

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 440

BY SCOTT

AN ACT

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

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 com-
mission 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 fu-
ture, 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. "Commis-
sioner" 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 partner-
ship, 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, gener-
ally 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 defined in this subsection. 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 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;
4. Bighorn sheep: any ram;

- 1 5. Moose: any bull;
2 6. Mountain goat: any male or female;
3 7. Pronghorn antelope: any buck with at least one (1) horn exceeding
4 fourteen (14) inches;
5 8. Caribou: any male or female;
6 9. Grizzly bear: 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~~ thirty (30) days immediately preced-

1 ing the date of application for any license, tag, or permit required under
2 the provisions of this title or orders of the commission, provided the per-
3 son is legally registered to vote in the state of Idaho, has legally obtained
4 an Idaho driver's license or identification card, and has either been sub-
5 ject to real property tax in the state of Idaho or is subject to reporting
6 Idaho state income, and who, when temporarily absent from this state, con-
7 tinues residency with intent to return, and who does not claim any resident
8 privileges in any other state or country for any purpose. In the event a per-
9 son does not meet such criteria, that person shall be considered a "resident"
10 when he has been domiciled in this state, with a bona fide intent to make this
11 his place of permanent abode, for a period of not less than six (6) months im-
12 mediately preceding the date of application for any license, tag, or permit
13 required under the provisions of this title or orders of the commission, and
14 who, when temporarily absent from this state, continues residency with in-
15 tent to return, and who does not claim any resident privileges in any other
16 state or country for any purpose. Such privileges include, but are not lim-
17 ited to: state where valid driver's license is issued; state of voter reg-
18 istration; state where resident state income taxes are filed; state where
19 homeowner's tax exemption is granted. Provided that, until any such person
20 has been continuously domiciled outside the state of Idaho for a sufficient
21 period of time to qualify for resident hunting and fishing privileges in his
22 new state of residence, said person shall be deemed not to have lost his res-
23 idency in Idaho for the purposes of this title. However, mere ownership of
24 real property or payment of property taxes in Idaho does not establish resi-
25 gency. Provided further that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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