons who qualify as residents pursuant to
27 section 36-202, Idaho Code.

28 (b) Nonresident Game Tags. A nonresident who has purchased a license
29 to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained
30 a license to hunt, as provided in section 36-406(e), Idaho Code, or a res-
31 ident who has purchased or obtained a license or authorization to hunt, as
32 provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees
33 provided herein, shall be eligible to receive a nonresident tag to hunt and
34 kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain
35 lion, bear, wolf, sandhill crane or turkey in accordance with the laws of
36 this state and rules promulgated by the commission; provided further, that
37 a nonresident who has purchased a license to hunt, as provided in section
38 36-407(k), Idaho Code, shall be eligible to receive a junior mentored deer,
39 elk, bear, or turkey tag for a fee as specified in section 36-416, Idaho Code.

40 (c) Game Tags Required. The appropriate tag must be had for the hunt-
41 ing or taking of each and every one of the aforementioned wildlife. The
42 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 moun-
6 tain lion tag or a bear tag, as to different periods of time and areas of the
7 state, shall be determined and specified by the commission. Provided fur-
8 ther, that the commission may promulgate rules to allow a nonresident deer or
9 elk tag to be used to hunt and kill either a bear, wolf or a mountain lion dur-
10 ing the open season for deer or elk in that area, unit or zone as may be speci-
11 fied by the commission. All of said tags are to bear and have serial numbers.

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

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

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

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

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

38 (i) Wildlife Management Area (WMA) Upland Game Bird Permit. The com-
39 mission may, under rules as it may prescribe, issue a wildlife management
40 area upland game bird permit that must be purchased by all persons over
41 ~~sixteen~~ seventeen (16~~7~~) years of age prior to hunting stocked upland game
42 birds on state wildlife management areas designated by the commission. The
43 fee for the permit shall be as specified in section 36-416, Idaho Code.

44 (j) Bear Baiting Permit. The commission may, under rules as it may pre-
45 scribe, issue a bear baiting permit. Any person placing or using bait as may
46 be allowed by rule for the purpose of attracting bear must have in his posses-
47 sion a valid bear baiting permit, which may be purchased by a license holder
48 for a fee as specified in section 36-416, Idaho Code.

49 (k) Migratory Bird Harvest Information Program Permit. The commission
50 may, as provided by federal laws or regulations and under rules as it may pre-

1 scribe, issue a migratory bird harvest information program permit that must
2 be purchased by all persons prior to hunting migratory game birds as required
3 by federal law or regulations. The fee for the permit shall be as specified
4 in section 36-416, Idaho Code.

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

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

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