

IN THE SENATE

SENATE BILL NO. 1125

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUCTION OF BIGHORN SHEEP TAGS, TO REVISE PROVISIONS RELATING TO THE DISPOSAL OF BIGHORN SHEEP TAGS BY LOTTERY AND TO MAKE TECHNICAL CORRECTIONS; 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.

(2) Limit – Licenses, Tags or Permits – Controlled Hunts. The commission 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 participation by nonresidents in controlled hunts.

(3) Outfitters Set-aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person’s outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside pursuant to this subsection are unsold by July 1 of the year in which they were set aside, they may be sold by the department to the general public who are nonresidents. The commission may promulgate all necessary rules to implement the provisions of this subsection.

(4) Deer and Elk Tag Allocation. If the commission limits the number of deer or elk tags available for use in any game management area, unit or zone, the commission may allocate by rule a number of deer or elk tags for use by hunters that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

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

(a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall be auctioned off by an incorporated nonprofit organization dedicated to wildlife conservation, selected

1 by the commission. The tag shall be issued by the department of fish and game to the
 2 highest eligible bidder. No more than five percent (5%) of all proceeds for the tag may
 3 be retained by the organization. The tag to be issued pursuant to this subsection shall be
 4 taken from the nonresident bighorn sheep tag quota. The net proceeds shall be forwarded
 5 to the director for deposit in the fish and game expendable trust account and shall be used
 6 for bighorn sheep research and management purposes of existing populations within the
 7 state of Idaho. Moneys raised pursuant to this subsection may not be used to transplant
 8 additional bighorn sheep into ~~that portion of southwest Idaho south of the Snake River~~
 9 ~~and west of U.S. highway no. 93~~ Idaho until all provisions of section 36-106, Idaho
 10 Code, are satisfied, nor for litigation or environmental impact statements involving
 11 bighorn sheep. No transplants or relocations of bighorn sheep ~~accomplished with moneys~~
 12 ~~raised pursuant to this subsection shall occur in any area until hearings are conducted in~~
 13 ~~the area~~ will occur into or in Idaho until all provisions of section 36-106, Idaho Code, are
 14 satisfied.

15 (b) Lottery bighorn sheep tag. The commission is also authorized to issue one (1)
 16 special bighorn sheep tag which will be disposed of by lottery. The lottery permit can
 17 be marketed by the department of fish and game or a nonprofit organization dedicated
 18 to wildlife conservation selected by the commission. The tag will be issued by the
 19 department of fish and game to an eligible person drawn from the lottery provided in this
 20 subsection. No more than ~~twenty-five~~ percent (25%) of gross revenue can be retained
 21 for administrative costs by the organization. All net proceeds for the tag disposed of by
 22 lottery pursuant to this subsection shall be remitted to the department and deposited in the
 23 fish and game expendable trust account. Moneys in the account from the lottery bighorn
 24 sheep tag shall be utilized by the department in solving problems between bighorn
 25 sheep and domestic sheep, ~~solving problems between wildlife and domestic animals or~~
 26 ~~improving relationships between sportsmen and private landowners by being~~ or utilized in
 27 the veterinarian program established in subsection (e)9. of section 36-106, Idaho Code.

28 (6) Issuance of free permit or tag to minor children with life-threatening medical
 29 conditions. Notwithstanding any other provision of law, the commission may issue free big
 30 game permits or tags to minor children who have life-threatening medical conditions that
 31 have been certified eligible by a qualified organization. The commission may prescribe by
 32 rule the manner and conditions of issuing and using the permits or tags authorized under
 33 this subsection (6). For purposes of this subsection (6) a "qualified organization" means a
 34 nonprofit organization that is qualified under section 501(c)(3) of the Internal Revenue Code
 35 and that affords opportunities and experiences to minor children with life-threatening medical
 36 conditions.

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

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