

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 192

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE A
PROVISION REGARDING DEER AND ELK TAGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-408, Idaho Code, be, and the same is hereby
amended to read as follows:

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS
LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The
commission is hereby authorized to prescribe the number and kind of wildlife
that may be taken under authority of the several types of tags and permits
provided for in this title and the manner in which said tags and permits shall
be used and validated. All Idaho wolf tags will be valid for hunting, trap-
ping, and snaring in any unit when seasons are open at the time of take. There
shall be no limit to the number of wolf tags that an individual can purchase.
All appropriate fish and game education requirements must be met.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commis-
sion is hereby authorized to establish a limit annually as to the number of
each kind and class of licenses, tags, or permits to be sold or issued and is
further authorized to limit the number or prohibit entirely the participa-
tion by nonresidents in controlled hunts.

(3) Outfitted Hunter Tags Set-Aside. When the commission establishes a
limit as to the number of nonresident deer tags and nonresident elk tags, it
shall set aside, when setting big game seasons, in a statewide pool, a maxi-
mum of twenty-five percent (25%) of the nonresident tag quota as of February
6, 2025, of the nonresident deer tag and nonresident elk tag limit. These
tags may shall be allocated to the outfitted hunters in capped hunts, limited
hunts, and controlled hunts and set aside for outfitted hunter use in general
hunts.

(a) Such outfitted allocated set-aside tags shall be separate from the
tag numbers set for residents and nonresidents in each capped or con-
trolled hunt, unit, or game management area. The set-aside tags shall
be sold pursuant to ~~commission rule~~ the provisions of this subsection
and subsection (4) of this section, only to persons that have entered
into a signed agreement for that year to utilize the services of an out-
fitter licensed pursuant to chapter 21, title 36, Idaho Code.

(b) In order for a person to purchase any set-aside nonresident deer
tag or nonresident elk tag, that person's outfitter must submit an ap-
plication with the proper fees as required by the director. If any non-
resident deer tags or nonresident elk tags set aside for use in general
hunts pursuant to this subsection are unsold by July 15 of the year in
which they were set aside, they may be sold by the department to the gen-
eral public pursuant to commission rule. If any nonresident deer tags

1 or nonresident elk tags set aside as general or capped allocated tags
2 pursuant to this subsection are unsold by July 31 of the year in which
3 they were set aside, they may be sold by the department to the general
4 public pursuant to commission rule.

5 ~~The commission may promulgate all necessary rules to implement the pro-~~
6 ~~visions of this subsection.~~

7 (4) Deer and Elk Tag Allocation. When setting big game seasons, if the
8 commission limits the number of deer or elk tags available for use in any game
9 management area, unit, or zone, the commission ~~may~~ shall allocate ~~by rule,~~
10 where there are outfitted operations, a number of deer and elk tags from the
11 outfitted hunter set-aside pool of tags for use by ~~hunters~~ any type of hunter
12 that ~~have~~ has entered into a signed agreement for that year to utilize the
13 services of an outfitter licensed pursuant to chapter 21, title 36, Idaho
14 Code.

15 (a) Outfitter allocation shall be recalculated in all units and zones,
16 including the capped elk zones, using historic use of the highest tag
17 number from the previous two (2) years, prior to implementing the draw.

18 (b) Outfitter allocation in general season hunts, including limited
19 hunts and capped elk zones, shall be recalculated every two (2) years
20 using the highest tag use number from the previous two (2) years, sub-
21 ject to a maximum of fifty percent (50%) of the remaining nonresident
22 tag limit.

23 (c) ~~In addition to rules promulgated by the commission regarding al-~~
24 ~~location, or pursuant~~ Pursuant to this section, in capped all general
25 season hunts the commission may shall allocate the number of outfitted
26 hunter elk and deer tags based on the highest number within each of the
27 last two (2) years of all elk or deer tags using the services of an out-
28 fitter in each ~~capped~~ general season hunt. Any additional tags above
29 the original outfitted hunter tag quota ~~may~~ shall come from the nonres-
30 ident outfitted hunter set-aside pool or the nonresident quota in the
31 capped hunt, not to exceed fifty percent (50%) of the nonresident quota
32 for each capped hunt. In capped hunts, when tag numbers change for all
33 users, ~~they~~ or when a new hunt is created, such changes will apply pro-
34 portionally to all user groups.

35 (d) In controlled hunts, the commission may allocate the number of out-
36 fitted hunter elk or deer tags based on a number compiled from each out-
37 fitter's highest year within the last two (2) years of all elk or deer
38 tags using the services of an outfitter for each controlled hunt. Any
39 additional tags above the original outfitted hunter tag quota may come
40 from the nonresident outfitted hunter set-aside pool or the nonresident
41 quota in the controlled hunt, not to exceed fifty percent (50%) of the
42 nonresident quota for each controlled hunt.

