

1 ENGROSSED HOUSE
2 BILL NO. 2701

By: McDaniel (Randy) and Hoskin
of the House

3 and

4 Lamb of the Senate

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6
7
8 (game and fish - amending 29 O.S., Sections 2-138,
9 410 and 4-112 - licensing purposes - military
10 personnel -

11 emergency)

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13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

18 Section 2-138. "Resident" is any individual who has an
19 established bona fide or actual residence in Oklahoma for a period
20 of not less than sixty (60) consecutive days immediately preceding
21 the date the application for a license, permit, stamp, or any other
22 issue of the Department is submitted. The burden of establishing
23 proof of residency shall be on the person claiming residency status.
24 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 or legal guardian unless otherwise documented.
13 Ownership or possession of real property in the state by a person
14 residing outside the state shall not qualify the person as a
15 resident. A person shall not be entitled to claim multiple states
16 of residence, except as follows:

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

1 certified by a commanding officer, shall also be eligible to qualify
2 as a resident; and

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

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

17 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-110, as
18 last amended by Section 1, Chapter 123, O.S.L. 2009 (29 O.S. Supp.
19 2009, Section 4-110), is amended to read as follows:

20 Section 4-110. A. Except as otherwise provided in the Oklahoma
21 Wildlife Conservation Code, no person shall fish, pursue, harass,
22 catch, kill, take in any manner, use, have in possession, sell, or
23 transport all or any portion of fish without having first procured a
24 license for such from the Director or from any of the authorized

1 agents of the Department of Wildlife Conservation. The Wildlife
2 Conservation Commission may designate two (2) days per year in which
3 residents and nonresidents may fish without first procuring a
4 fishing license pursuant to the provisions of this section.

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

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

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

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

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

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

23 6. ~~Every Oklahoma citizen who is serving in a branch of the~~
24 ~~United States Armed Forces, is on properly authorized leave of~~

1 ~~absence from military duty, has in possession proper written~~
2 ~~evidence showing such authorized leave, and is serving outside the~~
3 ~~State of Oklahoma at the time of such fishing.~~

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

11 ~~8.~~ 7. Any person under eighteen (18) years of age who is in the
12 legal and physical custody of the State of Oklahoma or one of its
13 agencies by court order;

14 ~~9.~~ 8. Any person under eighteen (18) years of age who is in the
15 physical custody of a child care facility as defined by Section 402
16 of Title 10 of the Oklahoma Statutes;

17 ~~10.~~ 9. Any person who is legally blind or who has any other
18 physical impairment, as certified by a physician licensed in this
19 state or any state which borders this state, which prevents the
20 person from properly using fishing apparatus without the assistance
21 of another person, and any one person actually accompanying and
22 actually assisting such legally blind or otherwise physically
23 impaired person while the latter is fishing. This certification
24 shall be carried by the individual while fishing;

1 ~~11.~~ 10. Nonresidents under fourteen (14) years of age;

2 ~~12.~~ 11. Job Corps trainees of this state, provided that such
3 trainees shall have on their persons a duly authorized
4 identification card issued by their respective Job Corps Center and
5 shall present such card upon request, in lieu of a fishing license.
6 The trainees shall return their cards to their respective Job Corps
7 Center when the trainees leave their respective Job Corps training
8 programs;

9 ~~13.~~ 12. Any legal resident having a proven disability which
10 renders the resident nonambulatory and confined to a wheelchair as
11 certified by a physician licensed in this state or any state which
12 borders this state;

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

20 ~~15.~~ 14. Any person participating in an aquatic education event
21 or clinic sanctioned by the Department of Wildlife Conservation.

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

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

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

19 D. Legal residents who have resided in this state for at least
20 six (6) months and who are receiving Social Security Disability
21 benefits, Supplemental Security Income benefits, disability benefits
22 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a,
23 postal employees receiving disability benefits pursuant to 5,
24 U.S.C., Section 8451 (1998) or legal residents who are one hundred

1 percent (100%) disabled and are receiving disability payments from
2 the Multiple Injury Trust Fund pursuant to Section 173 of Title 85
3 of the Oklahoma Statutes, may purchase a disability fishing license
4 from the Director for Ten Dollars (\$10.00) for five (5) years.

