



STATE OF IDAHO

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September 18, 1985

The Honorable Laird Noh  
Idaho State Senator  
Route 1, Box 65  
Kimberly, ID 83341

THIS IS NOT AN OFFICIAL ATTORNEY GENERAL OPINION  
AND IS SUBMITTED SOLELY TO PROVIDE LEGAL GUIDANCE

Re: Letter of August 31, 1985

Dear Senator Noh:

Pursuant to your request we have reviewed Section 36-202(r)(1) of the Idaho Code. That section provides as follows:

Idaho residents shall not lose their residency in Idaho if they are absent from the state for religious (not to exceed two (2) years) or educational (not to exceed five (5) years) purposes and do not claim residency or use resident privileges in any other state or county for the purposes of hunting, fishing or trapping. (emphasis added)

You have asked whether this section precludes a person from obtaining an Idaho resident hunting and fishing permit if they claim residency in another state for any purpose other than hunting and fishing. Our conclusion is that the statute would prevent a person from obtaining an Idaho resident hunting, fishing or trapping permit if they claim residency in another state for any purpose.

As written, the use of the disjunctive word "or" in this section sets up two possible ways for a person to lose their resident hunting and fishing privileges while absent from the state for religious or educational purposes. If the individual claims residency in another state, the Idaho hunting and fishing privileges are lost. Secondly, if the individual uses resident hunting and fishing privileges in another state, their corresponding Idaho privileges are lost.

While our analysis is based upon the language of the statute, we have made a few inquiries concerning the history of this section of the code. Mr. Schlechte of the Legislative Council and Mr. Greenley, former director of the Department of Fish and Game indicated to our staff that the intent of the Legislature was to not allow students to have multiple residencies such as one for tuition purposes and another for fishing and hunting.

I hope this is of assistance to you. If we can be of further help, please advise.

Very truly yours,



PATRICK J. KOLE  
Chief, Legislative and  
Public Affairs Division

PJK/tg