

1 ENGROSSED HOUSE
2 BILL NO. 2395

By: Osborn (Leslie) and Wallace
of the House

3 and

4 David and Fields of the
5 Senate

6
7 An Act relating to game and fish; amending 29 O.S.
8 2011, Section 2-138, which relates to the definition
9 of resident; modifying definition; amending 29 O.S.
10 2011, Sections 4-106, 4-112, as last amended by
11 Section 1, Chapter 165, O.S.L. 2015 and 5-102 (29
12 O.S. Supp. 2016, Section 4-112), which relate to
13 commercial hunting; modifying fees for commercial
14 hunting area licenses; modifying fee for nonresident
15 hunting licenses; requiring residents hold certain
16 commercial hunting licenses; modifying tag fees for
17 animals hunted for sport in commercial hunting areas;
18 and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 29 O.S. 2011, Section 2-138, is
21 amended to read as follows:

22 Section 2-138. "Resident" is any individual who has an
23 established bona fide or actual residence in Oklahoma for a period
24 of not less than sixty (60) consecutive days immediately preceding
the date the application for a license, permit, stamp, or any other
issue of the Department is submitted. The burden of establishing
proof of residency shall be on the person claiming residency status.
A person holding a valid driver license or permit to operate a motor

1 vehicle shall be deemed to be a resident of the state issuing the
2 license or permit. For a valid Oklahoma driver license to be used
3 as the sole source of proof of residency, it shall have been issued
4 not less than sixty (60) days prior to submission of the
5 application. If a person does not hold a valid Oklahoma driver
6 license, the Department may consider other reliable documentation
7 for establishing proof of residency including, but not limited to,
8 property tax receipts, resident income tax returns, voter
9 registration, motor vehicle or vessel registrations, and other
10 public records documenting residence. Residency status of children
11 under eighteen (18) years of age is presumed to be that of the
12 custodial parent, including a custodial parent when there is a joint
13 custody order and the physical custody of the child is shared by
14 both parents, or legal guardian unless otherwise documented.
15 Ownership or possession of real property in the state by a person
16 residing outside the state shall not qualify the person as a
17 resident. A person shall not be entitled to claim multiple states
18 of residence, except as follows:

19 1. A person who is not otherwise a resident of the state and is
20 a member of the Armed Forces of the United States and is on active
21 duty and permanently assigned to a military installation located in
22 the state shall be eligible to qualify as a resident if the person
23 presents with the license application a certificate of assignment in
24 the state from a commanding officer or designated representative. A

1 spouse or dependent of the person who is not otherwise a resident of
2 the state, is living within the same household and is similarly
3 certified by a commanding officer, shall also be eligible to qualify
4 as a resident;

5 2. The residency of a person shall not terminate upon entering
6 the Armed Forces of the United States. A member of the Armed Forces
7 of the United States on active duty, and any dependents of the
8 member, is presumed to retain residency status in the state for
9 purposes of purchasing any annual license issued by the Department
10 of Wildlife Conservation as long as the member is on active duty as
11 verified by valid military documentation; and

12 3. The residency status of any person, excluding a member of
13 the Armed Forces of the United States while on active duty as
14 verified by valid military documentation and any dependents of the
15 member, shall terminate if the person obtains any resident hunting,
16 fishing, trapping license or permit or valid driver license issued
17 by another state.

18 SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-106, is
19 amended to read as follows:

20 Section 4-106. A. No person may propagate or hold in captivity
21 any wildlife or domesticated animals hunted for sport for commercial
22 hunting area purposes without having procured a license from the
23 Director of the Department of Wildlife Conservation. Licenses shall
24

1 be classified as big game, upland game, or a combination of big game
2 and upland game.

3 1. A big game license shall be required for legally acquired
4 exotic ungulates, domesticated animals so designated by the Oklahoma
5 Wildlife Conservation Commission, exotic swine, and legally acquired
6 whitetail and mule deer, turkey and other species of big game
7 lawfully taken under the provisions of subsection A of Section 5-411
8 and Section 5-401 of this title. Wildlife that has been crossbred
9 with exotic wildlife shall be considered native and not exotic
10 unless documentation shows otherwise.

