

IN THE SENATE

SENATE BILL NO. 1084

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO WILDLIFE; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE A DEFINITION;
2 NITION; AMENDING SECTION 36-701, IDAHO CODE, TO PROVIDE AN EXCEPTION TO
3 REQUIREMENTS FOR WILDLIFE HELD CAPTIVE IN IDAHO; AND DECLARING AN EMERGENCY.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 36-202, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 36-202. DEFINITIONS. Whenever the following words appear in title 36,
10 Idaho Code, and orders and rules promulgated by the Idaho fish and game commission or the director of the Idaho department of fish and game, they shall
11 be deemed to have the same meaning and terms of reference as hereinafter set
12 forth. The present tense includes the past and future tenses, and the future,
13 the present.

14 (a) "Title" means all of the fish and game laws and rules promulgated
15 pursuant thereto.

16 (b) "Commission" means the Idaho fish and game commission. "Commissioner"
17 means a member of the Idaho fish and game commission.

18 (c) "Department" means the Idaho department of fish and game.

19 (d) "Director" means the director of the Idaho department of fish and
20 game or any person authorized to act in his name.

21 (e) "Employee" means any employee of the Idaho department of fish and
22 game whose salary is paid entirely or in part by funds administered by the
23 Idaho fish and game commission and whose appointment is made in accordance
24 with chapter 53, title 67, Idaho Code, and related rules.

25 (f) "Person" means an individual, partnership, corporation, company,
26 or any other type of association, and any agent or officer of any partnership,
27 corporation, company, or other type of association. The masculine
28 gender includes the feminine and the neuter. The singular, the plural, and
29 the plural, the singular.

30 (g) "Wildlife" means any form of animal life, native or exotic, generally
31 living in a state of nature provided that domestic cervidae as defined
32 in section 25-3701, Idaho Code, shall not be classified as wildlife. Animals that are in a wildlife exhibit that holds a class C exhibitor license from the United States department of agriculture are not generally living in a state of nature and shall not be classified as wildlife.

33 (h) "Trophy big game animal" means any big game animal deemed a trophy
34 as defined in this subsection. For the purpose of this section, a score shall
35 be determined from the antlers of the mule deer, white-tailed deer or elk as
36 measured by the copyrighted Boone and Crockett scoring system. The highest
37 of the typical or nontypical scores shall be used for determining the total
38 score.
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- 1 1. Mule deer: any buck scoring over one hundred fifty (150) points;
- 2 2. White-tailed deer: any buck scoring over one hundred thirty (130)
- 3 points;
- 4 3. Elk: any bull scoring over three hundred (300) points;
- 5 4. Bighorn sheep: any ram;
- 6 5. Moose: any bull;
- 7 6. Mountain goat: any male or female;
- 8 7. Pronghorn antelope: any buck with at least one (1) horn exceeding
- 9 fourteen (14) inches;
- 10 8. Caribou: any male or female;
- 11 9. Grizzly bear: any male or female.
- 12 (i) "Take" means hunt, pursue, catch, capture, shoot, fish, seine,
- 13 trap, kill, or possess or any attempt to so do.
- 14 (j) "Hunting" means chasing, driving, flushing, attracting, pursuing,
- 15 worrying, following after or on the trail of, shooting at, stalking, or ly-
- 16 ing in wait for, any wildlife whether or not such wildlife is then or sub-
- 17 sequently captured, killed, taken, or wounded. Such term does not include
- 18 stalking, attracting, searching for, or lying in wait for, any wildlife by
- 19 an unarmed person solely for the purpose of watching wildlife or taking pic-
- 20 tures thereof.
- 21 (k) "Fishing" means any effort made to take, kill, injure, capture, or
- 22 catch any fish or bullfrog.
- 23 (l) "Trapping" means taking, killing, and capturing wildlife by the
- 24 use of any trap, snare, deadfall, or other device commonly used to capture
- 25 wildlife, and the shooting or killing of wildlife lawfully trapped, and
- 26 includes all lesser acts such as placing, setting or staking such traps,
- 27 snares, deadfalls, and other devices, whether or not such acts result in the
- 28 taking of wildlife, and every attempt to take and every act of assistance to
- 29 any other person in taking or attempting to take wildlife with traps, snares,
- 30 deadfalls, or other devices.
- 31 (m) "Possession" means both actual and constructive possession, and
- 32 any control of the object or objects referred to; provided that wildlife
- 33 taken accidentally and in a manner not contrary to the provisions of this ti-
- 34 tle shall not be deemed to be in possession while being immediately released
- 35 live back to the wild.
- 36 (n) "Possession limit" means the maximum limit in number or amount of
- 37 wildlife which may be lawfully in the possession of any person. "Possession
- 38 limit" shall apply to wildlife being in possession while in the field or be-
- 39 ing transported to final place of consumption or storage.
- 40 (o) "Bag limit" means the maximum number of wildlife which may be
- 41 legally taken, caught, or killed by any one (1) person for any particular
- 42 period of time, as provided by order of the commission. The term "bag limit"
- 43 shall be construed to mean an individual, independent effort and shall not be
- 44 interpreted in any manner as to allow one (1) individual to take more than his
- 45 "bag limit" toward filling the "bag limit" of another.
- 46 (p) "Buy" means to purchase, barter, exchange, or trade and includes
- 47 any offer or attempt to purchase, barter, exchange, or trade.
- 48 (q) "Sell" means to offer or possess for sale, barter, exchange, or
- 49 trade, or the act of selling, bartering, exchanging or trading.

