AN ACT

RELATING TO WOLVES; AMENDING SECTION 22-5304, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF THE IDAHO WOLF DEPREDATION CONTROL BOARD; AMENDING SECTION 22-5306, IDAHO CODE, TO REVISE PROVISIONS REGARDING WOLF CONTROL ASSESSMENTS AND THE TRANSFER OF CERTAIN FUNDS; AMENDING SECTION 36-201, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAKING OF WOLVES, TO PROVIDE FOR HUNTING AND TRAPPING SEASONS, AND TO REVISE PROVISIONS REGARDING COLLARING OF WOLVES; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE PROVISIONS REGARDING WOLF TAGS AND TO CLARIFY THAT APPROPRIATE EDUCATION REQUIREMENTS MUST BE MET; AND AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CONTROL OF DEPREDATION OF WOLVES ON LIVESTOCK AND DOMESTIC ANIMALS AND TO PROVIDE FOR THE CONTROL OF DEPREDATION OF WOLVES ON WILDLIFE POPULATIONS.

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

SECTION 1. That Section 22-5304, Idaho Code, be, and the same is hereby amended to read as follows:

22-5304. POWERS AND DUTIES. (1) It is hereby made the duty of the board to administer the wolf control fund including setting the procedures and standards for payment from the fund. In carrying out these duties, the board may cooperate with federal, state, county, city and private agencies, organizations and individuals.

(2) The board has the authority to enter into agreements, including contracts, memoranda of understanding or memoranda of agreement with any federal agency, state agency, private contractor, political subdivision of the state of Idaho, or agency of another state in order to implement the provisions of this act.

(3) The control of wolves under this chapter does not include the payment of compensation for damages. Control activities funded by the board shall be consistent with the provisions of section 36-1107(c) and (d), Idaho Code.

(4) The board may contract with the director of the Idaho state department of agriculture (ISDA) for legal and fiscal services as required under this act.

SECTION 2. That Section 22-5306, Idaho Code, be, and the same is hereby amended to read as follows:

22-5306. WOLF CONTROL ASSESSMENTS -- USE OF FUNDS -- FISH AND GAME FUND TRANSFER. In order to carry out the provisions of this chapter, the following shall occur:
(1) Wolf control assessments collected from the livestock industry, by and through the state brand inspector and the Idaho sheep and goat health board, shall be combined for purposes of deposit into the livestock sub-account of the wolf control fund and, beginning in fiscal year 2015, shall total one hundred ten thousand dollars ($110,000) annually for each fiscal year.

(a) The state brand inspector shall assess, levy and collect, as set forth in section 25-1145, Idaho Code, wolf control assessments in an amount sufficient to fund, in combination with Idaho sheep and goat health board assessments, the livestock subaccount of the wolf control fund as provided in subsection (1) of this section.

(b) The Idaho sheep and goat health board shall assess, levy and collect, as set forth in section 25-131, Idaho Code, wolf control assessments in an amount sufficient to fund, in combination with state brand inspector assessments, the livestock subaccount of the wolf control fund as provided in subsection (1) of this section.

(2) The wolf depredation control board shall use all funds in the wolf control fund, with the exception of moneys transferred from the fish and game fund as provided for in subsections (3), (4) and (5) of this section unless so directed by the fish and game commission pursuant to subsection (3) of this section, for all activities associated with legal lethal means of control and for the purposes of sections 22-5302 and 22-5304(4), Idaho Code.

(3) Beginning in fiscal year 2015-22, the state controller shall annually, as soon after July 1 of each year as practical, transfer one three hundred ten thousand dollars ($110,000) from the fish and game fund to the fish and game fund transfer subaccount of the wolf control fund. The fish and game commission, on or before July 1 of each year, is authorized to direct the wolf depredation control board as to the use of such funds and the wolf depredation control board shall comply with the direction of the commission.

