

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 470, As Amended in the Senate

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO WOLF CONTROL; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 22,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 53, TITLE 22, IDAHO CODE,
3 TO PROVIDE A CHAPTER HEADING, TO PROVIDE FOR THE IDAHO WOLF DEPREDATION
4 CONTROL BOARD, TO PROVIDE FOR OFFICERS, TO PROVIDE FOR MEETINGS,
5 TO PROVIDE FOR COMPENSATION, TO PROHIBIT THE USE OF FUNDS FOR CERTAIN
6 PURPOSES, TO PROVIDE FOR REIMBURSEMENT OF EXPENSES, TO PROVIDE THAT THE
7 DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF FISH AND GAME SHALL BEAR THE
8 COST OF ADMINISTERING MEETINGS, TO DEFINE TERMS, TO PROVIDE FOR POWERS
9 AND DUTIES, TO CLARIFY THAT CONTROL OF WOLVES UNDER SPECIFIED LAW DOES
10 NOT INCLUDE THE PAYMENT OF COMPENSATION FOR DAMAGES, TO PROVIDE THAT
11 CONTROL ACTIVITIES SHALL BE CONSISTENT WITH SPECIFIED LAW, TO PROVIDE
12 FOR THE WOLF CONTROL FUND, TO PROVIDE FOR SUBACCOUNTS, TO PROVIDE FOR
13 THE WOLF CONTROL SECONDARY FUND, TO PROVIDE FOR THE COLLECTION AND DE-
14 POSIT OF WOLF CONTROL ASSESSMENTS BY THE STATE BRAND INSPECTOR AND THE
15 IDAHO SHEEP AND GOAT HEALTH BOARD, TO PROVIDE FOR THE USE OF CERTAIN
16 FUNDS, TO PROVIDE FOR THE TRANSFER OF SPECIFIED MONEYS FROM THE FISH
17 AND GAME FUND TO THE FISH AND GAME FUND TRANSFER SUBACCOUNT, TO AUTHO-
18 RIZE THE IDAHO FISH AND GAME COMMISSION TO DIRECT THE WOLF DEPREDATION
19 CONTROL BOARD AS TO USE OF CERTAIN FUNDS, TO PROVIDE THAT THE WOLF DEPREDATION
20 CONTROL BOARD SHALL COMPLY WITH THE DIRECTION OF THE COMMISSION,
21 TO PROVIDE AN EXCEPTION TO SPECIFIED REQUIREMENTS FOR COLLECTION OF
22 WOLF CONTROL ASSESSMENTS DURING A SPECIFIC TIME PERIOD, TO PROVIDE A
23 CONTINGENCY IN THE EVENT A SPECIFIED SUM IS NOT COLLECTED OR AVAILABLE
24 FOR DEPOSIT INTO THE FUND AND TO PROVIDE A SUNSET DATE; AMENDING CHAPTER
25 1, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-125, IDAHO
26 CODE, TO PROVIDE THAT DURING A SPECIFIED TIME PERIOD THE FISH AND GAME
27 COMMISSION SHALL COMPLY WITH SPECIFIED LAW IN PROVIDING THE WOLF DEPREDATION
28 CONTROL BOARD WITH DIRECTION FOR USE OF CERTAIN FISH AND GAME
29 FUNDS; AMENDING SECTION 25-130, IDAHO CODE, TO PROVIDE THAT WOLF CONTROL
30 ASSESSMENTS SHALL NOT BE CONSIDERED SPECIAL ASSESSMENTS SUBJECT
31 TO CERTAIN EFFECTIVE DATE PROVISIONS; AMENDING SECTION 25-131, IDAHO
32 CODE, TO PROVIDE FOR WOLF CONTROL ASSESSMENTS BY THE IDAHO SHEEP AND
33 GOAT HEALTH BOARD DURING A SPECIFIED PERIOD OF TIME; AMENDING SECTION
34 25-1145, IDAHO CODE, TO INCREASE THE MAXIMUM FEE THAT THE STATE BRAND
35 INSPECTOR MAY IMPOSE FOR BRAND RENEWAL AND TO PROVIDE THAT A DESIGNATED
36 AMOUNT OF THE FEE SHALL BE CONSIDERED A WOLF CONTROL ASSESSMENT FOR A
37 SPECIFIED PERIOD OF TIME; TO PROVIDE FOR NONSEVERABILITY; AND DECLARING
38 AN EMERGENCY.
39

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

41 SECTION 1. LEGISLATIVE INTENT. The Legislature finds that additional
42 financial resources are needed to help continue in the implementation of
43 Idaho's wolf management plan. It is the intent of the Legislature to estab-

1 lish a governing board to provide funds for the management and control of
2 depredating wolves in Idaho.

