

IN THE SENATE

SENATE BILL NO. 1282

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE THE  
DEFINITION OF "TROPHY BIG GAME ANIMAL."

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~~ defined in this subsection (h) 1. through  
8. For the purpose of this section, a score shall be determined from the  
antlers of the mule deer, white-tailed deer or elk as measured by the  
copyrighted Boone and Crockett scoring system. The highest of the typical  
or nontypical scores shall be used, ~~described as follows:~~ for determining  
the total score.

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;

- 1           4. Bighorn sheep: any ram;  
2           5. Moose: any bull;  
3           6. Mountain goat: any male or female;  
4           7. Pronghorn antelope: any buck with at least one (1) horn exceeding  
5           fourteen (14) inches;  
6           8. Caribou: any male or female.  
7           (i) "Take" means hunt, pursue, catch, capture, shoot, fish, seine,  
8 trap, kill, or possess or any attempt to so do.  
9           (j) "Hunting" means chasing, driving, flushing, attracting, pursuing,  
10 worrying, following after or on the trail of, shooting at, stalking, or  
11 lying in wait for, any wildlife whether or not such wildlife is then or  
12 subsequently captured, killed, taken, or wounded. Such term does not  
13 include stalking, attracting, searching for, or lying in wait for, any  
14 wildlife by an unarmed person solely for the purpose of watching wildlife or  
15 taking pictures thereof.  
16           (k) "Fishing" means any effort made to take, kill, injure, capture, or  
17 catch any fish or bullfrog.  
18           (l) "Trapping" means taking, killing, and capturing wildlife by the  
19 use of any trap, snare, deadfall, or other device commonly used to capture  
20 wildlife, and the shooting or killing of wildlife lawfully trapped, and  
21 includes all lesser acts such as placing, setting or staking such traps,  
22 snares, deadfalls, and other devices, whether or not such acts result in the  
23 taking of wildlife, and every attempt to take and every act of assistance to  
24 any other person in taking or attempting to take wildlife with traps, snares,  
25 deadfalls, or other devices.  
26           (m) "Possession" means both actual and constructive possession, and  
27 any control of the object or objects referred to; provided that wildlife  
28 taken accidentally and in a manner not contrary to the provisions of this  
29 title shall not be deemed to be in possession while being immediately  
30 released live back to the wild.  
31           (n) "Possession limit" means the maximum limit in number or amount of  
32 wildlife which may be lawfully in the possession of any person. "Possession  
33 limit" shall apply to wildlife being in possession while in the field or  
34 being transported to final place of consumption or storage.  
35           (o) "Bag limit" means the maximum number of wildlife which may be  
36 legally taken, caught, or killed by any one (1) person for any particular  
37 period of time, as provided by order of the commission. The term "bag limit"  
38 shall be construed to mean an individual, independent effort and shall not be  
39 interpreted in any manner as to allow one (1) individual to take more than his  
40 "bag limit" toward filling the "bag limit" of another.  
41           (p) "Buy" means to purchase, barter, exchange, or trade and includes  
42 any offer or attempt to purchase, barter, exchange, or trade.  
43           (q) "Sell" means to offer or possess for sale, barter, exchange, or  
44 trade, or the act of selling, bartering, exchanging or trading.  
45           (r) "Transport" means to carry or convey or cause to be carried or  
46 conveyed from one (1) place to another and includes an offer to transport, or  
47 receipt or possession for transportation.  
48           (s) "Resident" means any person who has been domiciled in this state,  
49 with a bona fide intent to make this his place of permanent abode, for a  
50 period of not less than six (6) months immediately preceding the date of

1 application for any license, tag, or permit required under the provisions  
2 of this title or orders of the commission and who, when temporarily absent  
3 from this state, continues residency with intent to return, and who does not  
4 claim any resident privileges in any other state or country for any purpose.  
5 Such privileges include, but are not limited to: state where valid driver's  
6 license is issued; state of voter registration; state where resident state  
7 income taxes are filed; state where homeowner's tax exemption is granted.  
8 Provided that, until any such person has been continuously domiciled outside  
9 the state of Idaho for a sufficient period of time to qualify for resident  
10 hunting and fishing privileges in his new state of residence, said person  
11 shall be deemed not to have lost his residency in Idaho for the purposes of  
12 this title. However, mere ownership of real property or payment of property  
13 taxes in Idaho does not establish residency. Provided further that:

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

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

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

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

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

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

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

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

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

49 (x) "Public highway" means the traveled portion of, and the shoulders  
50 on each side of, any road maintained by any governmental entity for public

1 travel, and includes all bridges, culverts, overpasses, fills, and other  
2 structures within the limits of the right-of-way of any such road.

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

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

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

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

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