

IN THE SENATE

SENATE BILL NO. 1084, As Amended

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO WILDLIFE; AMENDING SECTION 36-701, IDAHO CODE, TO PROVIDE AN EX-
2 CEPTION TO REQUIREMENTS FOR WILDLIFE HELD CAPTIVE IN IDAHO; AND DECLAR-
3 ING AN EMERGENCY.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 36-701, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 36-701. WILDLIFE HELD CAPTIVE WITHOUT LICENSE OR PERMIT UNLAWFUL --
9 EXCEPTIONS. (a) No person shall engage in any propagation or hold in captiv-
10 ity any species of big game animal found wild in this state, unless the person
11 has been issued a license or permit by the director as hereinafter provided.

12 (b) All other species of mammals, birds or reptiles that are found in
13 the wild in this state and are not species of special concern or threatened
14 and endangered species, may be held in captivity without permit so long as
15 the possessor retains proof that such wildlife was lawfully obtained. Such
16 proof shall be maintained and presented to department representatives in ac-
17 cordance with section 36-709, Idaho Code.

18 (c) Exceptions.

19 1. No such license or permit shall be required of any municipal, county,
20 state or other publicly owned zoo or wildlife exhibit or of any travel-
21 ing circus, menagerie or trained act of wild animals not permanently lo-
22 cated within the state of Idaho nor of any bona fide pet store display-
23 ing lawfully acquired wildlife for sale nor of any fur farm regulated
24 and inspected pursuant to chapter 30, title 25, Idaho Code, nor of any
25 domestic cervidae farm regulated and inspected pursuant to chapter 37,
26 title 25, Idaho Code.

27 2. Except for the provisions of subsection (d) of this section and sec-
28 tion 36-709, Idaho Code, relating to inspection and records of same,
29 nothing in this chapter shall be so construed as to apply to any exotic
30 wildlife, or domestic fur farm operated under the provisions of title
31 25, Idaho Code, or any tropical fish or other aquaria or ornamental fish
32 which the commission determines do not pose a threat to native fish if
33 released into the public waters of the state.

34 3. Except for the provisions of section 36-709(b), Idaho Code, relating
35 to inspection of facilities, nothing in this chapter shall be so con-
36 strued as to apply to any domestic cervidae farm.

37 4. Except for section 36-709(c), Idaho Code, relating to the keeping
38 and inspection of records, and the importation of cervidae within the
39 department's jurisdiction for disease purposes consistent with the im-
40 portation of domestic cervidae under section 25-3701, Idaho Code, noth-
41 ing in this chapter shall apply to animals maintained in captivity by
42 a wildlife exhibit business within the state of Idaho authorized by a

1 class C exhibitor license from the United States department of agricul-
2 ture on or before July 1, 2003, and maintaining a class C license in good
3 standing.

4 (d) Wildlife Import -- Export -- Release Permits -- Fees. No person
5 shall import into this state or export out of this state or release in the
6 wild any species of wildlife except by permit issued by the director and in
7 accordance with rules promulgated by the commission. The fee per occurrence
8 for each permit shall be as specified in section 36-416, Idaho Code. No fee
9 shall be charged for a department benefit permit.

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