3 SECTION 2. That Title 22, Idaho Code, be, and the same is hereby amended
4 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
5 ter 53, Title 22, Idaho Code, and to read as follows:

6 CHAPTER 53
7 IDAHO WOLF DEPREDATION CONTROL BOARD

8 22-5301. BOARD CREATED. (1) Notwithstanding the provisions of section
9 25-2612A, Idaho Code, there is hereby created the Idaho wolf depredation
10 control board in the office of the governor for the purpose of directing and
11 managing funds as provided for in this chapter for wolf depredation control
12 within the state of Idaho. The board shall be composed of five (5) members,
13 three (3) of whom shall be appointed by the governor. A majority of the mem-
14 bers present at any meeting shall constitute a quorum, and a majority vote of
15 the quorum at any meeting shall constitute an official act of the board. The
16 membership of the board shall consist at all times of members representing
17 the following executive agencies and interests:

- 18 (a) The director of the department of agriculture;
19 (b) The director of the department of fish and game;
20 (c) A member representative of sportsmen's interests;
21 (d) A member representative of the livestock industry; and
22 (e) A member of the public at large, not to exclude any person who may
23 have sportsmen or livestock interests.

24 Members of the board not representing an executive agency will be appointed
25 by the governor.

26 (2) Each member of the board shall be a citizen of the United States and
27 a bona fide resident of the state of Idaho. During a term of office, a member
28 must continue to possess all of the qualifications necessary for appoint-
29 ment. Failure to maintain such qualifications shall be cause for removal
30 from office. The governor may remove any appointed board member at will.

31 (3) On July 1, 2014, the governor shall appoint each member who is not an
32 executive agency director to an initial term as follows: the member repre-
33 sentative of sportsmen's interests shall serve an initial appointment of two
34 (2) years; the member representative of the livestock industry shall serve
35 an initial appointment of two (2) years and the member of the public at large
36 shall serve an initial appointment of three (3) years. All subsequent terms
37 of appointment of all appointed board members shall be two (2) years. Vacan-
38 cies shall be filled as terms expire. Each of such board members shall hold
39 office until his successor has been appointed. The term of office shall com-
40 mence on July 1 of the year of appointment and expire on June 30 of the last
41 year of the term of office.

42 (4) Vacancies in any unexpired term shall be filled by appointment by
43 the governor for the remainder of the unexpired term. The member appointed
44 to fill a vacancy shall represent the same interest as the member whose of-
45 fice has become vacant.

46 22-5302. OFFICERS -- MEETINGS -- EXPENSES. (1) The board shall be
47 cochaired by the director of the department of agriculture and the director

1 of the department of fish and game. A vice chairman and a secretary-treasurer shall be annually elected from among the appointed board members. The board shall meet annually and at such other times as called by a cochairman or when requested by two (2) or more members of the board.

5 (2) In the performance of official duties, each appointed board member shall be compensated as provided in section 59-509(b), Idaho Code.

7 (3) No funds raised pursuant to section 22-5306, Idaho Code, shall be used for travel or expenses outside the state of Idaho.

9 (4) Reimbursement of actual expenses incurred by appointed board members shall be paid from the state wolf control fund.

11 (5) The department of agriculture and the department of fish and game shall bear the cost of administering the meetings of the board.

13 22-5303. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

15 (1) "Board" means the Idaho wolf depredation control board;

16 (2) "Brand board" means the state brand board;

17 (3) "Director" means either the director of the department of agriculture or the director of the department of fish and game, as so designated;

19 (4) "Wolf" means the *Canis lupus* species.

20 22-5304. POWERS AND DUTIES. (1) It is hereby made the duty of the board to administer the wolf control fund including setting the procedures and standards for payment from the fund. In carrying out these duties, the board may cooperate with federal, state, county, city and private agencies, organizations and individuals.

25 (2) The board has the authority to enter into agreements, including contracts, memoranda of understanding or memoranda of agreement with any federal agency, state agency, political subdivision of the state of Idaho or agency of another state in order to implement the provisions of this act.

29 (3) The control of wolves under this chapter does not include the payment of compensation for damages. Control activities funded by the board shall be consistent with the provisions of section 36-1107(c), Idaho Code.

