

THE HOUSE OF REPRESENTATIVES  
Thursday, February 25, 2010

Committee Substitute for  
House Bill No. 2701

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2701 - By: MCDANIEL (RANDY)  
of the House and LAMB of the Senate.

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

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

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

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

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

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

20 2. The residency of a person shall not terminate upon entering the Armed Forces of  
21 the United States. A person on active duty ~~who resided in the state upon entering~~  
22 ~~military service~~, and any dependents of the person, is presumed to retain residency

1 status in the state for purposes of purchasing an annual hunting and fishing license as  
2 long as the person is on active duty ~~and maintains Oklahoma as their official “state of~~  
3 ~~residence” or “home of record”, as shown on current leave and earnings statement~~  
4 verified by valid military documentation.

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

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

12 Section 4-110. A. Except as otherwise provided in the Oklahoma Wildlife  
13 Conservation Code, no person shall fish, pursue, harass, catch, kill, take in any manner,  
14 use, have in possession, sell, or transport all or any portion of fish without having first  
15 procured a license for such from the Director or from any of the authorized agents of the  
16 Department of Wildlife Conservation. The Wildlife Conservation Commission may  
17 designate two (2) days per year in which residents and nonresidents may fish without  
18 first procuring a fishing license pursuant to the provisions of this section.

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

- 1           1. Legal residents under sixteen (16) years of age and nonresidents under sixteen  
2 (16) years of age from states which do not require nonresident fishing licenses for persons  
3 under sixteen (16) years of age;
- 4           2. Legal residents sixty-four (64) years of age or older and nonresidents sixty-four  
5 (64) years of age or older from states which do not require nonresident fishing licenses for  
6 persons sixty-four (64) years of age or older, provided such resident has obtained a senior  
7 citizen's license pursuant to the provisions of Section 4-133 of this title;
- 8           3. Legal residents born on or before January 1, 1923;
- 9           4. Legal resident veterans having a disability of sixty percent (60%) or more;
- 10          5. Legal resident owners or tenants, their spouses, parents, grandparents, children  
11 and their spouses, grandchildren and their spouses who fish in private ponds on land  
12 owned or leased by them;
- 13          6. ~~Every Oklahoma citizen who is serving in a branch of the United States Armed  
14 Forces, is on properly authorized leave of absence from military duty, has in possession  
15 proper written evidence showing such authorized leave, and is serving outside the State  
16 of Oklahoma at the time of such fishing;~~
- 17          7. Any patient of an institution of the State of Oklahoma established for the care  
18 and treatment of mental illness or alcohol or drug dependency or any developmentally  
19 disabled person residing in any group home or other institution or developmentally  
20 disabled persons when accompanied by an attendant of such institution or legal guardian  
21 of said patient, or when fishing on institutional property;

1       ~~8.~~ 7. Any person under eighteen (18) years of age who is in the legal and physical  
2 custody of the State of Oklahoma or one of its agencies by court order;

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

5       ~~10.~~ 9. Any person who is legally blind or who has any other physical impairment, as  
6 certified by a physician licensed in this state or any state which borders this state, which  
7 prevents the person from properly using fishing apparatus without the assistance of  
8 another person, and any one person actually accompanying and actually assisting such  
9 legally blind or otherwise physically impaired person while the latter is fishing. This  
10 certification shall be carried by the individual while fishing;

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

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

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

20       ~~14.~~ 13. Any person who is fishing with a pole and line, trotline, or throwline in  
21 streams, natural lakes, natural ponds, and mine pits in the county in which the person is  
22 a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part

1 of the boundary line of the county in which the person is a resident, when using any bait  
2 other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

3 ~~15-~~ 14. Any person participating in an aquatic education event or clinic sanctioned  
4 by the Department of Wildlife Conservation.

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

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

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

21 D. Legal residents who have resided in this state for at least six (6) months and  
22 who are receiving Social Security Disability benefits, Supplemental Security Income

1 benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section  
2 231a, postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451  
3 (1998) or legal residents who are one hundred percent (100%) disabled and are receiving  
4 disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title  
5 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director  
6 for Ten Dollars (\$10.00) for five (5) years.

