

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 230

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-107, IDAHO CODE, TO REVISE
2 THE AMOUNT FROM CERTAIN LICENSES TO BE USED FOR SPECIFIED PURPOSES AND
3 TO PROVIDE FOR THE USE OF MONEYS FOR FISHING ACCESS; AMENDING SECTION
4 36-111, IDAHO CODE, TO REVISE PROVISIONS REGARDING MONEYS PAID INTO
5 THE FISH AND GAME SET-ASIDE ACCOUNT AND TO PROVIDE FOR THE USE OF MONEYS
6 DERIVED FROM CERTAIN LICENSE ENDORSEMENTS; AMENDING SECTION 36-115,
7 IDAHO CODE, TO REFERENCE PAYMENTS TO THE SECONDARY DEPREDATION AC-
8 COUNT FROM THE SET-ASIDE ACCOUNT, TO REVISE PROVISIONS REGARDING THE
9 TRANSFER OF CERTAIN AMOUNTS FROM THE EXPENDABLE BIG GAME DEPREDATION
10 FUND AND TO REVISE CONDITIONS AND REQUIREMENTS REGARDING PAYMENT FOR
11 CERTAIN DAMAGES DUE TO DEPREDATION; AMENDING SECTION 36-406, IDAHO
12 CODE, TO REVISE CERTAIN DEPOSIT PROVISIONS REGARDING THE FISH AND GAME
13 SET-ASIDE ACCOUNT; AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE FOR
14 THREE YEAR NONRESIDENT JUNIOR FISHING LICENSES; AMENDING CHAPTER 4,
15 TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-414, IDAHO
16 CODE, TO PROVIDE FOR LICENSE ENDORSEMENTS TO FUND WILDLIFE DEPREDATION
17 COMPENSATION AND PREVENTION AND SPORTSMEN ACCESS PROGRAMS; AMENDING
18 SECTION 36-416, IDAHO CODE, TO REVISE CERTAIN LICENSE FEES; AMEND-
19 ING SECTION 36-1108, IDAHO CODE, TO CLARIFY REFERENCES TO ANTELOPE AS
20 PRONGHORN ANTELOPE, TO PROVIDE FOR VERBAL OR ELECTRONIC REPORTING OF
21 DAMAGE AND TO REVISE PROVISIONS REGARDING PROCEDURES ASSOCIATED WITH
22 DEPREDATION CLAIMS; AMENDING SECTION 36-1110, IDAHO CODE, TO PROVIDE
23 FOR VERBAL OR ELECTRONIC REPORTING OF DAMAGE, TO PROVIDE THAT THE DIREC-
24 TOR MAY RESPOND PURSUANT TO SPECIFIED LAW AND TO PROVIDE THAT METHODS OF
25 DETERMINING FORAGE UTILIZATION AND DAMAGE OR LOSS DUE TO WILDLIFE MAY
26 INCLUDE EXCLOSURE CAGES OR OTHER DEVICES; PROVIDING LEGISLATIVE IN-
27 TENT; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING
28 EFFECTIVE DATES.
29

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

31 SECTION 1. That Section 36-107, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 36-107. FISH AND GAME ACCOUNT. (a) The director shall promptly trans-
34 mit to the state treasurer all moneys received by him, from the sale of hunt-
35 ing, fishing and trapping licenses, tags and permits or from any other source
36 connected with the administration of the provisions of the Idaho fish and
37 game code or any law or regulation for the protection of wildlife, includ-
38 ing moneys received from the sale of predatory animal furs taken under the
39 provisions of this chapter, and the state treasurer shall deposit all such
40 moneys in the fish and game account, which is hereby established, reserved,
41 set aside, appropriated in the state treasury, and made available until ex-
42 pended as may be directed by the commission in carrying out the purposes of

1 the Idaho fish and game code or any law or regulation promulgated for the
 2 protection of wildlife, and shall be used for no other purpose. Pending ex-
 3 penditure or use, surplus moneys in the fish and game account shall be in-
 4 vested by the state treasurer in the manner provided for idle state moneys in
 5 the state treasury by section 67-1210, Idaho Code. Interest received on all
 6 such investments shall be paid into the account. The state controller shall
 7 annually, by August 1 of each year, transfer the sum of one hundred thou-
 8 sand dollars (\$100,000) from the fish and game account to the University of
 9 Idaho College of Agricultural and Life Sciences, Department of Animal and
 10 Veterinary Science for disease research regarding the interaction of dis-
 11 ease between wildlife and domestic livestock. Said moneys shall be expended
 12 on projects agreed upon by the University of Idaho College of Agricultural
 13 and Life Sciences, Department of Animal and Veterinary Science and the di-
 14 rector of the department of fish and game.

15 (b) The commission shall govern the financial policies of the depart-
 16 ment and shall, as provided by law, fix the budget for the operation and main-
 17 tenance of its work for each fiscal year. Said budget shall not be exceeded
 18 by the director.

19 (c) The sum of ~~two~~ five dollars (\$25.00) from each license authorized
 20 in sections 36-406(a) and 36-407(b), Idaho Code, which entitles a person to
 21 fish, shall be used for the construction, repair, or rehabilitation of state
 22 fish hatcheries, fishing lakes, or reservoirs or for fishing access.

23 (d) The department is authorized to expend up to one dollar and fifty
 24 cents (\$1.50) from each resident deer and elk tag sold and five dollars
 25 (\$5.00) from each nonresident deer and elk tag sold to fund the department's
 26 big game landowner-sportsman's relations program.

27 SECTION 2. That Section 36-111, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby estab-
 30 lished the fish and game set-aside account in the dedicated fund. The ac-
 31 count shall have paid into it moneys as follows:

32 (a) Four dollars (\$4.00) of each steelhead trout or anadromous salmon
 33 permit sold, except that class 7 permits shall be exempt from this pro-
 34 vision. Moneys from this source shall be used for the acquisition,
 35 development and maintenance of parking areas, access sites, boat ramps
 36 and sanitation facilities in salmon and steelhead fishing areas, for
 37 management of and research on steelhead trout and anadromous salmon
 38 problems, and for technical assistance with litigation concerning
 39 steelhead and anadromous salmon originating in Idaho.

40 (b) Two dollars (\$2.00) from each combination hunting and fishing li-
 41 cense, or each hunting license sold, as provided in sections 36-406 and
 42 36-407, Idaho Code, except that class 4 and class 7 licenses shall be
 43 exempt from this provision. Moneys from this source shall be used for
 44 the purposes of acquiring access to and acquiring and rehabilitating
 45 big game ranges and upland bird and waterfowl habitats. Unless it is
 46 inconsistent with the goals of the commission, it is the intent of the
 47 legislature that the commission negotiate lease arrangements as com-
 48 pared with outright purchase of private property.

