

# SENATE BILL NO. 1374

View [Bill Status](#)

View [Bill Text](#)

View [Amendment](#)

View [Engrossed Bill \(Original Bill with Amendment\(s\) Incorporated\)](#)

View [Statement of Purpose / Fiscal Impact](#)

---

Text to be added within a bill has been marked with Bold and Underline. Text to be removed has been marked with Strikethrough and Italic. How these codes are actually displayed will vary based on the browser software you are using.

**This sentence is marked with bold and underline to show added text.**

~~*This sentence is marked with strikethrough and italic, indicating text to be removed.*~~

## Bill Status

---

S1374aaH.....by RESOURCES AND ENVIRONMENT  
BLACK BEAR - MOUNTAIN LION - WOLVES - Amends existing law relating to fish  
and game to revise provisions relating to the control of depredation of  
black bear, mountain lion and predators; and to provide for the control of  
depredation of wolves.

02/05 Senate intro - 1st rdg - to printing

02/06 Rpt prt - to Res/Env

02/12 Rpt out - rec d/p - to 2nd rdg

02/13 2nd rdg - to 3rd rdg

02/15 3rd rdg - PASSED - 31-0-4

AYES -- Andreason, Bair, Bastian, Broadsword, Cameron, Coiner,  
Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond,  
Jorgenson, Kelly, Keough, Langhorst, Little, Lodge,  
Malepeai(Sagness), McGee, McKague, McKenzie, Pearce, Richardson,  
Schroeder, Siddoway, Stegner, Stennett, Werk

NAYS -- None

Absent and excused -- Bilyeu, Burkett, Heinrich, Hill

Floor Sponsor - Siddoway

Title apvd - to House

02/18 House intro - 1st rdg - to Res/Con

03/05 Rpt out - to Gen Ord

03/11 Rpt out amen - to 1st rdg as amen

03/12 1st rdg - to 2nd rdg as amen

03/13 2nd rdg - to 3rd rdg as amen

03/19 3rd rdg as amen - PASSED - 65-4-1

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black,  
Block, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez,  
Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood,  
Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake,  
Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle,  
Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts,  
Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08),  
Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn,  
Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker

NAYS -- Bock, Durst, LeFavour, Ringo

Absent and excused -- Trail

Floor Sponsor - Barrett

Title apvd - to Senate

03/19 Senate concurred in House amens - to engros  
03/20 Rpt engros - 1st rdg - to 2nd rdg as amen  
03/24 2nd rdg - to 3rd rdg as amen  
03/25 3rd rdg as amen - PASSED - 35-0-0  
AYES -- Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett,  
Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon(Gannon),  
Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough,  
Langhorst, Little, Lodge, Malepeai(Sagness), McGee, McKague,  
McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett,  
Werk  
NAYS -- None  
Absent and excused -- None  
Floor Sponsor - Siddoway  
Title apvd - to enrol - Rpt enrol - Pres signed  
03/26 Sp signed - to Governor  
03/28 Governor signed  
Session Law Chapter 294  
Effective: 03/28/08

## Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO ]]]]  
Fifty-ninth Legislature Second Regular Session - 2008

### IN THE SENATE

SENATE BILL NO. 1374

BY RESOURCES AND ENVIRONMENT COMMITTEE

1 AN ACT  
2 RELATING TO FISH AND GAME; AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE  
3 PROVISIONS RELATING TO THE CONTROL OF DEPREDATION OF BLACK BEAR, MOUNTAIN  
4 LION AND PREDATORS AND TO PROVIDE FOR THE CONTROL OF DEPREDATION OF  
5 WOLVES.

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

7 SECTION 1. That Section 36-1107, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions of  
10 this title notwithstanding, any person may control, trap, and/or remove any  
11 wild animals or birds or may destroy the houses, dams, or other structures of  
12 furbearing animals for the purpose of protecting property from the  
13 depredations thereof as hereinafter provided.

14 The director may delegate any of the authority conferred by this section  
15 to any other employee of the department.

