

1 **CORRECTED**

2
3 ENGROSSED HOUSE AMENDMENT

4 TO

5 ENGROSSED SENATE BILL NO. 1142

By: Dahm of the Senate

and

6 Roberts (Sean) and Bennett
7 of the House

8
9 [game wardens - permission - effective date]

10 AUTHORS: Add the following House Coauthors: Cleveland, Vaughan,
11 Cockroft, Jordan, Wood, Hardin and Coody (Jeff)

12 AUTHOR: Add the following Senate Coauthor: Loveless

13 AMENDMENT NO. 1. Replace the stricken title, enacting clause and
14 entire bill and insert

15
16 "An Act relating to game and fish; amending 2 O.S.
17 2011, Section 6-604, which relates to the Feral
18 Swine Control Act; expanding authorization to remove
19 feral swine at night; providing no license or permit
20 shall be required to remove feral swine under
21 certain circumstances; eliminating permit
22 requirement to remove feral swine at night;
23 authorizing the use of motor-driven land conveyance
24 headlights and night-vision equipment when removing
feral swine; amending 29 O.S. 2011, Section 2-138,
which relates to the definition of resident;
clarifying residency status of a child when there is
a joint custody order; amending 29 O.S. 2011,
Section 4-135, which relates to permits to control
nuisance animals; removing reference to permit to
kill feral swine; updating statutory language;
amending 29 O.S. 2011, Section 5-203.1, which
relates to headlighting; permitting the use of

1 certain lights and motor-driven conveyance to remove
2 feral swine; repealing 2 O.S. 2011, Section 6-605,
3 which relates to special permit to kill feral swine;
4 and providing an effective date.

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

6 SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-604, is
7 amended to read as follows:

8 Section 6-604. A. Except as otherwise specified in the Feral
9 Swine Control Act, any person with permission of the owner may
10 remove feral swine from private or public property during daylight
11 hours or at night. Any person who removes or attempts to remove
12 feral swine pursuant to this section shall not be required to obtain
13 a license to hunt wildlife issued by the Department of Wildlife
14 Conservation or a permit to control wildlife issued pursuant to
15 Section 4-135 of Title 29 of the Oklahoma Statutes.

16 B. ~~Any person who intends to kill or attempt to kill feral~~
17 ~~swine at night shall obtain a permit issued by the Department of~~
18 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~
19 ~~Oklahoma Statutes and promulgated rules~~ Any person who removes or
20 attempts to remove feral swine pursuant to this section may use a
21 motor-driven land conveyance to pursue or follow feral swine, may
22 use a vehicle-mounted spotlight or other powerful light also known
23 as a headlight and may use night-vision equipment that uses either
24 image-enhancement technology or thermal-imaging technology.

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

3 Section 2-138. "Resident" is any individual who has an
4 established bona fide or actual residence in Oklahoma for a period
5 of not less than sixty (60) consecutive days immediately preceding
6 the date the application for a license, permit, stamp, or any other
7 issue of the Department is submitted. The burden of establishing
8 proof of residency shall be on the person claiming residency status.
9 A person holding a valid driver license or permit to operate a motor
10 vehicle shall be deemed to be a resident of the state issuing the
11 license or permit. For a valid Oklahoma driver license to be used
12 as the sole source of proof of residency, it shall have been issued
13 not less than sixty (60) days prior to submission of the
14 application. If a person does not hold a valid Oklahoma driver
15 license, the Department may consider other reliable documentation
16 for establishing proof of residency including, but not limited to,
17 property tax receipts, resident income tax returns, voter
18 registration, motor vehicle or vessel registrations, and other
19 public records documenting residence. Residency status of children
20 under eighteen (18) years of age is presumed to be that of the
21 custodial parent, including a custodial parent when there is a joint
22 custody order and the physical custody of the child is shared by
23 both parents, or legal guardian unless otherwise documented.
24 Ownership or possession of real property in the state by a person

1 residing outside the state shall not qualify the person as a
2 resident. A person shall not be entitled to claim multiple states
3 of residence, except as follows:

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

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

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

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

3 SECTION 3. AMENDATORY 29 O.S. 2011, Section 4-135, is
4 amended to read as follows:

5 Section 4-135. A. The Department of Wildlife Conservation is
6 authorized to issue permits to landowners, lessees, or their
7 designated agents and to any entity of state, county, or local
8 government to control nuisance or damage by any species of wildlife
9 including, but not limited to, beaver, coyote, deer, bobcat,
10 raccoon, and crow under rules promulgated by the Oklahoma Wildlife
11 Conservation Commission. The permits may be issued without
12 limitation by statewide season regulations, bag limits or methods of
13 taking. A permitted landowner, lessee or a designated agent of the
14 landowner or lessee may, with a valid permit issued pursuant to this
15 section, control the wildlife specified in this subsection ~~and feral~~
16 ~~swine~~ at night to protect marketable agricultural crops, livestock,
17 or processed feed, seed or other materials used in the production of
18 an agricultural commodity.

