

IN THE SENATE

SENATE BILL NO. 1151

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-115, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING THE PAYMENT OF CERTAIN DAMAGES CAUSED BY DEPREDATION.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 36-115, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 36-115. NONEXPENDABLE BIG GAME DEPREDATION FUND -- EXPENDABLE BIG
9 GAME DEPREDATION FUND. (a) The nonexpendable big game depredation 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 depredation account, created pur-
13 suant to section 3, chapter 370, laws of 1990, to the nonexpendable big game
14 depredation 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 depredation 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 depredation fund.

20 (b) The big game secondary depredation 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 depredation fund. In addition to payments to the fund from the
24 nonexpendable big game depredation 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 depredation 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 agricul-
38 ture and the director of the department of fish and game the amount of inter-
39 est earnings and the availability of moneys in the expendable big game depre-
40 dation fund for appropriation. At the close of each fiscal year, any unex-
41 pended and unencumbered balance that exceeds two million five hundred thou-
42 sand dollars (\$2,500,000), shall be transferred to the fish and game set-

1 aside account to be earmarked for control of depredation of private prop-
2 erty by pronghorn antelope, elk and deer and control of predators affect-
3 ing pronghorn antelope, elk and deer established pursuant to section 36-111,
4 Idaho Code. Transferred funds to the set-aside account shall be spent pur-
5 suant to the respective appropriation for the set-aside account.

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

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

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

17 (B) The total payment amount to any person for approved claims
18 in the aggregate in a fiscal year, including any payment to any
19 pass-through entity as defined in chapter 30, title 63, Idaho
20 Code, from which the person receives income, and to any household
21 member, shall not exceed ten percent (10%) of the original expend-
22 able big game depredation fund appropriation for the fiscal year.

23 (C) The balance of all unpaid approved claim amounts, including
24 claims submitted under the provisions of sections 36-1109 and
25 36-1110, Idaho Code, shall be accumulated to a total as of June 30.
26 If the balance in the expendable big game depredation fund appro-
27 priation is sufficient to pay the balance of all approved claims,
28 the director shall pay them. If the balance is not sufficient to
29 pay all approved claims, the director shall authorize a propor-
30 tionate amount to be paid to each claimant.

31 (D) The director shall encumber the balance of moneys appropri-
32 ated from the expendable big game depredation fund, or moneys suf-
33 ficient to pay the approved claims, whichever is the lesser.

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

37 (A) The amount of seven hundred fifty dollars (\$750) must be de-
38 ducted from each such statement. This deductible is a net loss to
39 the owner or lessee, and will not be compensated for from the ex-
40 pendable big game depredation fund, but the owner or lessee is re-
41 quired to absorb only a single seven hundred fifty dollar (\$750)
42 deductible per claim.

43 (B) Provided however, that for claims in subsequent years for dam-
44 age to standing or stored crops in the same location as the first
45 occurrence, the seven hundred fifty dollar (\$750) deductible will
46 be waived if the department failed to prevent property loss fol-
47 lowing the first occurrence.

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

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

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

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

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

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

16 (B) The total payment amount to any person for approved claims
17 in the aggregate in a fiscal year, including any payment to any
18 pass-through entity as defined in chapter 30, title 63, Idaho
19 Code, from which the person receives income, and to any household
20 member, shall not exceed ten percent (10%) of the original expend-
21 able big game depredation fund appropriation for the fiscal year.

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

29 (D) The director shall encumber the balance of the appropria-
30 tion, or moneys sufficient to pay the approved claims, whichever
31 is the lesser.

32 2. Each claimant must submit a statement of total damages sustained per
33 occurrence. For each such statement, the following condition applies:
34 the amount of seven hundred fifty dollars (\$750) must be deducted from
35 each such statement. Provided however, if an owner or caretaker suffers
36 damage to or destruction of livestock in more than one (1) occurrence
37 during the fiscal year, then only one (1) deductible must be subtracted
38 from the claims and the deductible on subsequent claims will be waived.
39 This deductible is a net loss to the owner or caretaker, and will not be
40 compensated for from the expendable big game depredation fund.

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

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

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

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

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

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

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

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

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

21 (A) The amount of seven hundred fifty dollars (\$750) must be de-
22 ducted from each such statement. This deductible is a net loss to
23 the owner or lessee, and will not be compensated for from the ex-
24 pendable big game depredation fund.

25 (B) The total amount of all claims for damages to forage that may
26 be paid from the expendable big game depredation fund shall not ex-
27 ceed fifty percent (50%) of the amount of interest earned from in-
28 vestments of moneys in that fund in any one (1) fiscal year.

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

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

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