

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2701  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the printed Bill  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Randy McDaniel \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2701

By: McDaniel (Randy)

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to game and fish; amending 29 O.S.  
9 2001, Section 2-138, as amended by Section 1, Chapter  
10 44, O.S.L. 2007 (29 O.S. Supp. 2009, Section 2-138),  
11 which relates to the definition of resident for  
12 licensing purposes; modifying definition of resident;  
13 amending 29 O.S. 2001, Section 4-110, as last amended  
14 by Section 1, Chapter 123, O.S.L. 2009 (29 O.S. Supp.  
15 2009, Section 4-110), which relates to fishing  
16 licenses; amending 29 O.S. 2001, Section 4-112, as  
17 last amended by Section 1, Chapter 49, O.S.L. 2008  
18 (29 O.S. Supp. 2009, Section 4-112), which relates to  
19 hunting licenses; deleting exemptions for certain  
20 military personnel; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 29 O.S. 2001, Section 2-138, as  
23 amended by Section 1, Chapter 44, O.S.L. 2007 (29 O.S. Supp. 2009,  
24 Section 2-138), is amended to read as follows:

Section 2-138. "Resident" is any individual who has an  
established bona fide or actual residence in Oklahoma for a period  
of not less than sixty (60) consecutive days immediately preceding  
the date the application for a license, permit, stamp, or any other

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

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

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

6 2. The residency of a person shall not terminate upon entering  
7 the Armed Forces of the United States. A person on active duty ~~who~~  
8 ~~resided in the state upon entering military service,~~ and any  
9 dependents of the person, is presumed to retain residency status in  
10 the state for purposes of purchasing an annual hunting and fishing  
11 license as long as the person is on active duty ~~and maintains~~  
12 ~~Oklahoma as their official "state of residence" or "home of record",~~  
13 ~~as shown on current leave and earnings statement~~ verified by valid  
14 military documentation.

15 The residency status of any person, ~~including~~ excluding a member  
16 of the Armed Forces of the United States while on active duty, shall  
17 terminate if the person obtains any resident hunting, fishing,  
18 trapping license or permit or valid driver license issued by another  
19 state.

20 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-110, as  
21 last amended by Section 1, Chapter 123, O.S.L. 2009 (29 O.S. Supp.  
22 2009, Section 4-110), is amended to read as follows:

23 Section 4-110. A. Except as otherwise provided in the Oklahoma  
24 Wildlife Conservation Code, no person shall fish, pursue, harass,

1 catch, kill, take in any manner, use, have in possession, sell, or  
2 transport all or any portion of fish without having first procured a  
3 license for such from the Director or from any of the authorized  
4 agents of the Department of Wildlife Conservation. The Wildlife  
5 Conservation Commission may designate two (2) days per year in which  
6 residents and nonresidents may fish without first procuring a  
7 fishing license pursuant to the provisions of this section.

8 B. Pursuant to the provisions of this Code, persons excepted  
9 from the license requirements of this section are:

10 1. Legal residents under sixteen (16) years of age and  
11 nonresidents under sixteen (16) years of age from states which do  
12 not require nonresident fishing licenses for persons under sixteen  
13 (16) years of age;

14 2. Legal residents sixty-four (64) years of age or older and  
15 nonresidents sixty-four (64) years of age or older from states which  
16 do not require nonresident fishing licenses for persons sixty-four  
17 (64) years of age or older, provided such resident has obtained a  
18 senior citizen's license pursuant to the provisions of Section 4-133  
19 of this title;

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

21 4. Legal resident veterans having a disability of sixty percent  
22 (60%) or more;

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24

1           5. Legal resident owners or tenants, their spouses, parents,  
2 grandparents, children and their spouses, grandchildren and their  
3 spouses who fish in private ponds on land owned or leased by them;

4           ~~6. Every Oklahoma citizen who is serving in a branch of the~~  
5 ~~United States Armed Forces, is on properly authorized leave of~~  
6 ~~absence from military duty, has in possession proper written~~  
7 ~~evidence showing such authorized leave, and is serving outside the~~  
8 ~~State of Oklahoma at the time of such fishing;~~