43 (e) Outfitted hunter tag use history will be provided through records
44 from the sale of outfitted hunter tags compiled by the Idaho department
45 of fish and game and verified use other than allocated tags recorded
46 with the department by December 20 by outfitters. The department shall
47 distribute the allocated outfitted tags through its point-of-sale ma-
48 chines.

49 (f) Beginning December 1, 2020, all outfitted deer and elk tag use shall
50 be verified in order to qualify for allocated outfitted hunter tag use

1 history. Verification consists of the purchase of allocated tags from
 2 the Idaho department of fish and game or the use of an outfitter-pro-
 3 vided agreement, including the tag number that is recorded with the de-
 4 partment.

5 (g) All big game tags used in allocated outfitted hunts must be recorded
 6 by outfitters with the department by December 20 each year. An admin-
 7 istrative fee of five dollars (\$5.00) shall be assessed for each allo-
 8 cated outfitted big game tag sold or exchanged at a point-of-sale ma-
 9 chine. An administrative fee of twenty dollars (\$20.00) shall be as-
 10 sessed for each big game tag submitted for verification as being outfit-
 11 ted.

12 (h) The allocated tags shall be designated by the Idaho outfitters and
 13 guides licensing board to those authorized outfitting operations li-
 14 censed for elk and deer hunting for the use by the outfitted hunter, pur-
 15 suant to section 36-2107(h), Idaho Code.

16 (i) Those tags not qualified for allocated tag use history include
 17 emergency depredation, landowner appreciation program hunts, or meat
 18 packing without an outfitted allocated deer or elk tag.

19 (j) ~~The commission may promulgate all necessary rules to implement the~~
 20 ~~provisions of this subsection. No rules shall be promulgated regarding~~
 21 ~~this subsection or subsection (3) of this section.~~

22 (5) Special Game Tags. The commission is hereby authorized to issue two
 23 (2) special bighorn sheep tags per year.

24 (a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall
 25 be auctioned off by an incorporated nonprofit organization dedicated
 26 to wildlife conservation selected by the commission. The tag shall be
 27 issued by the department of fish and game to the highest eligible bid-
 28 der. No more than five percent (5%) of all proceeds for the tag may be
 29 retained by the organization. The tag to be issued pursuant to this
 30 subsection shall be taken from the nonresident bighorn sheep tag quota.
 31 The net proceeds shall be forwarded to the director for deposit in the
 32 fish and game expendable trust account and shall be used for bighorn
 33 sheep research and management purposes. Moneys raised pursuant to this
 34 subsection may not be used to transplant additional bighorn sheep into
 35 that portion of southwest Idaho south of the Snake river and west of U.S.
 36 highway no. 93, nor for litigation or environmental impact statements
 37 involving bighorn sheep. No transplants of bighorn sheep accomplished
 38 with moneys raised pursuant to this subsection shall occur in any area
 39 until hearings are conducted in the area. Provided however, that none
 40 of the proceeds generated from the auction of bighorn sheep tags pur-
 41 suant to this paragraph be used to purchase or acquire private property
 42 or federally managed grazing permits, nor shall any proceeds generated
 43 be used for matching funds for the purchase of private property or the
 44 retirement or the acquisition of federally managed grazing permits.

45 (b) Lottery bighorn sheep tag. The commission is also authorized to is-
 46 sue one (1) special bighorn sheep tag, which will be disposed of by lot-
 47 tery. The lottery permit can be marketed by the department of fish and
 48 game or a nonprofit organization dedicated to wildlife conservation sel-
 49 lected by the commission. The tag will be issued by the department of
 50 fish and game to an eligible person drawn from the lottery provided in

1 this subsection. No more than twenty-five percent (25%) of gross revenue
2 can be retained for administrative costs by the organization. All
3 net proceeds for the tag disposed of by lottery pursuant to this sub-
4 section shall be remitted to the department and deposited in the fish
5 and game expendable trust account. Moneys in the account from the lot-
6 tery bighorn sheep tag shall be utilized by the department in solving
7 problems between bighorn sheep and domestic sheep, solving problems be-
8 tween wildlife and domestic animals or improving relationships between
9 sportsmen and private landowners.

10 (6) Issuance of Free Permit or Tag to Minor Children with Life-Threat-
11 ening Medical Conditions. Notwithstanding any other provision of law, the
12 commission may issue free big game permits or tags to minor children who have
13 life-threatening medical conditions that have been certified eligible by
14 a qualified organization. The commission may prescribe by rule the manner
15 and conditions of issuing and using the permits or tags authorized under this
16 subsection. For purposes of this subsection, a "qualified organization"
17 means a nonprofit organization that is qualified under section 501(c) (3) of
18 the Internal Revenue Code and that affords opportunities and experiences to
19 minor children with life-threatening medical conditions.