5 E. 1. Any person arrested while violating the provisions of
6 this section who does not meet the requirements of subsection H of
7 this section, may purchase a substitute temporary thirty-day license
8 from the arresting game warden in lieu of posting bond. The fee for
9 a substitute license purchased pursuant to the provisions of this
10 subsection shall be:

- 11 a. for legal residents, Fifty Dollars (\$50.00), and
- 12 b. for nonresidents, Ninety Dollars (\$90.00).

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

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

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

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

15 SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-112, as
16 last amended by Section 1, Chapter 49, O.S.L. 2008 (29 O.S. Supp.
17 2009, Section 4-112), is amended to read as follows:

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

1 a consecutive Saturday and Sunday in September of each year as free
2 hunting days in which residents of this state may hunt without first
3 procuring a hunting license pursuant to the provisions of this
4 section.

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

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

8 2. Legal residents of Oklahoma sixty-four (64) years of age or
9 older provided they have obtained a senior citizen's license

10 pursuant to the provisions of Section 4-133 of this title;

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

12 4. Legal resident veterans having a disability of sixty percent
13 (60%) or more;

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

16 ~~6. Every citizen of Oklahoma serving in a branch of the United~~
17 ~~States Armed Forces on properly authorized leave from military duty~~
18 ~~having in his or her possession proper written evidence showing such~~
19 ~~authorized leave and serving outside the State of Oklahoma at the~~
20 ~~time of the hunting;~~

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

22 ~~8.~~ 7. Legal residents having a proven disability which renders
23 them nonambulatory and confines them to a wheelchair, as certified

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1 by a physician licensed in this state or in any state which borders
2 this state;

3 ~~9.~~ 8. Any person under eighteen (18) years of age who is in the
4 physical custody of a child care facility as defined by Section 402
5 of Title 10 of the Oklahoma Statutes; and

6 ~~10.~~ 9. Any person hunting, pursuing, trapping, harassing,
7 catching, killing, taking, or attempting to take in any manner any
8 species of rattlesnake during an organized rattlesnake-hunting event
9 or festival and who has a rattlesnake permit issued pursuant to
10 Section 4-143 of this title.

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

13 1. a. Annual hunting licenses for nonresidents hunting game
14 other than deer, antelope, or elk, One Hundred Thirty-
15 six Dollars (\$136.00); for deer, Two Hundred Dollars
16 (\$200.00); for antelope and elk, Three Hundred Dollars
17 (\$300.00). There shall be no exemptions for deer,
18 antelope, elk, or turkey. Any nonresident hunting in
19 a big game or combination big game and upland game
20 commercial hunting area shall be required to have an
21 annual nonresident hunting license pursuant to this
22 subparagraph, and the fee shall be One Hundred Thirty-
23 six Dollars (\$136.00). For a five-day nonresident
24 hunting license to hunt game other than deer,

1 antelope, elk, or turkey, the fee shall be Sixty-nine
2 Dollars (\$69.00).

3 b. Annual combination hunting licenses for nonresidents
4 hunting one antlered and one antlerless deer, Two
5 Hundred Fifty Dollars (\$250.00); for nonresidents
6 hunting an additional antlerless deer, Fifty Dollars
7 (\$50.00) which shall be valid only on private lands
8 not managed by the Department of Wildlife
9 Conservation.

10 c. Of the amount of monies collected pursuant to the
11 provisions of this paragraph, Five Dollars (\$5.00) of
12 the license fee for hunting game other than deer,
13 antelope and elk, Five Dollars (\$5.00) of the license
14 fee for hunting deer, Five Dollars (\$5.00) of the
15 license fee for hunting antelope and elk and Two
16 Dollars and fifty cents (\$2.50) of the five-day
17 hunting license shall be deposited in the Wildlife
18 Land Acquisition Fund created pursuant to the
19 provisions of Section 4-132 of this title.