9           ~~7.~~ Any patient of an institution of the State of Oklahoma  
10 established for the care and treatment of mental illness or alcohol  
11 or drug dependency or any developmentally disabled person residing  
12 in any group home or other institution or developmentally disabled  
13 persons when accompanied by an attendant of such institution or  
14 legal guardian of said patient, or when fishing on institutional  
15 property;

16           ~~8.~~ 7. Any person under eighteen (18) years of age who is in the  
17 legal and physical custody of the State of Oklahoma or one of its  
18 agencies by court order;

19           ~~9.~~ 8. Any person under eighteen (18) years of age who is in the  
20 physical custody of a child care facility as defined by Section 402  
21 of Title 10 of the Oklahoma Statutes;

22           ~~10.~~ 9. Any person who is legally blind or who has any other  
23 physical impairment, as certified by a physician licensed in this  
24 state or any state which borders this state, which prevents the

1 person from properly using fishing apparatus without the assistance  
2 of another person, and any one person actually accompanying and  
3 actually assisting such legally blind or otherwise physically  
4 impaired person while the latter is fishing. This certification  
5 shall be carried by the individual while fishing;

6 ~~11.~~ 10. Nonresidents under fourteen (14) years of age;

7 ~~12.~~ 11. Job Corps trainees of this state, provided that such  
8 trainees shall have on their persons a duly authorized  
9 identification card issued by their respective Job Corps Center and  
10 shall present such card upon request, in lieu of a fishing license.  
11 The trainees shall return their cards to their respective Job Corps  
12 Center when the trainees leave their respective Job Corps training  
13 programs;

14 ~~13.~~ 12. Any legal resident having a proven disability which  
15 renders the resident nonambulatory and confined to a wheelchair as  
16 certified by a physician licensed in this state or any state which  
17 borders this state;

18 ~~14.~~ 13. Any person who is fishing with a pole and line,  
19 trotline, or throwline in streams, natural lakes, natural ponds, and  
20 mine pits in the county in which the person is a resident, or in  
21 streams, natural lakes, natural ponds, and mine pits which form a  
22 part of the boundary line of the county in which the person is a  
23 resident, when using any bait other than commercial or artificial  
24 bait, blood, stink bait, cut fish, and shrimp; and

1       ~~15.~~ 14. Any person participating in an aquatic education event  
2 or clinic sanctioned by the Department of Wildlife Conservation.

3       C. Except as otherwise provided for in the Oklahoma Wildlife  
4 Conservation Code, the fee for an annual license issued pursuant to  
5 the provisions of this section shall be:

6       1. For legal residents eighteen (18) years of age and older,  
7 Twenty-four Dollars (\$24.00); for legal residents sixteen (16) or  
8 seventeen (17) years of age, Four Dollars (\$4.00). For a two-day  
9 resident permit license, Fourteen Dollars (\$14.00). Of the amount  
10 of monies collected pursuant to the provisions of this paragraph,  
11 Five Dollars (\$5.00) of each license fee shall be deposited in the  
12 Oklahoma Wildlife Land Stamp Fund created pursuant to the provisions  
13 of Section 4-141 of this title; and

14       2. For nonresidents, Forty-one Dollars (\$41.00), provided the  
15 Commission may enter into reciprocity agreements with states wherein  
16 nonresident license fees shall be in conformity with such reciprocal  
17 agreements. For a five-day nonresident permit license, Twenty-two  
18 Dollars and fifty cents (\$22.50). Of the amount of monies collected  
19 pursuant to the provisions of this paragraph, Five Dollars (\$5.00)  
20 of the license fee for nonresidents, and One Dollar and fifty cents  
21 (\$1.50) of the five-day nonresident permit fee shall be deposited in  
22 the Wildlife Land Acquisition Fund created pursuant to the  
23 provisions of Section 4-132 of this title.

1 D. Legal residents who have resided in this state for at least  
2 six (6) months and who are receiving Social Security Disability  
3 benefits, Supplemental Security Income benefits, disability benefits  
4 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a,  
5 postal employees receiving disability benefits pursuant to 5,  
6 U.S.C., Section 8451 (1998) or legal residents who are one hundred  
7 percent (100%) disabled and are receiving disability payments from  
8 the Multiple Injury Trust Fund pursuant to Section 173 of Title 85  
9 of the Oklahoma Statutes, may purchase a disability fishing license  
10 from the Director for Ten Dollars (\$10.00) for five (5) years.

