

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2395

By: Osborn (Leslie) and Wallace
of the House

7 and

8 David and Fields of the
9 Senate

10 COMMITTEE SUBSTITUTE

11 An Act relating to game and fish; amending 29 O.S.
12 2011, Section 2-138, which relates to the definition
13 of resident; modifying definition; amending 29 O.S.
14 2011, Sections 4-106, 4-112, as last amended by
15 Section 1, Chapter 165, O.S.L. 2015 and 5-102 (29
16 O.S. Supp. 2016, Section 4-112), which relate to
17 commercial hunting; modifying fees for commercial
18 hunting area licenses; modifying fee for nonresident
19 hunting licenses; requiring residents hold certain
20 commercial hunting licenses; modifying tag fees for
21 animals hunted for sport in commercial hunting areas;
22 and providing an effective date.

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

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

Section 2-138. "Resident" is any individual who has an
established bona fide or actual residence in Oklahoma for a period

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

24

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

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

18 3. The residency status of any person, excluding a member of
19 the Armed Forces of the United States while on active duty as
20 verified by valid military documentation and any dependents of the
21 member, shall terminate if the person obtains any resident hunting,
22 fishing, trapping license or permit or valid driver license issued
23 by another state.

24

1 SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-106, is
2 amended to read as follows:

3 Section 4-106. A. No person may propagate or hold in captivity
4 any wildlife or domesticated animals hunted for sport for commercial
5 hunting area purposes without having procured a license from the
6 Director of the Department of Wildlife Conservation. Licenses shall
7 be classified as big game, upland game, or a combination of big game
8 and upland game.

9 1. A big game license shall be required for legally acquired
10 exotic ungulates, domesticated animals so designated by the Oklahoma
11 Wildlife Conservation Commission, exotic swine, and legally acquired
12 whitetail and mule deer, turkey and other species of big game
13 lawfully taken under the provisions of subsection A of Section 5-411
14 and Section 5-401 of this title. Wildlife that has been crossbred
15 with exotic wildlife shall be considered native and not exotic
16 unless documentation shows otherwise.

17 2. An upland game license shall be required for legally
18 acquired captive-raised pheasants, all species of quail, Indian
19 chukars, water fowl, and other similar or suitable gallinaceous
20 birds; and shall include turkey if no other big game species are
21 listed on the license/application.

22 B. Before obtaining a license or a renewal of a license the
23 applicant shall submit proof that such wildlife or domesticated
24 animals hunted for sport will be or have been secured from a source

1 other than the wild stock in this state. Any person obtaining or
2 renewing a license shall submit a true and complete inventory of
3 said animals before a license shall be approved. Each license shall
4 specifically list the different species and/or subspecies to be
5 hunted on the listed hunting area or premises.

6 C. Any game warden of the Oklahoma Department of Wildlife
7 Conservation shall have authority to inspect any and all records and
8 invoices pertaining to the commercial hunting operations of any
9 person licensed or requesting licensure pursuant to this section and
10 additionally shall have the authority to inspect any and all
11 facilities, equipment and property connected to the hunting
12 operation of any person licensed or requesting licensure pursuant to
13 this section.

14 D. 1. The annual fee for a commercial hunting area license for
15 upland game under this section shall be One Hundred Dollars
16 (\$100.00).

17 2. The annual fee for a commercial hunting area license for:
18 a. big game pursuant to this section shall be Two Hundred
19 Fifty Dollars (\$250.00), or
20 b. a combination of big game and upland game pursuant to
21 this section shall be ~~Five Hundred Dollars (\$500.00)~~
22 Three Hundred Fifty Dollars (\$350.00).

23 E. All licenses issued pursuant to this section shall expire on
24 June 30 of each year.

1 F. Exemptions from this license requirement shall be operators
2 of running pens used for the performance test or training of dogs.
3 Operators of such running pens may acquire coyotes from wild stock
4 without having to possess a fur dealer's license for such purpose
5 and no license shall be required of those involved in performance
6 testing or training dogs in such running pens so long as no other
7 wildlife are taken or hunted in any manner.

