

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 702

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING THE AMOUNT TO BE TRANSFERRED ANNUALLY TO THE EX-
3 PENDABLE BIG GAME DEPREDATION FUND; AMENDING SECTION 36-115, IDAHO
4 CODE, TO REVISE PROVISIONS REGARDING PAYMENTS FOR APPROVED CLAIMS; AND
5 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 36-111, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby estab-
11 lished the fish and game set-aside account in the dedicated fund. The ac-
12 count shall have paid into it moneys as follows:

13 (a) Fifty percent (50%) of each steelhead trout or anadromous salmon
14 permit sold, except that class 7 permits shall be exempt from this pro-
15 vision. Moneys from this source shall be used for the acquisition,
16 development and maintenance of parking areas, access sites, boat ramps
17 and sanitation facilities in salmon and steelhead fishing areas, for
18 management of and research on steelhead trout and anadromous salmon
19 problems, and for technical assistance with litigation concerning
20 steelhead and anadromous salmon originating in Idaho.

21 (b) Two dollars (\$2.00) from each combination hunting and fishing li-
22 cense, or each hunting license sold, as provided in sections 36-406 and
23 36-407, Idaho Code, except that class 4 and class 7 licenses shall be
24 exempt from this provision. Moneys from this source shall be used for
25 the purposes of acquiring access to and acquiring and rehabilitating
26 big game ranges and upland bird and waterfowl habitats. Unless it is
27 inconsistent with the goals of the commission, it is the intent of the
28 legislature that the commission negotiate lease arrangements as com-
29 pared with outright purchase of private property.

30 (c) Three dollars and fifty cents (\$3.50) from each pronghorn antelope,
31 elk and deer tag sold as provided in section 36-409, Idaho Code, except
32 that class 7 tags shall be exempt from this provision. Not less than one
33 dollar and seventy-five cents (\$1.75) of each three dollars and fifty
34 cents (\$3.50) collected shall be placed in a separate account to be
35 designated as a feeding account. Moneys in this account shall be used
36 exclusively for the purposes of actual supplemental winter feeding of
37 pronghorn antelope, elk and deer. Moneys shall be used solely for the
38 purchase of blocks, pellets and hay for such winter feeding purposes
39 and/or for the purchase of seed or other material, labor or mileage that
40 can be shown to directly provide feed or forage for the winter feeding
41 of pronghorn antelope, elk and deer. The balance of moneys realized
42 from this source may be used for the control of depredation of private

1 property by pronghorn antelope, elk and deer and control of predators
 2 affecting pronghorn antelope, elk and deer. Moneys in the feeding ac-
 3 count shall not be used for any purpose other than winter feeding as
 4 herein specified. Moneys in the feeding account may not be expended
 5 except upon the declaration of a feeding emergency by the director of
 6 the department of fish and game. Such emergency need not exist on a
 7 statewide basis but can be declared with respect to one (1) or more re-
 8 gions of the state. The department shall by rule establish the criteria
 9 for a feeding emergency. The department shall submit a yearly report to
 10 the senate resources and environment committee and the house resources
 11 and conservation committee of the legislature on or before July 31, de-
 12 tailing how funds in the feeding account have been expended during the
 13 preceding fiscal year.

14 (d) Those amounts designated by individuals in accordance with section
 15 63-3067A(3) (a), Idaho Code, and from fees paid under the provisions of
 16 section 49-417, Idaho Code. Moneys from these sources shall be used for
 17 a nongame management and protection program under the direction of the
 18 fish and game commission.

19 (e) Money derived from the assessment of processing fees. Moneys de-
 20 rived from this source shall be used as provided in section 36-1407,
 21 Idaho Code.

22 (f) Money derived from each license endorsement pursuant to the provi-
 23 sions of section 36-414, Idaho Code. Moneys derived from this source
 24 shall be spent as follows:

25 (i) The state controller shall annually, as soon after July 1 of
 26 each year as practical, transfer ~~five~~ seven hundred fifty thousand
 27 dollars (~~\$50~~750,000) to the expendable big game depredation fund
 28 established in section 36-115(b), Idaho Code.

29 (ii) The next five hundred thousand dollars (\$500,000) shall be
 30 used for control of depredation of private property by pronghorn
 31 antelope, elk and deer and control of predators affecting
 32 pronghorn antelope, elk and deer.

33 (iii) The balance shall be used for sportsmen access programs.
 34 Provided however, that none of these moneys shall be used to pur-
 35 chase private property.

36 (2) Moneys in the fish and game set-aside account and the feeding ac-
 37 count established in subsection (1) (c) of this section are subject to appro-
 38 priation and the provisions of section 67-3516, Idaho Code. Moneys in the
 39 fish and game set-aside account and the feeding account shall be invested
 40 by the state treasurer in the manner provided for investment of idle state
 41 moneys in the state treasury by section 67-1210, Idaho Code, with interest
 42 earned on investments from each account to be paid into that account.

