

IN THE SENATE

SENATE BILL NO. 1340

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1109, IDAHO CODE, TO PROVIDE A
PROCESS FOR CLAIMS IN THE EVENT OF DAMAGE TO BEES AND BEEHIVES BY BEARS.

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

SECTION 1. That Section 36-1109, Idaho Code, be, and the same is hereby
amended to read as follows:

36-1109. CONTROL OF DAMAGE BY BLACK BEARS, GRIZZLY BEARS OR MOUNTAIN
LIONS -- COMPENSATION FOR DAMAGE. (a) Prevention of depredation shall be a
priority management objective of the department, and it is the obligation of
landowners to take all reasonable steps to prevent property loss from black
bears, grizzly bears or mountain lions or to mitigate damage by such. The
director, or his representative, will consult with appropriate land manage-
ment agencies and landusers before transplanting or relocating any black
bear, grizzly bear or mountain lion.

(b) When any black bear, grizzly bear or mountain lion has done damage
to or is destroying livestock on public, state, or private land, whether
owned or leased, or when any black bear or grizzly bear has done damage
to or is destroying berries, bees, beehives or honey on private land, the
owner or his representative of such livestock shall, for the purposes of
filing a claim, report such loss to a representative of the U.S. department
of agriculture animal plant and health inspection services/animal damage
control (APHIS/ADC) who shall, within seventy-two (72) hours, investigate
the conditions complained of. For purposes of this section, livestock shall
be defined as domestic cattle, sheep, and goats. For purposes of this sec-
tion, grizzly bear shall be defined as any grizzly bear not protected by the
federal endangered species act. If it appears that the complaint is well
founded and livestock, berries, bees, beehives or honey of the complainant
has been damaged or destroyed by such black bear, grizzly bear or mountain
lion, APHIS/ADC shall so inform the owner or his representative of the extent
of physical damage or destruction in question. The owner shall provide the
director or the department's regional office with the APHIS/ADC determina-
tion of damages or destruction. The physical damages, without establishing
a monetary value thereon, as determined by the APHIS/ADC representative
shall be final, and shall be binding upon the owner or his representative and
on the department.

(c) Any claim for damages must be in written form, shall be in the form
of a claim for damages substantially the same as required in section 6-907,
Idaho Code, shall be attested to by the claimant under oath, and the claim
shall be for an amount of at least one thousand dollars (\$1,000) in damages
per occurrence. The department shall prepare and make available suitable
forms for claims for damages. Claims may be submitted only for the fiscal
year (July 1 through June 30) in which they occurred. Any person submitting

1 a fraudulent claim shall be prosecuted for a felony as provided in section
2 18-2706, Idaho Code.

3 1. Upon receipt by the department, the department shall review the
4 claim, and if approved, pay it as provided in section 36-115, Idaho
5 Code. Failure on the part of the owner or representative to allow
6 on-site access shall negate the claim for damages.

7 2. If the department accepts the claim for damages as submitted by the
8 owner or his representative, the department may approve the claim for
9 payment, or may make a counter offer. If the owner or his representative
10 rejects the department's counter offer, this rejection or refusal must
11 be in writing and submitted within five (5) business days. The value
12 of the damage or destruction will then be determined pursuant to the
13 provisions of subsection (b)3. of section 36-1108, Idaho Code, and, in
14 circumstances so provided for by the provisions of subsection (b)3. of
15 section 36-1108, Idaho Code, pursuant to the provisions of subsection
16 (b)4. of section 36-1108, Idaho Code. Any claim received by the de-
17 partment under the provisions of this section must be processed by the
18 department within sixty (60) calendar days of receipt. If the claim is
19 approved for payment, the claim must be immediately forwarded to the
20 department of administration for payment. Any damage claim determi-
21 nation by an independent insurance adjuster, accepted by the parties,
22 must be paid by the department within forty-five (45) days of the deter-
23 mination. If the claim is arbitrated, the arbitration must be completed
24 within one hundred eighty (180) days of filing the claim for such dam-
25 ages.