

IN THE SENATE

SENATE BILL NO. 1002

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO EXEMPT
2 SPECIFIED CLASSES OF LICENSES FROM REQUIREMENTS RELATING TO THE DEPOSIT
3 OF CERTAIN PROCEEDS FROM THE SALE OF THE LICENSES INTO THE FISH AND GAME
4 SET-ASIDE ACCOUNT AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION
5 36-404, IDAHO CODE, TO PROVIDE FOR CLASS NINE LICENSES AND TO PROVIDE
6 FOR THE REPLACEMENT OF LOST OR MUTILATED PERMITS; AND AMENDING SECTION
7 36-406, IDAHO CODE, TO PROVIDE THAT TRAPPING LICENSES SHALL ENTITLE THE
8 PURCHASER TO TRAP WOLVES, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL
9 CORRECTIONS.
10

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

12 SECTION 1. That Section 36-111, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby estab-
15 lished the fish and game set-aside account in the dedicated fund. The ac-
16 count shall have paid into it moneys as follows:

17 (a) Four dollars (\$4.00) of each steelhead trout or anadromous salmon
18 permit sold. Moneys from this source shall be used for the acquisition,
19 development and maintenance of parking areas, access sites, boat ramps
20 and sanitation facilities in salmon and steelhead fishing areas, for
21 management of and research on steelhead trout and anadromous salmon
22 problems, and for technical assistance with litigation concerning
23 steelhead and anadromous salmon originating in Idaho.

24 (b) Two dollars (\$2.00) from each combination hunting and fishing li-
25 cense, or each hunting license sold, as provided in sections 36-406 and
26 36-407, Idaho Code, except that class 4, 7 and 9 licenses shall be exempt
27 from this provision. Moneys from this source shall be used for the pur-
28 poses of acquiring access to and acquiring and rehabilitating big game
29 ranges and upland bird and waterfowl habitats. Unless it is inconsis-
30 tent with the goals of the commission, it is the intent of the legisla-
31 ture that the commission negotiate lease arrangements as compared with
32 outright purchase of private property.

33 (c) One dollar and fifty cents (\$1.50) from each pronghorn antelope,
34 elk and deer tag sold as provided in section 36-409, Idaho Code, except
35 that class 7 tags shall be exempt from this provision. Not less than
36 seventy-five cents (75¢) of each one dollar and fifty cents (\$1.50) col-
37 lected shall be placed in a separate account to be designated as a feed-
38 ing account. Moneys in this account shall be used exclusively for the
39 purposes of actual supplemental winter feeding of pronghorn antelope,
40 elk and deer. Moneys shall be used solely for the purchase of blocks,
41 pellets and hay for such winter feeding purposes and/or for the purchase
42 of seed or other material that can be shown to directly provide feed or

1 forage for the winter feeding of pronghorn antelope, elk and deer. The
 2 balance of moneys realized from this source may be used for the control
 3 of depredation of private property by pronghorn antelope, elk and deer
 4 and control of predators affecting pronghorn antelope, elk and deer.
 5 Moneys in the feeding account shall not be used for any purpose other
 6 than winter feeding as herein specified. Moneys in the feeding account
 7 may not be expended except upon the declaration of a feeding emergency
 8 by the director of the department of fish and game. Such emergency need
 9 not exist on a statewide basis but can be declared with respect to one
 10 (1) or more regions of the state. The department shall by rule estab-
 11 lish the criteria for a feeding emergency. The department shall submit
 12 a yearly report to the senate resources and environment committee and
 13 the house resources and conservation committee of the legislature on or
 14 before the 31st day of July, detailing how funds in the feeding account
 15 have been expended during the preceding fiscal year.

16 (d) Those amounts designated by individuals in accordance with section
 17 63-3067A(3) (a), Idaho Code, and from fees paid under the provisions of
 18 section 49-417, Idaho Code. Moneys from these sources shall be used for
 19 a nongame management and protection program under the direction of the
 20 fish and game commission.

