

IN THE SENATE

SENATE BILL NO. 1340

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE
2 THAT CERTAIN OUTFITTERS SHALL BE PROVIDED THE OPPORTUNITY TO PURCHASE
3 AN ADDITIONAL BIGHORN SHEEP, MOUNTAIN GOAT, OR MOOSE TAG AND TO PROVIDE
4 CONDITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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 shall
14 be used and validated. All Idaho wolf tags will be valid for hunting, trap-
15 ping, and snaring in any unit when seasons are open at the time of take. There
16 shall be no limit to the number of wolf tags that an individual can purchase.
17 All appropriate fish and game education requirements must be met.

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

23 (3) Outfitted Hunter Tags Set-Aside. When the commission establishes a
24 limit as to the number of nonresident deer tags and nonresident elk tags, it
25 shall set aside, when setting big game seasons, in a statewide pool, a maxi-
26 mum of twenty-five percent (25%) of the nonresident deer tag and nonresident
27 elk tag limit. These tags may be allocated to the outfitted hunters in capped
28 hunts and controlled hunts and set aside for outfitted hunter use in general
29 hunts.

30 Such outfitted allocated set-aside tags shall be separate from the tag
31 numbers set for residents and nonresidents in each capped or controlled
32 hunt, unit, or game management area. The set-aside tags shall be sold pur-
33 suant to commission rule, only to persons that have entered into a signed
34 agreement for that year to utilize the services of an outfitter licensed
35 pursuant to chapter 21, title 36, Idaho Code.

36 In order for a person to purchase any set-aside nonresident deer tag or
37 nonresident elk tag, that person's outfitter must submit an application with
38 the proper fees as required by the director. If any nonresident deer tags or
39 nonresident elk tags set aside for use in general hunts pursuant to this sub-
40 section are unsold by July 15 of the year in which they were set aside, they
41 may be sold by the department to the general public pursuant to commission
42 rule. If any nonresident deer tags or nonresident elk tags set aside as gen-

1 eral capped allocated tags pursuant to this subsection are unsold by July 31
2 of the year in which they were set aside, they may be sold by the department to
3 the general public pursuant to commission rule.

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

6 (4) Deer and Elk Tag Allocation. When setting big game seasons, if the
7 commission limits the number of deer or elk tags available for use in any game
8 management area, unit, or zone, the commission may allocate by rule, where
9 there are outfitted operations, a number of deer and elk tags from the out-
10 fitted hunter set-aside pool of tags for use by hunters that have entered
11 into a signed agreement for that year to utilize the services of an outfit-
12 ter licensed pursuant to chapter 21, title 36, Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

44 (6) Issuance of Free Permit or Tag to Minor Children with Life-Threat-
45 ening Medical Conditions. Notwithstanding any other provision of law, the
46 commission may issue free big game permits or tags to minor children who have
47 life-threatening medical conditions that have been certified eligible by
48 a qualified organization. The commission may prescribe by rule the manner
49 and conditions of issuing and using the permits or tags authorized under this
50 subsection. For purposes of this subsection, a "qualified organization"

1 means a nonprofit organization that is qualified under section 501(c)(3) of
2 the Internal Revenue Code and that affords opportunities and experiences to
3 minor children with life-threatening medical conditions.

4 (7) Issuance of Free Permit or Tag to Military Veterans with Disabil-
5 ities. The commission may prescribe by rule the manner and conditions of
6 using the permits or tags authorized under this subsection. Notwithstand-
7 ing any other provision of law, the commission shall issue five (5) free big
8 game permits or tags to disabled military veterans whose disability has been
9 certified eligible by the Idaho division of veterans services. All veterans
10 applying must be sponsored by a "qualified organization," which for purposes
11 of this subsection means a governmental agency that assists veterans or a
12 nonprofit organization that is qualified under section 501(c)(3), 501(c)(4)
13 or 501(c)(19) of the Internal Revenue Code and that affords opportunities,
14 experiences and assistance to disabled veterans. The Idaho division of vet-
15 erans services shall screen all applicants to ensure only the most deserving
16 disabled veterans shall be issued these permits or tags. A list of screened
17 applicants shall be provided to the commission in priority order for is-
18 suance. The commission shall issue one (1) permit or tag each to the top two
19 (2) candidates for a sponsored hunt as designated by the Idaho division of
20 veterans services and the three (3) remaining permits or tags to candidates
21 sponsored by a qualified organization as described in this subsection.

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

33 (9) Special Big Game Auction Tags -- Governor's Wildlife Partnership
34 Tags. The commission is hereby authorized to issue special big game auc-
35 tion tags hereafter named and referred to as "Governor's wildlife partner-
36 ship tags" for hunting designated species on dates and in areas designated by
37 the commission. To enhance and sustain the value of Idaho's wildlife, up to
38 three (3) tags per species per year may be issued for deer, elk and pronghorn
39 antelope, one (1) tag per year may be issued for moose, and one (1) tag per
40 species per year may be issued for mountain goat and bighorn sheep. Each tag
41 will be signed by the governor of Idaho prior to auction to the public and be
42 available to either residents or nonresidents of Idaho. Governor's wildlife
43 partnership tags issued for deer, elk, pronghorn antelope and moose pursuant
44 to this subsection shall be taken from the nonresident controlled hunt pro-
45 grams for these species adopted by the fish and game commission. Governor's
46 wildlife partnership tags issued for mountain goat and bighorn sheep shall
47 be taken from the nonresident mountain goat and bighorn sheep quota. Gover-
48 nor's wildlife partnership tags shall be auctioned off by incorporated non-
49 profit organizations dedicated to wildlife conservation and selected by the
50 director. No more than five percent (5%) of all proceeds from each tag sale

1 may be retained by the nonprofit organization for administrative costs in-
2 volved, including in the event a tag is redonated and reauctioned. Each tag
3 shall be issued by the department of fish and game and awarded to the high-
4 est eligible bidder. Each tag shall be good for the harvest of one (1) big
5 game animal pursuant to commission rule consistent with the provisions of
6 this subsection. The proceeds from each tag shall be sent to the director to
7 be allocated up to thirty percent (30%) for sportsmen access programs, such
8 as access yes, and the balance for wildlife habitat projects, wildlife man-
9 agement projects to increase the quantity and quality of big game herds, and
10 other research and management activities approved by the commission. Pro-
11 vided however, that none of the proceeds generated from the auctions pur-
12 suant to the provisions of this subsection shall be used to purchase or ac-
13 quire private property or federally managed grazing permits, nor shall any
14 proceeds generated be used for matching funds for the purchase of private
15 property or the retirement or the acquisition of federally managed grazing
16 permits. Moneys raised pursuant to this subsection may not be used to trans-
17 plant additional bighorn sheep into that portion of southwest Idaho south of
18 the Snake river and west of U.S. highway no. 93, nor for litigation or envi-
19 ronmental impact statements involving bighorn sheep.

20 (10) Opportunity for Additional Tag -- Outfitters Having Filled a Wolf
21 Tag. The commission shall prescribe by rule the manner and conditions of is-
22 suing and using the tags authorized under this subsection. The commission
23 shall provide the opportunity to purchase an additional bighorn sheep, moun-
24 tain goat, or moose tag to any outfitter that fills a wolf tag in the course of
25 outfitting. Tags will be issued for the same unit where the wolf was taken.
26 The provisions of this subsection shall be valid provided wolves are not on
27 the endangered or threatened species list. Provided, however, the commis-
28 sion shall determine whether wolf, bighorn sheep, mountain goat, or moose
29 populations are sufficient to carry out the provisions of this subsection.

30 SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after
32 July 1, 2024.