

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 240, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-115, IDAHO CODE, TO DELETE CERTAIN PAYMENT PRIORITY PROVISIONS RELATING TO THE EXPENDABLE BIG GAME DEPREDATION FUND.

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

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

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

(b) The big game secondary depredation account was created in the state treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from the date of enactment of this act, be known and referred to as the expendable big game depredation fund. In addition to payments to the fund from the nonexpendable big game depredation fund as provided for in subsection (a) of this section, the state controller shall annually, as soon after July 1 of each year as practical, transfer into the fund two hundred thousand dollars (\$200,000) from the fish and game account. Moneys in the fund are subject to appropriation for the purposes recited in section 36-122, Idaho Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code, section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be invested as provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the fund. The expendable big game depredation fund shall be under the administrative direction of the state controller.

(c) The state controller shall annually report to the legislature, the division of financial management, the director of the department of agriculture and the director of the department of fish and game the amount of interest earnings and the availability of moneys in the expendable big game depredation fund for appropriation. At the close of each fiscal year, any unexpended and unencumbered balance that exceeds seven hundred fifty thousand dollars (\$750,000), shall be transferred as follows: one hundred thousand dollars (\$100,000) to the fish and game set-aside account to be earmarked for sportsmen access programs with the remaining amount transferred to the animal damage control account established pursuant to section 36-112,

1 Idaho Code. Transferred funds shall be spent pursuant to the respective appropriations for the
2 set-aside account and the animal damage control account.

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

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

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

12 (B) The balance of all unpaid approved claim amounts, including claims
13 submitted under the provisions of sections 36-1109 and 36-1110, Idaho Code, shall
14 be accumulated to a total as of June 30. If the balance in the expendable big game
15 depredation fund appropriation is sufficient to pay the balance of all approved
16 claims, the director shall pay them. If the balance is not sufficient to pay all
17 approved claims, the director shall authorize a proportionate amount to be paid to
18 each claimant. ~~However, claims filed under section 36-1108, Idaho Code, shall~~
19 ~~have priority and will be paid prior to claims filed under sections 36-1109 and~~
20 ~~36-1110, Idaho Code.~~

21 (C) The director shall encumber the balance of moneys appropriated from the
22 expendable big game depredation fund, or moneys sufficient to pay the approved
23 claims, whichever is the lesser.

24 2. Each claimant must submit a statement of total damages sustained per occurrence. For
25 each such statement, the following conditions and requirements apply:

26 (A) The amount of one thousand dollars (\$1,000) must be deducted from each
27 such statement. This deductible is a net loss to the owner or lessee, and will
28 not be compensated for from the expendable big game depredation fund, but the
29 owner or lessee is required to absorb only a single one thousand dollar (\$1,000)
30 deductible per claim.

31 (B) Provided however, that for claims in subsequent years for damage to standing
32 or stored crops in the same location as the first occurrence, the one thousand dollar
33 (\$1,000) deductible will be waived if the department failed to prevent property
34 loss following the first occurrence.

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

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

38 (B) The claimant has certified that he will accept the amount approved as
39 payment in full for the claim submitted, subject to the conditions and requirements
40 of this subsection.

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

43 1. The full amount of any approved claim will not be paid at the time of approval, but
44 shall be subject to the following conditions and requirements:

45 (A) The director of the department of fish and game may order that not more
46 than one-half (1/2) of the amount of the approved claim to be paid immediately, if,

1 in the judgment of the director, such payment is within the estimated total claims
2 liability for that fiscal year from the expendable big game depredation fund.

3 (B) The balance of all unpaid approved claim amounts shall be accumulated to a
4 total as of June 30. If the balance in the expendable big game depredation fund
5 appropriation is sufficient to pay all approved claims, the director shall promptly
6 pay them. If the balance is not sufficient to pay the balance of all approved
7 claims, the director shall pay a proportionate share to each claimant. ~~However,~~
8 ~~claims filed under section 36-1108, Idaho Code, shall have priority and will be~~
9 ~~paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~

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

12 2. Each claimant must submit a statement of total damages sustained per occurrence. For
13 each such statement, the following condition applies: the amount of one thousand dollars
14 (\$1,000) must be deducted from each such statement. Provided however, if an owner or
15 caretaker suffers damage to or destruction of livestock in more than one (1) occurrence
16 during the fiscal year, then only one (1) deductible must be subtracted from the claims
17 and the deductible on subsequent claims will be waived. This deductible is a net loss to
18 the owner or caretaker, and will not be compensated for from the expendable big game
19 depredation fund.

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

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

23 (B) The claimant has certified that he will accept the amount approved as
24 payment in full for the claim submitted, subject to the conditions and requirements
25 of this subsection.

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

28 1. The full amount of any approved claim will not be paid at the time of approval, but
29 shall be subject to the following conditions and requirements:

30 (A) The director of the department of fish and game may order not more than
31 one-half (1/2) of the amount of the approved claim to be paid immediately, if, in
32 the judgment of the director, such payment is within the estimated total claims
33 liability for that fiscal year from the expendable big game depredation fund.

34 (B) The balance of all unpaid approved claim amounts shall be accumulated to
35 a total as of June 30. If the balance in the expendable big game depredation
36 fund appropriation is sufficient to pay all approved claims, the director shall pay
37 them. If the balance is not sufficient to pay all approved claims, the director shall
38 authorize a proportionate amount to be paid to each claimant. ~~However, claims~~
39 ~~filed under section 36-1108, Idaho Code, shall have priority and will be paid prior~~
40 ~~to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~

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

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

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

4 (B) The total amount of all claims for damages to forage that may be paid from
5 the expendable big game depredation fund shall not exceed twenty-five percent
6 (25%) of the amount of interest earned from investments of moneys in that fund in
7 any one (1) fiscal year.

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

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

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