21 (e) Money derived from the assessment of processing fees. Moneys de-
 22 rived from this source shall be used as provided in section 36-1407,
 23 Idaho Code.

24 (2) Moneys in the fish and game set-aside account and the feeding ac-
 25 count established in subsection (1) (c) of this section are subject to appro-
 26 priation, and the provisions of section 67-3516, Idaho Code. Moneys in the
 27 fish and game set-aside account and the feeding account shall be invested
 28 by the state treasurer in the manner provided for investment of idle state
 29 moneys in the state treasury by section 67-1210, Idaho Code, with interest
 30 earned on investments from each account to be paid into that account.

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

33 36-404. CLASSES OF LICENSES. The licenses required by the provisions
 34 of this title shall be of eight nine (89) classes. Classes one (1) through
 35 five (5), and eight (8) and nine (9) in this section may be purchased or ob-
 36 tained only by persons who meet residency requirements under the provisions
 37 of section 36-202(s) and (t), Idaho Code, or who are valid holders of a life-
 38 time license certificate.

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

41 Class 2: Junior Hunting -- Trapping -- Youth Small Game Licenses.

42 (a) Junior hunting license. Licenses to be issued only to persons who
 43 are residents of the state of Idaho and are between twelve (12) and seventeen
 44 (17) years of age, inclusive. Provided, that a license may be issued to qual-
 45 ified persons who are eleven (11) years of age to allow the application for a
 46 controlled hunt permit; however, said persons shall not hunt until they are
 47 twelve (12) years of age.

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

4 (c) Youth small game licenses. Licenses to be issued only to qualified
5 persons who are residents of the state of Idaho and are ten (10) or eleven
6 (11) years of age to hunt upland game birds (including turkeys), migratory
7 game birds, cottontail rabbits, huntable furbearers, and unprotected and
8 predatory birds and animals of this state while accompanied in the field by
9 an adult licensed to hunt in the state of Idaho. Provided, that a license may
10 be issued to qualified persons who are nine (9) years of age to allow the ap-
11 plication for a controlled hunt turkey permit; however, said persons shall
12 not hunt until they are ten (10) years of age.

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

16 Class 4: Senior Resident Combination License. Licenses to be issued
17 only to persons over sixty-five (65) years of age who have been bona fide res-
18 idents of the state of Idaho for a continuous period of not less than five (5)
19 years last preceding application.

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

23 Class 6: Nonresident Combination -- Hunting -- Fishing -- Trapping --
24 Junior Mentored Hunting -- Youth Small Game -- Youth Hunter Education Gradu-
25 ate -- Disabled Combination License for American Veteran Participating in a
26 Hunt in Association with a Qualified Organization -- Licenses. Licenses re-
27 quired of persons who are nonresidents.

28 Class 7: Duplicate License -- Tag -- Permit. A license, ~~or tag or per-~~
29 ~~mit~~ to be issued as a replacement for an original license, ~~or tag or per-~~
30 ~~mit~~ lost or mutilated. Said license, ~~or tag or permit~~ shall be issued in the same
31 class and type as the original and upon issuance of such duplicate license,
32 ~~or tag or permit~~ the original license, ~~or tag or permit~~ shall become null and
33 void.

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

37 Class 9: Disabled Resident Combination -- Fishing. Licenses to be is-
38 ssued only to persons who are residents of the state of Idaho and who meet the
39 provisions of section 36-406(g), Idaho Code.

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

42 36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a)
43 Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license
44 of the first class may be had by a person possessing the qualifications
45 therein described on payment of a fee as specified in section 36-416, Idaho
46 Code, for a combined fishing and hunting license entitling the purchaser to
47 hunt and fish for game animals, game birds, unprotected and predatory ani-
48 mals and fish of the state, a fee as specified in section 36-416, Idaho Code,
49 for a fishing license entitling the purchaser to fish in the public waters of

1 the state, a fee as specified in section 36-416, Idaho Code, for a hunting li-
2 cense entitling the purchaser to hunt game animals, game birds, unprotected
3 and predatory animals of the state, and a fee as specified in section 36-416,
4 Idaho Code, for a trapping license entitling the purchaser to trap wolves,
5 furbearers, unprotected and predatory animals of the state.

