

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011
IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 343
BY WAYS AND MEANS COMMITTEE

1 AN ACT

2 RELATING TO WOLVES; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDI
3 TION OF A NEW SECTION 67-5805, IDAHO CODE, TO PROVIDE LEGISLATIVE FIND
4 INGS AND INTENT; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDI
5 TION OF A NEW SECTION 67-5806, IDAHO CODE, TO PROVIDE FOR DECLARATIONS
6 OF EMERGENCY; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDI
7 TION OF A NEW SECTION 67-5807, IDAHO CODE, TO PROVIDE A PROCEDURE FOR IS
8 SUANCE OF EXECUTIVE ORDERS AND PROCLAMATIONS RELATING TO CERTAIN DISAS
9 TER EMERGENCIES, TO REQUIRE THE OFFICE OF SPECIES CONSERVATION TO TAKE
10 CERTAIN STEPS, TO PROVIDE FOR APPEAL, TO PROVIDE FOR THE DURATION OF AND
11 TERMINATION OF EXECUTIVE ORDERS AND PROCLAMATIONS, TO PROVIDE FOR CON
12 TENT OF EXECUTIVE ORDERS AND PROCLAMATIONS AND TO PROVIDE FOR THE DIS
13 SEMINATION OF FILING OF EXECUTIVE ORDERS AND PROCLAMATIONS; AND DECLAR
14 ING AN EMERGENCY.

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

16 SECTION 1. That Chapter 58, Title 67, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des
18 ignated as Section 67-5805, Idaho Code, and to read as follows:

19 67-5805. LEGISLATIVE FINDINGS AND INTENT. (1) Section 1, article I, of
20 the constitution of the state of Idaho provides: "All men are by nature free
21 and equal, and have certain inalienable rights, among which are enjoying and
22 defending life and liberty; acquiring, possessing and protecting property;
23 pursuing happiness and securing safety." It is the duty and right of the leg
24 islature and the governor to protect the state, its citizens and property.
25 Section 36-103(a), Idaho Code, provides: "All wildlife, including all wild
26 animals, wild birds, and fish, within the state of Idaho, is hereby declared
27 to be the property of the state of Idaho." The state of Idaho therefore has
28 the responsibility to manage the big game animals of the state.

29 (2) The Idaho legislature finds and declares that the state's citizens,
30 businesses, hunting, tourism and agricultural industries, private property
31 and wildlife, are immediately and continuously threatened and harmed by the
32 sustained presence and growing population of Canadian gray wolves in the
33 state of Idaho. The Idaho legislature, therefore, finds the population of
34 gray wolves in Idaho, having been introduced into the state in 1995, over the
35 united objection of the Idaho congressional delegation, Idaho legislature,
36 Idaho governor, Idaho counties and numerous Idaho agricultural groups who
37 were gravely concerned with the negative effects this action would impose on
38 Idaho and Idahoans, is now many times exceeding the target number originally
39 set by the federal government and the number set in Idaho's federally ap
40 proved 2002 wolf management plan. The U.S. fish and wildlife service (USFWS)
41 has delisted the gray wolf in Idaho in 2008 and 2009 returning management to
42 the state, only to be sued both times by environmental groups forcing the

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1 wolf to be relisted as endangered. As a result of all the above, the legis
2 lature finds that public safety has been compromised, economic activity has
3 been disrupted and private and public property continue to be imperiled. The
4 uncontrolled proliferation of imported wolves on private land has produced
5 a clear and present danger to humans, their pets and livestock, and has al
6 tered and hindered historical uses of private and public land, dramatically
7 inhibiting previously safe activities such as walking, picnicking, biking,
8 berry picking, hunting and fishing. The continued uncontrolled presence
9 of gray wolves represents an unfunded mandate, a federal commandeering of
10 both state and private citizen resources and a government taking that makes
11 private property unusable for the quiet enjoyment of property owners. An
12 emergency existing therefore, it is the intent of the legislature to reg
13 ulate the presence of Canadian gray wolves in Idaho in order to safeguard
14 the public, wildlife, economy and private property against additional dev
15 astation to Idaho's social culture, economy and natural resources, and to
16 preserve the ability to benefit from private and public property within the
17 state and experience the quiet enjoyment of such property.