32 (4) The board may contract with the director of the Idaho state department of agriculture (ISDA) for legal and fiscal services as required under this act.

35 22-5305. WOLF CONTROL FUND. (1) The wolf control fund is hereby created and established in the state treasury. Moneys in the fund shall be divided into three (3) subaccounts identified as follows:

38 (a) The "livestock subaccount" which shall consist of all assessments collected by the state brand inspector and the Idaho sheep and goat health board pursuant to the provisions of this chapter;

41 (b) The "fish and game fund transfer subaccount" which shall consist of all moneys transferred to the fund from the fish and game fund pursuant to the provisions of this chapter; and

44 (c) The "other money subaccount" which shall consist of any moneys other than moneys identified in paragraphs (a) and (b) of this subsection that are deposited in the fund.

1 The state treasurer shall invest the idle moneys of each subaccount and the
2 interest earned on such investments shall be retained by each subaccount.
3 Moneys in the fund are continuously appropriated to be used solely for carry-
4 ing out the provisions of this chapter.

5 (2) The wolf control secondary fund, hereinafter referred to as the
6 secondary fund, is hereby created and established in the state treasury.
7 Beginning in fiscal year 2015, at any time moneys in the livestock subaccount
8 of the wolf control fund exceed one hundred ten thousand dollars (\$110,000),
9 any amount over and above one hundred ten thousand dollars (\$110,000) shall
10 be deposited in the secondary fund. The state treasurer shall invest the
11 idle moneys of the secondary fund, and the interest earned on such invest-
12 ments shall be retained by the secondary fund. Moneys in the fund are contin-
13 uously appropriated to be used solely for meeting the livestock assessment
14 deposit requirements of section 22-5306(1), Idaho Code. In the event col-
15 lected assessments do not meet the minimum deposit requirements, an amount
16 from the secondary fund as is necessary to meet the minimum deposit require-
17 ments in combination with collected assessments may be transferred to the
18 livestock subaccount of the wolf control fund at the end of each fiscal year.

19 22-5306. WOLF CONTROL ASSESSMENTS -- USE OF FUNDS -- FISH AND GAME FUND
20 TRANSFER. In order to carry out the provisions of this chapter, the following
21 shall occur:

22 (1) Wolf control assessments collected from the livestock industry,
23 by and through the state brand inspector and the Idaho sheep and goat health
24 board, shall be combined for purposes of deposit into the livestock sub-
25 account of the wolf control fund and, beginning in fiscal year 2015, shall
26 total one hundred ten thousand dollars (\$110,000) annually for each fiscal
27 year.

28 (a) The state brand inspector shall assess, levy and collect, as set
29 forth in section 25-1145, Idaho Code, wolf control assessments in an
30 amount sufficient to fund, in combination with Idaho sheep and goat
31 health board assessments, the livestock subaccount of the wolf control
32 fund as provided in subsection (1) of this section.

33 (b) The Idaho sheep and goat health board shall assess, levy and col-
34 lect, as set forth in section 25-131, Idaho Code, wolf control assess-
35 ments in an amount sufficient to fund, in combination with state brand
36 inspector assessments, the livestock subaccount of the wolf control
37 fund as provided in subsection (1) of this section.

38 (2) The wolf depredation control board shall use all funds in the wolf
39 control fund, with the exception of moneys transferred from the fish and game
40 fund as provided for in subsections (3), (4) and (5) of this section unless so
41 directed by the fish and game commission pursuant to subsection (3) of this
42 section, for all activities associated with legal lethal means of control
43 and for the purposes of sections 22-5302 and 22-5304(4), Idaho Code.

44 (3) Beginning in fiscal year 2015, the state controller shall annually,
45 as soon after July 1 of each year as practical, transfer one hundred ten thou-
46 sand dollars (\$110,000) from the fish and game fund to the fish and game fund
47 transfer subaccount of the wolf control fund. The fish and game commission,
48 on or before July 1 of each year, is authorized to direct the wolf depredation

1 control board as to the use of such funds and the wolf depredation control
2 board shall comply with the direction of the commission.

3 (4) Between the effective date of this act and fiscal year 2015, the
4 assessment and transfer amount requirements of this section shall not be
5 required. In lieu thereof, wolf control assessments collected by the state
6 brand inspector and the Idaho sheep and goat health board for deposit into
7 the livestock subaccount of the wolf control fund shall be matched by an
8 amount to be transferred from the fish and game fund to the fish and game fund
9 transfer subaccount of the wolf control fund, but in no event shall either
10 the wolf control assessments deposited into the livestock subaccount or mon-
11 eys from the fish and game fund transferred into the fish and game transfer
12 subaccount exceed one hundred ten thousand dollars (\$110,000).