11 2. An upland game license shall be required for legally
12 acquired captive-raised pheasants, all species of quail, Indian
13 chukars, water fowl, and other similar or suitable gallinaceous
14 birds; and shall include turkey if no other big game species are
15 listed on the license/application.

16 B. Before obtaining a license or a renewal of a license the
17 applicant shall submit proof that such wildlife or domesticated
18 animals hunted for sport will be or have been secured from a source
19 other than the wild stock in this state. Any person obtaining or
20 renewing a license shall submit a true and complete inventory of
21 said animals before a license shall be approved. Each license shall
22 specifically list the different species and/or subspecies to be
23 hunted on the listed hunting area or premises.

24

1 C. Any game warden of the Oklahoma Department of Wildlife
2 Conservation shall have authority to inspect any and all records and
3 invoices pertaining to the commercial hunting operations of any
4 person licensed or requesting licensure pursuant to this section and
5 additionally shall have the authority to inspect any and all
6 facilities, equipment and property connected to the hunting
7 operation of any person licensed or requesting licensure pursuant to
8 this section.

9 D. 1. The annual fee for a commercial hunting area license for
10 upland game under this section shall be One Hundred Dollars
11 (\$100.00).

12 2. The annual fee for a commercial hunting area license for:
13 a. big game pursuant to this section shall be Two Hundred
14 Fifty Dollars (\$250.00), or
15 b. a combination of big game and upland game pursuant to
16 this section shall be ~~Five Hundred Dollars (\$500.00)~~
17 Three Hundred Fifty Dollars (\$350.00).

18 E. All licenses issued pursuant to this section shall expire on
19 June 30 of each year.

20 F. Exemptions from this license requirement shall be operators
21 of running pens used for the performance test or training of dogs.
22 Operators of such running pens may acquire coyotes from wild stock
23 without having to possess a fur dealer's license for such purpose
24 and no license shall be required of those involved in performance

1 testing or training dogs in such running pens so long as no other
2 wildlife are taken or hunted in any manner.

3 G. Any person convicted of violating the provisions of this
4 section shall be punished by a fine of not less than Five Hundred
5 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
6 (\$1,500.00), or by imprisonment in the county jail not to exceed
7 sixty (60) days, or by both such fine and imprisonment.

8 H. Any person convicted of violating the provisions of this
9 section shall have the commercial hunting area license revoked. No
10 new license shall be issued for a period of six (6) months from and
11 after the date on which the revocation order becomes effective.

12 I. The Department is authorized to promulgate rules pertaining
13 to commercial hunting areas.

14 SECTION 3. AMENDATORY 29 O.S. 2011, Section 4-112, as
15 last amended by Section 1, Chapter 165, O.S.L. 2015 (29 O.S. Supp.
16 2016, Section 4-112), is amended to read as follows:

17 Section 4-112. A. Except as otherwise provided for in the
18 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
19 Act, no person may hunt, pursue, trap, harass, catch, kill, take or
20 attempt to take in any manner, use, have in possession, sell, or
21 transport all or any portion of any wildlife except fish, without
22 having first procured a license from the Department of Wildlife
23 Conservation. The Wildlife Conservation Commission shall designate
24 a consecutive Saturday and Sunday in September of each year as free

1 hunting days in which residents of this state may hunt without first
2 procuring a hunting license pursuant to the provisions of this
3 section.

4 B. The following legal residents of Oklahoma shall be exempt
5 from the annual hunting license requirement of paragraph 1 of
6 subsection E of this section and the following nonresidents shall be
7 exempt from the annual nonresident hunting licenses required
8 pursuant to paragraph 1 of subsection C of this section:

9 1. Legal residents under sixteen (16) years of age;

10 2. Legal residents sixty-five (65) years of age or older
11 provided they have obtained a senior citizen lifetime hunting or
12 combination hunting and fishing license pursuant to the provisions
13 of Section 4-114 of this title;

14 3. Legal residents born on or before January 1, 1923;

15 4. Legal resident veterans having a disability of sixty percent
16 (60%) or more;

17 5. Legal resident owners or tenants who hunt on land owned or
18 leased by them;

19 6. Any nonresident under fourteen (14) years of age;

