

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 278

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO PROVIDE  
2 THAT CERTAIN MONEYS SHALL BE EARMARKED FOR SPORTSMEN ACCESS PROGRAMS  
3 AND TO REMOVE A CONDITION RELATING TO LEGISLATIVE INTENT; AND AMENDING  
4 SECTION 36-115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANS-  
5 FER AND USE OF CERTAIN MONEYS FROM THE EXPENDABLE BIG GAME DEPREDATION  
6 FUND.  
7

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

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

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

14 (a) Four dollars (\$4.00) of each steelhead trout or anadromous salmon  
15 permit sold. 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 licenses shall be exempt from  
24 this provision. Moneys from this source shall be ~~used for the purposes~~  
25 ~~of earmarked for sportsmen access programs and for acquiring access to~~  
26 ~~and acquiring and rehabilitating big game ranges and upland bird and wa-~~  
27 ~~terfowl habitats. Unless it is inconsistent with the goals of the com-~~  
28 ~~mission, i~~It is the intent of the legislature that the commission nego-  
29 tiate lease arrangements as compared with outright purchase of private  
30 property.

31 (c) One dollar and fifty cents (\$1.50) from each antelope, elk and  
32 deer tag sold as provided in section 36-409, Idaho Code. Not less than  
33 seventy-five cents (75¢) of each one dollar and fifty cents (\$1.50)  
34 collected shall be placed in a separate account to be designated as a  
35 feeding account. Moneys in this account shall be used exclusively for  
36 the purposes of actual supplemental winter feeding of antelope, elk and  
37 deer. Moneys shall be used solely for the purchase of blocks, pellets  
38 and hay for such winter feeding purposes and/or for the purchase of seed  
39 or other material that can be shown to directly provide feed or forage  
40 for the winter feeding of antelope, elk and deer. The balance of moneys  
41 realized from this source may be used for the control of depredation of  
42 private property by antelope, elk and deer and control of predators af-

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

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

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

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

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

30      36-115. NONEXPENDABLE BIG GAME DEPREDATION FUND -- EXPENDABLE BIG  
31      GAME DEPREDATION FUND. (a) The nonexpendable big game depredation fund  
32      is hereby established in the state treasury. On July 1, 2005, the state  
33      controller shall transfer two million two hundred fifty thousand dollars  
34      (\$2,250,000) from the big game secondary depredation account, created pur-  
35      suant to section 3, chapter 370, laws of 1990, to the nonexpendable big game  
36      depredation fund. Moneys in the fund shall be invested as provided in sec-  
37      tion 67-1210, Idaho Code, and interest earned on investment of idle moneys  
38      in the fund shall be paid to the expendable big game depredation fund. The  
39      principal amount in the fund shall not be appropriated, but only the interest  
40      earned on investment of the moneys in the fund shall be available for appro-  
41      priation to the expendable big game depredation fund.

42      (b) The big game secondary depredation account was created in the state  
43      treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from  
44      the date of enactment of this act, be known and referred to as the expend-  
45      able big game depredation fund. In addition to payments to the fund from  
46      the nonexpendable big game depredation fund as provided for in subsection  
47      (a) of this section, the state controller shall annually, as soon after July  
48      1 of each year as practical, transfer into the fund two hundred thousand  
49      dollars (\$200,000) from the fish and game account. Moneys in the fund are

1 subject to appropriation for the purposes recited in section 36-122, Idaho  
 2 Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code,  
 3 section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be  
 4 invested as provided in section 67-1210, Idaho Code, and interest earned on  
 5 investment of idle moneys in the fund shall be paid to the fund. The expend-  
 6 able big game depredation fund shall be under the administrative direction  
 7 of the state controller.

