

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 146

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1
2 RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO PROVIDE
3 FOR THE DECLARATION OF A FEEDING EMERGENCY UNDER CERTAIN CIRCUMSTANCES
4 INVOLVING THE LOSS OF FEED FOR LIVESTOCK DUE TO DEPREDATION, TO PROVIDE
5 A PROCEDURE FOR VERIFICATION AND DETERMINATION OF DEPREDATION AND TO
6 PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A WINTER FEEDING AREA
7 REMOVED FROM THE SITE OF DEPREDATION; AND DECLARING AN EMERGENCY.

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

9 SECTION 1. That Section 36-111, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby estab-
12 lished the fish and game set-aside account in the dedicated fund. The ac-
13 count shall have paid into it moneys as follows:

14 (a) Four dollars (\$4.00) of each steelhead trout or anadromous salmon
15 permit sold. Moneys from this source shall be used for the acquisition,
16 development and maintenance of parking areas, access sites, boat ramps
17 and sanitation facilities in salmon and steelhead fishing areas, for
18 management of and research on steelhead trout and anadromous salmon
19 problems, and for technical assistance with litigation concerning
20 steelhead and anadromous salmon originating in Idaho.

21 (b) Two dollars (\$2.00) from each combination hunting and fishing li-
22 cense, or each hunting license sold, as provided in sections 36-406 and
23 36-407, Idaho Code, except that class 4 licenses shall be exempt from
24 this provision. Moneys from this source shall be used for the purposes
25 of acquiring access to and acquiring and rehabilitating big game ranges
26 and upland bird and waterfowl habitats. Unless it is inconsistent with
27 the goals of the commission, it is the intent of the legislature that the
28 commission negotiate lease arrangements as compared with outright pur-
29 chase of private property.

30 (c) One dollar and fifty cents (\$1.50) from each antelope, elk and
31 deer tag sold as provided in section 36-409, Idaho Code. Not less than
32 seventy-five cents (75¢) of each one dollar and fifty cents (\$1.50)
33 collected shall be placed in a separate account to be designated as a
34 feeding account. Moneys in this account shall be used exclusively for
35 the purposes of actual supplemental winter feeding of antelope, elk and
36 deer. Moneys shall be used solely for the purchase of blocks, pellets
37 and hay for such winter feeding purposes and/or for the purchase of seed
38 or other material that can be shown to directly provide feed or forage
39 for the winter feeding of antelope, elk and deer. The balance of moneys
40 realized from this source may be used for the control of depredation of
41 private property by antelope, elk and deer and control of predators af-
42 fecting antelope, elk and deer. Moneys in the feeding account shall not

1 be used for any purpose other than winter feeding as herein specified.
2 Moneys in the feeding account may not be expended except upon the decla-
3 ration of a feeding emergency by the director of the department of fish
4 and game. Such emergency need not exist on a statewide basis but can be
5 declared with respect to one (1) or more regions of the state. The de-
6 partment shall by rule establish the criteria for a feeding emergency.
7 Provided however, a feeding emergency shall also be declared when any
8 owner or lessee of private property is experiencing loss of feed for
9 livestock due to depredation. An owner or lessee of private property
10 may request that the county extension agent for the county in which the
11 depredation is occurring either determines a loss of feed for live-
12 stock, based upon market value, in excess of five hundred dollars (\$500)
13 has occurred due to depredation by antelope, elk or deer or verifies the
14 presence of ten (10) or more head of elk or twenty (20) or more head of
15 antelope or deer on the private property. Such determination or veri-
16 fication by the county extension agent shall be made in writing, signed
17 by the county extension agent and notarized. In the event the county in
18 which the depredation occurred does not have a county extension agent,
19 the owner or lessee may request that either a county sheriff or a de-
20 signee from his department, or an employee of the Idaho state department
21 of agriculture, as designated by the director of the department, make
22 such determination. The owner or lessee shall submit the determination
23 or verification to the department. In the event of such determination
24 or verification of depredation, the department, within forty-eight
25 (48) hours of receipt of such proof, shall remove any antelope, elk
26 or deer causing such depredation and establish and maintain a winter
27 feeding area removed from the site of depredation for the feeding. The
28 department shall submit a yearly report to the senate resources and en-
29 vironment committee and the house resources and conservation committee
30 of the legislature on or before the 31st day of July, detailing how funds
31 in the feeding account have been expended during the preceding fiscal
32 year.

33 (d) Those amounts designated by individuals in accordance with section
34 63-3067A(3) (a), Idaho Code, and from fees paid under the provisions of
35 section 49-417, Idaho Code. Moneys from these sources shall be used for
36 a nongame management and protection program under the direction of the
37 fish and game commission.

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

41 (2) Moneys in the fish and game set-aside account and the feeding ac-
42 count established in subsection (1) (c) of this section are subject to appro-
43 priation, and the provisions of section 67-3516, Idaho Code. Moneys in the
44 fish and game set-aside account and the feeding account shall be invested
45 by the state treasurer in the manner provided for investment of idle state
46 moneys in the state treasury by section 67-1210, Idaho Code, with interest
47 earned on investments from each account to be paid into that account.

48 SECTION 2. An emergency existing therefor, which emergency is hereby
49 declared to exist, this act shall be in full force and effect on and after its
50 passage and approval.