20 7. Legal residents having a proven disability which renders
21 them nonambulatory and confines them to a wheelchair, as certified
22 by a physician licensed in this state or in any state which borders
23 this state;

24

1 8. Any legal resident or nonresident under eighteen (18) years
2 of age who is in the physical custody of a child care facility as
3 defined by Section 402 of Title 10 of the Oklahoma Statutes; and

4 9. Any legal resident or nonresident hunting, pursuing,
5 trapping, harassing, catching, killing, taking, or attempting to
6 take in any manner any species of rattlesnake during an organized
7 rattlesnake-hunting event or festival and who has a rattlesnake
8 permit issued pursuant to Section 4-143 of this title.

9 C. Except as otherwise provided for in the Oklahoma Wildlife
10 Conservation Code, the nonresident hunting licenses issued pursuant
11 to this section and the fee for each license shall be:

12 1. Annual hunting license for nonresidents hunting game other
13 than deer, antelope, elk or bear which expires on December 31 of the
14 year purchased - One Hundred Forty-one Dollars (\$141.00).

15 Nonresidents hunting big game ~~or~~, combination big game and upland
16 game or exotic wildlife in a commercial hunting area shall be
17 required to have this license;

18 2. Annual hunting license for nonresidents hunting game other
19 than deer, antelope, elk or bear which expires on June 30 of the
20 fiscal year purchased - One Hundred Seventy-five Dollars (\$175.00).

21 Nonresidents hunting big game ~~or~~, combination big game and upland
22 game or exotic wildlife in a commercial hunting area shall be
23 required to have this license;

24

1 3. Gun hunting license for deer for nonresidents which shall be
2 valid for hunting all deer allowed during the current calendar year
3 deer gun season - Two Hundred Seventy-nine Dollars (\$279.00);

4 4. Archery hunting license for deer for nonresidents which
5 shall expire on January 15 of the calendar year after the year
6 purchased or if purchased during the deer archery season it shall
7 expire at the end of that deer archery season - Two Hundred Seventy-
8 nine Dollars (\$279.00);

9 5. Primitive firearms hunting license for deer for nonresidents
10 which shall be valid for hunting all deer allowed during the current
11 calendar year deer primitive firearms season - Two Hundred Seventy-
12 nine Dollars (\$279.00);

13 6. Hunting license for antelope for nonresidents - Three
14 Hundred Five Dollars (\$305.00);

15 7. Hunting license for elk for nonresidents - Three Hundred
16 Five Dollars (\$305.00);

17 8. Five-day hunting license for nonresidents hunting game other
18 than deer, antelope, elk, quail, turkey or bear - Seventy-four
19 Dollars (\$74.00). Nonresidents hunting big game, combination big
20 game and upland game or exotic wildlife in a commercial hunting area
21 shall be required to have this license; and

22 9. Ten-day hunting license for nonresidents hunting small game
23 in a commercial hunting area - Five Dollars (\$5.00).

24

1 D. Of the fees collected pursuant to the provisions of
2 subsection C of this section:

3 1. Five Dollars (\$5.00) of the license fee of each license
4 issued pursuant to paragraphs 1 through 7 of subsection C of this
5 section and Two Dollars and fifty cents (\$2.50) of the license fee
6 for each license issued pursuant to paragraph 8 of subsection C of
7 this section shall be deposited in the Wildlife Land Acquisition
8 Fund created pursuant to the provisions of Section 4-132 of this
9 title; and

10 2. Five Dollars (\$5.00) of the license fee for each license
11 issued pursuant to paragraphs 1 through 8 of subsection C of this
12 section shall be for the Oklahoma Wildlife Land Stamp and shall be
13 deposited in the Oklahoma Wildlife Land Fund created pursuant to the
14 provisions of Section 4-141 of this title.