13 (5) Notwithstanding any other provision of this chapter, in the event
14 the total wolf control assessments collected from the livestock industry in
15 any fiscal year are less than one hundred ten thousand dollars (\$110,000),
16 and available moneys in the secondary fund are insufficient to bring the to-
17 tal to one hundred ten thousand dollars (\$110,000), the livestock industry
18 shall only be required to deposit the moneys so collected and available from
19 the secondary fund into the livestock subaccount of the wolf control fund,
20 and the state controller shall transfer a matching amount from the fish and
21 game fund to the fish and game fund transfer subaccount of the wolf control
22 fund.

23 22-5307. SUNSET DATE. The provisions of this chapter shall be null,
24 void and of no force and effect on and after June 30, 2019.

25 SECTION 3. That Chapter 1, Title 36, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 36-125, Idaho Code, and to read as follows:

28 36-125. FIXING ASSESSMENT AND FEES FOR WILDLIFE -- WOLF CONTROL
29 FUND. From the effective date of this act through June 30, 2019, the fish and
30 game commission shall comply with the provisions of section 22-5306, Idaho
31 Code, in providing the wolf depredation control board with direction for use
32 of fish and game funds transferred to the fish and game fund transfer sub-
33 account of the wolf control fund made pursuant to the provisions of section
34 22-5306, Idaho Code.

35 SECTION 4. That Section 25-130, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 25-130. FIXING ASSESSMENT RATE -- PAYMENT OF CLAIMS -- REPORT -- IN-
38 SPECTION, QUARANTINE AND TREATMENT OF SHEEP -- DISTRICTS. The board shall
39 meet and fix the rate of special assessment to be levied as provided for in
40 this chapter. Any change in the rate of the special assessment shall be made
41 to be effective at the start of a calendar year. The wolf control assessment
42 provided for in section 25-131, Idaho Code, shall not be considered a special
43 assessment subject to the effective date provisions of this section. The
44 board shall audit all bills of salaries and expenses incurred in the enforce-
45 ment of this chapter that may be payable from the Idaho sheep and goat health
46 account which shall be audited, allowed and paid as other claims against the

1 state. The board shall have power to order an inspection or quarantine of any
2 sheep in the state of Idaho, whether diseased or exposed to disease, to com-
3 pel dipping or other treatment of sheep, whether diseased or exposed to dis-
4 ease, at such times and as often as it deems necessary to ensure the suppres-
5 sion or eradication of any infectious or contagious disease of sheep and di-
6 vide the state into such districts as may be necessary for the enforcement of
7 this chapter.

8 SECTION 5. That Section 25-131, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 25-131. IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- ASSESSMENT -- FIRST
11 PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPROPRIA-
12 TION. (1) In order for the board to carry out the provisions of this chapter,
13 the board shall assess, levy and collect an assessment established by the
14 board, not to exceed twelve cents (12¢) per pound on all wool, in the grease
15 basis, sold through commercial channels, and from the effective date of this
16 act through June 30, 2019, two cents (2¢) of the assessment shall be consid-
17 ered a wolf control assessment pursuant to section 22-5306, Idaho Code. In
18 the event that a sheep, which produces wool subject to this assessment, shall
19 be located outside the state of Idaho during a part of the assessment year,
20 the amount of the assessment shall be reduced on a pro rata basis. Such as-
21 sessment shall be levied and assessed to the producer at the time of the first
22 sale of wool and shall be deducted by the first purchaser from the price paid
23 to the producer at the time of such first sale. The assessment provided in
24 this section shall not be levied or collected on any casual sale. In addition
25 to the assessment provisions of this section related to wool, the board may
26 by rule establish an assessment on goats that would assess goats on a per head
27 basis and at a rate that is comparable to the assessment on wool.

28 (2) The assessment provided by this section shall constitute a lien
29 prior to all other liens and encumbrances upon such wool except liens which
30 are declared prior by operation of a statute of this state.

31 (3) If the first purchaser lives or has his principal office in another
32 state, the producer shall make the reports and pay the assessments to the
33 board as required under this section unless the first purchaser agrees in
34 writing to make such reports and pay such assessments.

35 (4) The first purchaser shall specify the amounts of assessments with-
36 held in any written statements made to the producer.

