

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 247, As Amended

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO RESTRICT
2 THE USE OF PROCEEDS FROM THE AUCTION OF CERTAIN BIGHORN SHEEP TAGS, TO
3 REVISE THE PERCENTAGE OF REVENUE THAT MAY BE RETAINED FOR ADMINISTRA-
4 TIVE COSTS BY ORGANIZATIONS MARKETING LOTTERY BIGHORN SHEEP TAGS AND TO
5 PROVIDE FOR SPECIAL BIG GAME AUCTION TAGS DESIGNATED AS GOVERNOR'S AUC-
6 TION TAGS.
7

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

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

11 36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS
12 LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The
13 commission is hereby authorized to prescribe the number and kind of wildlife
14 that may be taken under authority of the several types of tags and permits
15 provided for in this title, and the manner in which said tags and permits
16 shall be used and validated.

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

29 In order for a person to purchase any set-aside nonresident deer tag or
30 nonresident elk tag, that person's outfitter must submit an application with
31 the proper fees as required by the director. If any nonresident deer tags or
32 nonresident elk tags set aside pursuant to this subsection are unsold by July
33 1 of the year in which they were set aside, they may be sold by the department
34 to the general public who are nonresidents. The commission may promulgate
35 all necessary rules to implement the provisions of this subsection.

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

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

3 (a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall
4 be auctioned off by an incorporated nonprofit organization dedicated
5 to wildlife conservation, selected by the commission. The tag shall
6 be issued by the department of fish and game to the highest eligible
7 bidder. No more than five percent (5%) of all proceeds for the tag may
8 be retained by the organization. The tag to be issued pursuant to this
9 subsection shall be taken from the nonresident bighorn sheep tag quota.
10 The net proceeds shall be forwarded to the director for deposit in the
11 fish and game expendable trust account and shall be used for bighorn
12 sheep research and management purposes. Moneys raised pursuant to this
13 subsection may not be used to transplant additional bighorn sheep into
14 that portion of southwest Idaho south of the Snake River and west of U.S.
15 highway no. 93, nor for litigation or environmental impact statements
16 involving bighorn sheep. No transplants of bighorn sheep accomplished
17 with moneys raised pursuant to this subsection shall occur in any area
18 until hearings are conducted in the area. Provided however, that none
19 of the proceeds generated from the auction of bighorn sheep tags pur-
20 suant to this paragraph be used to purchase or acquire private property
21 or federally managed grazing permits, nor shall any proceeds generated
22 be used for matching funds for the purchase of private property or the
23 retirement or the acquisition of federally managed grazing permits.

24 (b) Lottery bighorn sheep tag. The commission is also authorized to is-
25 sue one (1) special bighorn sheep tag which will be disposed of by lot-
26 tery. The lottery permit can be marketed by the department of fish and
27 game or a nonprofit organization dedicated to wildlife conservation se-
28 lected by the commission. The tag will be issued by the department of
29 fish and game to an eligible person drawn from the lottery provided in
30 this subsection. No more than ~~twenty~~-five percent (25%) of gross rev-
31 enue can be retained for administrative costs by the organization. All
32 net proceeds for the tag disposed of by lottery pursuant to this sub-
33 section shall be remitted to the department and deposited in the fish
34 and game expendable trust account. Moneys in the account from the lot-
35 tery bighorn sheep tag shall be utilized by the department in solving
36 problems between bighorn sheep and domestic sheep, solving problems be-
37 tween wildlife and domestic animals or improving relationships between
38 sportsmen and private landowners.

39 (6) Issuance of free permit or tag to minor children with life-threat-
40 ening medical conditions. Notwithstanding any other provision of law, the
41 commission may issue free big game permits or tags to minor children who have
42 life-threatening medical conditions that have been certified eligible by
43 a qualified organization. The commission may prescribe by rule the manner
44 and conditions of issuing and using the permits or tags authorized under
45 this subsection (6). For purposes of this subsection (6) a "qualified or-
46 ganization" means a nonprofit organization that is qualified under section
47 501(c)(3) of the Internal Revenue Code and that affords opportunities and
48 experiences to minor children with life-threatening medical conditions.

49 (7) Issuance of free permit or tag to military veterans with disabili-
50 ties. Notwithstanding any other provision of law, the commission may issue

1 free big game permits or tags to disabled military veterans who have been
2 certified eligible by a qualified organization. The commission may pre-
3 scribe by rule the manner and conditions of issuing and using the permits
4 or tags authorized under this subsection (7). For purposes of this sub-
5 section (7), a "qualified organization" means a governmental agency that
6 assists veterans or a nonprofit organization that is qualified under section
7 501(c) (3) of the Internal Revenue Code and that affords opportunities, expe-
8 riences and assistance to disabled veterans.

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

20 (9) Special Big Game Auction Tags -- Governor's Auction Tags. The com-
21 mission is hereby authorized to issue special big game auction tags here-
22 after named and referred to as "Governor's auction tags" for hunting desig-
23 ned species beginning September 1 and ending November 30 of the same cal-
24 endar year in any established hunt area for the designated species. To en-
25 hance and sustain the value of Idaho's wildlife, up to three (3) auction tags
26 per species per year will be issued for deer, elk and pronghorn antelope, one
27 (1) auction tag per year will be issued for moose, and one (1) auction tag
28 per species per year may be issued for mountain goat and bighorn sheep. Each
29 tag will be signed by the governor of Idaho prior to auction to the public
30 and be available to either residents or nonresidents of Idaho. Governor's
31 auction tags issued for deer, elk, pronghorn antelope and moose pursuant to
32 this subsection shall be taken from the nonresident controlled hunt programs
33 for these species adopted by the fish and game commission. Governor's auc-
34 tion tags issued for mountain goat and bighorn sheep shall be taken from the
35 nonresident mountain goat and bighorn sheep quota. Governor's auction tags
36 shall be auctioned off by incorporated nonprofit organizations dedicated to
37 wildlife conservation and selected by the director. No more than five per-
38 cent (5%) of all proceeds from each auction tag sale may be retained by the
39 nonprofit organization for administrative costs involved, including in the
40 event a tag is redonated and reauctioned. Each tag shall be issued by the de-
41 partment of fish and game and awarded to the highest eligible bidder. Each
42 Governor's auction tag shall be good for the harvest of one (1) big game ani-
43 mal pursuant to commission rule consistent with the provisions of this sub-
44 section. The proceeds from each tag shall be sent to the director to be al-
45 located thirty percent (30%) for sportsmen access programs such as access
46 yes, and seventy percent (70%) for wildlife habitat projects, wildlife man-
47 agement projects to increase the quantity and quality of big game herds, and
48 research and planning activities approved by the commission to assist the
49 department and land management agencies in facilitating habitat solutions.
50 Provided however, that none of the proceeds generated from the auctions pur-

1 suant to the provisions of this subsection be used to purchase or acquire
2 private property or federally managed grazing permits, nor shall any pro-
3 ceeds generated be used for matching funds for the purchase of private prop-
4 erty or the retirement or the acquisition of federally managed grazing per-
5 mits.