43 SECTION 2. That Section 36-115, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 36-115. NONEXPENDABLE BIG GAME DEPREDAATION FUND -- EXPENDABLE BIG
 46 GAME DEPREDAATION FUND. (a) The nonexpendable big game depredation fund
 47 is hereby established in the state treasury. On July 1, 2005, the state
 48 controller shall transfer two million two hundred fifty thousand dollars
 49 (\$2,250,000) from the big game secondary depredation account, created pur-

1 suant to section 3, chapter 370, laws of 1990, to the nonexpendable big game
2 depredation fund. Moneys in the fund shall be invested as provided in sec-
3 tion 67-1210, Idaho Code, and interest earned on investment of idle moneys
4 in the fund shall be paid to the expendable big game depredation fund. The
5 principal amount in the fund shall not be appropriated, but only the interest
6 earned on investment of the moneys in the fund shall be available for appro-
7 priation to the expendable big game depredation fund.

8 (b) The big game secondary depredation account was created in the state
9 treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from
10 the date of enactment of this act, be known and referred to as the expendable
11 big game depredation fund. In addition to payments to the fund from the
12 nonexpendable big game depredation fund as provided for in subsection (a)
13 of this section and from the set-aside account as provided for in section
14 36-111(f), Idaho Code, the state controller shall annually, as soon after
15 July 1 of each year as practical, transfer into the fund two hundred thousand
16 dollars (\$200,000) from the fish and game account. Moneys in the fund are
17 subject to appropriation for the purposes recited in section 36-122, Idaho
18 Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code,
19 section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be
20 invested as provided in section 67-1210, Idaho Code, and interest earned on
21 investment of idle moneys in the fund shall be paid to the fund. The expend-
22 able big game depredation fund shall be under the administrative direction
23 of the state controller.

24 (c) The state controller shall annually report to the legislature, the
25 division of financial management, the director of the department of agricul-
26 ture and the director of the department of fish and game the amount of inter-
27 est earnings and the availability of moneys in the expendable big game depre-
28 dation fund for appropriation. At the close of each fiscal year, any unex-
29 pended and unencumbered balance that exceeds two million five hundred thou-
30 sand dollars (\$2,500,000), shall be transferred to the fish and game set-
31 aside account to be earmarked for control of depredation of private prop-
32 erty by pronghorn antelope, elk and deer and control of predators affect-
33 ing pronghorn antelope, elk and deer established pursuant to section 36-111,
34 Idaho Code. Transferred funds to the set-aside account shall be spent pur-
35 suant to the respective appropriation for the set-aside account.

36 (d) Any payment for damages pursuant to section 36-1108(b), Idaho Code,
37 is limited by the following conditions and requirements:

38 1. The full amount of any approved claim will not be paid at the time of
39 approval, but shall be subject to the following conditions and require-
40 ments:

41 (A) The director of the department of fish and game may order not
42 more than one-half (1/2) of the amount of the approved claim that
43 is to be paid from the expendable big game depredation fund to be
44 paid immediately, if, in the judgment of the director, such pay-
45 ment is within the estimated total claims liability for that fis-
46 cal year from the expendable big game depredation fund.

47 (B) The total payment amount to any person for approved claims
48 in the aggregate in a fiscal year, including any payment to any
49 pass-through entity as defined in chapter 30, title 63, Idaho
50 Code, from which the person receives income, and to any household

1 member, shall not exceed ~~ten percent (10%) of the original expend-~~
 2 ~~able big game depredation fund appropriation for the fiscal year~~
 3 ~~one hundred twenty-five thousand dollars (\$125,000).~~

4 (C) The balance of all unpaid approved claim amounts, including
 5 claims submitted under the provisions of sections 36-1109 and
 6 36-1110, Idaho Code, shall be accumulated to a total as of June 30.
 7 If the balance in the expendable big game depredation fund appro-
 8 priation is sufficient to pay the balance of all approved claims,
 9 the director shall pay them. If the balance is not sufficient to
 10 pay all approved claims, the director shall authorize a propor-
 11 tionate amount to be paid to each claimant.

12 (D) The director shall encumber the balance of moneys appropri-
 13 ated from the expendable big game depredation fund, or moneys suf-
 14 ficient to pay the approved claims, whichever is the lesser.

15 2. Each claimant must submit a statement of total damages sustained per
 16 occurrence. For each such statement, the following conditions and re-
 17 quirements apply:

18 (A) The amount of seven hundred fifty dollars (\$750) must be de-
 19 ducted from each such statement. This deductible is a net loss to
 20 the owner or lessee, and will not be compensated for from the ex-
 21 pendable big game depredation fund, but the owner or lessee is re-
 22 quired to absorb only a single seven hundred fifty dollar (\$750)
 23 deductible per claim.