(4) Between the effective date of this act and fiscal year 2015, the assessment and transfer amount requirements of this section shall not be required. In lieu thereof, wolf control assessments collected by the state brand inspector and the Idaho sheep and goat health board for deposit into the livestock subaccount of the wolf control fund shall be matched by an amount to be transferred from the fish and game fund to the fish and game fund transfer subaccount of the wolf control fund, but in no event shall either the wolf control assessments deposited into the livestock subaccount or moneys from the fish and game fund transferred into the fish and game fund transfer subaccount exceed one hundred ten thousand dollars ($110,000).

(5) Notwithstanding any other provision of this chapter, in the event the total wolf control assessments collected from the livestock industry in any fiscal year are less than one hundred ten thousand dollars ($110,000), and available moneys in the secondary fund are insufficient to bring the total to one hundred ten thousand dollars ($110,000), the livestock industry shall only be required to deposit the moneys so collected and available from the secondary fund into the livestock subaccount of the wolf control fund, and the state controller shall transfer a matching the full amount transferred from the fish and game fund to the fish and game fund transfer subaccount of the wolf control fund.
SECTION 3. That Section 36-201, Idaho Code, be, and the same is hereby amended to read as follows:

36-201. FISH AND GAME COMMISSION AUTHORIZED TO CLASSIFY WILDLIFE. (1) With the exception of predatory animals, the Idaho fish and game commission is hereby authorized to define by classification or reclassification all wildlife in the state of Idaho. Such definitions and classifications shall include:

(a) Game animals
(b) Game birds
(c) Game fish
(d) Fur-bearing animals
(e) Migratory birds
(f) Threatened or endangered wildlife
(g) Protected nongame species
(h) Unprotected wildlife

Predatory wildlife shall include:
1. Coyote
2. Jackrabbit
3. Skunk
4. Weasel
5. Starling
6. Raccoon

(2) Notwithstanding the classification assigned to wolves, all methods of take including, but not limited to, all methods utilized by the United States fish and wildlife service and the United States department of agriculture wildlife services, shall be authorized for the management of wolves in accordance with existing laws or approved management plans. In addition, any method utilized for the take of any wild canine in Idaho shall be available for the taking of wolves.

(3) Wolf trapping season shall be open year-round on all private property, as long as individuals are in compliance with the permission requirements contained in section 36-1603, Idaho Code, before entering private property. It is the expectation of the legislature that wolf collaring will be continued used as one of the proactive management tools for packs that are predisposed to depredation on domestic livestock and for assisting with population counts.

SECTION 4. 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. All Idaho wolf tags will be valid for hunting, trapping, and snaring in any unit when seasons are open at the time of take. There shall be no limit to the number of wolf tags that an individual can purchase. All appropriate fish and game education requirements must be met.
(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) Outfitted Hunter Tags Set-Aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside, when setting big game seasons, in a statewide pool, a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. These tags may be allocated to the outfitted hunters in capped hunts and controlled hunts and set aside for outfitted hunter use in general hunts.

Such outfitted allocated set-aside tags shall be separate from the tag numbers set for residents and nonresidents in each capped or controlled hunt, unit, or game management area. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into a signed 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 for use in general hunts pursuant to this subsection are unsold by July 15 of the year in which they were set aside, they may be sold by the department to the general public pursuant to commission rule. If any nonresident deer tags or nonresident elk tags set aside as general capped allocated tags pursuant to this subsection are unsold by July 31 of the year in which they were set aside, they may be sold by the department to the general public pursuant to commission rule.

The commission may promulgate all necessary rules to implement the provisions of this subsection.

(4) Deer and Elk Tag Allocation. When setting big game seasons, 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, where there are outfitted operations, a number of deer and elk tags from the outfitted hunter set-aside pool of tags for use by hunters that have entered into a signed agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In addition to rules promulgated by the commission regarding allocation, or pursuant to this section, in capped hunts the commission may allocate the number of outfitted hunter elk and deer tags based on the highest number within each of the last two (2) years of all elk or deer tags using the services of an outfitter in each capped hunt. Any additional tags above the original outfitted hunter tag quota may come from the nonresident outfitted hunter set-aside pool or the nonresident quota in the capped hunt, not to exceed fifty percent (50%) of the nonresident quota for each capped hunt. In capped hunts, when tag numbers change for all users, they will apply proportionally to all user groups.

