IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 343

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WOLVES; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5805, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5806, IDAHO CODE, TO PROVIDE FOR DECLARATIONS OF EMERGENCY; AMENDING CHAPTER 58, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5807, IDAHO CODE, TO PROVIDE A PROCEDURE FOR ISSUANCE OF EXECUTIVE ORDERS AND PROCLAMATIONS RELATING TO CERTAIN DISASTER EMERGENCIES, TO REQUIRE THE OFFICE OF SPECIES CONSERVATION TO TAKE CERTAIN STEPS, TO PROVIDE FOR APPEAL, TO PROVIDE FOR THE DURATION OF AND TERMINATION OF EXECUTIVE ORDERS AND PROCLAMATIONS, TO PROVIDE FOR CONTENT OF EXECUTIVE ORDERS AND PROCLAMATIONS AND TO PROVIDE FOR THE DISSEMINATION OF FILING OF EXECUTIVE ORDERS AND PROCLAMATIONS; AND DECLARING AN EMERGENCY.

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

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

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

(2) The Idaho legislature finds and declares that the state's citizens, businesses, hunting, tourism and agricultural industries, private property and wildlife, are immediately and continuously threatened and harmed by the sustained presence and growing population of Canadian gray wolves in the state of Idaho. The Idaho legislature, therefore, finds the population of gray wolves in Idaho, having been introduced into the state in 1995, over the united objection of the Idaho congressional delegation, Idaho legislature, Idaho governor, Idaho counties and numerous Idaho agricultural groups who were gravely concerned with the negative effects this action would impose on Idaho and Idahoans, is now many times exceeding the target number originally set by the federal government and the number set in Idaho's federally approved 2002 wolf management plan. The U.S. fish and wildlife service (USFWS) has delisted the gray wolf in Idaho in 2008 and 2009 returning management to the state, only to be sued both times by environmental groups forcing the
wolf to be relisted as endangered. As a result of all the above, the legis-
lature finds that public safety has been compromised, economic activity has
been disrupted and private and public property continue to be imperiled. The
uncontrolled proliferation of imported wolves on private land has produced
a clear and present danger to humans, their pets and livestock, and has al-
tered and hindered historical uses of private and public land, dramatically
inhibiting previously safe activities such as walking, picnicking, biking,
berry picking, hunting and fishing. The continued uncontrolled presence
of gray wolves represents an unfunded mandate, a federal commandeering of
both state and private citizen resources and a government taking that makes
private property unusable for the quiet enjoyment of property owners. An
emergency existing therefore, it is the intent of the legislature to reg-
ulate the presence of Canadian gray wolves in Idaho in order to safeguard
the public, wildlife, economy and private property against additional dev-
astation to Idaho's social culture, economy and natural resources, and to
preserve the ability to benefit from private and public property within the
state and experience the quiet enjoyment of such property.

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

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

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

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

(a) Any Canadian gray wolf within the state is a carrier of a disease
harmful to humans, livestock, pets and wild game and that there is a risk
of transmission of such disease to humans, livestock, pets or wild game;
(b) The potential of human–wolf conflict exists and that the Canadian
gray wolf is frequenting areas inhabited by humans or showing habitu-
ated behavior toward humans;
(c) That the potential for livestock–wolf conflict exists and that the
Canadian gray wolf is frequenting areas that are largely ranchland with
livestock or showing evidence of habituated behavior toward livestock;
(d) The numbers of Canadian gray wolves are such that there is an impact to Idaho big game herds as identified in the wolf management plan of 2002, and that there is evidence that increasing the number of wolves beyond one hundred (100) has had detrimental impacts on big game populations, the economic viability of the Idaho department of fish and game, outfitters and guides, and others who depend on a viable population of big game animals;

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

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

(3) The state of disaster emergency shall continue until the governor finds that either gray wolves are delisted in Idaho with full state management restored or the threat has been dealt with to the extent that emergency conditions no longer exist. When either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation. Provided however, that no state of disaster emergency pursuant to the provisions of this act may continue for longer than one (1) year. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued pursuant to this section shall indicate which of the conditions in this section exist, the area or areas threatened and the actions planned to resolve the issue, including contracting with USDA-APHIS wildlife services. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the office of species conservation, the department of fish and game, the office of the secretary of state and the office of the sheriff of each county where the state of disaster emergency applies.

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