

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 461

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE
2 THAT QUALIFIED ORGANIZATIONS THAT CERTIFY DISABLED MILITARY VETER-
3 ANS ELIGIBLE IN REGARD TO ISSUANCE OF FREE BIG GAME PERMITS OR TAGS
4 MAY INCLUDE NONPROFIT ORGANIZATIONS THAT ARE QUALIFIED UNDER SECTION
5 501(c) (19) OF THE INTERNAL REVENUE CODE.
6

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

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

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

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

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

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

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

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

1 (a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall
2 be auctioned off by an incorporated nonprofit organization dedicated
3 to wildlife conservation, selected by the commission. The tag shall
4 be issued by the department of fish and game to the highest eligible
5 bidder. No more than five percent (5%) of all proceeds for the tag may
6 be retained by the organization. The tag to be issued pursuant to this
7 subsection shall be taken from the nonresident bighorn sheep tag quota.
8 The net proceeds shall be forwarded to the director for deposit in the
9 fish and game expendable trust account and shall be used for bighorn
10 sheep research and management purposes. Moneys raised pursuant to this
11 subsection may not be used to transplant additional bighorn sheep into
12 that portion of southwest Idaho south of the Snake River and west of U.S.
13 highway no. 93, nor for litigation or environmental impact statements
14 involving bighorn sheep. No transplants of bighorn sheep accomplished
15 with moneys raised pursuant to this subsection shall occur in any area
16 until hearings are conducted in the area.

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

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

42 (7) Issuance of free permit or tag to military veterans with disabili-
43 ties. Notwithstanding any other provision of law, the commission may issue
44 free big game permits or tags to disabled military veterans who have been
45 certified eligible by a qualified organization. The commission may pre-
46 scribe by rule the manner and conditions of issuing and using the permits
47 or tags authorized under this subsection (7). For purposes of this sub-
48 section (7), a "qualified organization" means a governmental agency that
49 assists veterans or a nonprofit organization that is qualified under section

1 501(c) (3) or section 501(c) (19), of the Internal Revenue Code and that af-
2 fords opportunities, experiences and assistance to disabled veterans.

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