1 (c) ~~One~~ Three dollars and fifty cents (~~\$1~~3.50) from each pronghorn an-
 2 telope, elk and deer tag sold as provided in section 36-409, Idaho Code,
 3 except that class 7 tags shall be exempt from this provision. Not less
 4 than one dollar and seventy-five cents (~~75¢~~\$1.75) of each ~~one~~ three dol-
 5 lars and fifty cents (~~\$1~~3.50) collected shall be placed in a separate
 6 account to be designated as a feeding account. Moneys in this account
 7 shall be used exclusively for the purposes of actual supplemental win-
 8 ter feeding of pronghorn antelope, elk and deer. Moneys shall be used
 9 solely for the purchase of blocks, pellets and hay for such winter feed-
 10 ing purposes and/or for the purchase of seed or other material, labor
 11 or mileage that can be shown to directly provide feed or forage for the
 12 winter feeding of pronghorn antelope, elk and deer. The balance of mon-
 13 eys realized from this source may be used for the control of depreda-
 14 tion of private property by pronghorn antelope, elk and deer and con-
 15 trol of predators affecting pronghorn antelope, elk and deer. Moneys in
 16 the feeding account shall not be used for any purpose other than winter
 17 feeding as herein specified. Moneys in the feeding account may not be
 18 expended except upon the declaration of a feeding emergency by the di-
 19 rector of the department of fish and game. Such emergency need not exist
 20 on a statewide basis but can be declared with respect to one (1) or more
 21 regions of the state. The department shall by rule establish the cri-
 22 teria for a feeding emergency. The department shall submit a yearly re-
 23 port to the senate resources and environment committee and the house re-
 24 sources and conservation committee of the legislature on or before July
 25 31, detailing how funds in the feeding account have been expended during
 26 the preceding fiscal year.

27 (d) Those amounts designated by individuals in accordance with section
 28 63-3067A(3) (a), Idaho Code, and from fees paid under the provisions of
 29 section 49-417, Idaho Code. Moneys from these sources shall be used for
 30 a nongame management and protection program under the direction of the
 31 fish and game commission.

32 (e) Money derived from the assessment of processing fees. Moneys der-
 33 ived from this source shall be used as provided in section 36-1407,
 34 Idaho Code.

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

38 (i) The state controller shall annually, as soon after July 1 of
 39 each year as practical, transfer five hundred thousand dollars
 40 (\$500,000) to the expendable big game depredation fund estab-
 41 lished in section 36-115(b), Idaho Code.

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

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

49 (2) Moneys in the fish and game set-aside account and the feeding ac-
 50 count established in subsection (1) (c) of this section are subject to appro-

1 priation and the provisions of section 67-3516, Idaho Code. Moneys in the
 2 fish and game set-aside account and the feeding account shall be invested
 3 by the state treasurer in the manner provided for investment of idle state
 4 moneys in the state treasury by section 67-1210, Idaho Code, with interest
 5 earned on investments from each account to be paid into that account.

6 SECTION 3. That Section 36-115, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 36-115. NONEXPENDABLE BIG GAME DEPREDEATION FUND -- EXPENDABLE BIG
 9 GAME DEPREDEATION FUND. (a) The nonexpendable big game deprecation fund
 10 is hereby established in the state treasury. On July 1, 2005, the state
 11 controller shall transfer two million two hundred fifty thousand dollars
 12 (\$2,250,000) from the big game secondary deprecation account, created pur-
 13 suant to section 3, chapter 370, laws of 1990, to the nonexpendable big game
 14 deprecation fund. Moneys in the fund shall be invested as provided in sec-
 15 tion 67-1210, Idaho Code, and interest earned on investment of idle moneys
 16 in the fund shall be paid to the expendable big game deprecation fund. The
 17 principal amount in the fund shall not be appropriated, but only the interest
 18 earned on investment of the moneys in the fund shall be available for appro-
 19 priation to the expendable big game deprecation fund.

20 (b) The big game secondary deprecation account was created in the state
 21 treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from
 22 the date of enactment of this act, be known and referred to as the expendable
 23 big game deprecation fund. In addition to payments to the fund from the
 24 nonexpendable big game deprecation fund as provided for in subsection (a)
 25 of this section and from the set-aside account as provided for in section
 26 36-111(f), Idaho Code, the state controller shall annually, as soon after
 27 July 1 of each year as practical, transfer into the fund two hundred thousand
 28 dollars (\$200,000) from the fish and game account. Moneys in the fund are
 29 subject to appropriation for the purposes recited in section 36-122, Idaho
 30 Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code,
 31 section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be
 32 invested as provided in section 67-1210, Idaho Code, and interest earned on
 33 investment of idle moneys in the fund shall be paid to the fund. The expend-
 34 able big game deprecation fund shall be under the administrative direction
 35 of the state controller.

36 (c) The state controller shall annually report to the legislature, the
 37 division of financial management, the director of the department of agri-
 38 culture and the director of the department of fish and game the amount of
 39 interest earnings and the availability of moneys in the expendable big game
 40 deprecation fund for appropriation. At the close of each fiscal year, any
 41 unexpended and unencumbered balance that exceeds ~~seven hundred fifty two~~
 42 million five hundred thousand dollars (\$750,000~~2,500,000~~), shall be trans-
 43 ~~ferred as follows: one hundred thousand dollars (\$100,000) to the fish and~~
 44 ~~game set-aside account to be earmarked for sportsmen access programs with~~
 45 ~~the remaining amount transferred to the animal damage control account fish~~
 46 ~~and game set-aside account to be earmarked for control of deprecation of pri-~~
 47 ~~ate property by pronghorn antelope, elk and deer and control of predators~~
 48 affecting pronghorn antelope, elk and deer established pursuant to section
 49 36-~~112~~111, Idaho Code. Transferred funds to the set-aside account shall be

1 spent pursuant to the respective appropriations for the set-aside account
2 ~~and the animal damage control account.~~

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

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

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

14 (B) The balance of all unpaid approved claim amounts, including
15 claims submitted under the provisions of sections 36-1109 and
16 36-1110, Idaho Code, shall be accumulated to a total as of June 30.
17 If the balance in the expendable big game depredation fund appro-
18 priation is sufficient to pay the balance of all approved claims,
19 the director shall pay them. If the balance is not sufficient to
20 pay all approved claims, the director shall authorize a propor-
21 tionate amount to be paid to each claimant.

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

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

28 (A) The amount of ~~one thousand~~ seven hundred fifty dollars
29 (~~\$1,000~~750) must be deducted from each such statement. This de-
30 ductible is a net loss to the owner or lessee, and will not be
31 compensated for from the expendable big game depredation fund, but
32 the owner or lessee is required to absorb only a single ~~one thou-~~
33 ~~sand~~ seven hundred fifty dollar (~~\$1,000~~750) deductible per claim.

34 (B) Provided however, that for claims in subsequent years for
35 damage to standing or stored crops in the same location as the
36 first occurrence, the ~~one thousand~~ seven hundred fifty dollar
37 (~~\$1,000~~750) deductible will be waived if the department failed to
38 prevent property loss following the first occurrence.