8 (c) The state controller shall annually report to the legislature, the  
 9 division of financial management, the director of the department of agricul-  
 10 ture and the director of the department of fish and game the amount of inter-  
 11 est earnings and the availability of moneys in the expendable big game depre-  
 12 dation fund for appropriation. At the close of each fiscal year, any unex-  
 13 pended and unencumbered balance that exceeds seven hundred fifty thousand  
 14 dollars (\$750,000), shall be transferred as follows: ~~one hundred thousand~~  
 15 ~~dollars (\$100,000) to the fish and game set-aside account to be earmarked for~~  
 16 ~~sportsmen access programs with the remaining amount transferred to the an-~~  
 17 ~~imal damage control account established pursuant to section 36-112, Idaho~~  
 18 ~~Code. Transferred funds shall be spent pursuant to the respective appropri-~~  
 19 ~~ations for the set-aside account and the animal damage control account.~~

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

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

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

31 (B) The balance of all unpaid approved claim amounts, including  
 32 claims submitted under the provisions of sections 36-1109 and  
 33 36-1110, Idaho Code, shall be accumulated to a total as of June 30.  
 34 If the balance in the expendable big game depredation fund appro-  
 35 priation is sufficient to pay the balance of all approved claims,  
 36 the director shall pay them. If the balance is not sufficient to  
 37 pay all approved claims, the director shall authorize a propor-  
 38 tionate amount to be paid to each claimant.

39 (C) The director shall encumber the balance of moneys appropri-  
 40 ated from the expendable big game depredation fund, or moneys suf-  
 41 ficient to pay the approved claims, whichever is the lesser.

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

45 (A) The amount of one thousand dollars (\$1,000) must be deducted  
 46 from each such statement. This deductible is a net loss to the  
 47 owner or lessee, and will not be compensated for from the expend-  
 48 able big game depredation fund, but the owner or lessee is required  
 49 to absorb only a single one thousand dollar (\$1,000) deductible  
 50 per claim.

1 (B) Provided however, that for claims in subsequent years for dam-  
2 age to standing or stored crops in the same location as the first  
3 occurrence, the one thousand dollar (\$1,000) deductible will be  
4 waived if the department failed to prevent property loss following  
5 the first occurrence.

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

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

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

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

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

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

23 (B) The balance of all unpaid approved claim amounts shall be  
24 accumulated to a total as of June 30. If the balance in the ex-  
25 pendable big game depredation fund appropriation is sufficient to  
26 pay all approved claims, the director shall promptly pay them. If  
27 the balance is not sufficient to pay the balance of all approved  
28 claims, the director shall pay a proportionate share to each  
29 claimant.

30 (C) The director shall encumber the balance of the appropriation,  
31 or moneys sufficient to pay the approved claims, whichever is the  
32 lesser.

33 2. Each claimant must submit a statement of total damages sustained per  
34 occurrence. For each such statement, the following condition applies:  
35 the amount of one thousand dollars (\$1,000) must be deducted from each  
36 such statement. Provided however, if an owner or caretaker suffers  
37 damage to or destruction of livestock in more than one (1) occurrence  
38 during the fiscal year, then only one (1) deductible must be subtracted  
39 from the claims and the deductible on subsequent claims will be waived.  
40 This deductible is a net loss to the owner or caretaker, and will not be  
41 compensated for from the expendable big game depredation fund.

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

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

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

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

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

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

9 (B) The balance of all unpaid approved claim amounts shall be ac-  
10 cumulated to a total as of June 30. If the balance in the expend-  
11 able big game depredation fund appropriation is sufficient to pay  
12 all approved claims, the director shall pay them. If the balance  
13 is not sufficient to pay all approved claims, the director shall  
14 authorize a proportionate amount to be paid to each claimant.

15 (C) The director shall encumber the balance of the appropriation,  
16 or moneys sufficient to pay the approved claims, whichever is the  
17 lesser.

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

21 (A) The amount of one thousand dollars (\$1,000) must be deducted  
22 from each such statement. This deductible is a net loss to the  
23 owner or lessee, and will not be compensated for from the expend-  
24 able big game depredation fund.

25 (B) The total amount of all claims for damages to forage that may  
26 be paid from the expendable big game depredation fund shall not ex-  
27 ceed twenty-five percent (25%) of the amount of interest earned  
28 from investments of moneys in that fund in any one (1) fiscal year.

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.