6 (b) Junior Licenses -- Hunting -- Trapping. A license of the second
7 class may be had by a person possessing the qualifications therein described
8 on payment of a fee as specified in section 36-416, Idaho Code, for a hunting
9 license, and a fee as specified in section 36-416, Idaho Code, for a trapping
10 license entitling the purchaser to the same privileges as the corresponding
11 license of the first class provides.

12 (c) Junior Combination -- Fishing Licenses. A license of the third
13 class may be purchased by a person possessing the qualifications therein
14 described on payment of a fee as specified in section 36-416, Idaho Code, for
15 a combined fishing and hunting license, and a fee as specified in section
16 36-416, Idaho Code, for a fishing license entitling the purchaser to the same
17 privileges as the corresponding license of the first class provides.

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

23 (e) Lifetime Licenses -- Combination -- Hunting -- Fishing. A license
24 of the fifth class may be obtained at no additional charge by a person pos-
25 sessing the qualifications therein described for a combined hunting and
26 fishing license, for a hunting license, or for a fishing license, entitling
27 the person to the same privileges as the corresponding license of the first
28 class provides. Lifetime licensees must be certified under the provisions
29 of section 36-413, Idaho Code, before being issued a license to hunt.

30 (f) A license of the eighth class may be had by a person possessing the
31 qualifications therein described on payment of a fee as specified in section
32 36-416, Idaho Code, entitling the purchaser to hunt and fish for game ani-
33 mals, game birds, fish, and unprotected and predatory animals of the state.
34 With payment of the required fee, a person shall receive with this license a
35 deer tag, an elk tag, a bear tag, a turkey tag, a mountain lion tag, a wolf
36 tag, an archery hunt permit, a muzzleloader permit, a steelhead trout permit
37 and an anadromous salmon permit. The director shall promptly transmit to the
38 state treasurer all moneys received pursuant to this subsection for deposit
39 as follows:

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

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

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

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

47 All persons purchasing a license pursuant to this subsection shall ob-
48 serve and shall be subject to all rules of the commission regarding the fish
49 and wildlife of the state.

1 If the purchaser of this license does not meet the archery education re-
2 quirements of section 36-411(b), Idaho Code, then, notwithstanding the pro-
3 visions of section 36-304, Idaho Code, the archery hunt permit portion of
4 this license is invalid. The fee for this license will not change and the li-
5 cense must be issued without the archery permit validation.

6 (g) Disabled Persons Resident Licenses -- Combination -- Fishing. A
7 license of the ~~first~~ ninth class may be had by any resident disabled person on
8 payment of a fee as specified in section 36-416, Idaho Code, for a combined
9 fishing and hunting license, and a fee as specified in section 36-416, Idaho
10 Code, for a fishing license, entitling the purchaser to the same privileges
11 as the corresponding license of the first class provides. A disabled person
12 means a person who is deemed disabled by one (1) or more, but not necessar-
13 ily all, of the following: the railroad retirement board pursuant to title
14 45 of the United States Code, or certified as eligible for federal supple-
15 mental security income (SSI); or social security disability income (SSDI);
16 or a nonservice-connected veterans pension; or a service-connected veter-
17 ans disability benefit with forty percent (40%) or more disability; or cer-
18 tified as permanently disabled by a physician. Once determination of perma-
19 nent disability has been made with the department, the determination shall
20 remain on file within the electronic filing system and the license holder
21 shall not be required to present a physician's determination each year or
22 prove their disability each year.

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

29 (i) Youth Small Game Licenses -- Hunting. A license of the second class
30 may be had by a person possessing the qualifications therein described on
31 payment of a fee as specified in section 36-416, Idaho Code, provided that
32 the license shall be valid only for hunting upland game birds (including
33 turkeys), migratory game birds, cottontail rabbits, huntable furbearers,
34 and unprotected and predatory birds and animals of this state while accompa-
35 nied in the field by the holder of an adult Idaho hunting license.