15 E. Except as otherwise provided, the resident hunting licenses
16 issued pursuant to this section and the fee for each license shall
17 be:

18 1. Annual hunting license for residents eighteen (18) years of
19 age and older which expires on December 31 of the year purchased -
20 Twenty-four Dollars (\$24.00);

21 2. Annual hunting license for residents eighteen (18) years of
22 age and older which expires on June 30 of the fiscal year purchased
23 - Thirty-one Dollars (\$31.00);

24

1 3. Annual hunting license for residents sixteen (16) or
2 seventeen (17) years of age which expires on December 31 of the year
3 purchased - Four Dollars (\$4.00);

4 4. Annual hunting license for residents sixteen (16) or
5 seventeen (17) years of age which expires on June 30 of the fiscal
6 year purchased - Six Dollars (\$6.00);

7 5. Ten-day hunting license for residents for small game in a
8 commercial hunting area - Five Dollars (\$5.00);

9 6. Five-year disability hunting license for residents of this
10 state for at least six (6) months who are receiving Social Security
11 Disability benefits, Supplemental Security Income benefits or
12 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
13 Section 231a, or residents who are one-hundred-percent disabled and
14 are receiving disability payments from the Multiple Injury Trust
15 Fund pursuant to Section 31 of Title 85A of the Oklahoma Statutes -
16 Ten Dollars (\$10.00);

17 7. Gun hunting license for deer for residents eighteen (18)
18 years of age or older - Nineteen Dollars (\$19.00). The following
19 persons shall be exempt:

- 20 a. residents with proper certification from the United
21 States Department of Veterans Affairs or its
22 successor, certifying that the person is a disabled
23 veteran in receipt of compensation at the one-hundred-
24 percent rate, and

1 b. residents hunting in big game or combination big game
2 and upland game commercial hunting areas;

3 8. Gun hunting license for deer for residents under eighteen
4 (18) years of age - Nine Dollars (\$9.00);

5 9. Archery hunting license for deer for residents eighteen (18)
6 years of age or older - Nineteen Dollars (\$19.00). The following
7 persons shall be exempt:

8 a. residents with proper certification from the United
9 States Department of Veterans Affairs or its
10 successor, certifying that the person is a disabled
11 veteran in receipt of compensation at the one-hundred-
12 percent rate, and

13 b. residents hunting in big game or combination big game
14 and upland game commercial hunting areas;

15 10. Archery hunting license for deer for residents under
16 eighteen (18) years of age - Nine Dollars (\$9.00);

17 11. Primitive firearms hunting license for deer for residents
18 eighteen (18) years of age or older - Nineteen Dollars (\$19.00).

19 The following persons shall be exempt:

20 a. residents with proper certification from the United
21 States Department of Veterans Affairs or its
22 successor, certifying that the person is a disabled
23 veteran in receipt of compensation at the one-hundred-
24 percent rate, and

1 b. residents hunting in big game or combination big game
2 and upland game commercial hunting areas;

3 12. Primitive firearms hunting license for deer for residents
4 under eighteen (18) years of age - Nine Dollars (\$9.00);

5 13. Hunting license for elk for residents - Fifty Dollars
6 (\$50.00). Residents hunting in big game or combination big game and
7 upland game commercial hunting areas shall be exempt from this
8 license;

9 14. Hunting license for antelope for residents - Fifty Dollars
10 (\$50.00). Residents hunting in big game or combination big game and
11 upland game commercial hunting areas shall be exempt from this
12 license; and

13 15. Bonus, special or additional gun hunting license for deer
14 for residents - Nineteen Dollars (\$19.00). The following persons
15 shall be exempt:

16 a. residents with proper certification from the United
17 States Department of Veterans Affairs or its
18 successor, certifying that the person is a disabled
19 veteran in receipt of compensation at the one-hundred-
20 percent rate, and

21 b. residents hunting in big game or combination big game
22 and upland game commercial hunting areas.

1 F. Residents hunting big game, combination big game and upland
2 game or exotic wildlife in a commercial hunting area shall be
3 required to have one of the following licenses:

4 1. An annual hunting license issued pursuant to paragraph 1, 2,
5 3 or 4 of subsection E of this section;

6 2. An annual hunting and fishing combination license issued
7 pursuant to Section 4-113 of this title;

8 3. A five-year hunting license or five-year combination hunting
9 and fishing license issued pursuant to Section 4-113.1 of this
10 title; or

11 4. A lifetime hunting license or lifetime combination hunting
12 and fishing licenses issued pursuant to Section 4-114 of this title.

