

IN THE SENATE

SENATE BILL NO. 1256, As Amended in the House

BY RESOURCES AND ENVIRONMENT 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,  
3 TO PROVIDE FOR SPECIAL BIG GAME AUCTION TAGS DESIGNATED AS GOVERNOR'S  
4 WILDLIFE PARTNERSHIP TAGS AND TO MAKE TECHNICAL CORRECTIONS.  
5

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

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

9 36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS  
10 LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The  
11 commission is hereby authorized to prescribe the number and kind of wildlife  
12 that may be taken under authority of the several types of tags and permits  
13 provided for in this title, and the manner in which said tags and permits  
14 shall be used and validated.

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

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

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

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

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

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

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

37 (6) Issuance of ~~f~~Free ~~p~~Permit or ~~t~~Tag to ~~m~~Minor ~~e~~Children with ~~±~~Life-  
 38 ~~t~~Threatening ~~m~~Medical ~~e~~Conditions. Notwithstanding any other provision of  
 39 law, the commission may issue free big game permits or tags to minor children  
 40 who have life-threatening medical conditions that have been certified eli-  
 41 gible by a qualified organization. The commission may prescribe by rule the  
 42 manner and conditions of issuing and using the permits or tags authorized un-  
 43 der this subsection (6). For purposes of this subsection (6) a "qualified  
 44 organization" means a nonprofit organization that is qualified under sec-  
 45 tion 501(c) (3) of the Internal Revenue Code and that affords opportunities  
 46 and experiences to minor children with life-threatening medical conditions.

47 (7) Issuance of ~~f~~Free ~~p~~Permit or ~~t~~Tag to ~~m~~Military ~~v~~Veterans with  
 48 ~~d~~Disabilities. Notwithstanding any other provision of law, the commission  
 49 may issue free big game permits or tags to disabled military veterans who  
 50 have been certified eligible by a qualified organization. The commission

1 may prescribe by rule the manner and conditions of issuing and using the  
2 permits or tags authorized under this subsection (7). For purposes of this  
3 subsection (7), a "qualified organization" means a governmental agency that  
4 assists veterans or a nonprofit organization that is qualified under section  
5 501(c) (3) of the Internal Revenue Code and that affords opportunities, expe-  
6 riences and assistance to disabled veterans.

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

18 (9) Special Big Game Auction Tags -- Governor's Wildlife Partnership  
19 Tags. The commission is hereby authorized to issue special big game auc-  
20 tion tags hereafter named and referred to as "Governor's wildlife partner-  
21 ship tags" for hunting designated species on dates and in areas designated by  
22 the commission. To enhance and sustain the value of Idaho's wildlife, up to  
23 three (3) tags per species per year may be issued for deer, elk and pronghorn  
24 antelope, one (1) tag per year may be issued for moose, and one (1) tag per  
25 species per year may be issued for mountain goat and bighorn sheep. Each tag  
26 will be signed by the governor of Idaho prior to auction to the public and be  
27 available to either residents or nonresidents of Idaho. Governor's wildlife  
28 partnership tags issued for deer, elk, pronghorn antelope and moose pursuant  
29 to this subsection shall be taken from the nonresident controlled hunt pro-  
30 grams for these species adopted by the fish and game commission. Governor's  
31 wildlife partnership tags issued for mountain goat and bighorn sheep shall  
32 be taken from the nonresident mountain goat and bighorn sheep quota. Gover-  
33 nor's wildlife partnership tags shall be auctioned off by incorporated non-  
34 profit organizations dedicated to wildlife conservation and selected by the  
35 director. No more than five percent (5%) of all proceeds from each tag sale  
36 may be retained by the nonprofit organization for administrative costs in-  
37 volved, including in the event a tag is redonated and reauctioned. Each tag  
38 shall be issued by the department of fish and game and awarded to the high-  
39 est eligible bidder. Each tag shall be good for the harvest of one (1) big  
40 game animal pursuant to commission rule consistent with the provisions of  
41 this subsection. The proceeds from each tag shall be sent to the director to  
42 be allocated up to thirty percent (30%) for sportsmen access programs, such  
43 as access yes, and the balance for wildlife habitat projects, wildlife man-  
44 agement projects to increase the quantity and quality of big game herds, and  
45 other research and management activities approved by the commission. Pro-  
46 vided however, that none of the proceeds generated from the auctions pur-  
47 suant to the provisions of this subsection shall be used to purchase or ac-  
48 quire private property or federally managed grazing permits, nor shall any  
49 proceeds generated be used for matching funds for the purchase of private  
50 property or the retirement or the acquisition of federally managed grazing

1 permits. Moneys raised pursuant to this subsection may not be used to trans-  
2 plant additional bighorn sheep into that portion of southwest Idaho south of  
3 the Snake River and west of U.S. highway no. 93, nor for litigation or envi-  
4 ronmental impact statements involving bighorn sheep.