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

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

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

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

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

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

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

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

16 2. Each claimant must submit a statement of total damages sustained per
 17 occurrence. For each such statement, the following condition applies:
 18 the amount of ~~one thousand~~ seven hundred fifty dollars (~~\$1,000~~750) must
 19 be deducted from each such statement. Provided however, if an owner or
 20 caretaker suffers damage to or destruction of livestock in more than one
 21 (1) occurrence during the fiscal year, then only one (1) deductible must
 22 be subtracted from the claims and the deductible on subsequent claims
 23 will be waived. This deductible is a net loss to the owner or caretaker,
 24 and will not be compensated for from the expendable big game depredation
 25 fund.

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

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

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

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

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

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

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

- 1 (C) The director shall encumber the balance of the appropriation,
 2 or moneys sufficient to pay the approved claims, whichever is the
 3 lesser.
- 4 2. Each claimant must submit a statement of total damages sustained per
 5 occurrence. For each such statement, the following conditions and re-
 6 quirements apply:
- 7 (A) The amount of ~~one thousand~~ seven hundred fifty dollars
 8 (~~\$1,000~~750) must be deducted from each such statement. This de-
 9 ductible is a net loss to the owner or lessee, and will not be
 10 compensated for from the expendable big game depredation fund.
- 11 (B) The total amount of all claims for damages to forage that may
 12 be paid from the expendable big game depredation fund shall not ex-
 13 ceed ~~twenty-five~~ fifty percent (~~25~~50%) of the amount of interest
 14 earned from investments of moneys in that fund in any one (1) fis-
 15 cal year.
- 16 3. Each approved claim must contain a certification by the director of
 17 the department of fish and game, or his designee, that:
- 18 (A) All statutory requirements leading up to approval for payment
 19 have been met.
- 20 (B) The claimant has certified that he will accept the amount ap-
 21 proved as payment in full for the claim submitted, subject to the
 22 conditions and requirements of this subsection.

23 SECTION 4. That Section 36-406, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a)
 26 Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license
 27 of the first class may be had by a person possessing the qualifications
 28 therein described on payment of a fee as specified in section 36-416, Idaho
 29 Code, for a combined fishing and hunting license entitling the purchaser
 30 to hunt and fish for game animals, game birds, unprotected and predatory
 31 wildlife and fish of the state, a fee as specified in section 36-416, Idaho
 32 Code, for a fishing license entitling the purchaser to fish in the public
 33 waters of the state, a fee as specified in section 36-416, Idaho Code, for
 34 a hunting license entitling the purchaser to hunt game animals, game birds,
 35 unprotected and predatory wildlife of the state, and a fee as specified in
 36 section 36-416, Idaho Code, for a trapping license entitling the purchaser
 37 to trap wolves, furbearing animals and unprotected and predatory wildlife of
 38 the state.

39 (b) Junior Licenses -- Hunting -- Trapping. A license of the second
 40 class may be had by a person possessing the qualifications therein described
 41 on payment of a fee as specified in section 36-416, Idaho Code, for a hunting
 42 license, and a fee as specified in section 36-416, Idaho Code, for a trapping
 43 license entitling the purchaser to the same privileges as the corresponding
 44 license of the first class provides.

45 (c) Junior Combination -- Fishing Licenses. A license of the third
 46 class may be purchased by a person possessing the qualifications therein
 47 described on payment of a fee as specified in section 36-416, Idaho Code, for
 48 a combined fishing and hunting license, and a fee as specified in section

1 36-416, Idaho Code, for a fishing license entitling the purchaser to the same
2 privileges as the corresponding license of the first class provides.

3 (d) Senior Resident Combination. A license of the fourth class may be
4 had by a person possessing the qualifications therein described on payment
5 of a fee as specified in section 36-416, Idaho Code, for a combined fishing
6 and hunting license entitling the purchaser to the same privileges as the
7 corresponding license of the first class provides.

8 (e) Lifetime Licenses -- Combination -- Hunting -- Fishing. A license
9 of the fifth class may be obtained at no additional charge by a person pos-
10 sessing the qualifications therein described for a combined hunting and
11 fishing license, for a hunting license, or for a fishing license, entitling
12 the person to the same privileges as the corresponding license of the first
13 class provides. Lifetime licensees must be certified under the provisions
14 of section 36-413, Idaho Code, before being issued a license to hunt.

15 (f) A license of the eighth class may be had by a person possessing the
16 qualifications therein described on payment of a fee as specified in section
17 36-416, Idaho Code, entitling the purchaser to hunt and fish for game ani-
18 mals, game birds, fish, and unprotected and predatory wildlife of the state.
19 With payment of the required fee, a person shall receive with this license a
20 deer tag, an elk tag, a bear tag, a turkey tag, a mountain lion tag, a wolf
21 tag, an archery hunt permit, a muzzleloader permit, a steelhead trout permit
22 and an anadromous salmon permit. The director shall promptly transmit to the
23 state treasurer all moneys received pursuant to this subsection for deposit
24 as follows:

- 25 (i) Four dollars (\$4.00) in the fish and game set-aside account for the
- 26 purposes of section 36-111(1) (a), Idaho Code;
- 27 (ii) Two dollars (\$2.00) in the fish and game set-aside account for the
- 28 purposes of section 36-111(1) (b), Idaho Code;
- 29 (iii) ~~One~~ Three dollars and fifty cents (~~\$1~~3.50) in the fish and game
- 30 set-aside account for the purposes of section 36-111(1) (c), Idaho Code;
- 31 and
- 32 (iv) The balance in the fish and game account.

33 All persons purchasing a license pursuant to this subsection shall ob-
34 serve and shall be subject to all rules of the commission regarding the fish
35 and wildlife of the state.

36 If the purchaser of this license does not meet the archery education re-
37 quirements of section 36-411(b), Idaho Code, then, notwithstanding the pro-
38 visions of section 36-304, Idaho Code, the archery hunt permit portion of
39 this license is invalid. The fee for this license will not change and the li-
40 cense must be issued without the archery permit validation.

41 (g) Disabled Persons Licenses -- Combination -- Fishing. A license of
42 the first class may be had by any resident disabled person on payment of a
43 fee as specified in section 36-416, Idaho Code, for a combined fishing and
44 hunting license, and a fee as specified in section 36-416, Idaho Code, for a
45 fishing license, entitling the purchaser to the same privileges as the cor-
46 responding license of the first class provides. A disabled person means a
47 person who is deemed disabled by one (1) or more, but not necessarily all,
48 of the following: the railroad retirement board pursuant to title 45 of the
49 United States Code, or certified as eligible for federal supplemental secu-
50 rity income (SSI); or social security disability income (SSDI); or a nonser-

1 vice-connected veterans pension; or a service-connected veterans disabili-
2 ty benefit with forty percent (40%) or more disability; or certified as per-
3 manently disabled by a physician. Once determination of permanent disabili-
4 ty has been made with the department, the determination shall remain on file
5 within the electronic filing system and the license holder shall not be re-
6 quired to present a physician's determination each year or prove their dis-
7 ability each year.

8 (h) Military Furlough Licenses -- Combination -- Fishing. A license of
9 the first class may be had by a resident person engaged in the military ser-
10 vice of the United States, while on temporary furlough or leave, possessing
11 the qualifications therein described on payment of a fee as specified in sec-
12 tion 36-416, Idaho Code, for a combined fishing and hunting license, and as
13 specified in section 36-416, Idaho Code, for a fishing license.