24 (B) Provided however, that for claims in subsequent years for dam-
 25 age to standing or stored crops in the same location as the first
 26 occurrence, the seven hundred fifty dollar (\$750) deductible will
 27 be waived if the department failed to prevent property loss fol-
 28 lowing the first occurrence.

29 3. Each approved claim must contain a certification by the director of
 30 the department of fish and game, or his designee, that:

31 (A) All statutory requirements leading up to approval for payment
 32 have been met.

33 (B) The claimant has certified that he will accept the amount ap-
 34 proved as payment in full for the claim submitted, subject to the
 35 conditions and requirements of this subsection.

36 (e) Any claim for damages pursuant to section 36-1109, Idaho Code, is
 37 limited by the following conditions and requirements:

38 1. The full amount of any approved claim will not be paid at the time of
 39 approval, but shall be subject to the following conditions and require-
 40 ments:

41 (A) The director of the department of fish and game may order that
 42 not more than one-half (1/2) of the amount of the approved claim to
 43 be paid immediately, if, in the judgment of the director, such pay-
 44 ment is within the estimated total claims liability for that fis-
 45 cal year from the expendable big game depredation fund.

46 (B) The total payment amount to any person for approved claims
 47 in the aggregate in a fiscal year, including any payment to any
 48 pass-through entity as defined in chapter 30, title 63, Idaho
 49 Code, from which the person receives income, and to any household

1 member, shall not exceed ten percent (10%) of the original expend-
2 able big game depredation fund appropriation for the fiscal year.

3 (C) The balance of all unpaid approved claim amounts shall be
4 accumulated to a total as of June 30. If the balance in the ex-
5 pendable big game depredation fund appropriation is sufficient to
6 pay all approved claims, the director shall promptly pay them. If
7 the balance is not sufficient to pay the balance of all approved
8 claims, the director shall pay a proportionate share to each
9 claimant.

10 (D) The director shall encumber the balance of the appropriation,
11 or moneys sufficient to pay the approved claims, whichever is the
12 lesser.

13 2. Each claimant must submit a statement of total damages sustained per
14 occurrence. For each such statement, the following condition applies:
15 the amount of seven hundred fifty dollars (\$750) must be deducted from
16 each such statement. Provided however, if an owner or caretaker suffers
17 damage to or destruction of livestock in more than one (1) occurrence
18 during the fiscal year, then only one (1) deductible must be subtracted
19 from the claims and the deductible on subsequent claims will be waived.
20 This deductible is a net loss to the owner or caretaker, and will not be
21 compensated for from the expendable big game depredation fund.

22 3. Each approved claim must contain a certification by the director of
23 the department of fish and game, or his designee, that:

24 (A) All statutory requirements leading up to approval for payment
25 have been met.

26 (B) The claimant has certified that he will accept the amount ap-
27 proved as payment in full for the claim submitted, subject to the
28 conditions and requirements of this subsection.

29 (f) Any claim for damages to forage pursuant to section 36-1110, Idaho
30 Code, is limited by the following conditions and requirements:

31 1. The full amount of any approved claim will not be paid at the time of
32 approval, but shall be subject to the following conditions and require-
33 ments:

34 (A) The director of the department of fish and game may order not
35 more than one-half (1/2) of the amount of the approved claim to be
36 paid immediately, if, in the judgment of the director, such pay-
37 ment is within the estimated total claims liability for that fis-
38 cal year from the expendable big game depredation fund.

39 (B) The balance of all unpaid approved claim amounts shall be ac-
40 cumulated to a total as of June 30. If the balance in the expend-
41 able big game depredation fund appropriation is sufficient to pay
42 all approved claims, the director shall pay them. If the balance
43 is not sufficient to pay all approved claims, the director shall
44 authorize a proportionate amount to be paid to each claimant.

45 (C) The director shall encumber the balance of the appropriation,
46 or moneys sufficient to pay the approved claims, whichever is the
47 lesser.

48 2. Each claimant must submit a statement of total damages sustained per
49 occurrence. For each such statement, the following conditions and re-
50 quirements apply:

1 (A) The amount of seven hundred fifty dollars (\$750) must be de-
2 ducted from each such statement. This deductible is a net loss to
3 the owner or lessee, and will not be compensated for from the ex-
4 pendable big game depredation fund.

5 (B) The total amount of all claims for damages to forage that may
6 be paid from the expendable big game depredation fund shall not ex-
7 ceed fifty percent (50%) of the amount of interest earned from in-
8 vestments of moneys in that fund in any one (1) fiscal year.

9 3. Each approved claim must contain a certification by the director of
10 the department of fish and game, or his designee, that:

11 (A) All statutory requirements leading up to approval for payment
12 have been met.

13 (B) The claimant has certified that he will accept the amount ap-
14 proved as payment in full for the claim submitted, subject to the
15 conditions and requirements of this subsection.

16 SECTION 3. An emergency existing therefor, which emergency is hereby
17 declared to exist, this act shall be in full force and effect on and after
18 July 1, 2022.