

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 141

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO DEFINE  
2 "COMMERCIAL WILDLIFE TANNERY" AND TO MAKE A TECHNICAL CORRECTION;  
3 AMENDING SECTION 36-603, IDAHO CODE, TO REVISE RECORD PROVISIONS  
4 REGARDING COMMERCIAL WILDLIFE TANNERIES AND TO EXEMPT COMMERCIAL  
5 WILDLIFE TANNERIES FROM SPECIFIED PROVISIONS REGARDING RECORDS; AND  
6 AMENDING SECTION 36-606, IDAHO CODE, TO PROVIDE FOR THE SEIZURE AND  
7 CONFISCATION OF WILDLIFE OR PORTIONS THEREOF IN THE POSSESSION OF COM-  
8 Mercial Wildlife TANNERIES UNDER CERTAIN CONDITIONS AND TO CLARIFY  
9 PROVISIONS REGARDING THE SEIZURE AND CONFISCATION OF WILDLIFE OR POR-  
10 TIONS THEREOF.  
11

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

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

15 36-202. DEFINITIONS. Whenever the following words appear in title 36,  
16 Idaho Code, and orders and rules promulgated by the Idaho fish and game com-  
17 mission or the director of the Idaho department of fish and game, they shall  
18 be deemed to have the same meaning and terms of reference as hereinafter set  
19 forth. The present tense includes the past and future tenses, and the fu-  
20 ture, the present.

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

23 (b) "Commission" means the Idaho fish and game commission. "Commis-  
24 sioner" means a member of the Idaho fish and game commission.

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

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

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

32 (f) "Person" means an individual, partnership, corporation, company,  
33 or any other type of association, and any agent or officer of any partner-  
34 ship, corporation, company, or other type of association. The masculine  
35 gender includes the feminine and the neuter. The singular, the plural, and  
36 the plural, the singular.

37 (g) "Wildlife" means any form of animal life, native or exotic, gener-  
38 ally living in a state of nature provided that domestic cervidae as defined  
39 in section 25-3701, Idaho Code, shall not be classified as wildlife.

40 (h) "Trophy big game animal" means any big game animal deemed a trophy  
41 as defined in this subsection ~~(h)1. through 8.~~ For the purpose of this sec-  
42 tion, a score shall be determined from the antlers of the mule deer, white-

1 tailed deer or elk as measured by the copyrighted Boone and Crockett scoring  
2 system. The highest of the typical or nontypical scores shall be used for de-  
3 termining the total score.

- 4 1. Mule deer: any buck scoring over one hundred fifty (150) points;
- 5 2. White-tailed deer: any buck scoring over one hundred thirty (130)  
6 points;
- 7 3. Elk: any bull scoring over three hundred (300) points;
- 8 4. Bighorn sheep: any ram;
- 9 5. Moose: any bull;
- 10 6. Mountain goat: any male or female;
- 11 7. Pronghorn antelope: any buck with at least one (1) horn exceeding  
12 fourteen (14) inches;
- 13 8. Caribou: any male or female.

14 (i) "Take" means hunt, pursue, catch, capture, shoot, fish, seine,  
15 trap, kill, or possess or any attempt to so do.

16 (j) "Hunting" means chasing, driving, flushing, attracting, pursuing,  
17 worrying, following after or on the trail of, shooting at, stalking, or ly-  
18 ing in wait for, any wildlife whether or not such wildlife is then or sub-  
19 sequently captured, killed, taken, or wounded. Such term does not include  
20 stalking, attracting, searching for, or lying in wait for, any wildlife by  
21 an unarmed person solely for the purpose of watching wildlife or taking pic-  
22 tures thereof.

23 (k) "Fishing" means any effort made to take, kill, injure, capture, or  
24 catch any fish or bullfrog.

25 (l) "Trapping" means taking, killing, and capturing wildlife by the  
26 use of any trap, snare, deadfall, or other device commonly used to capture  
27 wildlife, and the shooting or killing of wildlife lawfully trapped, and  
28 includes all lesser acts such as placing, setting or staking such traps,  
29 snares, deadfalls, and other devices, whether or not such acts result in the  
30 taking of wildlife, and every attempt to take and every act of assistance to  
31 any other person in taking or attempting to take wildlife with traps, snares,  
32 deadfalls, or other devices.

33 (m) "Possession" means both actual and constructive possession, and  
34 any control of the object or objects referred to; provided that wildlife  
35 taken accidentally and in a manner not contrary to the provisions of this ti-  
36 tle shall not be deemed to be in possession while being immediately released  
37 live back to the wild.

38 (n) "Possession limit" means the maximum limit in number or amount of  
39 wildlife which may be lawfully in the possession of any person. "Possession  
40 limit" shall apply to wildlife being in possession while in the field or be-  
41 ing transported to final place of consumption or storage.