14 (j) Adult Licenses -- Three Year -- Combination -- Fishing -- Hunting.
15 A license of the first class may be had by a person possessing the qualifi-
16 cations therein described on payment of three (3) times the fee as specified
17 in section 36-416, Idaho Code, for a combined fishing and hunting license en-
18 titling the purchaser to hunt and fish for game animals, game birds, fish,
19 unprotected and predatory wildlife of the state, three (3) times the fee as
20 specified in section 36-416, Idaho Code, for a fishing license entitling the
21 purchaser to fish in the public waters of the state, or three (3) times the
22 fee as specified in section 36-416, Idaho Code, for a hunting license enti-
23 tling the purchaser to hunt game animals, game birds, unprotected and preda-
24 tory wildlife of the state. The expiration date for said licenses shall be
25 December 31 of the third year following the date of issuance.

26 (*j) Junior Licenses -- Three Year -- Hunting. A license of the second
27 class may be had by a person possessing the qualifications therein described
28 on payment of three (3) times the fee as specified in section 36-416, Idaho
29 Code, for a hunting license. The expiration date for said license shall be
30 December 31 of the third year following the date of issuance.

31 (±k) Junior Licenses -- Three Year -- Combination -- Fishing Licenses.
32 A license of the third class may be purchased by a person possessing the qual-
33 ifications therein described on payment of three (3) times the fee as spec-
34 ified in section 36-416, Idaho Code, for a combined fishing and hunting li-
35 cense and three (3) times the fee as specified in section 36-416, Idaho Code,
36 for a fishing license entitling the purchaser to the same privileges as the
37 corresponding license of the first class provides. The expiration date for
38 said licenses shall be December 31 of the third year following the date of is-
39 suance.

40 (≡l) Senior Resident Combination License -- Three Year. A license of
41 the fourth class may be had by a person possessing the qualifications therein
42 described on payment of three (3) times the fee as specified in section
43 36-416, Idaho Code, for a combined fishing and hunting license entitling the
44 purchaser to the same privileges as the corresponding license of the first
45 class provides. The expiration date for said license shall be December 31 of
46 the third year following the date of issuance.

47 (≡m) Disabled Persons Licenses -- Three Year -- Combination -- Fishing.
48 A license of the ninth class may be had by any resident disabled person pos-
49 sessed the qualifications therein described on payment of three (3) times
50 the fee as specified in section 36-416, Idaho Code, for a combined fishing

1 and hunting license, and a fee as specified in section 36-416, Idaho Code,
2 for a fishing license entitling the purchaser to the same privileges as the
3 corresponding license of the first class provides. The expiration date for
4 said licenses shall be December 31 of the third year following the date of is-
5 suance.

6 SECTION 5. That Section 36-407, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 36-407. NONRESIDENT COMBINATION, FISHING, HUNTING, AND TRAPPING LI-
9 CENSES -- FEES -- RIGHTS UNDER. Licenses of the sixth class shall be issued to
10 nonresidents in the several kinds and for fees as follows:

11 (a) Nonresident Hunting with Three Day Fishing License. A license is-
12 sued only to a person twelve (12) years of age or older entitling said per-
13 son to hunt game animals, game birds and unprotected and predatory wildlife
14 and to purchase game tags as provided in section 36-409(b), Idaho Code, and
15 to fish in the waters of the state for a period of three (3) consecutive days
16 for any fish during an open season for those fish, excluding steelhead trout
17 and anadromous salmon. Provided, that a license may be issued to qualified
18 persons who are eleven (11) years of age to allow the application for a con-
19 trolled hunt tag; however, said persons shall not hunt until they are twelve
20 (12) years of age. A license of this kind may be had upon payment of a fee as
21 specified in section 36-416, Idaho Code.

22 (b) Nonresident Season Fishing License. A license entitling a person
23 to fish in the public waters of the state. A license of this kind may be had
24 upon payment of a fee as specified in section 36-416, Idaho Code.

25 (c) Nonresident Trapping License. A license entitling a person to trap
26 wolves, furbearing, unprotected and predatory wildlife. A license of this
27 kind may be had upon payment of a fee as specified in section 36-416, Idaho
28 Code, providing the state of residence of said person grants similar trap-
29 ping license privileges to residents of Idaho.

30 (d) Nonresident Nongame License. A nonresident nongame license to hunt
31 is a license entitling a person to hunt unprotected birds and animals and
32 predatory wildlife of this state. A license of this kind may be had by a non-
33 resident person who is twelve (12) years of age or older upon payment of a fee
34 as specified in section 36-416, Idaho Code.

35 (e) Nonresident Small Game Hunting License. A license issued only to
36 a person twelve (12) years of age or older, entitling the person to hunt up-
37 land game birds (to include turkeys), migratory game birds, upland game an-
38 imals, huntable furbearing animals, and unprotected and predatory wildlife
39 of this state. A person holding this license shall purchase the appropriate
40 required tags and permits, and may not hunt pheasants in an area during the
41 first five (5) days of the pheasant season in that area. A license of this
42 type may be had upon payment of a fee as specified in section 36-416, Idaho
43 Code.

44 (f) Falconry Meet Permit. The director may issue a special permit for a
45 regulated meet scheduled for a specific number of days upon payment of a fee
46 as specified in section 36-416, Idaho Code. Only trained raptors may be used
47 under the special permit issued under the provisions of this subsection.

48 (g) Daily Fishing License -- Resident May Purchase. A license enti-
49 tling a person to fish in the waters of the state on a day-to-day basis. A

1 license of this kind may be had by a resident or nonresident person (the pro-
2 visions of section 36-405, Idaho Code, notwithstanding), upon payment of a
3 fee as specified in section 36-416, Idaho Code, for the first effective day
4 and a fee as specified in section 36-416, Idaho Code, for each consecutive
5 day thereafter.

6 (h) Nonresident Three Day Fishing License with Steelhead or Salmon
7 Permit. A license entitling a nonresident to fish in the waters of the state
8 for a period of three (3) consecutive days for any fish, including steelhead
9 trout or anadromous salmon during an open season for those fish may be had
10 upon payment of a fee as specified in section 36-416, Idaho Code. The three
11 (3) day license holder may fish for any species of fish, steelhead trout and
12 anadromous salmon subject to the limitations prescribed in rules promul-
13 gated by the commission. A nonresident may purchase as many of the licenses
14 provided in this subsection as he desires provided that the nonresident is
15 otherwise eligible to do so.

16 (i) Nonresident Junior Fishing License. A license entitling a nonresi-
17 dent who is less than eighteen (18) years of age to fish in the waters of this
18 state may be had upon payment of a fee as specified in section 36-416, Idaho
19 Code.

20 (j) Nonresident Combination Licenses. A license entitling the per-
21 son to hunt and fish for game animals, game birds, fish and unprotected and
22 predatory wildlife of the state and to purchase game tags as provided in
23 section 36-409(b), Idaho Code, may be had by a person twelve (12) years of age
24 or older upon payment of a fee as specified in section 36-416, Idaho Code. A
25 license may be issued to a qualified person who is eleven (11) years of age to
26 allow the application for a controlled hunt tag; however, the person shall
27 not hunt until he is twelve (12) years of age.

