

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 615, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Dahm

Dahm-QD-FS-Req#1626
3/21/2017 2:39 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 615

By: Dahm and Brecheen

FLOOR SUBSTITUTE

[hunting permits - feral swine - Oklahoma Wildlife
Conservation Code - control nuisance or damage by
wildlife - repealer - effective date]

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

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

Section 6-604. A. Except as otherwise specified in the Feral
Swine Control Act, any person with permission of the private
property owner, lessee or occupant of land may remove feral swine
from private ~~or public~~ property during daylight hours or at night.
Any person who removes feral swine pursuant to this subsection shall
not be required to obtain a license or permit to hunt or control
wildlife issued by the Department of Wildlife Conservation. Any
person who removes or attempts to remove feral swine pursuant to
this subsection may use a motor-driven land conveyance to pursue or
follow feral swine, may use a vehicle-mounted spotlight or other

1 powerful light also known as a headlight and may use night-vision
2 equipment that uses either image-enhancement technology or thermal-
3 imaging technology. Any person who removes or attempts to remove
4 feral swine at night pursuant to this subsection during deer gun
5 season shall be required to notify the game warden in the county
6 from which the feral swine may be removed. Notification may be made
7 in writing, phone message, email or text.

8 B. Any person who removes feral swine from public property
9 during daylight hours shall be required to obtain a license or
10 permit to hunt or control wildlife issued by the Department of
11 Wildlife Conservation. Any person who intends to kill or attempt to
12 kill feral swine on public property at night shall obtain a permit
13 issued by the Department of Wildlife Conservation pursuant to
14 ~~Section 4-135 of Title 29 of the Oklahoma Statutes and promulgated~~
15 rules.

16 SECTION 2. AMENDATORY 29 O.S. 2011, Section 2-138, is
17 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, including a custodial parent when there is a joint
13 custody order and the physical custody of the child is shared by
14 both parents, 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 person who is not otherwise a resident of the state and is
20 a member of the Armed Forces of the United States and is on active
21 duty and permanently assigned to a military installation located in
22 the state shall be eligible to qualify as a resident if the person
23 presents with the license application a certificate of assignment in
24 the state from a commanding officer or designated representative. A

1 spouse or dependent of the person who is not otherwise a resident of
2 the state, is living within the same household and is similarly
3 certified by a commanding officer, shall also be eligible to qualify
4 as a resident;

5 2. The residency of a person shall not terminate upon entering
6 the Armed Forces of the United States. A member of the Armed Forces
7 of the United States on active duty, and any dependents of the
8 member, is presumed to retain residency status in the state for
9 purposes of purchasing any annual license issued by the Department
10 of Wildlife Conservation as long as the member is on active duty as
11 verified by valid military documentation; and

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

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

20 Section 4-135. A. The Department of Wildlife Conservation is
21 authorized to issue permits to landowners, lessees, or their
22 designated agents and to any entity of state, county, or local
23 government to control nuisance or damage by any species of wildlife
24 including, but not limited to beaver, coyote, deer, bobcat, raccoon,

1 and crow under rules promulgated by the Oklahoma Wildlife
2 Conservation Commission. The permits may be issued without
3 limitation by statewide season regulations, bag limits or methods of
4 taking. A permitted landowner, lessee or a designated agent of the
5 landowner or lessee may, with a valid permit issued pursuant to this
6 section, control the wildlife specified in this subsection ~~and feral~~
7 ~~swine at night~~ to protect marketable agricultural crops, livestock,
8 or processed feed, seed or other materials used in the production of
9 an agricultural commodity.

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

16 C. Notwithstanding the provisions of Section 5-203.1 of this
17 title, a landowner, lessee, or designated agent of the landowner or
18 lessee with a valid permit may use a headlight carried on the person
19 while hunting at night. Nothing in this section shall authorize the
20 use of a headlight mounted on a vehicle or the use of a headlight
21 from a public roadway.

22 D. Any person who has been convicted of, or pled guilty to, a
23 violation of Section 5-203.1 or Section 5-411 of this title within
24 the previous three (3) years shall not be eligible to receive a

1 permit pursuant to this section. The permit ~~can~~ may be issued by
2 the local game warden in the county for which the permit is to be
3 used or by the Law Enforcement Division of the Department of
4 Wildlife Conservation.

5 ~~E. Notwithstanding the provisions of Section 1289.13 of Title~~
6 ~~21 of the Oklahoma Statutes, it shall be lawful for any private~~
7 ~~landowner or designated employee of the landowner or lessee to have~~
8 ~~a chamber-loaded firearm on property owned by the landowner, and to~~
9 ~~use the firearm for the purpose of controlling nuisance or damage by~~
10 ~~any wildlife or feral swine. Nothing in this section shall~~
11 ~~authorize any convicted felon to carry a firearm.~~

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

14 Section 5-203.1. A. No person may attempt to take, take,
15 attempt to catch, catch, attempt to capture, capture, attempt to
16 kill, or kill any deer, feral animal or other wildlife except fish,
17 ~~and~~ frogs and feral swine as provided for in Section 6-604 of Title
18 2 of the Oklahoma Statutes by the use of a vehicle mounted spotlight
19 or other powerful light at night, by what is commonly known as
20 "headlighting". Provided, however, nothing in this section shall
21 prevent one from possessing a .22 caliber rimfire rifle or .22
22 pistol and a light carried while in pursuit of furbearers with
23 hounds during the legal, open furbearers season, while possessing a
24 valid hunting license.

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

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

9 D. Except as otherwise provided for in this section and except
10 when removing feral swine as provided for in Section 6-604 of Title
11 2 of the Oklahoma Statutes, no person may harass, attempt to
12 capture, capture, attempt to take or take, kill or attempt to kill
13 any wildlife with the aid of any motor-driven land, air or water
14 conveyance. A nonambulatory person may hunt from ~~said~~ the
15 conveyances with written permission of the Director of Wildlife
16 Conservation. A person may hunt from an air conveyance if issued a
17 permit pursuant to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in
18 this section shall prevent the use of motor-driven land or water
19 conveyances for following dogs in the act of hunting, when use is
20 restricted to public roads or waterways. Motor-driven land or water
21 conveyances may be used on private property for following dogs in
22 the act of hunting with the permission of the landowner or occupant.

23 E. Employees of the Oklahoma Department of Agriculture, Food,
24 and Forestry Wildlife Services Division and the United States

1 Department of Agriculture Wildlife Services while engaged in
2 wildlife management activities for the protection of agriculture,
3 property, human health and safety and natural resources shall be
4 exempt from the provisions of this section.

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

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

15 SECTION 6. This act shall become effective November 1, 2017.

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17 56-1-1626 QD 3/21/2017 2:39:21 PM
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