

IN THE SENATE

SENATE BILL NO. 1276

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1  
2 RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE THE  
3 DEFINITION OF "QUALIFIED ORGANIZATION" FOR THE PURPOSE OF ISSUANCE OF  
4 FREE BIG GAME PERMITS AND TAGS TO MILITARY VETERANS WITH DISABILITIES TO  
5 INCLUDE CERTAIN NONPROFIT ORGANIZATIONS THAT ARE QUALIFIED UNDER SEC-  
6 TION 501(c)(4) OF THE INTERNAL REVENUE CODE AND TO MAKE TECHNICAL COR-  
7 RECTIONS.

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  
13 this subsection may not be used to transplant additional bighorn sheep  
14 into that portion of southwest Idaho south of the Snake River and west  
15 of U.S. highway no. 93, nor for litigation or environmental impact  
16 statements involving bighorn sheep. No transplants of bighorn sheep  
17 accomplished with moneys raised pursuant to this subsection shall occur  
18 in any area until hearings are conducted in the area. Provided however,  
19 that none of the proceeds generated from the auction of bighorn sheep  
20 tags pursuant to this paragraph be used to purchase or acquire private  
21 property or federally managed grazing permits, nor shall any proceeds  
22 generated be used for matching funds for the purchase of private prop-  
23 erty or the retirement or the acquisition of federally managed grazing  
24 permits.

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

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

1 (7) Issuance of Free Permit or Tag to Military Veterans with Disabili-  
2 ties. Notwithstanding any other provision of law, the commission may issue  
3 free big game permits or tags to disabled military veterans who have been  
4 certified eligible by a qualified organization. The commission may pre-  
5 scribe by rule the manner and conditions of issuing and using the permits  
6 or tags authorized under this subsection ~~(7)~~. For purposes of this sub-  
7 section ~~(7)~~, a "qualified organization" means a governmental agency that  
8 assists veterans or a nonprofit organization that is qualified under section  
9 501(c) (3), 501(c) (4) or section 501(c) (19), of the Internal Revenue Code and  
10 that affords opportunities, experiences and assistance to disabled veter-  
11 ans.

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

23 (9) Special Big Game Auction Tags -- Governor's Wildlife Partnership  
24 Tags. The commission is hereby authorized to issue special big game auc-  
25 tion tags hereafter named and referred to as "Governor's wildlife partner-  
26 ship tags" for hunting designated species on dates and in areas designated by  
27 the commission. To enhance and sustain the value of Idaho's wildlife, up to  
28 three (3) tags per species per year may be issued for deer, elk and pronghorn  
29 antelope, one (1) tag per year may be issued for moose, and one (1) tag per  
30 species per year may be issued for mountain goat and bighorn sheep. Each tag  
31 will be signed by the governor of Idaho prior to auction to the public and be  
32 available to either residents or nonresidents of Idaho. Governor's wildlife  
33 partnership tags issued for deer, elk, pronghorn antelope and moose pursuant  
34 to this subsection shall be taken from the nonresident controlled hunt pro-  
35 grams for these species adopted by the fish and game commission. Governor's  
36 wildlife partnership tags issued for mountain goat and bighorn sheep shall  
37 be taken from the nonresident mountain goat and bighorn sheep quota. Gover-  
38 nor's wildlife partnership tags shall be auctioned off by incorporated non-  
39 profit organizations dedicated to wildlife conservation and selected by the  
40 director. No more than five percent (5%) of all proceeds from each tag sale  
41 may be retained by the nonprofit organization for administrative costs in-  
42 volved, including in the event a tag is redonated and reauctioned. Each tag  
43 shall be issued by the department of fish and game and awarded to the high-  
44 est eligible bidder. Each tag shall be good for the harvest of one (1) big  
45 game animal pursuant to commission rule consistent with the provisions of  
46 this subsection. The proceeds from each tag shall be sent to the director to  
47 be allocated up to thirty percent (30%) for sportsmen access programs, such  
48 as access yes, and the balance for wildlife habitat projects, wildlife man-  
49 agement projects to increase the quantity and quality of big game herds, and  
50 other research and management activities approved by the commission. Pro-

1 vided however, that none of the proceeds generated from the auctions pur-  
2 suant to the provisions of this subsection shall be used to purchase or ac-  
3 quire private property or federally managed grazing permits, nor shall any  
4 proceeds generated be used for matching funds for the purchase of private  
5 property or the retirement or the acquisition of federally managed grazing  
6 permits. Moneys raised pursuant to this subsection may not be used to trans-  
7 plant additional bighorn sheep into that portion of southwest Idaho south of  
8 the Snake River and west of U.S. highway no. 93, nor for litigation or envi-  
9 ronmental impact statements involving bighorn sheep.