37 (5) The first purchaser shall make reports to the board on forms pre-
38 scribed by the board, and no first purchaser shall fail to make such reports
39 or falsify any such reports. The assessment deducted and withheld by a first
40 purchaser, as required in subsection (1) of this section, shall be paid to
41 the board on a quarterly calendar year basis, and shall be due and payable
42 within thirty (30) days after the end of the quarter. All moneys collected
43 by the board under the provisions of this chapter shall be paid to the state
44 treasurer. All moneys received from the assessment pursuant to this section
45 shall be deposited in the state treasury by the state treasurer to the credit
46 of a special account in the state operating fund hereby created to be known as
47 the "Idaho sheep and goat health account."

48 (6) A first purchaser who delays transmittal of reports and payments of
49 assessments beyond the time stated in subsection (5) of this section shall

1 pay five percent (5%) of the amount due for the first month of delay and one
 2 percent (1%) of the amount due for each month of delay thereafter. Such mon-
 3 eys shall be deposited in the Idaho sheep and goat health account.

4 (7) In addition thereto, the said account shall consist of any appro-
 5 priations made by the legislature for the use of and expenditure by said
 6 board. All fees of every kind collected under the provisions of this chap-
 7 ter, or under any rules and regulations made pursuant to the provisions of
 8 this chapter, shall be deposited in the state treasury in the manner herein-
 9 above described. The moneys in said special account are hereby appropriated
 10 for the use and expenditure of said board carrying out the provisions of this
 11 chapter and the rules and regulations made herein and said account is hereby
 12 declared to be a continuing account.

13 (8) All moneys appropriated to the board for the purposes of sheep dis-
 14 ease prevention, abatement, suppression, control or eradication shall be
 15 expended by the board only for those purposes, in accordance with the duties
 16 specified in section 25-128(1), Idaho Code.

17 (9) All moneys received by the board from that portion of the special
 18 assessment which is made to carry on the work for prevention and control
 19 of damage caused by predatory animals and other vertebrate pests shall be
 20 expended by the board in the respective districts comprising the counties
 21 where the assessment was collected less the actual and necessary adminis-
 22 trative costs for carrying out the provisions of this chapter. All moneys
 23 received by such account for work for prevention and control of damage caused
 24 by predatory animals and other vertebrate pests except as herein otherwise
 25 provided shall be expended by the board within the district or districts
 26 specified by the party or agency providing such funds and any trust fund must
 27 be held inviolate for the purposes of the trust.

28 (10) The right is reserved to the state of Idaho to audit the funds of the
 29 board at any time.

30 SECTION 6. That Section 25-1145, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 25-1145. RENEWAL OF BRANDS. (1) On July 1, 2011, and at the end of each
 33 recording period of an original application pursuant to section 25-1144,
 34 Idaho Code, and at the end of each successive period thereafter on the first
 35 day of July, the recording of every brand in the office of the state brand
 36 inspector shall be renewed upon application for such renewal by the owner.
 37 The fee of the state brand inspector for filing each such renewal application
 38 shall be not more than one hundred twenty-five dollars (~~\$100~~25), and from
 39 the effective date of this act through June 30, 2019, twenty-five dollars
 40 (\$25.00) of which shall be considered a wolf control assessment pursuant
 41 to section 22-5306, Idaho Code, and it shall be the duty of the state brand
 42 inspector to furnish without further or other charge one (1) certified copy
 43 of the certificate of such brand to the owner thereof upon his request, and
 44 for each additional certified copy the state brand inspector shall be paid
 45 a reasonable fee as determined by the state brand board not to exceed one
 46 dollar and fifty cents (\$1.50) for the additional certified copy. The fee
 47 for recording each renewal shall be paid coincident with the filing of the
 48 application therefor.

1 (2) Each application for the renewal and the record of renewal of each
2 brand shall be made in the same manner as is provided by law for the filing of
3 an original application for the recording of a brand.

4 (3) If an application for the renewal of any brand shall not be made and
5 the fee therefor paid within the period of six (6) months after the expira-
6 tion date for such renewal, then such brand may be allotted by the state brand
7 inspector to any other person who shall apply therefor.

8 SECTION 7. NONSEVERABILITY. If any section or provision of this act
9 shall be adjudged unconstitutional or invalid for any reason, then such in-
10 validity or unconstitutionality shall invalidate this act in its entirety
11 and to this end and in this event the provisions of this act are declared to
12 be nonseverable.

13 SECTION 8. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after its
15 passage and approval.