28 (k) Nonresident Junior Mentored Hunting License. A license entitling
29 a nonresident between ten (10) and seventeen (17) years of age, inclusive,
30 to hunt big game animals, upland game birds (including turkeys), migratory
31 game birds, upland game animals, huntable furbearing animals and unpro-
32 tected and predatory wildlife of this state only when accompanied in the
33 field by the holder of an adult Idaho hunting license. A person holding this
34 license shall purchase the appropriate required tags as provided in section
35 36-409(b), Idaho Code, and permits. Provided, that a license may be issued
36 to qualified persons who are nine (9) years of age to allow the application
37 for a controlled hunt big game tag or turkey permit; however, said persons
38 shall not hunt until they are ten (10) years of age. A license of this kind
39 may be had upon payment of a fee as specified in section 36-416, Idaho Code.

40 (l) Nonresident Disabled American Veteran Hunting with Three Day Fish-
41 ing License. A license entitling a person with a service-connected veterans
42 disability benefit with forty percent (40%) or more disability to hunt game
43 animals, game birds and unprotected and predatory wildlife and to purchase
44 game tags provided in section 36-409(b), Idaho Code, and to fish in the wa-
45 ters of the state for a period of three (3) consecutive days for any fish dur-
46 ing an open season for those fish, excluding steelhead trout and anadromous
47 salmon.

48 (m) Nonresident Hunting License -- Three Year. A license issued only to
49 a person twelve (12) years of age or older entitling said person to hunt game
50 birds, game animals, unprotected and predatory wildlife and to purchase game

1 tags as provided in section 36-409(b), Idaho Code, and to fish in the waters
2 of the state for a period of three (3) consecutive days in each license year
3 for any fish during an open season for those fish, excluding steelhead trout
4 and anadromous salmon. Provided, that a license may be issued to qualified
5 persons who are eleven (11) years of age to allow the application for a con-
6 trolled hunt tag; however, said persons shall not hunt until they are twelve
7 (12) years of age. A license of this kind may be had upon payment of three
8 (3) times the fee as specified in section 36-416, Idaho Code. The expiration
9 date for said license shall be December 31 of the third year following the
10 date of issuance.

11 (n) Nonresident Season Fishing License -- Three Year. A license en-
12 titling a person to fish in the public waters of the state. A license of
13 this kind may be had upon payment of three (3) times the fee as specified in
14 section 36-416, Idaho Code, for a fishing license. The expiration date for
15 said license shall be December 31 of the third year following the date of
16 issuance.

17 (o) Nonresident Combination Licenses -- Three Year. A license enti-
18 tling the person to hunt and fish for game animals, game birds, fish and un-
19 protected and predatory wildlife of the state may be had by a person twelve
20 (12) years of age or older upon payment of three (3) times the fee as spec-
21 ified in section 36-416, Idaho Code, for a combined hunting and fishing li-
22 cense. A license may be issued to a qualified person who is eleven (11) years
23 of age to allow the application for a controlled hunt tag; however, the per-
24 son shall not hunt until he is twelve (12) years of age. The expiration date
25 for said license shall be December 31 of the third year following the date of
26 issuance.

27 (p) Nonresident Junior Mentored Hunting License -- Three Year. A li-
28 cense entitling a nonresident between ten (10) and seventeen (17) years of
29 age, inclusive, to hunt game animals, upland game birds (including turkeys),
30 migratory game birds, and unprotected and predatory wildlife of this state
31 only when accompanied in the field by the holder of an adult Idaho hunting
32 license. A person holding this license shall purchase the appropriate re-
33 quired tags as provided in section 36-409(b), Idaho Code, and permits. Pro-
34 vided, that a license may be issued to qualified persons who are nine (9)
35 years of age to allow the application for a controlled hunt turkey permit;
36 however, said persons shall not hunt until they are ten (10) years of age.
37 A license of this kind may be had upon payment of three (3) times the fee as
38 specified in section 36-416, Idaho Code, for a junior mentored hunting li-
39 cense. The expiration date for said license shall be December 31 of the third
40 year following the date of issuance.

41 (q) Nonresident Junior Fishing License -- Three Year. A license enti-
42 titling a nonresident who is less than eighteen (18) years of age to fish in the
43 waters of this state. A license of this kind may be had upon payment of three
44 (3) times the fee as specified in section 36-416, Idaho Code, for a nonresi-
45 dent junior fishing license. The expiration date for said license shall be
46 December 31 of the third year following the date of issuance.

47 SECTION 6. That Chapter 4, Title 36, Idaho Code, be, and the same is
48 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
49 ignated as Section 36-414, Idaho Code, and to read as follows:

1 36-414. DEPREDATION AND SPORTSMAN ACCESS PROGRAMS -- LICENSE ENDORSE-
 2 MENT. (a) To purchase an annual hunting, fishing, combination or trapping
 3 license, a person shall purchase a license endorsement to fund wildlife
 4 depredation compensation and prevention, and sportsmen access programs as
 5 hereinafter provided.

6 1. A person purchasing a resident license pursuant to section 36-406
 7 (a) or (f), Idaho Code, shall pay five dollars (\$5.00).

8 2. A person purchasing a resident license pursuant to section 36-406
 9 (b), (c), (d), (g) or (h), Idaho Code, shall pay two dollars (\$2.00).

10 3. A person purchasing a license pursuant to section 36-406 (i), Idaho
 11 Code, shall pay ten dollars (\$10.00).

12 4. A person purchasing a license pursuant to section 36-406 (j), (k),
 13 (l) or (m), Idaho Code, shall pay four dollars (\$4.00).

14 5. A person purchasing a nonresident license pursuant to section
 15 36-407(a), (b), (c), (e) or (j), Idaho Code, shall pay ten dollars
 16 (\$10.00).

17 6. A person purchasing a nonresident license pursuant to section 36-407
 18 (i), (k) or (l), Idaho Code, shall pay four dollars (\$4.00).

19 7. A person purchasing a nonresident license pursuant to section 36-407
 20 (m), (n) or (o), Idaho Code, shall pay twenty dollars (\$20.00).

21 8. A person purchasing a nonresident license pursuant to section
 22 36-407(p) or (q), Idaho Code, shall pay eight dollars (\$8.00).

23 (b) The director shall promptly transmit to the state treasurer all
 24 moneys received pursuant to this section for deposit into the fish and game
 25 set-aside account for the purposes of section 36-111(1) (f), Idaho Code.

26 SECTION 7. That Section 36-416, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 36-416. SCHEDULE OF LICENSE FEES. As used in this section, "N/A" means
 29 "not available."