19 B. Except as otherwise specified in this ~~subsection~~ section,
20 the permit to hunt at night shall be valid for a period of up to one
21 (1) year from the date the permit was issued. Each landowner,
22 lessee, or designated agent with a valid permit shall be required to
23 have a current agricultural exemption permit issued by the Oklahoma
24 Tax Commission.

1 C. Notwithstanding the provisions of Section 5-203.1 of this
2 title, a landowner, lessee, or designated agent of the landowner or
3 lessee with a valid permit may use a headlight carried on the person
4 while hunting at night. Nothing in this section shall authorize the
5 use of a headlight mounted on a vehicle or the use of a headlight
6 from a public roadway.

7 D. Any person who has been convicted of, or pled guilty to, a
8 violation of Section 5-203.1 or Section 5-411 of this title within
9 the previous three (3) years shall not be eligible to receive a
10 permit pursuant to this section. The permit ~~can~~ may be issued by
11 the local game warden in the county for which the permit is to be
12 used or by the Law Enforcement Division of the Department of
13 Wildlife Conservation.

14 E. Notwithstanding the provisions of Section 1289.13 of Title
15 21 of the Oklahoma Statutes, it shall be lawful for any private
16 landowner or designated employee of the landowner or lessee to have
17 a chamber-loaded firearm on property owned by the landowner, and to
18 use the firearm for the purpose of controlling nuisance or damage by
19 any wildlife or feral swine. Nothing in this section shall
20 authorize any convicted felon to carry a firearm.

21 SECTION 4. AMENDATORY 29 O.S. 2011, Section 5-203.1, is
22 amended to read as follows:

23 Section 5-203.1 A. No person may attempt to take, take,
24 attempt to catch, catch, attempt to capture, capture, attempt to

1 kill, or kill any deer, feral animal or other wildlife, except fish
2 and, frogs and feral swine as provided for in Section 6-604 of Title
3 2 of the Oklahoma Statutes, by the use of a vehicle-mounted
4 spotlight or other powerful light at night, by what is commonly
5 known as "headlighting". Provided, however, nothing in this section
6 shall prevent one from possessing a .22 caliber rimfire rifle or .22
7 pistol and a light carried while in pursuit of furbearers with
8 hounds during the legal, open furbearers season, while possessing a
9 valid hunting license.

10 B. Any person may use a shotgun, using No. 6 size shot or
11 smaller, longbow, light and a call for the purpose of hunting
12 predatory animals, provided that written permission is obtained from
13 the local game warden for each twenty-four-hour period of hunting.

14 C. It shall be illegal to hunt from a boat with a firearm from
15 sunset until one-half (1/2) hour before sunrise. This shall not
16 pertain to hunting of waterfowl enroute from bank to blind with
17 unloaded shotguns.

18 D. Except as otherwise provided for in this section and except
19 when removing feral swine as provided for in Section 6-604 of Title
20 2 of the Oklahoma Statutes, no person may harass, attempt to
21 capture, capture, attempt to take or take, kill or attempt to kill
22 any wildlife or feral swine with the aid of any motor-driven land,
23 air or water conveyance. A nonambulatory person may hunt from said
24 conveyances with written permission of the Director of Wildlife

1 Conservation. A person may hunt from an air conveyance if issued a
2 permit pursuant to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in
3 this section shall prevent the use of motor-driven land or water
4 conveyances for following dogs in the act of hunting, when use is
5 restricted to public roads or waterways. Motor-driven land or water
6 conveyances may be used on private property for following dogs in
7 the act of hunting with the permission of the landowner or occupant.

8 E. Employees of the Oklahoma Department of Agriculture, Food,
9 and Forestry Wildlife Services Division and the United States
10 Department of Agriculture Wildlife Services while engaged in
11 wildlife management activities for the protection of agriculture,
12 property, human health and safety and natural resources shall be
13 exempt from the provisions of this section.

14 F. Any person convicted of violating the provisions of this
15 section shall be guilty of a misdemeanor and shall be punished by a
16 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a
17 first offense and not less than Five Hundred Dollars (\$500.00) for a
18 second offense or by imprisonment in the county jail for not less
19 than ten (10) days nor more than one (1) year, or by confiscation
20 pursuant to Section 5-402 of this title or by such fine,
21 imprisonment and confiscation.

22 SECTION 5. REPEALER 2 O.S. 2011, Section 6-605, is
23 hereby repealed.

24 SECTION 6. This act shall become effective November 1, 2016."