20 2. Disability hunting license, residents of this state for at
21 least six (6) months and who are receiving Social Security
22 Disability benefits, Supplemental Security Income benefits or
23 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
24 Section 231a or residents who are one-hundred-percent disabled and

1 are receiving disability payments from the Multiple Injury Trust
2 Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes,
3 may purchase a disability hunting license from the Director for Ten
4 Dollars (\$10.00) for five (5) years.

5 3. Deer gun hunting license, residents, Nineteen Dollars
6 (\$19.00). There shall be no exemptions except:

- 7 a. residents sixty-four (64) years of age or older
8 provided such residents have obtained a senior
9 citizen's license pursuant to the provisions of
10 Section 4-133 of this title,
- 11 b. legal residents of Oklahoma under eighteen (18) years
12 of age provided such residents shall be required to
13 pay a deer gun hunting license fee of Nine Dollars
14 (\$9.00),
- 15 c. residents with proper certification from the United
16 States Department of Veterans Affairs or its
17 successor, certifying that the person is a disabled
18 veteran in receipt of compensation at the one-hundred-
19 percent rate shall be exempt from the fees specified
20 pursuant to this paragraph, and
- 21 d. residents hunting in big game or combination big game
22 and upland game commercial hunting areas shall be
23 exempt from the fees specified pursuant to this
24 paragraph.

1 4. Deer archery hunting license, residents, Nineteen Dollars
2 (\$19.00) and for legal residents of Oklahoma under eighteen (18)
3 years of age, Nine Dollars (\$9.00). There shall be no exemptions
4 except residents with proper certification from the United States
5 Department of Veterans Affairs or its successor, certifying that the
6 person is a disabled veteran in receipt of compensation at the one-
7 hundred-percent rate and residents hunting in big game or
8 combination big game and upland game commercial hunting areas shall
9 be exempt from the fees specified pursuant to this paragraph.

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

19 6. Elk or antelope hunting license, residents, Fifty Dollars
20 (\$50.00). There shall be no exemptions except residents hunting in
21 big game or combination big game and upland game commercial hunting
22 areas shall be exempt from the fees specified pursuant to this
23 paragraph.

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

3 a. residents sixty-five (65) years of age or older
4 provided such residents have obtained a senior
5 citizen's license pursuant to the provisions of
6 Section 4-133 of this title,

7 b. persons with proper certification from the United
8 States Department of Veterans Affairs or its
9 successor, certifying that the person is a disabled
10 veteran in receipt of compensation at the one-hundred-
11 percent rate shall be exempt from the fees specified
12 pursuant to this paragraph, and

13 c. residents hunting in big game or combination big game
14 and upland game commercial hunting areas shall be
15 exempt from the fees specified pursuant to this
16 paragraph.

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

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

22 2. Commercial hunting area small game ten-day permit, resident
23 or nonresident, Five Dollars (\$5.00).
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1 E. The provisions of this section shall not be construed to
2 require a hunting license, resident or nonresident, of any person
3 merely because the person participates, as owner or handler of an
4 entry, as an official, or as a spectator in the conduct of a field
5 trial or performance test of dogs, whether a resident or nonresident
6 of the State of Oklahoma. No license to hunt shall be required of
7 any person engaged in training or working dogs, provided that person
8 is in no way engaged in hunting and does not take or attempt to take
9 in any manner any game.

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

- 18 a. for legal residents, Fifty Dollars (\$50.00), and
- 19 b. for nonresidents, One Hundred Forty-five Dollars
20 (\$145.00).

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

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

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

17 I. Unless a substitute license is purchased as provided for by
18 subsection F of this section, any nonresident convicted of violating
19 the provisions of this section shall be punished by the imposition
20 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
21 than Five Hundred Dollars (\$500.00), or by imprisonment in the
22 county jail for a period not to exceed six (6) months, or by both.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the House of Representatives the 9th day of March, 2010.

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6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2010.

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11 Presiding Officer of the Senate

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