30 (a) Sport Licenses

31 License	Resident	Non-Resident
32 Combination License	\$31.75 <u>37.00</u>	\$ 238.25
33 Hunting License	11.00 <u>14.00</u>	N/A
34 Hunting License with		
35 3 Day Fishing License	N/A	153.00
36 Fishing License	24.00 <u>28.75</u>	96.50
37 Sr. Combination License		
38 (65 and Older)	10.00 <u>12.00</u>	N/A
39 Sportsman's Pak License	114.65 <u>135.00</u>	N/A
40 Jr. Combination License	15.75 <u>18.00</u>	N/A

1	Jr. Hunting License	5.50 <u>6.50</u>	N/A
2	Jr. Mentored Hunting License		
3	or Disabled American Veteran		
4	Hunting License with 3 Day		
5	Fishing License	N/A	30.00
6	Jr. Fishing License	12.00 <u>14.25</u>	20.00
7	Disabled Combination License	3.25 <u>4.00</u>	N/A
8	Disabled Fishing License	3.25 <u>4.00</u>	N/A
9	Military Furlough Combination		
10	License	15.75 <u>18.75</u>	N/A
11	Military Furlough Fishing		
12	License	15.75 <u>18.75</u>	N/A
13	Small Game Hunting License	N/A	96.00
14	3 Day Small Game Hunting		
15	License	N/A	33.75
16	Daily Fishing (1st-day)		
17	License	9.75 <u>11.75</u>	11.00 <u>13.25</u>
18	Consecutive Day Fishing		
19	License	5.00 <u>6.00</u>	6.00 <u>7.00</u>
20	3 Day Fishing with Salmon/Steelhead		
21	Permit	N/A	35.75
22	Nongame Hunting License	N/A	33.75
23	<u>Jr. Trapping License</u>	<u>6.50</u>	<u>N/A</u>
24	<u>Trapping License</u>	<u>28.00</u>	<u>300.00</u>
25	(b) Sport Tags		
26	Deer Tag	\$ 18.00 <u>23.00</u>	\$ 300.00
27	Controlled Hunt Deer Tag	18.00 <u>23.00</u>	300.00
28	Jr. or Sr. or Disabled American		
29	Veteran Deer Tag	9.00 <u>10.75</u>	N/A
30	Jr. Mentored or Disabled		
31	American Veteran Deer Tag	N/A	22.00
32	Elk A Tag	29.00 <u>35.00</u>	415.00
33	Elk B Tag	29.00 <u>35.00</u>	415.00
34	Controlled Hunt Elk Tag	29.00 <u>35.00</u>	415.00
35	Jr. or Sr. or Disabled American		
36	Veteran Elk Tag	14.75 <u>17.00</u>	N/A
37	Jr. Mentored or Disabled		
38	American Veteran Elk Tag	N/A	38.00

1	<u>Black</u> Bear Tag	9.75 <u>12.00</u>	184.25
2	Jr. or Sr. or Disabled American		
3	Veteran <u>Black</u> Bear Tag	5.00 <u>6.00</u>	N/A
4	Jr. Mentored or		
5	Disabled American Veteran		
6	<u>Black</u> Bear Tag	N/A	22.00
7	Turkey Tag	18.00 <u>21.00</u>	78.25
8	Jr. or Sr. or Disabled American		
9	Veteran Turkey Tag	9.00 <u>10.75</u>	N/A
10	Jr. Mentored or		
11	Disabled American Veteran		
12	Turkey Tag	N/A	18.00
13	Mountain Lion Tag	9.75 <u>12.00</u>	184.25
14	Gray Wolf Tag	9.75 <u>12.00</u>	184.25
15	<u>Pronghorn</u> Antelope Tag	29.50 <u>34.75</u>	310.00
16	Moose Tag	165.00 <u>198.00</u>	2,100.00
17	<u>Bighorn</u> Sheep Tag	165.00 <u>198.00</u>	2,100.00
18	<u>Mountain</u> Goat Tag	165.00 <u>198.00</u>	2,100.00
19	<u>Grizzly</u> Bear Tag	<u>198.00</u>	<u>2,100.00</u>
20	Sandhill Crane Tag	18.00 <u>21.00</u>	65.75
21	For purposes of this subsection, disabled American veteran tags provided to		
22	nonresidents shall be limited to holders of a nonresident disabled American		
23	veterans hunting license.		
24	(c) Sport Permits		
25	Bear Baiting Permit	\$ 11.00 <u>13.25</u>	\$ 30.00
26	Hound Hunter Permit	11.00 <u>13.25</u>	168.00
27	WMA Upland Game Bird Permit	22.00 <u>27.00</u>	50.00
28	Archery Permit	16.50 <u>17.75</u>	18.25
29	Muzzleloader Permit	16.50 <u>17.75</u>	18.25
30	Salmon Permit	11.00 <u>13.50</u>	24.00
31	Steelhead Permit	11.00 <u>13.50</u>	24.00
32	Federal Migratory Bird Harvest Info.		
33	Permit	0.00 <u>1.00</u>	3.00
34	Disabled Archery Permit	0.00	0.00
35	2-Pole Fishing Permit	12.00 <u>13.25</u>	13.75
36	Turkey Controlled Hunt Permit	6.00	6.00
37	Sage/Sharptail Grouse Permit	3.00 <u>4.00</u>	3.00 <u>4.00</u>

1	Disabled Hunt Motor Vehicle		
2	Permit	0.00	0.00
3	(d) Commercial Licenses and Permits		
4	Raptor Captive Breeding		
5	Permit	\$65.75 <u>78.75</u>	\$ 78.75 <u>94.50</u>
6	Falconry Permit	27.25 <u>78.75</u>	N/A
7	Falconry Capture Permit	N/A <u>18.50</u>	168.00
8	<u>Peregrine Capture Permit</u>	<u>30.00</u>	<u>200.00</u>
9	Jr. Trapping License	5.50	N/A
10	Trapping License	25.00	300.00
11	Taxidermist-Fur Buyer License		
12	<u>5-Year License</u>	175.00	N/A
13	<u>1-Year License</u>	38.25	168.25
14	Shooting Preserve Permit	329.75	N/A
15	Commercial Wildlife Farm		
16	License	137.50	N/A
17	Commercial Fishing License	110.00	265.00
18	Wholesale Steelhead License	165.00	198.25
19	Retail Steelhead Trout Buyer's		
20	License	33.00	39.25
21	(e) Commercial Tags		
22	Bobcat Tag	\$ 3.00	\$ 3.00
23	Otter Tag	3.00	3.00
24	Net Tag	55.00	65.75
25	Crayfish/Minnow Tag	1.25	3.00
26	(f) Miscellaneous-Other Licenses		
27	Duplicate License	\$ 5.50	\$ 6.50
28	Shooting Preserve License	11.00	22.00
29	Captive Wolf License	22.00 <u>32.00</u>	N/A
30	(g) Miscellaneous-Other Tags		
31	Duplicate Tag	\$ 5.50	\$ 6.50
32	Wild Bird Shooting Preserve		
33	Tag	5.50	6.50
34	(h) Miscellaneous-Other Permits-Points-Fees		
35	Falconry In-State Transfer		
36	Permit	\$ 5.50	\$ N/A

