

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1596

By: Vaughan

7 AS INTRODUCED

8 An Act relating to game and fish; amending 29 O.S.
9 2011, Section 2-138, which relates to the definition
10 of resident; modifying definition of resident;
11 requiring persons applying for certain lifetime
12 licenses to maintain a permanent abode in the state
13 for certain period; establishing domiciliary intent
14 as the proof of maintenance of a permanent abode;
15 specifying burden of proof; limiting use of an
16 Oklahoma driver license; requiring certain additional
17 documentation; making property ownership
18 insufficient; and declaring an emergency.

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

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

20 Section 2-138. "Resident" is:

21 1. For purposes of any license, except a lifetime license,
22 permit, stamp, or any other issue of the Department, any individual
23 who has an established bona fide or actual residence in Oklahoma for
24 a period of not less than sixty (60) consecutive days immediately

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

21 ~~1. A~~

22 a. a person who is not otherwise a resident of the state
23 and is a member of the Armed Forces of the United
24 States and is on active duty and permanently assigned

1 to a military installation located in the state shall
2 be eligible to qualify as a resident if the person
3 presents with the license application a certificate of
4 assignment in the state from a commanding officer or
5 designated representative. A spouse or dependent of
6 the person who is not otherwise a resident of the
7 state, is living within the same household and is
8 similarly certified by a commanding officer, shall
9 also be eligible to qualify as a resident~~+~~1

10 ~~2.~~ The

11 b. the residency of a person shall not terminate upon
12 entering the Armed Forces of the United States. A
13 member of the Armed Forces of the United States on
14 active duty, and any dependents of the member, is
15 presumed to retain residency status in the state for
16 purposes of purchasing any annual license issued by
17 the Department of Wildlife Conservation as long as the
18 member is on active duty as verified by valid
19 military documentation~~+~~1 and

20 ~~3.~~ The

21 c. the residency status of any person, excluding a member
22 of the Armed Forces of the United States while on
23 active duty as verified by valid military
24 documentation and any dependents of the member, shall

1 terminate if the person obtains any resident hunting,
2 fishing, trapping license or permit or valid driver
3 license issued by another state; or

4 2. For purposes of any lifetime fishing, hunting or combination
5 hunting and fishing license, lifetime senior citizen fishing,
6 hunting or combination hunting and fishing license, or disability
7 lifetime combination hunting and fishing license issued by the
8 Department, any individual who has maintained a permanent abode in
9 this state for a period of not less than one (1) year immediately
10 preceding the date of application for the lifetime license.

11 Domiciliary intent shall be required to establish proof that the
12 individual is maintaining a permanent abode in this state. The
13 burden of establishing domiciliary intent shall be on the person
14 claiming residency status. A valid Oklahoma driver license shall
15 not be used as the sole source of proof of domiciliary intent, but
16 may be used along with other reliable documentation for establishing
17 proof of domiciliary intent including, but not limited to, property
18 tax receipts, resident income tax returns, voter registration, motor
19 vehicle or vessel registrations, and other public records.

20 Ownership or possession of real property in the state alone without
21 other reliable proof shall not be sufficient to establish
22 domiciliary intent.

23 SECTION 2. 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.

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4 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE, dated
5 02/07/2013 - DO PASS, As Amended and Coauthored.

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