

Meeting Date: July 25, 2019

Agenda Item No. 6a. & 6b.

Agenda Item: 2020 Legislative Proposals,
Department Sponsored

Bureau Chief Approval: _____

Prepared by: Paul Kline

Background: Staff briefed the Commission in May regarding their request to consider two ideas for legislation for the 2020 Legislative Session that would be specifically sponsored by the Department. The Commission approved staff to submit both ideas for legislation through the Executive Agencies Legislation System (EALS); this action was completed prior to the July 12, 2019 filing deadline. Subsequent Governor's Office approval is required to move legislation ideas forward. Once approved, proposals must then be drafted as legislative bills and submitted to EALS by August 16, 2019. The two ideas for legislation that were submitted through EALS by the July 12, 2019 filing deadline are:

- Legislative idea #1: Establishing statutory authority for the Commission to issue an Upland Game Bird Permit that must be purchased to hunt stocked pheasants on nine (9) WMA properties in addition to potential new properties approved by the Commission.
- Legislative idea #2: The proposal to change statute to reflect an increase in nonresident license, tag and permit fees to offset potential declines in sales and revenue associated with lower non-resident participation anticipated if rulemaking is approved (and acted on) that provides the Commission the authority by proclamation to manage the number of nonresidents participating in general season big game hunts.

Staff have drafted proposed changes to Idaho Statute for Legislative idea #1, Upland Game Bird Permit requirements (attached).

Staff are finalizing analyses associated with managing nonresident participation in general hunts and associated fiscal impacts to the Department. Staff will present proposed changes to Idaho Statute for Legislative idea #2 to the Commission at a later date.

Statutory Authority and/or Policy issues: The Commission has responsibility to provide policy direction for Department-sponsored legislation.

Public Involvement Process: There is an opportunity through Commission hearings in July through January for public input regarding Governor's Office-approved legislative proposals. There is also substantial opportunity for public involvement through legislative committee hearings about bills during the 2020 session.

Staff Recommendation:

- Legislative idea #1: Provide policy approval for proposed statutory language to provide the Commission authority to issue an upland game bird permit that

must be purchased to hunt stocked pheasants on WMA property in addition to new properties. Proposed changes to Statute Title 36, Chapter 4 follow.

Sample Motion:

Move to adopt the staff recommendation for Legislative idea #1 to modify statutory language as attached and to proceed with the development of draft bill language to submit through EALS by August 16, 2018.

- Legislative idea #2: Proposed changes to statutory language and a new nonresident fee schedule are under development at the time of this writing. The Director will request a Commission meeting/phone conference prior to the August 16, 2019 date for filing draft bill language through EALS to review proposed changes to Statute and the nonresident fee schedule to compensate for anticipated revenue losses associated with managing nonresident participation in general hunts.

Sample Motion:

No motion proposed at this time.

Justification: Commission review is necessary to ensure consistency between legislative ideas and Commission policy and priorities.

Legislative idea #1 proposed changes to statutory language re: Upland Game Bird Permit requirements

TITLE 36
FISH AND GAME
CHAPTER 4
GAME TAGS, PERMITS, FEES, PENALTY

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

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

(c) Game Tags Required. The appropriate tag must be had for the hunting or taking of each and every one of the aforementioned wildlife. The commission shall promulgate rules to allow exception from tag possession to take wildlife for a disabled hunter companion who is assisting a hunter possessing the appropriate tag and a valid disabled combination license or a disabled archery permit or a disabled hunt motor vehicle permit or who is a disabled veteran participating in a hunt as provided in section 36-408(7), Idaho Code. Provided, that the commission may promulgate rules to allow a nonresident deer or elk tag to be used to hunt and kill either a black bear, a wolf or a mountain lion during the open season for deer or elk in that area, unit or zone as may be specified by the commission. All of said tags are to bear and have serial numbers.

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

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

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

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

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

(i) ~~Wildlife Management Area (WMA) Upland Game Bird Permit.~~ The commission may, under rules as it may prescribe, issue an wildlife management area upland game bird permit that must be purchased by all persons over seventeen (17) years of age prior to hunting stocked upland game birds on state wildlife management areas or other locations designated by the commission. The fee for the permit shall be as specified in section 36-416, Idaho Code. (X-XX-XX)

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

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

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

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

[36-409, added 1976, ch. 95, sec. 2, p. 337; am. 1978, ch. 171, sec. 1, p. 391; am. 1980, ch. 339, sec. 4, p. 875; am. 1981, ch. 98, sec. 3, p. 144; am. 1982, ch. 230, sec. 1, p. 606; am. 1984, ch. 197, sec. 2, p. 486; am. 1986, ch. 7, sec. 2, p. 47; am. 1986, ch. 52, sec. 5, p. 154; am. 1987, ch. 253, sec. 1, p. 515; am. 1988, ch. 209, sec. 1, p. 391; am. 1990, ch. 6, sec. 1, p. 11; am. 1990, ch. 372, sec. 5, p. 1032; am. 1991, ch. 290, sec. 1, p. 749; am. 1992, ch. 81, sec. 7, p. 228; am. 1993, ch. 27, sec. 2, p. 95; am. 1994, ch. 118, sec. 1, p. 267; am. 1995, ch. 176, sec. 1, p. 658; am. 1997, ch. 203, sec. 1, p. 578; am. 1998, ch. 175, sec. 4, p. 621; am. 1998, ch. 298, sec. 3, p. 985; am. 1998, ch. 357, sec. 4, p. 1119; am. 1999, ch. 55, sec. 1, p. 141; am. 2000, ch. 211, sec. 12, p. 556; am. 2001, ch. 139, sec. 1, p. 500; am. 2001, ch. 171, sec. 1, p. 586; am. 2001, ch. 206, sec. 1, p. 699; am. 2002, ch. 234, sec. 5, p. 690; am. 2007, ch. 35, sec. 1, p. 81; am. 2007, ch. 73, sec. 2, p. 198; am. 2010, ch. 102, sec. 1, p. 198; am. 2011, ch. 88, sec. 3, p. 186; am. 2011, ch. 109, sec. 3, p. 285; am. 2012, ch. 102, sec. 1, p. 272; am. 2016, ch. 207, sec. 1, p. 583; am. 2017, ch. 61, sec. 4, p. 144.]