1	Falconry Meet Permit	N/A	26.25
2	Rehab Permit	3.00	3.00
3	Educational Fishing Permit	0.00	0.00
4	Live Fish Importation		
5	Permit	3.00	3.00
6	Sport Dog and Falconry Training		
7	Permit	3.00	3.00
8	Wildlife Transport Permit	3.00	3.00
9	Scientific Collection Permit	50.00	50.00
10	Private Park Permit	21.75	26.25
11	Wildlife Import Permit	21.75	26.25
12	Wildlife Export Permit	11.00	13.25
13	Wildlife Release Permit	11.00	13.25
14	Captive Wildlife Permit	21.75	26.25
15	Fishing Tournament Permit	21.75	25.00
16	Dog Field Trial Permit	33.00	40.00
17	Live Fish Transport Permit	21.75	26.25
18	<u>Controlled Hunt Application Fee</u>		
19	<u>Moose, Sheep, Goat, Grizzly Bear</u>	<u>15.00</u>	<u>40.00</u>
20	Controlled Hunt Application Fee	4.50	13.00
21	Fee for Application for the Purchase of		
22	Controlled Hunt Bonus or Preference		
23	Points	4.50	4.50
24	Nursing Home Fishing Permit	33.00	N/A

25 SECTION 8. That Section 36-1108, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE
28 -- COMPENSATION FOR DAMAGES. (a) Prevention of depredation shall be a pri-
29 ority management objective of the department, and it is the obligation
30 of landowners to take all reasonable steps to prevent property loss from
31 wildlife or to mitigate damages by wildlife. When any pronghorn antelope,
32 elk, deer or moose is doing damage to or is destroying any property or is
33 about to do so, the owner or lessee thereof may make complaint and verbally or
34 electronically report the facts to the director or his designee who shall,
35 within seventy-two (72) hours, investigate the conditions complained of. If
36 it appears that the complaint is well founded and the property of the com-
37 plainant is being or is likely to be damaged or destroyed by such pronghorn
38 antelope, elk, deer or moose, the director may:

1 1. Send a representative onto the premises to control, trap, and/or re-
2 move such animals as will stop the damage to said property. Any ani-
3 mals so taken shall remain the property of the state and shall be turned
4 over to the director. The director may provide written authorization
5 for possession of animals so taken.

6 2. Grant properly safeguarded permission to the complainant to con-
7 trol, trap and/or remove such animals. Any animals so taken shall
8 remain the property of the state and shall be turned over to the direc-
9 tor. The director may provide written authorization for possession of
10 animals so taken.

11 3. Make an agreement with the owner or lessee to allow continued use of
12 lands by the animals where damage by them has occurred to stored, grow-
13 ing or matured crops on private property whether owned or leased. ~~This~~
14 ~~agreement may be transacted only after department attempts to resolve~~
15 ~~the problem by other means have proven unsuccessful.~~ The agreement made
16 under the provisions of this subsection may provide for financial com-
17 pensation to the owner or lessee. If made, financial compensation un-
18 der the provisions of this subsection shall be governed by the provi-
19 sions of section 36-115, Idaho Code, and shall not be in addition to any
20 payments for the same crop losses from any other source. Compensation
21 for damages under the provisions of this subsection shall be available
22 for damages done to private lands, whether owned or leased, if the owner
23 or lessee allowed hunters reasonable access to the property or through
24 the property to public lands for hunting purposes during the preceding
25 hunting season or as a measure of response to depredation. This provi-
26 sion shall not negate the provisions of section 36-1602, Idaho Code, re-
27 lating to the necessity of obtaining permission to enter private land.
28 If necessary, the arbitration panel provided for in subsection (b) of
29 this section shall determine the reasonableness of access allowed.

30 (b) 1. In order to establish eligibility for submission of claims for
31 damages, persons suffering crop damages on privately owned or leased
32 land caused by pronghorn antelope, elk, deer or moose must:

33 (A) Notify the department within seventy-two (72) hours of dis-
34 covery of damage.

35 (B) Follow up verbal notification with a written, which may be
36 electronic, notice within ~~ten~~ twenty (±20) days of the discovery
37 of damages.

38 (C) The department shall not be held liable or accountable for any
39 damages occurring more than ~~ten~~ twenty (±20) days prior to the ini-
40 tial notification of damage. However, the department may extend
41 the period up to thirty (30) days under exceptional circumstances.

42 The owner or lessee must have allowed hunters reasonable access to the
43 property or through the property to public lands for hunting purposes
44 during the preceding hunting season or as a measure of response to
45 depredation, provided such access does not impact on their operations,
46 or the claim for damages ~~shall~~ may be disallowed. Compensation for crop
47 damages claims shall not be in addition to any payments for the same
48 crop losses from any other source and shall not include fence or other
49 types of property damage. While fences and irrigation equipment are
50 not subject to claim for payment, the department is allowed to provide

1 support and assistance, including provision of materials to design,
2 construct, and maintain fences for control of depredation. The notice
3 of damages caused must be in written form, shall be in the form of a claim
4 for damages substantially the same as required by section 6-907, Idaho
5 Code, shall be attested to by the claimant under oath, and the claim
6 shall be at least ~~one thousand~~ seven hundred fifty dollars (\$~~1,000~~750).
7 The claim shall not be amended after it is filed, provided however, that
8 a claimant may file an additional claim in the event additional damage
9 occurs subsequent to filing the initial claim. The department shall
10 prepare and make available suitable forms for notice and claim for dam-
11 ages. Claims may be submitted only for the fiscal year (July 1 through
12 June 30) in which they occurred, with allowance for submission within
13 the first sixty (60) days of the following fiscal year if the claim oc-
14 curring within the last sixty (60) days of the previous fiscal year. Any
15 person submitting a fraudulent claim shall be prosecuted for a felony
16 as provided in section 18-2706, Idaho Code. For purposes of this sub-
17 section, crop damages shall mean damage to plants grown or stored for
18 profit and exclude ornamental plants.

19 2. Upon receipt by the department, the department shall review the
20 claim, and if approved, pay it as provided in section 36-115, Idaho
21 Code, or order it paid as provided in section 36-115, Idaho Code.
22 Failure on the part of the owner or lessee to allow on-site access for
23 inspection and investigation of alleged losses shall void the claim for
24 damages.

25 3. In the event the owner or lessee and the department fail to agree on
26 the amount of damages within fifteen (15) business days of the written
27 claim, either party may elect to retain the services of an independent
28 certified insurance adjuster licensed in the state of Idaho to view the
29 affected property and determine the amount of damages. In the event the
30 owner or lessee and the department fail to agree on the amount of dam-
31 ages and neither party elects to retain the services of an independent
32 certified insurance adjuster, provisions of subsection (b)4. of this
33 section shall apply. The independent certified adjuster shall complete
34 his review and determination within twenty (20) days from the date he
35 is retained, and will report his determination in writing by certified
36 mail to the department and to the owner or lessee. Neither the owner or
37 lessee, nor the department, shall disturb the affected property prior
38 to review and determination by the independent insurance adjuster.
39 Costs associated with the services of the independent insurance ad-
40 juster shall be divided equally between the owner or lessee and the
41 department, subject to reapportionment of the costs by an arbitration
42 panel pursuant to the provisions of subsection (b)4. of this section.
43 If the department, or the owner or lessee rejects the determination of
44 the adjuster, they shall notify the other party in writing of the rejec-
45 tion within five (5) business days of receipt of the adjuster's determi-
46 nation. In the event that either party rejects the adjuster's determi-
47 nation, the provisions of subsection (b)4. of this section shall apply.