8 G. Any person convicted of violating the provisions of this
9 section shall be punished by a fine of not less than Five Hundred
10 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
11 (\$1,500.00), or by imprisonment in the county jail not to exceed
12 sixty (60) days, or by both such fine and imprisonment.

13 H. Any person convicted of violating the provisions of this
14 section shall have the commercial hunting area license revoked. No
15 new license shall be issued for a period of six (6) months from and
16 after the date on which the revocation order becomes effective.

17 I. The Department is authorized to promulgate rules pertaining
18 to commercial hunting areas.

19 SECTION 3. AMENDATORY 29 O.S. 2011, Section 4-112, as
20 last amended by Section 1, Chapter 165, O.S.L. 2015 (29 O.S. Supp.
21 2016, Section 4-112), is amended to read as follows:

22 Section 4-112. A. Except as otherwise provided for in the
23 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
24 Act, no person may hunt, pursue, trap, harass, catch, kill, take or

1 attempt to take in any manner, use, have in possession, sell, or
2 transport all or any portion of any wildlife except fish, without
3 having first procured a license from the Department of Wildlife
4 Conservation. The Wildlife Conservation Commission shall designate
5 a consecutive Saturday and Sunday in September of each year as free
6 hunting days in which residents of this state may hunt without first
7 procuring a hunting license pursuant to the provisions of this
8 section.

9 B. The following legal residents of Oklahoma shall be exempt
10 from the annual hunting license requirement of paragraph 1 of
11 subsection E of this section and the following nonresidents shall be
12 exempt from the annual nonresident hunting licenses required
13 pursuant to paragraph 1 of subsection C of this section:

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

15 2. Legal residents sixty-five (65) years of age or older
16 provided they have obtained a senior citizen lifetime hunting or
17 combination hunting and fishing license pursuant to the provisions
18 of Section 4-114 of this title;

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

20 4. Legal resident veterans having a disability of sixty percent
21 (60%) or more;

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

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

1 7. Legal residents having a proven disability which renders
2 them nonambulatory and confines them to a wheelchair, as certified
3 by a physician licensed in this state or in any state which borders
4 this state;

5 8. Any legal resident or nonresident under eighteen (18) years
6 of age who is in the physical custody of a child care facility as
7 defined by Section 402 of Title 10 of the Oklahoma Statutes; and

8 9. Any legal resident or nonresident hunting, pursuing,
9 trapping, harassing, catching, killing, taking, or attempting to
10 take in any manner any species of rattlesnake during an organized
11 rattlesnake-hunting event or festival and who has a rattlesnake
12 permit issued pursuant to Section 4-143 of this title.

13 C. Except as otherwise provided for in the Oklahoma Wildlife
14 Conservation Code, the nonresident hunting licenses issued pursuant
15 to this section and the fee for each license shall be:

16 1. Annual hunting license for nonresidents hunting game other
17 than deer, antelope, elk or bear which expires on December 31 of the
18 year purchased - One Hundred Forty-one Dollars (\$141.00).
19 Nonresidents hunting big game ~~or~~, combination big game and upland
20 game or exotic wildlife in a commercial hunting area shall be
21 required to have this license;

22 2. Annual hunting license for nonresidents hunting game other
23 than deer, antelope, elk or bear which expires on June 30 of the
24 fiscal year purchased - One Hundred Seventy-five Dollars (\$175.00).

1 Nonresidents hunting big game ~~or~~, combination big game and upland
2 game or exotic wildlife in a commercial hunting area shall be
3 required to have this license;

4 3. Gun hunting license for deer for nonresidents which shall be
5 valid for hunting all deer allowed during the current calendar year
6 deer gun season - Two Hundred Seventy-nine Dollars (\$279.00);

7 4. Archery hunting license for deer for nonresidents which
8 shall expire on January 15 of the calendar year after the year
9 purchased or if purchased during the deer archery season it shall
10 expire at the end of that deer archery season - Two Hundred Seventy-
11 nine Dollars (\$279.00);

12 5. Primitive firearms hunting license for deer for nonresidents
13 which shall be valid for hunting all deer allowed during the current
14 calendar year deer primitive firearms season - Two Hundred Seventy-
15 nine Dollars (\$279.00);

16 6. Hunting license for antelope for nonresidents - Three
17 Hundred Five Dollars (\$305.00);

18 7. Hunting license for elk for nonresidents - Three Hundred
19 Five Dollars (\$305.00);

20 8. Five-day hunting license for nonresidents hunting game other
21 than deer, antelope, elk, quail, turkey or bear - Seventy-four
22 Dollars (\$74.00). Nonresidents hunting big game, combination big
23 game and upland game or exotic wildlife in a commercial hunting area
24 shall be required to have this license; and

1 9. Ten-day hunting license for nonresidents hunting small game
2 in a commercial hunting area - Five Dollars (\$5.00).