1 (r) "Transport" means to carry or convey or cause to be carried or con-
2 veyed from one (1) place to another and includes an offer to transport, or re-
3 ceipt or possession for transportation.

4 (s) "Resident" means any person who has been domiciled in this state,
5 with a bona fide intent to make this his place of permanent abode, for a pe-
6 riod of not less than six (6) months immediately preceding the date of ap-
7 plication for any license, tag, or permit required under the provisions of
8 this title or orders of the commission and who, when temporarily absent from
9 this state, continues residency with intent to return, and who does not claim
10 any resident privileges in any other state or country for any purpose. Such
11 privileges include, but are not limited to: state where valid driver's li-
12 cense is issued; state of voter registration; state where resident state in-
13 come taxes are filed; state where homeowner's tax exemption is granted. Pro-
14 vided that, until any such person has been continuously domiciled outside
15 the state of Idaho for a sufficient period of time to qualify for resident
16 hunting and fishing privileges in his new state of residence, said person
17 shall be deemed not to have lost his residency in Idaho for the purposes of
18 this title. However, mere ownership of real property or payment of property
19 taxes in Idaho does not establish residency. Provided further that:

20 1. Idaho residents shall not lose their residency in Idaho if they
21 are absent from the state for religious (not to exceed two (2) years)
22 or full-time educational (not to exceed five (5) years) purposes,
23 full-time to be defined by the educational institution attended, and
24 do not claim residency or use resident privileges in any other state or
25 country for any purpose.

26 2. Idaho residents who are in the military service of the United States
27 and maintain Idaho as their official state of residence as shown on
28 their current leave and earnings statement, together with their spouse
29 and children under eighteen (18) years of age living in the household,
30 shall be eligible for the purchase of resident licenses.

31 3. A member of the military service of the United States or of a for-
32 eign country, together with his spouse and children under eighteen (18)
33 years of age residing in his household, who have been officially trans-
34 ferred, stationed, domiciled and on active duty in this state for a pe-
35 riod of thirty (30) days last preceding application shall be eligible,
36 as long as such assignment continues, to purchase a resident license. A
37 member of the state national guard or air national guard, domiciled in
38 this state for a period of thirty (30) days last preceding application
39 shall be eligible, as long as such residency continues, to purchase a
40 resident license.

41 4. Any person enrolled as a corpsman at a job corps center in Idaho shall
42 be eligible, as long as he is so enrolled, to obtain a resident fishing
43 license irrespective of his length of residence in this state.

44 5. Any foreign exchange student enrolled in an Idaho high school shall
45 be eligible, as long as he is so enrolled, to obtain a resident fishing
46 license irrespective of his length of residence in this state.

47 (t) "Senior resident" means any person who is over sixty-five (65)
48 years of age who meets the definition of a "resident" pursuant to the provi-
49 sions of this section.

50 (u) "Nonresident" means any person who does not qualify as a resident.

1 (v) "Order, rule, regulation and proclamation" are all used inter-
2 changeably and each includes the others.

3 (w) "Blindness" means sight that does not exceed 20/200 as provided by
4 the administrative guidelines of section 56-213, Idaho Code.

5 (x) "Public highway" means the traveled portion of, and the shoulders
6 on each side of, any road maintained by any governmental entity for public
7 travel, and includes all bridges, culverts, overpasses, fills, and other
8 structures within the limits of the right-of-way of any such road.

9 (y) "Motorized vehicle" means any water, land or air vehicle propelled
10 by means of steam, petroleum products, electricity, or any other mechanical
11 power.

12 (z) "Commercial fish hatchery" means any hatchery, pond, lake or stream
13 or any other waters where fish are held, raised, or produced for sale but
14 shall not include facilities used for the propagation of fish commonly con-
15 sidered as ornamental or aquarium varieties.

16 (aa) "License" means any license, tag, permit or stamp.

17 (bb) "License vendor" means any person authorized to issue or sell li-
18 censes.

19 (cc) "Proclamation" means the action by the commission and publication
20 of the pertinent information as it relates to the seasons and limits for tak-
21 ing wildlife.

22 (dd) "Commercial wildlife tannery" means any person or entity whose
23 primary business is the actual tanning of wildlife skins/hides, processes in
24 excess of ten thousand (10,000) wildlife skins/hides per year, and receives
25 more than seventy-five percent (75%) of its business via common carrier in
26 interstate commerce.

27 SECTION 2. That Section 36-701, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 36-701. WILDLIFE HELD CAPTIVE WITHOUT LICENSE OR PERMIT UNLAWFUL --
30 EXCEPTIONS. (a) No person shall engage in any propagation or hold in captiv-
31 ity any species of big game animal found wild in this state, unless the person
32 has been issued a license or permit by the director as hereinafter provided.

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

39 (c) Exceptions.

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

48 2. Except for the provisions of subsection (d) of this section and sec-
49 tion 36-709, Idaho Code, relating to inspection and records of same,

1 nothing in this chapter shall be so construed as to apply to any exotic
2 wildlife, or domestic fur farm operated under the provisions of title
3 25, Idaho Code, or any tropical fish or other aquaria or ornamental fish
4 which the commission determines do not pose a threat to native fish if
5 released into the public waters of the state.

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

9 4. Nothing in this chapter shall apply to a wildlife exhibit that holds
10 a class C exhibitor license from the United States department of agri-
11 culture.

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

18 SECTION 3. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after its
20 passage and approval.