13 G. Of the fees collected pursuant to the provisions of
14 paragraphs 1 and 2 of subsection E of this section, Five Dollars
15 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
16 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
17 created pursuant to the provisions of Section 4-141 of this title.

18 ~~G.~~ H. The provisions of this section shall not be construed to
19 require a hunting license, resident or nonresident, of any person
20 merely because the person participates, as owner or handler of an
21 entry, as an official, or as a spectator in the conduct of a field
22 trial or performance test of dogs, whether a resident or nonresident
23 of the State of Oklahoma. No license to hunt shall be required of
24 any person engaged in training or working dogs, provided that person

1 is in no way engaged in hunting and does not take or attempt to take
2 in any manner any game.

3 ~~H.~~ I. 1. Any person arrested for hunting game other than deer,
4 antelope, elk, bear or turkey without a valid hunting license as
5 required by the provisions of subsection A of this section may
6 purchase a substitute temporary thirty-day license from the
7 arresting game warden in lieu of posting bond. Proof of hunter
8 safety certification will not be required for the temporary
9 substitute license. The fee for a substitute license purchased
10 pursuant to the provisions of this subsection shall be:

- 11 a. for legal residents, Fifty Dollars (\$50.00), and
- 12 b. for nonresidents, One Hundred Forty-five Dollars
13 (\$145.00).

14 2. Except as otherwise provided for by this subsection, the
15 fees from licenses purchased pursuant to the provisions of this
16 subsection shall be deposited in the Wildlife Conservation Fund to
17 be used exclusively for developing, managing, preserving, and
18 protecting wildlife and wildlife habitat.

19 ~~H.~~ J. Any person producing proof in court that a current
20 hunting license issued by the Department of Wildlife Conservation to
21 that person was in force at the time of the alleged offense shall be
22 entitled to dismissal of a charge of violating this section upon
23 payment of court costs. If proof of a current hunting license
24 issued by the Department to the person that was in force at the time

1 of the alleged offense is presented to the court or district
2 attorney within seventy-two (72) hours after the violation, the
3 charge shall be dismissed without payment of court costs.

4 ~~J.~~ K. Unless a substitute license is purchased as provided for
5 by subsection H of this section, any resident convicted of violating
6 the provisions of this section shall be punished by the imposition
7 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
8 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
9 jail for a period not to exceed thirty (30) days, or by both.

10 ~~K.~~ L. Unless a substitute license is purchased as provided for
11 by subsection H of this section, any nonresident convicted of
12 violating the provisions of this section shall be punished by the
13 imposition of a fine of not less than Two Hundred Dollars (\$200.00)
14 nor more than Five Hundred Dollars (\$500.00), or by imprisonment in
15 the county jail for a period not to exceed six (6) months, or by
16 both.

17 SECTION 4. AMENDATORY 29 O.S. 2011, Section 5-102, is
18 amended to read as follows:

19 Section 5-102. A. No person may remove any propagated or
20 released wildlife or domesticated animals hunted for sport which are
21 killed at a commercial hunting area, including exotic wildlife,
22 without attaching a tag to each of such killed wildlife or
23 domesticated animals hunted for sport.

24

1 B. The tags, shall be supplied by the Commission at ~~reasonable~~
2 ~~cost,~~ a cost of no more than Ten Dollars (\$10.00); provided, that
3 there shall be no fee for tags for females of the cervidae family
4 which are hunted for sport and killed at a commercial hunting area.
5 The tags shall contain such information as the Commission may
6 require and shall be numbered consecutively.

7 C. Such tag must remain attached to the individual wildlife or
8 domesticated animals hunted for sport until prepared and consumed
9 and shall not be used more than once.

10 D. Any person convicted of violating the provisions of this
11 section shall be punished by a fine of not less than One Hundred
12 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or
13 by imprisonment in the county jail not to exceed sixty (60) days, or
14 by both such fine and imprisonment.

15 SECTION 5. This act shall become effective November 1, 2017.

16 Passed the House of Representatives the 15th day of May, 2017.

17
18 _____
19 Presiding Officer of the House
20 of Representatives

21 Passed the Senate the ____ day of _____, 2017.

22
23 _____
24 Presiding Officer of the Senate