

IN THE SENATE

SENATE BILL NO. 1236

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REQUIRE  
THE ANNUAL ISSUANCE OF CERTAIN GOVERNOR'S WILDLIFE PARTNERSHIP TAGS.

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 commis-  
sion 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 participa-  
tion 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 pur-  
suant 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 by the commission. The tag shall

1 be issued by the department of fish and game to the highest eligible  
2 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  
4 subsection shall be taken from the nonresident bighorn sheep tag quota.  
5 The net proceeds shall be forwarded to the director for deposit in the  
6 fish and game expendable trust account and shall be used for bighorn  
7 sheep research and management purposes. Moneys raised pursuant to this  
8 subsection may not be used to transplant additional bighorn sheep into  
9 that portion of southwest Idaho south of the Snake river and west of U.S.  
10 highway no. 93, nor for litigation or environmental impact statements  
11 involving bighorn sheep. No transplants of bighorn sheep accomplished  
12 with moneys raised pursuant to this subsection shall occur in any area  
13 until hearings are conducted in the area. Provided however, that none  
14 of the proceeds generated from the auction of bighorn sheep tags pur-  
15 suant to this paragraph be used to purchase or acquire private property  
16 or federally managed grazing permits, nor shall any proceeds generated  
17 be used for matching funds for the purchase of private property or the  
18 retirement or the acquisition of federally managed grazing permits.

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

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

44 (7) Issuance of Free Permit or Tag to Military Veterans with Disabili-  
45 ties. Notwithstanding any other provision of law, the commission may issue  
46 free big game permits or tags to disabled military veterans who have been  
47 certified eligible by a qualified organization. The commission may pre-  
48 scribe by rule the manner and conditions of issuing and using the permits or  
49 tags authorized under this subsection. For purposes of this subsection, a  
50 "qualified organization" means a governmental agency that assists veter-

1 ans or a nonprofit organization that is qualified under section 501(c)(3),  
2 501(c)(4) or section 501(c)(19), of the Internal Revenue Code and that af-  
3 fords opportunities, experiences and assistance to disabled veterans.

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

15 (9) Special Big Game Auction Tags -- Governor's Wildlife Partnership  
16 Tags. The commission is hereby authorized to issue special big game auc-  
17 tion tags hereafter named and referred to as "Governor's wildlife partner-  
18 ship tags" for hunting designated species on dates and in areas designated  
19 by the commission. To enhance and sustain the value of Idaho's wildlife,  
20 ~~up to~~ three (3) tags per species per year ~~may~~ shall be issued for deer, elk  
21 and pronghorn antelope, one (1) tag per year ~~may~~ shall be issued for moose,  
22 and one (1) tag per species per year ~~may~~ shall be issued for mountain goat  
23 and bighorn sheep. Each tag will be signed by the governor of Idaho prior  
24 to auction to the public and be available to either residents or nonresi-  
25 dents of Idaho. Governor's wildlife partnership tags issued for deer, elk,  
26 pronghorn antelope and moose pursuant to this subsection shall be taken from  
27 the nonresident controlled hunt programs for these species adopted by the  
28 fish and game commission. Governor's wildlife partnership tags issued for  
29 mountain goat and bighorn sheep shall be taken from the nonresident mountain  
30 goat and bighorn sheep quota. Governor's wildlife partnership tags shall be  
31 auctioned off by incorporated nonprofit organizations dedicated to wildlife  
32 conservation and selected by the director. No more than five percent (5%)  
33 of all proceeds from each tag sale may be retained by the nonprofit organiza-  
34 tion for administrative costs involved, including in the event a tag is redo-  
35 nated and reauctioned. Each tag shall be issued by the department of fish and  
36 game and awarded to the highest eligible bidder. Each tag shall be good for  
37 the harvest of one (1) big game animal pursuant to commission rule consistent  
38 with the provisions of this subsection. The proceeds from each tag shall be  
39 sent to the director to be allocated up to thirty percent (30%) for sports-  
40 men access programs, such as access yes, and the balance for wildlife habitat  
41 projects, wildlife management projects to increase the quantity and quality  
42 of big game herds, and other research and management activities approved by  
43 the commission. Provided however, that none of the proceeds generated from  
44 the auctions pursuant to the provisions of this subsection shall be used to  
45 purchase or acquire private property or federally managed grazing permits,  
46 nor shall any proceeds generated be used for matching funds for the purchase  
47 of private property or the retirement or the acquisition of federally man-  
48 aged grazing permits. Moneys raised pursuant to this subsection may not be  
49 used to transplant additional bighorn sheep into that portion of southwest

1 Idaho south of the Snake river and west of U.S. highway no. 93, nor for liti-  
2 gation or environmental impact statements involving bighorn sheep.