20 (7) Issuance of Free Permit or Tag to Military Veterans with Disabil-
21 ities. The commission may prescribe by rule the manner and conditions of
22 using the permits or tags authorized under this subsection. Notwithstand-
23 ing any other provision of law, the commission shall issue five (5) free big
24 game permits or tags to disabled military veterans whose disability has been
25 certified eligible by the Idaho division of veterans services. All veterans
26 applying must be sponsored by a "qualified organization," which for purposes
27 of this subsection means a governmental agency that assists veterans or a
28 nonprofit organization that is qualified under section 501(c) (3), 501(c) (4)
29 or 501(c) (19) of the Internal Revenue Code and that affords opportunities,
30 experiences and assistance to disabled veterans. The Idaho division of vet-
31 erans services shall screen all applicants to ensure only the most deserving
32 disabled veterans shall be issued these permits or tags. A list of screened
33 applicants shall be provided to the commission in priority order for is-
34 suance. The commission shall issue one (1) permit or tag each to the top two
35 (2) candidates for a sponsored hunt as designated by the Idaho division of
36 veterans services and the three (3) remaining permits or tags to candidates
37 sponsored by a qualified organization as described in this subsection.

38 (8) Special Wolf Tags. The commission is hereby authorized to issue up
39 to ten (10) special auction or lottery tags for hunting wolves. Special wolf
40 tags will be auctioned off or made available through lottery by incorporated
41 nonprofit organizations dedicated to wildlife conservation and selected by
42 the director. No more than five percent (5%) of all proceeds for each tag
43 may be retained by the nonprofit organization for administrative costs in-
44 volved. Each wolf tag shall be issued by the department of fish and game and
45 awarded to the highest eligible bidder or winner of a lottery. Each tag will
46 be good for the harvest of one (1) wolf pursuant to commission rule. The pro-
47 ceeds from each tag will be sent to the director to be placed in the depart-
48 ment general license fund.

49 (9) Special Big Game Auction Tags -- Governor's Wildlife Partnership
50 Tags. The commission is hereby authorized to issue special big game auc-

1 tion tags hereafter named and referred to as "Governor's wildlife partner-
2 ship tags" for hunting designated species on dates and in areas designated by
3 the commission. To enhance and sustain the value of Idaho's wildlife, up to
4 three (3) tags per species per year may be issued for deer, elk and pronghorn
5 antelope, one (1) tag per year may be issued for moose, and one (1) tag per
6 species per year may be issued for mountain goat and bighorn sheep. Each tag
7 will be signed by the governor of Idaho prior to auction to the public and be
8 available to either residents or nonresidents of Idaho. Governor's wildlife
9 partnership tags issued for deer, elk, pronghorn antelope and moose pursuant
10 to this subsection shall be taken from the nonresident controlled hunt pro-
11 grams for these species adopted by the fish and game commission. Governor's
12 wildlife partnership tags issued for mountain goat and bighorn sheep shall
13 be taken from the nonresident mountain goat and bighorn sheep quota. Gover-
14 nor's wildlife partnership tags shall be auctioned off by incorporated non-
15 profit organizations dedicated to wildlife conservation and selected by the
16 director. No more than five percent (5%) of all proceeds from each tag sale
17 may be retained by the nonprofit organization for administrative costs in-
18 volved, including in the event a tag is redonated and reauctioned. Each tag
19 shall be issued by the department of fish and game and awarded to the high-
20 est eligible bidder. Each tag shall be good for the harvest of one (1) big
21 game animal pursuant to commission rule consistent with the provisions of
22 this subsection. The proceeds from each tag shall be sent to the director to
23 be allocated up to thirty percent (30%) for sportsmen access programs, such
24 as access yes, and the balance for wildlife habitat projects, wildlife man-
25 agement projects to increase the quantity and quality of big game herds, and
26 other research and management activities approved by the commission. Pro-
27 vided however, that none of the proceeds generated from the auctions pur-
28 suant to the provisions of this subsection shall be used to purchase or ac-
29 quire private property or federally managed grazing permits, nor shall any
30 proceeds generated be used for matching funds for the purchase of private
31 property or the retirement or the acquisition of federally managed grazing
32 permits. Moneys raised pursuant to this subsection may not be used to trans-
33 plant additional bighorn sheep into that portion of southwest Idaho south of
34 the Snake river and west of U.S. highway no. 93, nor for litigation or envi-
35 ronmental impact statements involving bighorn sheep.

36 SECTION 2. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval.