

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 423

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO WOLF CONTROL; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF
2 A NEW CHAPTER 53, TITLE 22, IDAHO CODE, TO PROVIDE A CHAPTER HEADING,
3 TO PROVIDE FOR THE IDAHO WOLF DEPREDATION CONTROL BOARD, TO PROVIDE FOR
4 OFFICERS, TO PROVIDE FOR MEETINGS, TO PROVIDE FOR COMPENSATION, TO PRO-
5 HIBIT THE USE OF FUNDS FOR CERTAIN PURPOSES, TO PROVIDE FOR REIMBURSE-
6 MENT OF EXPENSES, TO DEFINE TERMS, TO PROVIDE FOR POWERS AND DUTIES, TO
7 CLARIFY THAT CONTROL OF WOLVES UNDER SPECIFIED LAW DOES NOT INCLUDE THE
8 PAYMENT OF COMPENSATION FOR DAMAGES, TO PROVIDE THAT CONTROL ACTIVITIES
9 SHALL BE CONSISTENT WITH SPECIFIED LAW, TO PROVIDE FOR THE WOLF CONTROL
10 FUND, TO PROVIDE FOR SUBACCOUNTS, TO PROVIDE FOR THE WOLF CONTROL SEC-
11 ONDARY FUND, TO PROVIDE FOR THE COLLECTION AND DEPOSIT OF WOLF CONTROL
12 ASSESSMENTS BY THE STATE BRAND INSPECTOR AND THE IDAHO SHEEP AND GOAT
13 HEALTH BOARD, TO PROVIDE FOR THE USE OF CERTAIN FUNDS, TO PROVIDE FOR
14 THE TRANSFER OF SPECIFIED MONEYS FROM THE FISH AND GAME FUND TO THE FISH
15 AND GAME FUND TRANSFER SUBACCOUNT, TO AUTHORIZE THE IDAHO FISH AND GAME
16 COMMISSION TO DIRECT THE WOLF DEPREDATION CONTROL BOARD AS TO USE OF
17 CERTAIN FUNDS, TO PROVIDE THAT THE WOLF DEPREDATION CONTROL BOARD SHALL
18 COMPLY WITH THE DIRECTION OF THE COMMISSION AND TO PROVIDE AN EXCEPTION
19 TO SPECIFIED REQUIREMENTS FOR COLLECTION OF WOLF CONTROL ASSESSMENTS
20 DURING A SPECIFIC TIME PERIOD; AMENDING CHAPTER 1, TITLE 36, IDAHO CODE,
21 BY THE ADDITION OF A NEW SECTION 36-125, IDAHO CODE, TO PROVIDE THAT THE
22 FISH AND GAME COMMISSION SHALL COMPLY WITH SPECIFIED LAW IN PROVIDING
23 THE WOLF DEPREDATION CONTROL BOARD WITH DIRECTION FOR USE OF CERTAIN
24 FISH AND GAME FUNDS; AMENDING SECTION 25-130, IDAHO CODE, TO PROVIDE
25 THAT WOLF CONTROL ASSESSMENTS SHALL NOT BE CONSIDERED SPECIAL ASSESS-
26 MENTS SUBJECT TO CERTAIN EFFECTIVE DATE PROVISIONS; AMENDING SECTION
27 25-131, IDAHO CODE, TO PROVIDE FOR WOLF CONTROL ASSESSMENTS BY THE IDAHO
28 SHEEP AND GOAT HEALTH BOARD; AMENDING SECTION 25-1145, IDAHO CODE, TO
29 INCREASE THE MAXIMUM FEE THAT THE STATE BRAND INSPECTOR MAY IMPOSE FOR
30 BRAND RENEWAL AND TO PROVIDE THAT A SPECIFIED AMOUNT OF THE FEE SHALL BE
31 CONSIDERED A WOLF CONTROL ASSESSMENT; TO PROVIDE FOR NONSEVERABILITY;
32 AND DECLARING AN EMERGENCY.
33

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

35 SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended
36 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
37 ter 53, Title 22, Idaho Code, and to read as follows:

38 CHAPTER 53

39 IDAHO WOLF DEPREDATION CONTROL BOARD

40 22-5301. BOARD CREATED. (1) Notwithstanding the provisions of section
41 25-2612A, Idaho Code, there is hereby created the Idaho wolf depredation

1 control board for the purpose of directing and managing funds as provided
 2 for in this chapter for wolf depredation control within the state of Idaho.
 3 The board shall be composed of five (5) members, three (3) of whom shall be
 4 appointed by the governor. The membership of the board shall consist at all
 5 times of members representing the following executive agencies and inter-
 6 ests:

- 7 (a) The director of the department of agriculture;
- 8 (b) The director of the department of fish and game;
- 9 (c) A member representative of sportsmen's interests;
- 10 (d) A member representative of the livestock industry; and
- 11 (e) A member of the public at large.

12 Members of the board not representing an executive agency will be appointed
 13 by the governor.

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

19 (3) On July 1, 2014, the governor shall appoint each member who is not an
 20 executive agency director to an initial term as follows: the member repre-
 21 sentative of sportsmen's interests shall serve an initial appointment of two
 22 (2) years; the member representative of the livestock industry shall serve
 23 an initial appointment of two (2) years and the member of the public at large
 24 shall serve an initial appointment of three (3) years. All subsequent terms
 25 of appointment of all appointed board members shall be two (2) years. Vacan-
 26 cies shall be filled as terms expire. Each of such board members shall hold
 27 office until his successor has been appointed and qualified. The term of of-
 28 fice shall commence on July 1 of the year of appointment and expire on June 30
 29 of the last year of the term of office.

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

34 22-5302. OFFICERS -- MEETINGS -- EXPENSES. (1) The board shall be
 35 cochaired by the director of the department of agriculture and the director
 36 of the department of fish and game. A vice chairman and a secretary-trea-
 37 surer shall be annually elected from among the appointed board members. The
 38 board shall meet regularly once each six (6) months and at such other times
 39 as called by a cochairman or when requested by two (2) or more members of the
 40 board.

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

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

45 (4) Reimbursement of actual expenses incurred by appointed board mem-
 46 bers shall be paid from the state wolf control fund.

47 22-5303. DEFINITIONS. As used in this chapter, unless the context re-
 48 quires otherwise:

- 1 (1) "Board" means the Idaho wolf depredation control board;
2 (2) "Brand board" means the state brand board;
3 (3) "Director" means either the director of the department of agricul-
4 ture or the director of the department of fish and game, as so designated;
5 (4) "Wolf" means the *Canis lupus* species.

6 22-5304. POWERS AND DUTIES. (1) It is hereby made the duty of the board
7 to administer the wolf control fund including, but not limited to, setting
8 the procedures and standards for payment from the fund. In carrying out
9 these duties, the board may cooperate with federal, state, county, city and
10 private agencies, organizations and individuals.

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

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

18 (4) The board may contract with the director of the Idaho state depart-
19 ment of agriculture (ISDA) for legal and fiscal services as required under
20 this act.

21 22-5305. WOLF CONTROL FUND. (1) The wolf control fund is hereby cre-
22 ated and established in the state treasury. Moneys in the fund shall be di-
23 vided into three (3) subaccounts identified as follows:

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

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

30 (c) The "other money subaccount" which shall consist of any moneys
31 other than moneys identified in paragraphs (a) and (b) of this subsec-
32 tion that are deposited in the fund.

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

37 (2) The wolf control secondary fund, hereinafter referred to as the
38 secondary fund, is hereby created and established in the state treasury.
39 Beginning in fiscal year 2015, at any time moneys in the livestock subaccount
40 of the wolf control fund exceed one hundred ten thousand dollars (\$110,000),
41 any amount over and above one hundred ten thousand dollars (\$110,000) shall
42 be deposited in the secondary fund. The state treasurer shall invest the
43 idle moneys of the secondary fund, and the interest earned on such invest-
44 ments shall be retained by the secondary fund. Moneys in the fund are contin-
45 uously appropriated to be used solely for meeting the livestock assessment
46 deposit requirements of section 22-5306(1), Idaho Code. In the event col-
47 lected assessments do not meet the minimum deposit requirements, an amount
48 from the secondary fund as is necessary to meet the minimum deposit require-

1 ments in combination with collected assessments may be transferred to the
2 livestock subaccount of the wolf control fund at the end of each fiscal year.