In controlled hunts, the commission may allocate the number of outfitted hunter elk or deer tags based on a number compiled from each outfitter's highest year within the last two (2) years of all elk or deer tags using
the services of an outfitter for each controlled hunt. Any additional tags
above the original outfitted hunter tag quota may come from the nonresident
outfitted hunter set-aside pool or the nonresident quota in the controlled
hunt, not to exceed fifty percent (50%) of the nonresident quota for each
controlled hunt.

Outfitted hunter tag use history will be provided through records from
the sale of outfitted hunter tags compiled by the Idaho department of fish
and game and verified use other than allocated tags recorded with the depart-
ment by December 20 by outfitters. The department shall distribute the allo-
cated outfitted tags through its point-of-sale machines.

Beginning December 1, 2020, all outfitted deer and elk tag use shall be
verified in order to qualify for allocated outfitted hunter tag use history.
Verification consists of the purchase of allocated tags from the Idaho de-
partment of fish and game or the use of an outfitter-provided agreement, in-
cluding the tag number that is recorded with the department.

All big game tags used in allocated outfitted hunts must be recorded by
outfitters with the department by December 20 each year. An administrative
fee of five dollars ($5.00) shall be assessed for each allocated outfitted
big game tag sold or exchanged at a point-of-sale machine. An administrative
fee of twenty dollars ($20.00) shall be assessed for each big game tag sub-
mitted for verification as being outfitted.

The allocated tags shall be designated by the Idaho outfitters and
guides licensing board to those authorized outfitting operations licensed
for elk and deer hunting for the use by the outfitted hunter, pursuant to
section 36-2107(i), Idaho Code.

Those tags not qualified for allocated tag use history include emer-
gency depredation, landowner appreciation program hunts, or meat packing
without an outfitted allocated deer or elk tag.

The commission may promulgate all necessary rules to implement the pro-
visions of this subsection.

(5) Special Game Tags. The commission is hereby authorized to issue two
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 be
issued by the department of fish and game to the highest eligible bid-
der. No more than five percent (5%) of all proceeds for the tag may be
retained by the organization. The tag to be issued pursuant to this
subsection shall be taken from the nonresident bighorn sheep tag quota.
The net proceeds shall be forwarded to the director for deposit in the
fish and game expendable trust account and shall be used for bighorn
sheep research and management purposes. Moneys raised pursuant to this
subsection may not be used to transplant additional bighorn sheep into
that portion of southwest Idaho south of the Snake river and west of U.S.
highway no. 93, nor for litigation or environmental impact statements
involving bighorn sheep. No transplants of bighorn sheep accomplished
with moneys raised pursuant to this subsection shall occur in any area
until hearings are conducted in the area. Provided however, that none
of the proceeds generated from the auction of bighorn sheep tags pur-
suant to this paragraph be used to purchase or acquire private property
or federally managed grazing permits, nor shall any proceeds generated
be used for matching funds for the purchase of private property or the
retirement or the acquisition of federally managed grazing permits.
(b) Lottery bighorn sheep tag. The commission is also authorized to is-

section. No more than twenty-five percent (25%) of gross rev-

net proceeds for the tag disposed of by lottery pursuant to this sub-
section shall be remitted to the department and deposited in the fish
and game expendable trust account. Moneys in the account from the lot-
tery bighorn sheep tag shall be utilized by the department in solving
problems between bighorn sheep and domestic sheep, solving problems be-