18 SECTION 2. That Chapter 58, Title 67, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des
20 ignated as Section 67-5806, Idaho Code, and to read as follows:

21 67-5806. DECLARATION OF EMERGENCY. A disaster emergency, as defined
22 in section 46-1002(3) and (4), Idaho Code, is in existence as a result of
23 the introduction of Canadian gray wolves, which have caused and continue to
24 threaten vast devastation of Idaho's social culture, economy and natural re
25 sources. The geographical extent of this emergency shall include any part of
26 the state of Idaho where gray wolves have been sighted and whose sighting has
27 been documented or otherwise confirmed by the office of species conservation
28 or the department of fish and game.

29 SECTION 3. That Chapter 58, Title 67, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des
31 ignated as Section 67-5807, Idaho Code, and to read as follows:

32 67-5807. GOVERNOR -- EXECUTIVE ORDERS. (1) Pursuant to this act, the
33 governor may issue executive orders and proclamations and amend or rescind
34 such orders and proclamations. Executive orders and proclamations have the
35 force and effect of law. A disaster emergency may be declared by executive
36 order or proclamation of the governor if the governor finds any of the fol
37 lowing:

- 38 (a) Any Canadian gray wolf within the state is a carrier of a disease
39 harmful to humans, livestock, pets and wild game and that there is a risk
40 of transmission of such disease to humans, livestock, pets or wild game;
41 (b) The potential of human–wolf conflict exists and that the Canadian
42 gray wolf is frequenting areas inhabited by humans or showing habitu
43 ated behavior toward humans;
44 (c) That the potential for livestock–wolf conflict exists and that the
45 Canadian gray wolf is frequenting areas that are largely ranchland with
46 livestock or showing evidence of habituated behavior toward livestock;

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1 (d) The numbers of Canadian gray wolves are such that there is an im
2 pact to Idaho big game herds as identified in the wolf management plan
3 of 2002, and that there is evidence that increasing the number of wolves
4 beyond one hundred (100) has had detrimental impacts on big game popula
5 tions, the economic viability of the Idaho department of fish and game,
6 outfitters and guides, and others who depend on a viable population of
7 big game animals;

8 (e) The numbers of big game animals have been significantly impacted
9 below that of recent historical numbers and that there has been a mea
10 surable diminution in the value of businesses tied to outfitting and
11 other game or hunting based businesses.

12 (2) The executive order or proclamation shall direct the office of
13 species conservation to initiate emergency proceedings in accordance with
14 section 67-5247, Idaho Code. Any person may challenge an action or pro
15 posed action of the office of species conservation by following the appeals
16 process prescribed by the Idaho administrative procedure act, chapter 52,
17 title 67, Idaho Code.

18 (3) The state of disaster emergency shall continue until the governor
19 finds that either gray wolves are delisted in Idaho with full state manage
20 ment restored or the threat has been dealt with to the extent that emergency
21 conditions no longer exist. When either or both of these events occur, the
22 governor shall terminate the state of disaster emergency by executive order
23 or proclamation. Provided however, that no state of disaster emergency pur
24 suant to the provisions of this act may continue for longer than one (1) year.
25 The legislature by concurrent resolution may terminate a state of disaster
26 emergency at any time. Thereupon, the governor shall issue an executive or
27 der or proclamation ending the state of disaster emergency. All executive
28 orders or proclamations issued pursuant to this section shall indicate which
29 of the conditions in this section exist, the area or areas threatened and
30 the actions planned to resolve the issue, including contracting with USDA
31 APHIS wildlife services. An executive order or proclamation shall be dis
32 seminated promptly by means calculated to bring its contents to the atten
33 tion of the general public and, unless the circumstances attendant upon the
34 disaster prevent or impede, be promptly filed with the office of species con
35 servation, the department of fish and game, the office of the secretary of
36 state and the office of the sheriff of each county where the state of disaster
37 emergency applies.

38 SECTION 4. An emergency existing therefor, which emergency is hereby
39 declared to exist, this act shall be in full force and effect on and after its
40 passage and approval.