3 22-5306. WOLF CONTROL ASSESSMENTS -- USE OF FUNDS -- FISH AND GAME FUND
4 TRANSFER. In order to carry out the provisions of this chapter, the following
5 shall occur:

6 (1) Wolf control assessments collected from the livestock industry, by
7 and through the state brand inspector and the Idaho sheep and goat health
8 board, shall be combined for purposes of deposit into the livestock subac-
9 count of the wolf control fund and, beginning in fiscal year 2015, shall to-
10 tal one hundred ten thousand dollars (\$110,000) annually.

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

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

21 (2) The wolf depredation control board shall use all funds in the wolf
22 control fund, with the exception of the funds provided for in subsection (3)
23 of this section, for all activities associated with legal lethal means of
24 control and for the purposes of sections 22-5302 and 22-5304(4), Idaho Code.

25 (3) Beginning in fiscal year 2015, the state controller shall annually,
26 as soon after July 1 of each year as practical, transfer one hundred ten thou-
27 sand dollars (\$110,000) from the fish and game fund to the fish and game fund
28 transfer subaccount of the wolf control fund. The fish and game commission,
29 on or before July 1 of each year, is authorized to direct the wolf depredation
30 control board as to the use of such funds and the wolf depredation control
31 board shall comply with the direction of the commission.

32 (4) Between the effective date of this act and fiscal year 2015, the
33 assessment and transfer amount requirements of this section shall not be
34 required. In lieu thereof, wolf control assessments collected by the state
35 brand inspector and the Idaho sheep and goat health board for deposit into
36 the livestock subaccount of the wolf control fund shall be matched by an
37 amount to be transferred from the fish and game fund to the fish and game fund
38 transfer subaccount of the wolf control fund, but in no event shall either
39 the wolf control assessments deposited into the livestock subaccount or mon-
40 eys from the fish and game fund transferred into the fish and game transfer
41 subaccount exceed one hundred ten thousand dollars (\$110,000).

42 SECTION 2. That Chapter 1, Title 36, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 36-125, Idaho Code, and to read as follows:

45 36-125. FIXING ASSESSMENT AND FEES FOR WILDLIFE -- WOLF CONTROL
46 FUND. The fish and game commission shall comply with the provisions of sec-
47 tion 22-5306, Idaho Code, in providing the wolf depredation control board
48 with direction for use of fish and game funds transferred to the fish and

1 game fund transfer subaccount of the wolf control fund made pursuant to the
2 provisions of section 22-5306, Idaho Code.

3 SECTION 3. That Section 25-130, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 25-130. FIXING ASSESSMENT RATE -- PAYMENT OF CLAIMS -- REPORT -- IN-
6 SPECTION, QUARANTINE AND TREATMENT OF SHEEP -- DISTRICTS. The board shall
7 meet and fix the rate of special assessment to be levied as provided for in
8 this chapter. Any change in the rate of the special assessment shall be made
9 to be effective at the start of a calendar year. The wolf control assessment
10 provided for in section 25-131, Idaho Code, shall not be considered a special
11 assessment subject to the effective date provisions of this section. The
12 board shall audit all bills of salaries and expenses incurred in the enforce-
13 ment of this chapter that may be payable from the Idaho sheep and goat health
14 account which shall be audited, allowed and paid as other claims against the
15 state. The board shall have power to order an inspection or quarantine of any
16 sheep in the state of Idaho, whether diseased or exposed to disease, to com-
17 pel dipping or other treatment of sheep, whether diseased or exposed to dis-
18 ease, at such times and as often as it deems necessary to ensure the suppres-
19 sion or eradication of any infectious or contagious disease of sheep and di-
20 vide the state into such districts as may be necessary for the enforcement of
21 this chapter.

