

IN THE SENATE

SENATE BILL NO. 1031

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE
2 A DEFINITION; AND AMENDING SECTION 36-404, IDAHO CODE, TO REVISE RESI-
3 DENCY REQUIREMENTS RELATING TO SENIOR RESIDENT COMBINATION LICENSES.
4

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

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

8 36-202. DEFINITIONS. Whenever the following words appear in title 36,
9 Idaho Code, and orders and rules promulgated by the Idaho fish and game com-
10 mission 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 fu-
13 ture, 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. "Commis-
17 sioner" 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 partner-
27 ship, 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, gener-
31 ally 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.

33 (h) "Trophy big game animal" means any big game animal deemed a trophy
34 as defined in this subsection (h)1. through 8. For the purpose of this sec-
35 tion, a score shall be determined from the antlers of the mule deer, white-
36 tailed deer or elk as measured by the copyrighted Boone and Crockett scoring
37 system. The highest of the typical or nontypical scores shall be used for de-
38 termining the total score.

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

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

42 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 ly-
11 ing in wait for, any wildlife whether or not such wildlife is then or sub-
12 sequently captured, killed, taken, or wounded. Such term does not include
13 stalking, attracting, searching for, or lying in wait for, any wildlife by
14 an unarmed person solely for the purpose of watching wildlife or taking pic-
15 tures 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 ti-
29 tle shall not be deemed to be in possession while being immediately released
30 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 be-
34 ing 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 con-
46 veyed from one (1) place to another and includes an offer to transport, or re-
47 ceipt 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 pe-
50 riod of not less than six (6) months immediately preceding the date of ap-

1 plication for any license, tag, or permit required under the provisions of
2 this title or orders of the commission and who, when temporarily absent from
3 this state, continues residency with intent to return, and who does not claim
4 any resident privileges in any other state or country for any purpose. Such
5 privileges include, but are not limited to: state where valid driver's li-
6 cense is issued; state of voter registration; state where resident state in-
7 come taxes are filed; state where homeowner's tax exemption is granted. Pro-
8 vided 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 for-
26 eign country, together with his spouse and children under eighteen (18)
27 years of age residing in his household, who have been officially trans-
28 ferred, stationed, domiciled and on active duty in this state for a pe-
29 riod of thirty (30) days last preceding application shall be eligible,
30 as long as such assignment continues, to purchase a resident license. A
31 member of the state national guard or air national guard, domiciled in
32 this state for a period of thirty (30) days last preceding application
33 shall be eligible, as long as such residency continues, to purchase a
34 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 who ~~has been a resident of the state of Idaho as hereinbefore~~
43 ~~provided for not less than five (5) years~~ meets the definition of a "resi-
44 dent" pursuant to the provisions of this section.

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

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

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

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

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

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

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

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

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

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

20 36-404. CLASSES OF LICENSES. The licenses required by the provisions
21 of this title shall be of eight (8) classes. Classes one (1) through five (5)
22 and eight (8) in this section may be purchased or obtained only by persons who
23 meet residency requirements under the provisions of section 36-202(s) and
24 (t), Idaho Code, or who are valid holders of a lifetime license certificate.

25 Class 1: Adult Combination -- Hunting -- Fishing -- Trapping Licenses.
26 Licenses to be issued only to persons who are residents of the state of Idaho.

27 Class 2: Junior Hunting -- Trapping.

28 (a) Junior hunting license. Licenses to be issued only to persons who
29 are residents of the state of Idaho and are between ten (10) and seventeen
30 (17) years of age, inclusive. Provided, that a license may be issued to qual-
31 ified persons who are nine (9) years of age to allow the application for a
32 controlled hunt big game tag or turkey permit; however, said persons shall
33 not hunt until they are ten (10) years of age. Persons with a junior hunting
34 license who are ten (10) or eleven (11) years of age shall be accompanied in
35 the field by an adult licensed to hunt in the state of Idaho.

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

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

42 Class 4: Senior Resident Combination License. Licenses to be issued
43 only to persons over sixty-five (65) years of age who ~~have been bona fide res-~~
44 ~~idents of the state of Idaho for a continuous period of not less than five (5)~~
45 ~~years last preceding application meet the definition of "resident" pursuant~~
46 ~~to the provisions of section 36-202, Idaho Code.~~

47 Class 5: Resident Lifetime Combination -- Hunting -- Fishing License.
48 Licenses to be issued only to persons who are valid holders of a lifetime li-
49 cense certificate.

1 Class 6: Nonresident Combination -- Hunting -- Fishing -- Trapping --
2 Junior Mentored Hunting -- Disabled Hunting License for American Veteran
3 Participating in a Hunt in Association with a Qualified Organization -- Li-
4 censes. Licenses required of persons who are nonresidents.

5 Class 7: Duplicate License -- Tag. A license or tag to be issued as a re-
6 placement for an original license or tag lost or mutilated. Said license or
7 tag shall be issued in the same class and type as the original and upon is-
8 suance of such duplicate license or tag the original license or tag shall be-
9 come null and void.

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