

IN THE SENATE

SENATE BILL NO. 1027

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-404, IDAHO CODE, TO REVISE A CLASS 6 LICENSE PROVISION; AMENDING SECTION 36-406, IDAHO CODE, TO CLARIFY THAT CERTAIN BEAR TAGS ARE BLACK BEAR TAGS AND TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 36-409, IDAHO CODE, TO REVISE PROVISIONS REGARDING GAME TAGS, TO PROVIDE FOR CERTAIN GRIZZLY BEAR TAGS AND DISABLED AMERICAN VETERAN GAME TAGS, TO CLARIFY THAT CERTAIN BEAR PERMITS ARE BLACK BEAR PERMITS, TO REMOVE CERTAIN PROVISIONS REGARDING DISABLED AMERICAN VETERAN GAME TAGS, TO PROVIDE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-601, IDAHO CODE, TO REQUIRE TAXIDERMIST AND FUR BUYER'S LICENSES FOR THOSE THAT ENGAGE IN THE BUSINESS OF BUYING CERTAIN SKINS AND PARTS OF SPECIFIED ANIMALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-603, IDAHO CODE, TO REQUIRE THE RETENTION OF RECORDS FOR THOSE WHO PURCHASE CERTAIN SKINS AND PARTS OF SPECIFIED ANIMALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE REPORTING REQUIREMENTS REGARDING THE TAKING OF CERTAIN WOLVES, TO PROVIDE FOR THE CONTROL OF DEPREDAATION OF GRIZZLY BEAR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-1202, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR GRIZZLY BEAR IN THE PROHIBITION OF WASTE AND DESTRUCTION OF WILDLIFE; AND AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE FOR REIMBURSEMENT TO THE STATE FOR GRIZZLY BEAR KILLED, POSSESSED OR WASTED AND TO MAKE A TECHNICAL CORRECTION.

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

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

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

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

(b) "Commission" means the Idaho fish and game commission. "Commissioner" means a member of the Idaho fish and game commission.

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

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

(e) "Employee" means any employee of the Idaho department of fish and 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-

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

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

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

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

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

(v) "Order, rule, regulation and proclamation" are all used interchangeably and each includes the others.

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

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

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

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

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

(bb) "License vendor" means any person authorized to issue or sell licenses.

(cc) "Proclamation" means the action by the commission and publication of the pertinent information as it relates to the seasons and limits for taking wildlife.

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

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

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

Class 2: Junior Hunting -- Trapping.

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

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

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

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

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

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

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

Class 7: Duplicate License -- Tag. A license or tag to be issued as a replacement for an original license or tag lost or mutilated. Said license or tag shall be issued in the same class and type as the original and upon issuance of such duplicate license or tag the original license or tag shall become null and void.

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

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

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

(b) Junior Licenses -- Hunting -- Trapping. A license of the second class may be had by a person possessing the qualifications therein described 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 sessing 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 nonser-  
 7 vice-connected veterans pension; or a service-connected veterans disabil-  
 8 ity benefit with forty percent (40%) or more disability; or certified as per-  
 9 manently disabled by a physician. Once determination of permanent disabil-  
 10 ity 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.

(d) Livestock owners, their employees, agents and animal damage control personnel in protecting livestock as provided in subsection (b) of section 36-1107, Idaho Code, are exempt from subsections (b) and (c) of this section.

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

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

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

1. Elk, seven hundred fifty dollars (\$750) per animal killed, possessed or wasted.
2. Caribou, bighorn sheep, mountain goat, grizzly bear and moose, one thousand five hundred dollars (\$1,500) per animal killed, possessed or wasted.
3. Any other species of big game, four hundred dollars (\$400) per animal killed, possessed or wasted.
4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird killed, possessed or wasted.
5. Sturgeon, two hundred fifty dollars (\$250) per fish killed, possessed or wasted.
6. Bull trout, anadromous salmon and steelhead, one hundred fifty dollars (\$150) per fish killed, possessed or wasted.
7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00) per animal killed, possessed or wasted.

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

1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
3. Trophy elk: five thousand dollars (\$5,000) per animal killed, possessed or wasted;
4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
5. Trophy moose: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal 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.