

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 262

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING DEER AND ELK TAG ALLOCATION; AND DECLARING AN
3 EMERGENCY.
4

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

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

8 36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS
9 LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The
10 commission is hereby authorized to prescribe the number and kind of wildlife
11 that may be taken under authority of the several types of tags and permits
12 provided for in this title and the manner in which said tags and permits shall
13 be used and validated. All Idaho wolf tags will be valid for hunting, trap-
14 ping, and snaring in any unit when seasons are open at the time of take. There
15 shall be no limit to the number of wolf tags that an individual can purchase.
16 All appropriate fish and game education requirements must be met.

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

22 (3) Outfitted Hunter Tags Set-Aside. When the commission establishes
23 a limit as to the number of nonresident deer tags and nonresident elk tags,
24 it shall set aside, when setting big game seasons, in a statewide pool, a
25 maximum of three thousand eight hundred seventy-five (3,875) nonresident
26 deer tags and three thousand two hundred (3,200) nonresident elk tags or
27 twenty-five percent (25%) of the nonresident deer tag and nonresident elk
28 tag total limit, whichever is greater. These tags ~~may~~ shall be allocated
29 to the licensed outfitted hunters in capped hunts, limited hunts, and
30 controlled hunts, and any future restricted hunts and set aside for outfitted
31 hunter use in general hunts.

32 (a) Such outfitted allocated set-aside tags shall be separate from the
33 tag numbers set for residents and nonresidents in each capped ~~or con-~~
34 ~~trolled hunt, limited, controlled, or future restricted hunts, unit, or~~
35 game management area. The set-aside tags shall be sold pursuant to com-
36 mission rule in accordance with the provisions of this section, only to
37 persons that have entered into a signed agreement for that year to uti-
38 lize the services of an outfitter licensed pursuant to chapter 21, title
39 36, Idaho Code.

40 (b) In order for a person to purchase any set-aside nonresident deer
41 tag or nonresident elk tag, that person's outfitter must submit an ap-
42 plication with the proper fees as required by the director. If any non-

1 resident deer tags or nonresident elk tags set aside for use in general
2 hunts pursuant to this subsection are unsold by July 15 of the year in
3 which they were set aside, they may be sold by the department to the gen-
4 eral public pursuant to commission rule. If any nonresident deer tags
5 or nonresident elk tags set aside as ~~general capped allocated tags and~~
6 allocated pursuant to this subsection are unsold by July 31 of the year
7 in which they were set aside, they may be sold by the department to the
8 general public pursuant to commission rule.

9 (c) The commission ~~may~~ shall promulgate and implement all necessary
10 rules ~~to implement~~, subject to legislative approval, in accordance with
11 the provisions of this subsection.

12 (4) Deer and Elk Tag Allocation. When setting big game seasons, if the
13 commission limits the number of deer or elk tags available for use in any game
14 management area, unit, or zone, the commission ~~may~~ shall allocate ~~by rule~~,
15 where there are licensed outfitted operations, a number of deer and elk tags
16 from the outfitted hunter set-aside pool of tags as determined according to
17 the provisions of this section for use by hunters that have entered into a
18 signed agreement for that year to utilize the services of an outfitter li-
19 censed pursuant to chapter 21, title 36, Idaho Code.

20 (a) In addition to rules promulgated by the commission regarding al-
21 location, ~~or pursuant to~~ in accordance with this section, in capped,
22 limited, controlled, or any future restricted hunts the commission ~~may~~
23 shall allocate the number of outfitted hunter elk and deer tags based on
24 the highest number within each of the last two (2) years of all elk or
25 deer tags using the services of an outfitter in each capped hunt. Any
26 additional tags above the original outfitted hunter tag quota may come
27 from the nonresident outfitted hunter set-aside pool or the nonresident
28 quota in the capped hunt, not to exceed fifty percent (50%) of the non-
29 resident quota for each capped hunt. tags from the set-aside pool es-
30 tablished in subsection (3) of this section. The commission shall, ev-
31 ery two (2) years, recalculate all hunts using the historic use of the
32 highest tag use number from the previous two (2) years, subject to a max-
33 imum of fifty percent (50%) of the remaining nonresident tag limit. In
34 capped, controlled, and any future restricted hunts, when tag numbers
35 change for all users, ~~they~~ or when a new hunt is created, such changes
36 will apply proportionally to all user groups.

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

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

1 (c) Beginning December 1, 2020, all outfitted deer and elk tag use shall
 2 be verified in order to qualify for allocated outfitted hunter tag use
 3 history. Verification consists of the purchase of allocated tags from
 4 the Idaho department of fish and game or the use of an outfitter-pro-
 5 vided agreement, including the tag number that is recorded with the de-
 6 partment.

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

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

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

21 (g) The commission ~~may~~ shall promulgate and implement all necessary
 22 rules ~~to implement~~, subject to legislative approval, in compliance with
 23 the provisions of this subsection.

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

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

47 (b) Lottery bighorn sheep tag. The commission is also authorized to is-
 48 sue one (1) special bighorn sheep tag, which will be disposed of by lot-
 49 tery. The lottery permit can be marketed by the department of fish and
 50 game or a nonprofit organization dedicated to wildlife conservation se-

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

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

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

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

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

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