3 D. Of the fees collected pursuant to the provisions of
4 subsection C of this section:

5 1. Five Dollars (\$5.00) of the license fee of each license
6 issued pursuant to paragraphs 1 through 7 of subsection C of this
7 section and Two Dollars and fifty cents (\$2.50) of the license fee
8 for each license issued pursuant to paragraph 8 of subsection C of
9 this section shall be deposited in the Wildlife Land Acquisition
10 Fund created pursuant to the provisions of Section 4-132 of this
11 title; and

12 2. Five Dollars (\$5.00) of the license fee for each license
13 issued pursuant to paragraphs 1 through 8 of subsection C of this
14 section shall be for the Oklahoma Wildlife Land Stamp and shall be
15 deposited in the Oklahoma Wildlife Land Fund created pursuant to the
16 provisions of Section 4-141 of this title.

17 E. Except as otherwise provided, the resident hunting licenses
18 issued pursuant to this section and the fee for each license shall
19 be:

20 1. Annual hunting license for residents eighteen (18) years of
21 age and older which expires on December 31 of the year purchased -
22 Twenty-four Dollars (\$24.00);

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1 2. Annual hunting license for residents eighteen (18) years of
2 age and older which expires on June 30 of the fiscal year purchased
3 - Thirty-one Dollars (\$31.00);

4 3. Annual hunting license for residents sixteen (16) or
5 seventeen (17) years of age which expires on December 31 of the year
6 purchased - Four Dollars (\$4.00);

7 4. Annual hunting license for residents sixteen (16) or
8 seventeen (17) years of age which expires on June 30 of the fiscal
9 year purchased - Six Dollars (\$6.00);

10 5. Ten-day hunting license for residents for small game in a
11 commercial hunting area - Five Dollars (\$5.00);

12 6. Five-year disability hunting license for residents of this
13 state for at least six (6) months who are receiving Social Security
14 Disability benefits, Supplemental Security Income benefits or
15 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
16 Section 231a, or residents who are one-hundred-percent disabled and
17 are receiving disability payments from the Multiple Injury Trust
18 Fund pursuant to Section 31 of Title 85A of the Oklahoma Statutes -
19 Ten Dollars (\$10.00);

20 7. Gun hunting license for deer for residents eighteen (18)
21 years of age or older - Nineteen Dollars (\$19.00). The following
22 persons shall be exempt:

23 a. residents with proper certification from the United
24 States Department of Veterans Affairs or its

1 successor, certifying that the person is a disabled
2 veteran in receipt of compensation at the one-hundred-
3 percent rate, and

4 b. residents hunting in big game or combination big game
5 and upland game commercial hunting areas;

6 8. Gun hunting license for deer for residents under eighteen
7 (18) years of age - Nine Dollars (\$9.00);

8 9. Archery hunting license for deer for residents eighteen (18)
9 years of age or older - Nineteen Dollars (\$19.00). The following
10 persons shall be exempt:

11 a. residents with proper certification from the United
12 States Department of Veterans Affairs or its
13 successor, certifying that the person is a disabled
14 veteran in receipt of compensation at the one-hundred-
15 percent rate, and

16 b. residents hunting in big game or combination big game
17 and upland game commercial hunting areas;

18 10. Archery hunting license for deer for residents under
19 eighteen (18) years of age - Nine Dollars (\$9.00);

20 11. Primitive firearms hunting license for deer for residents
21 eighteen (18) years of age or older - Nineteen Dollars (\$19.00).