42 (o) "Bag limit" means the maximum number of wildlife which may be  
43 legally taken, caught, or killed by any one (1) person for any particular  
44 period of time, as provided by order of the commission. The term "bag limit"  
45 shall be construed to mean an individual, independent effort and shall not be  
46 interpreted in any manner as to allow one (1) individual to take more than his  
47 "bag limit" toward filling the "bag limit" of another.

48 (p) "Buy" means to purchase, barter, exchange, or trade and includes  
49 any offer or attempt to purchase, barter, exchange, or trade.

1 (q) "Sell" means to offer or possess for sale, barter, exchange, or  
2 trade, or the act of selling, bartering, exchanging or trading.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 SECTION 2. That Section 36-603, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 36-603. RECORDS. (1) The department may require any person licensed  
34 under the provisions of this chapter to keep a record for two (2) years last  
35 past of wildlife received for mounting or preserving, fur bearers purchased  
36 or raw black bear skins, raw cougar skins or parts of black bears or cougars  
37 purchased. Records may be written or may be retained on media other than pa-  
38 per, provided that the form or medium complies with the standards set forth  
39 in section 9-328, Idaho Code. The record shall be made upon a form provided  
40 by the department which sets forth such information as may be required by the  
41 director and shall be subject to his inspection at any time. In addition, the  
42 department may require licensees to submit forms or records, as determined  
43 by the department, to the department relating to the purchase of black bears  
44 and cougars, skins, or parts thereof.

45 (2) ~~Provided however, a commercial tannery receiving wildlife from a~~  
46 ~~licensed taxidermist or fur buyer, shall satisfy all recordkeeping require-~~  
47 ~~ments by recording the license numbers of such taxidermist or fur buyer, and~~  
48 ~~recording tag numbers of any attached tags required by law. This provision~~  
49 ~~shall not apply in the event a commercial tannery receives wildlife from a~~

1 ~~taxidermist or fur buyer from a state other than the state of Idaho, and the~~  
 2 ~~taxidermist or fur buyer is not required to be licensed in that state, in~~  
 3 ~~which case the tannery shall record the date received, the name, address and~~  
 4 ~~telephone number of the individual the wildlife was received from, and tag~~  
 5 ~~numbers of any attached tags required by law in the state of origin, the name~~  
 6 ~~and number of species received and the approximate date killed. Information~~  
 7 ~~so recorded shall be retained for a period of two (2) years the provisions~~  
 8 ~~of subsection (1) of this section shall not apply to a person or entity that~~  
 9 ~~meets the definition of a commercial wildlife tannery.~~

10 (a) A commercial wildlife tannery shall record the name of the client,  
 11 the client's address and telephone number, inventory of items in each  
 12 order or shipment and the license numbers of such taxidermists, fur  
 13 buyers, hunters, trappers, native American tribal identifications or  
 14 zoological permits of clients personally delivering or shipping via  
 15 common carrier, wildlife skins/hides, to the tannery. In cases where  
 16 the shipper/client is legally exempt from the normal license, it must be  
 17 so recorded and a copy of the legal authority to exempt must be kept on  
 18 record. In cases where no license is required of the shipper/client, as  
 19 per the regulations of the state in which he is domiciled or per applica-  
 20 ble regulations of the origin of the wildlife, it must be so recorded.

21 (b) A commercial wildlife tannery must record a compliance statement  
 22 designed and provided by the tannery that must be signed by all ship-  
 23 pers/clients.

24 (c) Records provided for in this subsection must be retained for a pe-  
 25 riod of two (2) years and may be written or may be retained on media other  
 26 than paper, provided that the form or medium complies with the standards  
 27 set forth in section 9-328, Idaho Code. Records must be made available  
 28 to the Idaho department of fish and game upon request.

29 SECTION 3. That Section 36-606, Idaho Code, be, and the same is hereby  
 30 amended to read as follows:

31 36-606. CONFISCATION OF WILDLIFE -- PROOF OF OWNERSHIP RE-  
 32 QUIRED. (1) The director is hereby authorized to seize and confiscate any  
 33 wildlife or the skins, hides, pelts, horns or antlers or other portions  
 34 thereof in the possession of any fur buyer, ~~or~~ taxidermist or commercial  
 35 wildlife tannery, licensed or unlicensed, unless the person or entity having  
 36 same is able to produce a satisfactory record of lawful origin and proof of  
 37 ownership.

38 (2) Compliance with record requirements as provided in section 36-603,  
 39 Idaho Code, shall constitute satisfactory record of lawful origin and proof  
 40 of ownership requirements as provided in subsection (1) of this section.