11 E. 1. Any person arrested while violating the provisions of  
12 this section who does not meet the requirements of subsection H of  
13 this section, may purchase a substitute temporary thirty-day license  
14 from the arresting game warden in lieu of posting bond. The fee for  
15 a substitute license purchased pursuant to the provisions of this  
16 subsection shall be:

17 a. for legal residents, Fifty Dollars (\$50.00), and

18 b. for nonresidents, Ninety Dollars (\$90.00).

19 2. Except as otherwise provided by this subsection, the fees  
20 from licenses purchased pursuant to the provisions of this  
21 subsection shall be deposited in the Wildlife Conservation Fund to  
22 be used exclusively for developing, managing, preserving, and  
23 protecting wildlife and wildlife habitat.

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

8 G. Unless a substitute license is purchased as provided for by  
9 subsection E of this section, any nonresident convicted of violating  
10 this section shall be punished by a fine of not less than Fifty  
11 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by  
12 imprisonment in the county jail for a period not more than thirty  
13 (30) days, or by both such fine and imprisonment.

14 H. Any person producing proof in court that a current fishing  
15 license issued by the Department of Wildlife Conservation to such  
16 person was in force at the time of the alleged offense shall be  
17 entitled to dismissal of a charge of violating this section upon  
18 payment of court costs; however, if proof of fishing license is  
19 presented to the court or district attorney within seventy-two (72)  
20 hours after the violation, the charge shall be dismissed without  
21 payment of court costs.

22 SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-112, as  
23 last amended by Section 1, Chapter 49, O.S.L. 2008 (29 O.S. Supp.  
24 2009, Section 4-112), is amended to read as follows:

1 Section 4-112. A. Except as otherwise provided for in the  
2 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae  
3 Act, no person may hunt, pursue, trap, harass, catch, kill, take or  
4 attempt to take in any manner, use, have in possession, sell, or  
5 transport all or any portion of any wildlife except fish, without  
6 having first procured a license from the Department of Wildlife  
7 Conservation. The Wildlife Conservation Commission shall designate  
8 a consecutive Saturday and Sunday in September of each year as free  
9 hunting days in which residents of this state may hunt without first  
10 procuring a hunting license pursuant to the provisions of this  
11 section.

12 B. Pursuant to the provisions of this Code, persons excepted  
13 from the license requirement of this section are:

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

15 2. Legal residents of Oklahoma sixty-four (64) years of age or  
16 older provided they have obtained a senior citizen's license  
17 pursuant to the provisions of Section 4-133 of this title;

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

19 4. Legal resident veterans having a disability of sixty percent  
20 (60%) or more;

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

23 6. ~~Every citizen of Oklahoma serving in a branch of the United~~  
24 ~~States Armed Forces on properly authorized leave from military duty~~

1 ~~having in his or her possession proper written evidence showing such~~  
2 ~~authorized leave and serving outside the State of Oklahoma at the~~  
3 ~~time of the hunting;~~

4 ~~7.~~ Any nonresident under fourteen (14) years of age;

5 ~~8.~~ 7. Legal residents having a proven disability which renders  
6 them nonambulatory and confines them to a wheelchair, as certified  
7 by a physician licensed in this state or in any state which borders  
8 this state;

9 ~~9.~~ 8. Any person under eighteen (18) years of age who is in the  
10 physical custody of a child care facility as defined by Section 402  
11 of Title 10 of the Oklahoma Statutes; and

12 ~~10.~~ 9. Any person hunting, pursuing, trapping, harassing,  
13 catching, killing, taking, or attempting to take in any manner any  
14 species of rattlesnake during an organized rattlesnake-hunting event  
15 or festival and who has a rattlesnake permit issued pursuant to  
16 Section 4-143 of this title.