(6) Issue of Free Permit or Tag to Minor Children with Life-Threat-

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

(7) Issue of Free Permit or Tag to Military Veterans with Disabil-

ities. The commission may prescribe by rule the manner and conditions of
using the permits or tags authorized under this subsection. Notwithstanding
any other provision of law, the commission shall issue five (5) free big
game permits or tags to disabled military veterans whose disability has been
certified eligible by the Idaho division of veterans services. All veterans
applying must be sponsored by a "qualified organization," which for purposes
of this subsection means a governmental agency that assists veterans or a
nonprofit organization that is qualified under section 501(c)(3), 501(c)(4)
or 501(c)(19) of the Internal Revenue Code and that affords opportunities,
experiences and assistance to disabled veterans. The Idaho division of vet-

ers services shall screen all applicants to ensure only the most deserving
disabled veterans shall be issued these permits or tags. A list of screened
applicants shall be provided to the commission in priority order for is-

uance. The commission shall issue one (1) permit or tag each to the top two
(2) candidates for a sponsored hunt as designated by the Idaho division of
veterans services and the three (3) remaining permits or tags to candidates
sponsored by a qualified organization as described in this subsection.

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

(9) Special Big Game Auction Tags -- Governor's Wildlife Partnership Tags. The commission is hereby authorized to issue special big game auction tags hereafter named and referred to as "Governor's wildlife partnership tags" for hunting designated species on dates and in areas designated by the commission. To enhance and sustain the value of Idaho's wildlife, up to three (3) tags per species per year may be issued for deer, elk and pronghorn antelope, one (1) tag per year may be issued for moose, and one (1) tag per species per year may be issued for mountain goat and bighorn sheep. Each tag will be signed by the governor of Idaho prior to auction to the public and be available to either residents or nonresidents of Idaho. Governor's wildlife partnership tags issued for deer, elk, pronghorn antelope and moose pursuant to this subsection shall be taken from the nonresident controlled hunt programs for these species adopted by the fish and game commission. Governor's wildlife partnership tags issued for mountain goat and bighorn sheep shall be taken from the nonresident mountain goat and bighorn sheep quota. Governor's wildlife partnership tags shall be auctioned off by incorporated non-profit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds from each tag sale may be retained by the nonprofit organization for administrative costs involved, including in the event a tag is redonated and reauctioned. Each tag shall be issued by the department of fish and game and awarded to the highest eligible bidder. Each tag shall be good for the harvest of one (1) big game animal pursuant to commission rule consistent with the provisions of this subsection. The proceeds from each tag shall be sent to the director to be allocated up to thirty percent (30%) for sportsmen access programs, such as access yes, and the balance for wildlife habitat projects, wildlife management projects to increase the quantity and quality of big game herds, and other research and management activities approved by the commission. Provided however, that none of the proceeds generated from the auctions pursuant to the provisions of this subsection shall be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake river and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep.

SECTION 5. That Section 36-1107, Idaho Code, be, and the same is hereby amended to read as follows:

36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions of this title notwithstanding, any person may control, trap, and/or remove any wild animals or birds or may destroy the houses, dams, or other struc-
tures of furbearing animals for the purpose of protecting property from the depredations thereof as hereinafter provided.

The director may delegate any of the authority conferred by this section to any other employee of the department.

(a) Director to Authorize Removal of Wildlife Causing Damage. Except for antelope, elk, deer or moose when any other wildlife, protected by this title, is doing damage to or is destroying any property, including water rights, or is likely to do so, the owner or lessee thereof may make complaint and report the facts to the director or his designee who shall investigate the conditions complained of. In the case of water rights, the director shall request an investigation by the director of the department of water resources of the conditions complained of. The director of the department of water resources shall request a recommendation from the local water master, if any and, upon such examination, shall certify to the director of the department of fish and game whether said wildlife, or houses, dams or other structures erected by said wildlife, is injuring or otherwise adversely impacting water rights. If it appears that the complaint is well-founded and the property of such complainant is being or is likely to be damaged or destroyed by any such wildlife protected under this title, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such protected wildlife as will stop the damage to said property. Any animals or birds so taken shall remain the property of the state and shall be turned over to the director.

2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such protected wildlife or to destroy any houses, dams, or other structures erected by said animals or birds. Any protected wildlife so taken shall remain the property of the state and shall be turned over to the director.

