

1 **SENATE FLOOR VERSION**

2 March 26, 2013

3 ENGROSSED HOUSE
4 BILL NO. 1596

By: Vaughan of the House

and

Fields of the Senate

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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; and making property ownership
18 insufficient.

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:

23 1. For purposes of any license, except a lifetime license,
24 permit, stamp, or any other issue of the Department, 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 issue of the Department is submitted. The burden of

1 establishing proof of residency shall be on the person claiming
2 residency status. A person holding a valid driver license or permit
3 to operate a motor vehicle shall be deemed to be a resident of the
4 state issuing the license or permit. For a valid Oklahoma driver
5 license to be used as the sole source of proof of residency, it
6 shall have been issued not less than sixty (60) days prior to
7 submission of the application. If a person does not hold a valid
8 Oklahoma driver license, the Department may consider other reliable
9 documentation for establishing proof of residency including, but not
10 limited to, property tax receipts, resident income tax returns,
11 voter registration, motor vehicle or vessel registrations, and other
12 public records documenting residence. Residency status of children
13 under eighteen (18) years of age is presumed to be that of the
14 custodial parent 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

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

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

8 ~~2.~~ The

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

18 ~~3.~~ The

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

1 fishing, trapping license or permit or valid driver
2 license issued by another state; or

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE
23 March 26, 2013 - DO PASS
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