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

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

14 2. Except as otherwise provided by this subsection, the fees from licenses purchased  
15 pursuant to the provisions of this subsection shall be deposited in the Wildlife  
16 Conservation Fund to 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 subsection E of this  
19 section, any resident of this state convicted of violating the provisions of this section shall  
20 be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor  
21 more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a  
22 period not to exceed thirty (30) days, or by both said fine and imprisonment.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

15 8. 7. Legal residents having a proven disability which renders them nonambulatory  
16 and confines them to a wheelchair, as certified by a physician licensed in this state or in  
17 any state which borders this state;

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

20 ~~10.~~ 9. Any person hunting, pursuing, trapping, harassing, catching, killing, taking,  
21 or attempting to take in any manner any species of rattlesnake during an organized

1 rattlesnake-hunting event or festival and who has a rattlesnake permit issued pursuant  
2 to Section 4-143 of this title.

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

- 5 1. a. Annual hunting licenses for nonresidents hunting game other than  
6 deer, antelope, or elk, One Hundred Thirty-six Dollars (\$136.00); for  
7 deer, Two Hundred Dollars (\$200.00); for antelope and elk, Three  
8 Hundred Dollars (\$300.00). There shall be no exemptions for deer,  
9 antelope, elk, or turkey. Any nonresident hunting in a big game or  
10 combination big game and upland game commercial hunting area shall  
11 be required to have an annual nonresident hunting license pursuant to  
12 this subparagraph, and the fee shall be One Hundred Thirty-six  
13 Dollars (\$136.00). For a five-day nonresident hunting license to hunt  
14 game other than deer, antelope, elk, or turkey, the fee shall be Sixty-  
15 nine Dollars (\$69.00).
- 16 b. Annual combination hunting licenses for nonresidents hunting one  
17 antlered and one antlerless deer, Two Hundred Fifty Dollars (\$250.00);  
18 for nonresidents hunting an additional antlerless deer, Fifty Dollars  
19 (\$50.00) which shall be valid only on private lands not managed by the  
20 Department of Wildlife Conservation.
- 21 c. Of the amount of monies collected pursuant to the provisions of this  
22 paragraph, Five Dollars (\$5.00) of the license fee for hunting game

1 other than deer, antelope and elk, Five Dollars (\$5.00) of the license fee  
2 for hunting deer, Five Dollars (\$5.00) of the license fee for hunting  
3 antelope and elk and Two Dollars and fifty cents (\$2.50) of the five-day  
4 hunting license shall be deposited in the Wildlife Land Acquisition  
5 Fund created pursuant to the provisions of Section 4-132 of this title.

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

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

- 15 a. residents sixty-four (64) years of age or older provided such residents  
16 have obtained a senior 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 of age provided  
19 such residents shall be required to pay a deer gun hunting license fee  
20 of Nine Dollars (\$9.00),  
21 c. residents with proper certification from the United States Department  
22 of Veterans Affairs or its successor, certifying that the person is a

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

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

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

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

21 6. Elk or antelope hunting license, residents, Fifty Dollars (\$50.00). There shall be  
22 no exemptions except residents hunting in big game or combination big game and upland

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

3 7. Bonus, special or second deer gun hunting license, residents, Nineteen Dollars  
4 (\$19.00). No exemptions except:

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 E. The provisions of this section shall not be construed to require a hunting license,  
2 resident or nonresident, of any person merely because the person participates, as owner  
3 or handler of an entry, as an official, or as a spectator in the conduct of a field trial or  
4 performance test of dogs, whether a resident or nonresident of the State of Oklahoma.  
5 No license to hunt shall be required of any person engaged in training or working dogs,  
6 provided that person is in no way engaged in hunting and does not take or attempt to  
7 take in any manner any game.

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

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

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

20 G. Any person producing proof in court that a current hunting license issued by the  
21 Department of Wildlife Conservation to that person was in force at the time of the  
22 alleged offense shall be entitled to dismissal of a charge of violating this section upon

1 payment of court costs; however, if proof of hunting license is presented to the court or  
2 district attorney within seventy-two (72) hours after the violation, the charge shall be  
3 dismissed without payment of court costs.

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02-24-10 - DO PASS,  
18 As Amended and Coauthored.