22 SECTION 4. That Section 25-131, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 25-131. IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- ASSESSMENT -- FIRST
25 PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPROPRIA-
26 TION. (1) In order for the board to carry out the provisions of this chapter,
27 the board shall assess, levy and collect an assessment established by the
28 board, not to exceed twelve cents (12¢) per pound on all wool, in the grease
29 basis, sold through commercial channels, two cents (2¢) of which shall be
30 considered a wolf control assessment pursuant to section 22-5306, Idaho
31 Code. In the event that a sheep, which produces wool subject to this assess-
32 ment, shall be located outside the state of Idaho during a part of the assess-
33 ment year, the amount of the assessment shall be reduced on a pro rata basis.
34 Such assessment shall be levied and assessed to the producer at the time of
35 the first sale of wool and shall be deducted by the first purchaser from the
36 price paid to the producer at the time of such first sale. The assessment
37 provided in this section shall not be levied or collected on any casual sale.
38 In addition to the assessment provisions of this section related to wool, the
39 board may by rule establish an assessment on goats that would assess goats on
40 a per head basis and at a rate that is comparable to the assessment on wool.

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

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

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

3 (5) The first purchaser shall make reports to the board on forms pre-
4 scribed by the board, and no first purchaser shall fail to make such reports
5 or falsify any such reports. The assessment deducted and withheld by a first
6 purchaser, as required in subsection (1) of this section, shall be paid to
7 the board on a quarterly calendar year basis, and shall be due and payable
8 within thirty (30) days after the end of the quarter. All moneys collected
9 by the board under the provisions of this chapter shall be paid to the state
10 treasurer. All moneys received from the assessment pursuant to this section
11 shall be deposited in the state treasury by the state treasurer to the credit
12 of a special account in the state operating fund hereby created to be known as
13 the "Idaho sheep and goat health account."

14 (6) A first purchaser who delays transmittal of reports and payments of
15 assessments beyond the time stated in subsection (5) of this section shall
16 pay five percent (5%) of the amount due for the first month of delay and one
17 percent (1%) of the amount due for each month of delay thereafter. Such mon-
18 eys shall be deposited in the Idaho sheep and goat health account.

19 (7) In addition thereto, the said account shall consist of any appro-
20 priations made by the legislature for the use of and expenditure by said
21 board. All fees of every kind collected under the provisions of this chap-
22 ter, or under any rules and regulations made pursuant to the provisions of
23 this chapter, shall be deposited in the state treasury in the manner herein-
24 above described. The moneys in said special account are hereby appropriated
25 for the use and expenditure of said board carrying out the provisions of this
26 chapter and the rules and regulations made herein and said account is hereby
27 declared to be a continuing account.

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

32 (9) All moneys received by the board from that portion of the special
33 assessment which is made to carry on the work for prevention and control
34 of damage caused by predatory animals and other vertebrate pests shall be
35 expended by the board in the respective districts comprising the counties
36 where the assessment was collected less the actual and necessary adminis-
37 trative costs for carrying out the provisions of this chapter. All moneys
38 received by such account for work for prevention and control of damage caused
39 by predatory animals and other vertebrate pests except as herein otherwise
40 provided shall be expended by the board within the district or districts
41 specified by the party or agency providing such funds and any trust fund must
42 be held inviolate for the purposes of the trust.

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

45 SECTION 5. That Section 25-1145, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 25-1145. RENEWAL OF BRANDS. (1) On July 1, 2011, and at the end of each
48 recording period of an original application pursuant to section 25-1144,
49 Idaho Code, and at the end of each successive period thereafter on the first

1 day of July, the recording of every brand in the office of the state brand
2 inspector shall be renewed upon application for such renewal by the owner.
3 The fee of the state brand inspector for filing each such renewal application
4 shall be not more than one hundred twenty-five dollars (~~\$100~~25), twenty-five
5 dollars (\$25.00) of which shall be considered a wolf control assessment pur-
6 suant to section 22-5306, Idaho Code, and it shall be the duty of the state
7 brand inspector to furnish without further or other charge one (1) certified
8 copy of the certificate of such brand to the owner thereof upon his request,
9 and for each additional certified copy the state brand inspector shall be
10 paid a reasonable fee as determined by the state brand board not to exceed one
11 dollar and fifty cents (\$1.50) for the additional certified copy. The fee
12 for recording each renewal shall be paid coincident with the filing of the
13 application therefor.

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

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

21 SECTION 6. NONSEVERABILITY. If any section or provision of this act
22 shall be adjudged unconstitutional or invalid for any reason, then such in-
23 validity or unconstitutionality shall invalidate this act in its entirety
24 and to this end and in this event the provisions of this act are declared to
25 be nonseverable.

26 SECTION 7. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after its
28 passage and approval.