16 (a) Director to Authorize Removal of Wildlife Causing Damage. Except for  
17 antelope, elk, deer or moose when any other wildlife, protected by this title,  
18 is doing damage to or is destroying any property, including water rights, or  
19 is likely to do so, the owner or lessee thereof may make complaint and report  
20 the facts to the director or his designee who shall investigate the conditions  
21 complained of. In the case of water rights, the director shall request an  
22 investigation by the director of the department of water resources of the con-

23 ditions complained of. The director of the department of water resources shall  
24 request a recommendation from the local water master, if any, and upon such  
25 examination, shall certify to the director of the department of fish and game  
26 whether said wildlife, or houses, dams or other structures erected by said  
27 wildlife is injuring or otherwise adversely impacting water rights. If it  
28 appears that the complaint is well-founded and the property of such complain-  
29 ant is being or is likely to be damaged or destroyed by any such wildlife pro-  
30 tected under this title, the director may:

31 1. Send a representative onto the premises to control, trap, and/or  
32 remove such protected wildlife as will stop the damage to said property.  
33 Any animals or birds so taken shall remain the property of the state and  
34 shall be turned over to the director.

35 2. Grant properly safeguarded permission to the complainant to control,  
36 trap and/or remove such protected wildlife or to destroy any houses, dams,  
37 or other structures erected by said animals or birds. Any protected wild-  
38 life so taken shall remain the property of the state and shall be turned  
39 over to the director.

40 3. Whenever deemed to be in the public interest, authorize or cause the  
41 removal, modification or destruction of any dam, house, structure or  
42 obstruction erected by any furbearing animals. The director shall have  
43 authority to enter upon all lands, both public and private, as necessary,

2

1 to control, trap or remove such animals, or to so remove, modify or  
2 destroy such dam, house, structure or obstruction that is injuring or  
3 otherwise adversely impacting water rights, or to require the landowner to  
4 do so. The director shall make a reasonable effort to contact any private  
5 landowner to schedule a date and approximate time for the removal, modifi-  
6 cation or destruction. No liability whatever shall accrue to the depart-  
7 ment or the director by reason of any direct or indirect damage arising  
8 from such entry upon land, destruction, removal or modification.

9 4. Issue a permit to any bona fide owner or lessee of property which is  
10 being actually and materially damaged by furbearing animals, to trap or  
11 kill or to have trapped or killed such animals on his own or leased prem-  
12 ises. Such permit may be issued without cost to a landholder applicant and  
13 shall designate therein the number of furbearing animals that may be  
14 trapped or killed, the name of the person who the landowner has designated  
15 to take such furbearers and the valid trapping license number of the  
16 taker. Furbearers so taken shall be the property of the taker. Beaver so  
17 taken shall be handled in the manner provided in section 36-1104, Idaho  
18 Code. The term "premises" shall be construed to include any irrigation  
19 ditch or right-of-way appurtenant to the land for which said permit is  
20 issued.

21 (b) Control of Depredation of Black Bear, Mountain Lion, and Predators.  
22 Black bear, mountain lion, and predators may be disposed of by livestock  
23 owners, their employees, agents and animal damage control personnel when same  
24 are molesting **or attacking** livestock and it shall not be necessary to obtain  
25 any permit from the department. Mountain lion so taken shall be reported to  
26 the director **within ten (10) days of being taken**. Livestock owners may take  
27 steps they deem necessary to protect their livestock.

28 (c) **Control of Depredation of Wolves. Wolves may be disposed of by live-**  
29 **stock or domestic animal owners, their employees, agents and animal damage**  
30 **control personnel when the same are molesting or attacking livestock or domes-**  
31 **tic animals and it shall not be necessary to obtain any permit from the**  
32 **department. Wolves so taken shall be reported to the director within seventy-**  
33 **two (72) hours, with additional reasonable time allowed if access to the site**  
34 **where taken is limited. Wolves so taken shall remain the property of the state**  
35 **and shall be turned over to the director upon request. Livestock and domestic**  
36 **animal owners may take all nonlethal steps they deem necessary to protect**  
37 **their property but a permit must be obtained from the director to control**

38 wolves not molesting or attacking livestock or domestic animals except as  
39 allowed by Idaho department of fish and game harvest regulations.  
40 (d) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may be  
41 taken at any time in or along the banks of irrigation ditches, canals, reser-  
42 voirs or dams, by the owners, their employees, or those in charge of said  
43 irrigation ditches or canals.