17 C. Except as otherwise provided for in this Code, the fees for  
18 licenses listed in this subsection are:

19 1. a. Annual hunting licenses for nonresidents hunting game  
20 other than deer, antelope, or elk, One Hundred Thirty-  
21 six Dollars (\$136.00); for deer, Two Hundred Dollars  
22 (\$200.00); for antelope and elk, Three Hundred Dollars  
23 (\$300.00). There shall be no exemptions for deer,  
24 antelope, elk, or turkey. Any nonresident hunting in

1 a big game or combination big game and upland game  
2 commercial hunting area shall be required to have an  
3 annual nonresident hunting license pursuant to this  
4 subparagraph, and the fee shall be One Hundred Thirty-  
5 six Dollars (\$136.00). For a five-day nonresident  
6 hunting license to hunt game other than deer,  
7 antelope, elk, or turkey, the fee shall be Sixty-nine  
8 Dollars (\$69.00).

9 b. Annual combination hunting licenses for nonresidents  
10 hunting one antlered and one antlerless deer, Two  
11 Hundred Fifty Dollars (\$250.00); for nonresidents  
12 hunting an additional antlerless deer, Fifty Dollars  
13 (\$50.00) which shall be valid only on private lands  
14 not managed by the Department of Wildlife  
15 Conservation.

16 c. Of the amount of monies collected pursuant to the  
17 provisions of this paragraph, Five Dollars (\$5.00) of  
18 the license fee for hunting game other than deer,  
19 antelope and elk, Five Dollars (\$5.00) of the license  
20 fee for hunting deer, Five Dollars (\$5.00) of the  
21 license fee for hunting antelope and elk and Two  
22 Dollars and fifty cents (\$2.50) of the five-day  
23 hunting license shall be deposited in the Wildlife  
24

1 Land Acquisition Fund created pursuant to the  
2 provisions of Section 4-132 of this title.

3 2. Disability hunting license, residents of this state for at  
4 least six (6) months and who are receiving Social Security  
5 Disability benefits, Supplemental Security Income benefits or  
6 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,  
7 Section 231a or residents who are one-hundred-percent disabled and  
8 are receiving disability payments from the Multiple Injury Trust  
9 Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes,  
10 may purchase a disability hunting license from the Director for Ten  
11 Dollars (\$10.00) for five (5) years.

12 3. Deer gun hunting license, residents, Nineteen Dollars  
13 (\$19.00). There shall be no exemptions except:

14 a. residents sixty-four (64) years of age or older  
15 provided such residents have obtained a senior  
16 citizen's license pursuant to the provisions of  
17 Section 4-133 of this title,

18 b. legal residents of Oklahoma under eighteen (18) years  
19 of age provided such residents shall be required to  
20 pay a deer gun hunting license fee of Nine Dollars  
21 (\$9.00),

22 c. residents with proper certification from the United  
23 States Department of Veterans Affairs or its  
24 successor, certifying that the person is a disabled

1           veteran in receipt of compensation at the one-hundred-  
2           percent rate shall be exempt from the fees specified  
3           pursuant to this paragraph, and

4           d.   residents hunting in big game or combination big game  
5           and upland game commercial hunting areas shall be  
6           exempt from the fees specified pursuant to this  
7           paragraph.

8           4.   Deer archery hunting license, residents, Nineteen Dollars  
9           (\$19.00) and for legal residents of Oklahoma under eighteen (18)  
10          years of age, Nine Dollars (\$9.00). There shall be no exemptions  
11          except residents with proper certification from the United States  
12          Department of Veterans Affairs or its successor, certifying that the  
13          person is a disabled veteran in receipt of compensation at the one-  
14          hundred-percent rate and residents hunting in big game or  
15          combination big game and upland game commercial hunting areas shall  
16          be exempt from the fees specified pursuant to this paragraph.

17          5.   Primitive firearms license, residents, Nineteen Dollars  
18          (\$19.00) and for legal residents of Oklahoma under eighteen (18)  
19          years of age, Nine Dollars (\$9.00). There shall be no exemptions  
20          except residents with proper certification from the United States  
21          Department of Veterans Affairs or its successor, certifying that the  
22          person is a disabled veteran in receipt of compensation at the one-  
23          hundred-percent rate and residents hunting in big game or  
24

1 combination big game and upland game commercial hunting areas shall  
2 be exempt from the fees specified pursuant to this paragraph.

