

IN THE SENATE

SENATE BILL NO. 1088, As Amended

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING THE ISSUANCE OF FREE PERMITS AND TAGS TO MILITARY
3 VETERANS WITH DISABILITIES AND TO MAKE A TECHNICAL CORRECTION.
4

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

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

8 36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS
9 LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The
10 commission is hereby authorized to prescribe the number and kind of wildlife
11 that may be taken under authority of the several types of tags and permits
12 provided for in this title and the manner in which said tags and permits shall
13 be used and validated.

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

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

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

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

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

41 (a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall
42 be auctioned off by an incorporated nonprofit organization dedicated

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

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

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

45 (7) Issuance of Free Permit or Tag to Military Veterans with Disabil-
46 ities. The commission may prescribe by rule the manner and conditions of
47 using the permits or tags authorized under this subsection. Notwithstand-
48 ing any other provision of law, the commission ~~may shall~~ issue five (5) free
49 big game permits or tags to disabled military veterans who have whose dis-
50 ability has been certified eligible by a qualified organization. ~~The com-~~

~~mission 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, 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 section 501(c)(19), of the Internal Revenue Code and that affords opportunities, experiences and assistance to disabled veterans. The Idaho division of veterans 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 issuance. 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 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 nonprofit 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

1 this subsection. The proceeds from each tag shall be sent to the director to
2 be allocated up to thirty percent (30%) for sportsmen access programs, such
3 as access yes, and the balance for wildlife habitat projects, wildlife man-
4 agement projects to increase the quantity and quality of big game herds, and
5 other research and management activities approved by the commission. Pro-
6 vided however, that none of the proceeds generated from the auctions pur-
7 suant to the provisions of this subsection shall be used to purchase or ac-
8 quire private property or federally managed grazing permits, nor shall any
9 proceeds generated be used for matching funds for the purchase of private
10 property or the retirement or the acquisition of federally managed grazing
11 permits. Moneys raised pursuant to this subsection may not be used to trans-
12 plant additional bighorn sheep into that portion of southwest Idaho south of
13 the Snake river and west of U.S. highway no. 93, nor for litigation or envi-
14 ronmental impact statements involving bighorn sheep.