

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 239

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE THE DEFINITION OF "SENIOR RESIDENT"; AND AMENDING SECTION 36-404, IDAHO CODE, TO REVISE SENIOR RESIDENT COMBINATION LICENSE PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

36-202. DEFINITIONS. Whenever the following words appear in title 36, 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 be deemed to have the same meaning and terms of reference as hereinafter set forth. The present tense includes the past and future tenses, and the future, the present.

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

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

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

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

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

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

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

(h) "Trophy big game animal" means any big game animal deemed a trophy as per Boone and Crockett standards. For the purpose of this section, the highest of the typical or nontypical scores shall be used, described as follows:

1. Mule deer: any buck scoring over one hundred fifty (150) points;

2. White-tailed deer: any buck scoring over one hundred thirty (130) points;

3. Elk: any bull scoring over three hundred (300) points;

4. Bighorn sheep: any ram;

5. Moose: any bull;

1 6. Mountain goat: any male or female;

2 7. Pronghorn antelope: any buck with at least one (1) horn exceeding fourteen (14)
3 inches;

4 8. Caribou: any male or female.

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

7 (j) "Hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following
8 after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not
9 such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does
10 not include stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed
11 person solely for the purpose of watching wildlife or taking pictures thereof.

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

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

20 (m) "Possession" means both actual and constructive possession, and any control of the
21 object or objects referred to; provided that wildlife taken accidentally and in a manner not
22 contrary to the provisions of this title shall not be deemed to be in possession while being
23 immediately released live back to the wild.

24 (n) "Possession limit" means the maximum limit in number or amount of wildlife which
25 may be lawfully in the possession of any person. "Possession limit" shall apply to wildlife
26 being in possession while in the field or being transported to final place of consumption or
27 storage.

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

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

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

37 (r) "Transport" means to carry or convey or cause to be carried or conveyed from one (1)
38 place to another and includes an offer to transport, or receipt or possession for transportation.

39 (s) "Resident" means any person who has been domiciled in this state, with a bona fide
40 intent to make this his place of permanent abode, for a period of not less than six (6) months
41 immediately preceding the date of application for any license, tag, or permit required under the
42 provisions of this title or orders of the commission and who, when temporarily absent from this
43 state, continues residency with intent to return, and who does not claim any resident privileges
44 in any other state or country for any purpose. Such privileges include, but are not limited
45 to: state where valid driver's license is issued; state of voter registration; state where resident
46 state income taxes are filed; state where homeowner's tax exemption is granted. Provided

1 that, until any such person has been continuously domiciled outside the state of Idaho for a
 2 sufficient period of time to qualify for resident hunting and fishing privileges in his new state of
 3 residence, said person shall be deemed not to have lost his residency in Idaho for the purposes
 4 of this title. However, mere ownership of real property or payment of property taxes in Idaho
 5 does not establish residency. Provided further that:

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

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

14 3. A member of the military service of the United States or of a foreign country, together
 15 with his spouse and children under eighteen (18) years of age residing in his household,
 16 who have been officially transferred, stationed, domiciled and on active duty in this state
 17 for a period of thirty (30) days last preceding application shall be eligible, as long as
 18 such assignment continues, to purchase a resident license. A member of the state national
 19 guard or air national guard, domiciled in this state for a period of thirty (30) days last
 20 preceding application shall be eligible, as long as such residency continues, to purchase a
 21 resident license.

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

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

28 (t) "Senior resident" means any person who is over sixty-five (65) years of age and who
 29 has been a resident of the state of Idaho as hereinbefore provided ~~for not less than five (5)~~
 30 ~~years.~~

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

32 (v) "Order, rule, regulation and proclamation" are all used interchangeably and each
 33 includes the others.

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

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

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

42 (z) "Commercial fish hatchery" means any hatchery, pond, lake or stream or any other
 43 waters where fish are held, raised, or produced for sale but shall not include facilities used for
 44 the propagation of fish commonly considered as ornamental or aquarium varieties.

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

46 (bb) "License vendor" means any person authorized to issue or sell licenses.

1 (cc) "Proclamation" means the action by the commission and publication of the pertinent
2 information as it relates to the seasons and limits for taking wildlife.

3 SECTION 2. That Section 36-404, Idaho Code, be, and the same is hereby amended to
4 read as follows:

5 36-404. CLASSES OF LICENSES. The licenses required by the provisions of this title
6 shall be of eight (8) classes. Classes one (1) through five (5) and eight (8) in this section
7 may be purchased or obtained only by persons who meet residency requirements under the
8 provisions of section 36-202(s) and (t), Idaho Code, or who are valid holders of a lifetime
9 license certificate.

10 Class 1: Adult Combination – Hunting – Fishing – Trapping Licenses. Licenses to be
11 issued only to persons who are residents of the state of Idaho.

12 Class 2: Junior Hunting – Trapping – Youth Small Game Licenses.

13 (a) Junior hunting license. Licenses to be issued only to persons who are residents of
14 the state of Idaho and are between twelve (12) and seventeen (17) years of age, inclusive.
15 Provided, that a license may be issued to qualified persons who are eleven (11) years of age
16 to allow the application for a controlled hunt permit; however, said persons shall not hunt until
17 they are twelve (12) years of age.

18 (b) Junior trapping licenses. Licenses to be issued only to persons who are residents of
19 the state of Idaho and are seventeen (17) years of age or younger.

20 (c) Youth small game licenses. Licenses to be issued only to qualified persons who are
21 residents of the state of Idaho and are ten (10) or eleven (11) years of age to hunt upland
22 game birds (including turkeys), migratory game birds, cottontail rabbits, huntable furbearers,
23 and unprotected and predatory birds and animals of this state while accompanied in the field by
24 an adult licensed to hunt in the state of Idaho.

25 Class 3: Junior Combination – Fishing Licenses. Licenses to be issued only to persons
26 who are residents of the state of Idaho between fourteen (14) and seventeen (17) years of age,
27 inclusive.

28 Class 4: Senior Resident Combination License. Licenses to be issued only to persons
29 over sixty-five (65) years of age who ~~have been~~ are bona fide residents of the state of Idaho ~~for~~
30 ~~a continuous period of not less than five (5) years last preceding application.~~

31 Class 5: Resident Lifetime Combination – Hunting – Fishing License. Licenses to be
32 issued only to persons who are valid holders of a lifetime license certificate.

33 Class 6: Nonresident Combination – Hunting – Fishing – Trapping – Junior Mentored
34 Hunting – Youth Small Game – Youth Hunter Education Graduate – Licenses. Licenses
35 required of persons who are nonresidents.

36 Class 7: Duplicate License – Tag. A license or tag to be issued as a replacement for an
37 original license or tag lost or mutilated. Said license or tag shall be issued in the same class
38 and type as the original and upon issuance of such duplicate license or tag the original license
39 or tag shall become null and void.

40 Class 8: Resident Hunting and Fishing License with Tags, Permits and Stamps. Licenses
41 to be issued only to persons who meet residency requirements under the provisions of section
42 36-202(s) and (t), Idaho Code.

43 SECTION 3. This act shall be in full force and effect on and after January 1, 2010.