3. Whenever deemed to be in the public interest, authorize or cause the removal, modification or destruction of any dam, house, structure or obstruction erected by any furbearing animals. The director shall have authority to enter upon all lands, both public and private, as necessary, to control, trap or remove such animals, or to so remove, modify or destroy such dam, house, structure or obstruction that is injuring or otherwise adversely impacting water rights, or to require the landowner to do so. The director shall make a reasonable effort to contact any private landowner to schedule a date and approximate time for the removal, modification or destruction. No liability whatever shall accrue to the department or the director by reason of any direct or indirect damage arising from such entry upon land, destruction, removal or modification.

4. Issue a permit to any bona fide owner or lessee of property that is being actually and materially damaged by furbearing animals, to trap or kill or to have trapped or killed such animals on his own or leased premises. Such permit may be issued without cost to a landholder applicant and shall designate therein the number of furbearing animals that may be trapped or killed, the name of the person who the landowner has designated to take such furbearers and the valid trapping license number of the taker. Furbearers so taken shall be the property of the taker. The term "premises" shall be construed to include any irrigation
ditch or right-of-way appurtenant to the land for which said permit is
issued.

(b) Control of Depredation of Black Bear, Mountain Lion, and Predators.
Black bear, mountain lion, and predators may be disposed of by livestock own-
ers, their employees, agents and animal damage control personnel when same
are molesting or attacking livestock and it shall not be necessary to obtain
any permit from the department. Mountain lion so taken shall be reported to
the director within ten (10) days of being taken. Livestock owners may take
steps they deem necessary to protect their livestock.

(c) Control of Depredation of Wolves on Livestock and Domestic Ani-
imals. Wolves may be disposed of by livestock or domestic animal owners,
their employees, agents and animal damage control personnel when the same
are molesting or attacking livestock or domestic animals and it shall not be
necessary to obtain any permit from the department. Wolves so taken shall be
reported to the director within ten thirty (130) days of being taken. Wolves
taken shall remain the property of the state. Livestock and domestic
animal owners may take all nonlethal steps they deem necessary to protect
their property. A permit must be obtained from the director to control
wolves not molesting or attacking livestock or domestic animals. Wolves
may be disposed of by any federal agency, state agency, private contractor,
political subdivision of the state of Idaho, or agency of another state.
The wolf depredation control board shall be authorized to renew such per-
mits or transfer such permits to a different contracting party. Control is
also permitted by owners, their employees and agents pursuant to the Idaho
department of fish and game harvest rules. For the purposes of this subsec-
tion, "molesting" means the actions of a wolf that are annoying, disturbing
or persecuting, especially with hostile intent or injurious effect, or chas-
ing, driving, flushing, worrying, following after or on the trail of, or
stalks or lying in wait for, livestock or domestic animals.

(d) Control of Depredation of Wolves on Wildlife Populations. Wolves
may be disposed of by any federal agency, state agency, private contractor,
political subdivision of the state of Idaho, or agency of another state when
the population has exceeded the recovery goals of the Idaho wolf conserva-
tion and management plan in an effort to maintain a balance of all wildlife
populations. Wolves so taken shall be reported to the director within thirty
(30) days of being taken. A permit must be obtained from the director.

(e) Control of Depredation of Grizzly Bears. For purposes of this sec-
tion, "grizzly bear" means any grizzly bear not protected by the federal en-
dangered species act. Grizzly bears may be disposed of by livestock or do-

domestic animal owners, their employees, agents and animal damage control per-
sonnel when the same are molesting or attacking livestock or domestic ani-

mals and it shall not be necessary to obtain any permit from the department.
Grizzly bears so taken shall be reported to the director within seventy-two
(72) hours, with additional reasonable time allowed if access to the site
where taken is limited. Grizzly bears so taken shall remain the property of
the state. Livestock and domestic animal owners may take all nonlethal steps
they deem necessary to protect their property.

(f) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may
be taken at any time in or along the banks of irrigation ditches, canals,
reservoirs or dams, by the owners, their employees, or those in charge of
said irrigation ditches or canals.