22 The following persons shall be exempt:

23 a. residents with proper certification from the United
24 States Department of Veterans Affairs or its

1 successor, certifying that the person is a disabled
2 veteran in receipt of compensation at the one-hundred-
3 percent rate, and

4 b. residents hunting in big game or combination big game
5 and upland game commercial hunting areas;

6 12. Primitive firearms hunting license for deer for residents
7 under eighteen (18) years of age - Nine Dollars (\$9.00);

8 13. Hunting license for elk for residents - Fifty Dollars
9 (\$50.00). Residents hunting in big game or combination big game and
10 upland game commercial hunting areas shall be exempt from this
11 license;

12 14. Hunting license for antelope for residents - Fifty Dollars
13 (\$50.00). Residents hunting in big game or combination big game and
14 upland game commercial hunting areas shall be exempt from this
15 license; and

16 15. Bonus, special or additional gun hunting license for deer
17 for residents - Nineteen Dollars (\$19.00). The following persons
18 shall be exempt:

19 a. residents with proper certification from the United
20 States Department of Veterans Affairs or its
21 successor, certifying that the person is a disabled
22 veteran in receipt of compensation at the one-hundred-
23 percent rate, and
24

1 b. residents hunting in big game or combination big game
2 and upland game commercial hunting areas.

3 F. Residents hunting big game, combination big game and upland
4 game or exotic wildlife in a commercial hunting area shall be
5 required to have one of the following licenses:

6 1. An annual hunting license issued pursuant to paragraph 1, 2,
7 3 or 4 of subsection E of this section;

8 2. An annual hunting and fishing combination license issued
9 pursuant to Section 4-113 of this title;

10 3. A five-year hunting license or five-year combination hunting
11 and fishing license issued pursuant to Section 4-113.1 of this
12 title; or

13 4. A lifetime hunting license or lifetime combination hunting
14 and fishing licenses issued pursuant to Section 4-114 of this title.

15 ~~F.~~ G. Of the fees collected pursuant to the provisions of
16 paragraphs 1 and 2 of subsection E of this section, Five Dollars
17 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
18 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
19 created pursuant to the provisions of Section 4-141 of this title.

20 ~~G.~~ H. The provisions of this section shall not be construed to
21 require a hunting license, resident or nonresident, of any person
22 merely because the person participates, as owner or handler of an
23 entry, as an official, or as a spectator in the conduct of a field
24 trial or performance test of dogs, whether a resident or nonresident

1 of the State of Oklahoma. No license to hunt shall be required of
2 any person engaged in training or working dogs, provided that person
3 is in no way engaged in hunting and does not take or attempt to take
4 in any manner any game.

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

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

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

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

1 payment of court costs. If proof of a current hunting license
2 issued by the Department to the person that was in force at the time
3 of the alleged offense is presented to the court or district
4 attorney within seventy-two (72) hours after the violation, the
5 charge shall be dismissed without payment of court costs.

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

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

19 SECTION 4. AMENDATORY 29 O.S. 2011, Section 5-102, is
20 amended to read as follows:

21 Section 5-102. A. No person may remove any propagated or
22 released wildlife or domesticated animals hunted for sport which are
23 killed at a commercial hunting area, including exotic wildlife,
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1 without attaching a tag to each of such killed wildlife or
2 domesticated animals hunted for sport.

3 B. The tags, shall be supplied by the Commission at ~~reasonable~~
4 ~~cost,~~ a cost of no more than Ten Dollars (\$10.00); provided, that
5 there shall be no fee for tags for females of the cervidae family
6 which are hunted for sport and killed at a commercial hunting area.
7 The tags shall contain such information as the Commission may
8 require and shall be numbered consecutively.

9 C. Such tag must remain attached to the individual wildlife or
10 domesticated animals hunted for sport until prepared and consumed
11 and shall not be used more than once.

12 D. Any person convicted of violating the provisions of this
13 section shall be punished by a fine of not less than One Hundred
14 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or
15 by imprisonment in the county jail not to exceed sixty (60) days, or
16 by both such fine and imprisonment.

17 SECTION 5. This act shall become effective November 1, 2017.

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19 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
20 AND BUDGET, dated 05/10/2017 - DO PASS, As Amended.

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