3 6. Elk or antelope hunting license, residents, Fifty Dollars  
4 (\$50.00). There shall be no exemptions except residents hunting in  
5 big game or combination big game and upland game commercial hunting  
6 areas shall be exempt from the fees specified pursuant to this  
7 paragraph.

8 7. Bonus, special or second deer gun hunting license,  
9 residents, Nineteen Dollars (\$19.00). No exemptions except:

- 10 a. residents sixty-five (65) years of age or older  
11 provided such residents have obtained a senior  
12 citizen's license pursuant to the provisions of  
13 Section 4-133 of this title,
- 14 b. persons with proper certification from the United  
15 States Department of Veterans Affairs or its  
16 successor, certifying that the person is a disabled  
17 veteran in receipt of compensation at the one-hundred-  
18 percent rate shall be exempt from the fees specified  
19 pursuant to this paragraph, and
- 20 c. residents hunting in big game or combination big game  
21 and upland game commercial hunting areas shall be  
22 exempt from the fees specified pursuant to this  
23 paragraph.
- 24

1 D. The fees for hunting licenses, except as provided for in the  
2 Oklahoma Wildlife Conservation Code, are:

3 1. For legal residents eighteen (18) years of age and older,  
4 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or  
5 seventeen (17) years of age, Four Dollars (\$4.00); and

6 2. Commercial hunting area small game ten-day permit, resident  
7 or nonresident, Five Dollars (\$5.00).

8 E. The provisions of this section shall not be construed to  
9 require a hunting license, resident or nonresident, of any person  
10 merely because the person participates, as owner or handler of an  
11 entry, as an official, or as a spectator in the conduct of a field  
12 trial or performance test of dogs, whether a resident or nonresident  
13 of the State of Oklahoma. No license to hunt shall be required of  
14 any person engaged in training or working dogs, provided that person  
15 is in no way engaged in hunting and does not take or attempt to take  
16 in any manner any game.

17 F. 1. Any person arrested for hunting game other than deer,  
18 antelope, elk, or turkey without a valid hunting license as required  
19 by the provisions of subsection A of this section may purchase a  
20 substitute temporary thirty-day license from the arresting game  
21 warden in lieu of posting bond. Proof of hunter safety  
22 certification will not be required for the temporary substitute  
23 license. The fee for a substitute license purchased pursuant to the  
24 provisions of this subsection shall be:

- 1           a.    for legal residents, Fifty Dollars (\$50.00), and  
2           b.    for nonresidents, One Hundred Forty-five Dollars  
3                   (\$145.00).

4           2.    Except as otherwise provided for by this subsection, the  
5 fees from licenses purchased pursuant to the provisions of this  
6 subsection shall be deposited in the Wildlife Conservation Fund to  
7 be used exclusively for developing, managing, preserving, and  
8 protecting wildlife and wildlife habitat.

9           G.    Any person producing proof in court that a current hunting  
10 license issued by the Department of Wildlife Conservation to that  
11 person was in force at the time of the alleged offense shall be  
12 entitled to dismissal of a charge of violating this section upon  
13 payment of court costs; however, if proof of hunting license is  
14 presented to the court or district attorney within seventy-two (72)  
15 hours after the violation, the charge shall be dismissed without  
16 payment of court costs.

17           H.    Unless a substitute license is purchased as provided for by  
18 subsection F of this section, any resident convicted of violating  
19 the provisions of this section shall be punished by the imposition  
20 of a fine of not less than Twenty-five Dollars (\$25.00) nor more  
21 than Two Hundred Dollars (\$200.00), or by imprisonment in the county  
22 jail for a period not to exceed thirty (30) days, or by both.

23           I.    Unless a substitute license is purchased as provided for by  
24 subsection F of this section, any nonresident convicted of violating

1 the provisions of this section shall be punished by the imposition  
2 of a fine of not less than Two Hundred Dollars (\$200.00) nor more  
3 than Five Hundred Dollars (\$500.00), or by imprisonment in the  
4 county jail for a period not to exceed six (6) months, or by both.

5 SECTION 4. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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