## Amendment

]]]] LEGISLATURE OF THE STATE OF IDAHO ]]]]  
Fifty-ninth Legislature Second Regular Session - 2008

Moved by Stevenson

Seconded by Andrus

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO S.B. NO. 1374

1 AMENDMENT TO BILL  
2  
3 On page 2 of the printed bill, following line 43 insert:

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

7 CORRECTION TO TITLE  
8 On page 1, in line 5, following "WOLVES" insert: "; AND DECLARING AN EMER-  
9 GENCY".

2

Moved by Barrett

Seconded by Moyle

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO S.B. NO. 1374

1 AMENDMENTS TO SECTION 1  
2 On page 2 of the printed bill, in line 34, following "state" insert: ".";  
3 delete line 35 and insert: "Livestock and domestic"; in line 37, delete "prop-  
4 erty but a" and insert: "property. A"; in line 38, delete "animals except as";  
5 and delete line 39 and insert: "animals. Control is also permitted by owners,  
6 their employees and agents pursuant to the Idaho department of fish and game  
7 harvest rules. For the purposes of this subsection (c), "molesting" shall mean  
8 the actions of a wolf that are annoying, disturbing or persecuting, especially  
9 with hostile intent or injurious effect, or chasing, driving, flushing,  
10 worrying, following after or on the trail of, or stalking or lying in wait  
11 for, livestock or domestic animals.".



42 obstruction erected by any furbearing animals. The director shall have  
43 authority to enter upon all lands, both public and private, as necessary,

2

1 to control, trap or remove such animals, or to so remove, modify or  
2 destroy such dam, house, structure or obstruction that is injuring or  
3 otherwise adversely impacting water rights, or to require the landowner to  
4 do so. The director shall make a reasonable effort to contact any private  
5 landowner to schedule a date and approximate time for the removal, modifi-  
6 cation or destruction. No liability whatever shall accrue to the depart-  
7 ment or the director by reason of any direct or indirect damage arising  
8 from such entry upon land, destruction, removal or modification.

9 4. Issue a permit to any bona fide owner or lessee of property which is  
10 being actually and materially damaged by furbearing animals, to trap or  
11 kill or to have trapped or killed such animals on his own or leased prem-  
12 ises. Such permit may be issued without cost to a landholder applicant and  
13 shall designate therein the number of furbearing animals that may be  
14 trapped or killed, the name of the person who the landowner has designated  
15 to take such furbearers and the valid trapping license number of the  
16 taker. Furbearers so taken shall be the property of the taker. Beaver so  
17 taken shall be handled in the manner provided in section 36-1104, Idaho  
18 Code. The term "premises" shall be construed to include any irrigation  
19 ditch or right-of-way appurtenant to the land for which said permit is  
20 issued.

21 (b) Control of Depredation of Black Bear, Mountain Lion, and Predators.  
22 Black bear, mountain lion, and predators may be disposed of by livestock  
23 owners, their employees, agents and animal damage control personnel when same  
24 are molesting or attacking livestock and it shall not be necessary to obtain  
25 any permit from the department. Mountain lion so taken shall be reported to  
26 the director within ten (10) days of being taken. Livestock owners may take  
27 steps they deem necessary to protect their livestock.

28 (c) Control of Depredation of Wolves. Wolves may be disposed of by live-  
29 stock or domestic animal owners, their employees, agents and animal damage  
30 control personnel when the same are molesting or attacking livestock or domes-  
31 tic animals and it shall not be necessary to obtain any permit from the  
32 department. Wolves so taken shall be reported to the director within seventy-  
33 two (72) hours, with additional reasonable time allowed if access to the site  
34 where taken is limited. Wolves so taken shall remain the property of the  
35 state. Livestock and domestic animal owners may take all nonlethal steps they  
36 deem necessary to protect their property. A permit must be obtained from the  
37 director to control wolves not molesting or attacking livestock or domestic  
38 animals. Control is also permitted by owners, their employees and agents pur-  
39 suant to the Idaho department of fish and game harvest rules. For the purposes  
40 of this subsection (c), "molesting" shall mean the actions of a wolf that are  
41 annoying, disturbing or persecuting, especially with hostile intent or injuri-  
42 ous effect, or chasing, driving, flushing, worrying, following after or on the  
43 trail of, or stalking or lying in wait for, livestock or domestic animals.

44 (d) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may be  
45 taken at any time in or along the banks of irrigation ditches, canals, reser-  
46 voirs or dams, by the owners, their employees, or those in charge of said  
47 irrigation ditches or canals.

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.

## Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 17751

Clarifies existing law relating to the Department of Fish and Game to specify wolves are included for depredation control and amends reference to the reporting requirement for depredation control of mountain lions and wolves.

FISCAL NOTE

There is no fiscal effect to the General Fund or Fish and Game funds.

Contact

Name: Sharon Kiefer, Fish and Game, Dept. Of

Phone: 334-3771

Name: Jeff Allen

Phone: 334-2003, Office of Species Conservation

STATEMENT OF PURPOSE/FISCAL NOTE

S 1374