48 4. Within five (5) business days of a rejection of an adjuster's deter-
49 mination of damages or failure of the owner or lessee and the department
50 to agree on damages when a certified insurance adjuster is not used, the

1 director must convene an arbitration panel. To convene an arbitration
2 panel, the director must, within five (5) business days, appoint the
3 department's representative and notify the landholder of the appoint-
4 ment. The landholder(s) shall, within the next five (5) business days
5 following such notice from the department, appoint his representative
6 and notify the department of the appointment. Within the next five (5)
7 business days, the department representative and the landholder must
8 mutually appoint the third arbitrator. The arbitration panel shall
9 consist of three (3) members, as follows:

10 (A) The director of the department of fish and game or his de-
11 signee;

12 (B) The owner or his designee, or the lessee or his designee;

13 (C) One (1) member selected by the two (2) members above.

14 The panel shall convene within thirty (30) days of the selection of the
15 third arbitrator, and render its decision within fourteen (14) days
16 after the hearing. When convened, the arbitration panel shall have
17 the same authority to make on-site inspections as the department. The
18 owner or lessee shall be responsible for payment of the expenses of his
19 appointee; the director shall pay the expenses of his appointee from
20 the expendable big game depredation fund; and the expenses of the third
21 member shall be a joint responsibility of the owner or lessee, and the
22 department. Provided however, the panel is authorized to review the
23 costs associated with retaining the independent insurance adjuster and
24 to determine whether those costs should instead be borne solely by the
25 owner or lessee, solely by the department, or be apportioned between
26 the owner or lessee and the department. In cases where an independent
27 insurance adjuster was used, the party electing to use the adjuster
28 shall assume the insurance adjuster's determination of damage as their
29 estimate of damage. The panel shall consider the claim submitted by the
30 owner or lessee, and the estimate of damages submitted by the depart-
31 ment, and shall select one (1) amount or the other as being the closest
32 to the actual damages sustained by the claimant. The arbitration panel
33 shall report its decision in writing to both the owner or lessee and to
34 the department within ten (10) days of the decision, and the decision
35 of the panel shall be binding on the owner or lessee and the department.
36 The fish and game advisory committee shall develop guidelines to govern
37 arbitration procedures in accordance with chapter 52, title 67, Idaho
38 Code.

39 (c) Any claim received by the department under the provisions of sub-
40 section (b) of this section must be processed by the department within sixty
41 (60) calendar days of receipt. If the claim is approved for payment, pay-
42 ment must be made within forty-five (45) calendar days of such approval. Any
43 damage claim determination by an independent insurance adjuster pursuant to
44 subsection (b)3. of this section, accepted by the parties, must be paid by
45 the department within forty-five (45) calendar days of the determination.
46 If the claim is arbitrated, the arbitration must be completed within one hun-
47 dred eighty (180) calendar days of filing the claim for such damages.

48 SECTION 9. That Section 36-1110, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 36-1110. CONTROL OF DAMAGE BY GRAZING WILDLIFE -- COMPENSATION FOR
2 DAMAGE. (a) Prevention of depredation shall be a priority management objec-
3 tive of the department, and it is the obligation of landowners to take all
4 reasonable steps to prevent property loss from grazing wildlife on private
5 lands, whether owned or leased, or to mitigate damage by such. When any
6 grazing wildlife is doing damage to or is destroying forage on private lands,
7 whether owned or leased, the owner or lessee thereof may make a complaint
8 and verbally or electronically report the facts to the director or his de-
9 signee who shall, within seventy-two (72) hours, investigate the conditions
10 complained of. The director may respond pursuant to section 36-1108(a)1.
11 and 2., Idaho Code. If it appears that the complaint is well founded and
12 the forage is being or is likely to be damaged or destroyed or consumed by
13 grazing wildlife, the owner or lessee shall contract with a qualified range
14 management consultant to prepare an estimate of depredation based on his
15 inspection. The cost of the consultant shall be paid by the owner or lessee.
16 After the initial complaint, it shall be the responsibility of both the de-
17 partment and the owner or lessee to jointly design and implement a mutually
18 agreeable method of determining forage utilization and damage or loss due to
19 wildlife ~~through the~~, which may include use of enclosure cages or other de-
20 vices. For purposes of this subsection, "forage damage" shall mean growing
21 or matured plants grown for livestock feed.

22 (b) Claims submitted under the provisions of this section shall be
23 limited to loss of forage on private lands, whether owned or leased, and
24 shall be submitted and processed under the provisions of section 36-1108(b),
25 Idaho Code, and approved claims shall be paid under the provisions of section
26 36-115(f), Idaho Code.

27 SECTION 10. LEGISLATIVE INTENT. It is the intent of the Legislature
28 that prior to the effective date of this act, the commission shall issue an
29 order to discount sport licenses, sport tags and sport permits to the 2016
30 fees for eligible persons who purchase any form of annual license for 2017
31 and continue to purchase any form of annual license for every year there-
32 after through the duration of the order. The order shall be known as the
33 "price lock discount order" and shall be in effect for at least five years
34 and until legislative review is complete. Further, the price lock discount
35 order shall apply to any resident of Idaho who is absent from the state for
36 religious purposes, not to exceed two years, or full-time educational pur-
37 poses, not to exceed five years, who does not claim residency in any other
38 state or country for any purpose, irrespective of whether such persons
39 purchase any form of annual license during the period of allowed absence.
40 Further, the Legislature finds it beneficial to apply the provisions of the
41 price lock discount order to Idaho residents who are in the military service
42 of the United States, together with their spouses and children under the
43 age of eighteen years residing in the household, who have been officially
44 transferred, stationed, domiciled, and on active duty in another state or
45 country, and maintain Idaho as their official state of residence as shown
46 on their current leave and earnings statement, irrespective of whether such
47 persons have purchased any annual license during the period of official ab-
48 sence. Also, the commission shall submit a report to the Senate Resources
49 and Environment Committee and the House of Representatives Resources and
50 Conservation Committee reflecting the results of implementation of the pro-

1 visions of the price lock discount order during each legislative session
2 that the order is in effect.

3 SECTION 11. SEVERABILITY. The provisions of this act are hereby de-
4 clared to be severable and if any provision of this act or the application
5 of such provision to any person or circumstance is declared invalid for any
6 reason, such declaration shall not affect the validity of the remaining por-
7 tions of this act.

8 SECTION 12. An emergency existing therefor, which emergency is hereby
9 declared to exist, Sections 1, 2, 3, 4, 5, 6, 8, 9 and 11 of this act shall be
10 in full force and effect on and after May 1, 2017. Sections 7 and 10 of this
11 act shall be in full force and effect on and after December 1, 2017.