

An Act

ENROLLED HOUSE
BILL NO. 2395

By: Osborn (Leslie) and Wallace
of the House

and

David and Fields of the
Senate

An Act relating to game and fish; amending 29 O.S. 2011, Section 2-138, which relates to the definition of resident; modifying definition; amending 29 O.S. 2011, Sections 4-106, 4-112, as last amended by Section 1 of Enrolled Senate Bill No. 635 of the 1st Session of the 56th Oklahoma Legislature and 5-102, which relate to commercial hunting; modifying fees for commercial hunting area licenses; modifying fee for nonresident hunting licenses; requiring residents hold certain commercial hunting licenses; modifying tag fees for animals hunted for sport in commercial hunting areas; and providing an effective date.

SUBJECT: Game and fish

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

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 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 establishing proof of residency shall be on the person claiming residency status. A person holding a valid driver license or permit to operate a motor vehicle shall be deemed to be a resident of the state issuing the

license or permit. For a valid Oklahoma driver license to be used as the sole source of proof of residency, it shall have been issued not less than sixty (60) days prior to submission of the application. If a person does not hold a valid Oklahoma driver license, the Department may consider other reliable documentation for establishing proof of residency including, but not limited to, property tax receipts, resident income tax returns, voter registration, motor vehicle or vessel registrations, and other public records documenting residence. Residency status of children under eighteen (18) years of age is presumed to be that of the custodial parent, including a custodial parent when there is a joint custody order and the physical custody of the child is shared by both parents, or legal guardian unless otherwise documented. Ownership or possession of real property in the state by a person residing outside the state shall not qualify the person as a resident. A person shall not be entitled to claim multiple states of residence, except as follows:

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

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

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

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

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

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

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

B. Before obtaining a license or a renewal of a license the applicant shall submit proof that such wildlife or domesticated animals hunted for sport will be or have been secured from a source other than the wild stock in this state. Any person obtaining or renewing a license shall submit a true and complete inventory of said animals before a license shall be approved. Each license shall specifically list the different species and/or subspecies to be hunted on the listed hunting area or premises.

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

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

2. The annual fee for a commercial hunting area license for:

a. big game pursuant to this section shall be Two Hundred Fifty Dollars (\$250.00), or

b. a combination of big game and upland game pursuant to this section shall be ~~Five Hundred Dollars (\$500.00)~~ Three Hundred Fifty Dollars (\$350.00).

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

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

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

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

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

SECTION 3. AMENDATORY 29 O.S. 2011, Section 4-112, as last amended by Section 1 of Enrolled Senate Bill No. 635 of the 1st Session of the 56th Oklahoma Legislature, is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae

Act, no person may hunt, pursue, trap, harass, catch, kill, take or attempt to take in any manner, use, have in possession, sell, or transport all or any portion of any wildlife except fish, without having first procured a license from the Department of Wildlife Conservation. The Wildlife Conservation Commission shall designate a consecutive Saturday and Sunday in September of each year as free hunting days in which residents of this state may hunt without first procuring a hunting license pursuant to the provisions of this section.

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

1. Legal residents under sixteen (16) years of age;
2. Legal residents sixty-five (65) years of age or older provided they have obtained a senior citizen lifetime hunting or combination hunting and fishing license pursuant to the provisions of Section 4-114 of this title;
3. Legal residents born on or before January 1, 1923;
4. Legal resident veterans having a disability of sixty percent (60%) or more;
5. Legal resident owners or tenants who hunt on land owned or leased by them;
6. Any nonresident under fourteen (14) years of age;
7. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a physician licensed in this state or in any state which borders this state;
8. Any legal resident or nonresident under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes; and
9. Any legal resident or nonresident hunting, pursuing, trapping, harassing, catching, killing, taking, or attempting to take in any manner any species of rattlesnake during an organized

rattlesnake-hunting event or festival and who has a rattlesnake permit issued pursuant to Section 4-143 of this title.

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

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

2. Annual hunting license for nonresidents hunting game other than deer, antelope, elk or bear which expires on June 30 of the fiscal year purchased - One Hundred Seventy-five Dollars (\$175.00). Nonresidents hunting big game ~~or~~, combination big game and upland game or exotic wildlife in a commercial hunting area shall be required to have this license;

3. Gun hunting license for deer:

- a. during deer gun seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlerless deer allowed during the current calendar year deer gun season - Thirty Dollars (\$30.00),
- b. during deer gun seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlered or antlerless deer allowed during the current calendar year deer gun season - Ninety-nine Dollars (\$99.00),
- c. during deer gun seasons occurring prior to January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer gun season - Two Hundred Ninety-nine Dollars (\$299.00), and
- d. during any deer gun season occurring on or after January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current

calendar year deer gun season - Two Hundred Seventy-nine Dollars (\$279.00);

4. Archery hunting license for deer for nonresidents which shall expire on January 15 of the calendar year after the year purchased or, if purchased during the deer archery season, it shall expire at the end of that deer archery season—:

- a. during deer archery seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlerless deer allowed during the current deer archery season - Thirty Dollars (\$30.00),
- b. during deer archery seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlered or antlerless deer allowed during the current deer archery season - Ninety-nine Dollars (\$99.00),
- c. during deer archery seasons occurring prior to January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current deer archery season - Two Hundred Ninety-nine Dollars (\$299.00), and
- d. during any deer archery season occurring on or after January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current deer archery season - Two Hundred Seventy-nine Dollars (\$279.00);

5. Primitive firearms hunting license for deer for:

- a. during deer primitive firearms seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlerless deer allowed during the current calendar year deer primitive firearms season - Thirty Dollars (\$30.00),
- b. during deer primitive firearms seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlered or antlerless deer allowed during

the current calendar year deer primitive firearms season - Ninety-nine Dollars (\$99.00),

- c. during deer primitive firearms seasons occurring prior to January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer primitive firearms season - Two Hundred Ninety-nine Dollars (\$299.00), and
- d. during any deer primitive firearms season occurring on or after January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer primitive firearms season - Two Hundred Seventy-nine Dollars (\$279.00);

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

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

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

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

D. The Department of Wildlife Conservation shall provide a report to both the President Pro Tempore of the Senate and the Speaker of the House of Representatives by February 1 of 2019 and 2020 setting forth information regarding licenses issued pursuant to paragraphs 3, 4 and 5 of subsection C of this section, which shall include, but not be limited to:

1. The number of licenses issued during the most recent respective deer hunting seasons; and

2. A fiscal analysis comparing revenue generated from the fees of the licenses issued during the most recent respective deer hunting seasons compared to previous years and whether the deer hunting license structure is beneficial to the Department.

E. Of the fees collected pursuant to the provisions of subsection C of this section:

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

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

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

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

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

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

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

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

6. Five-year disability hunting license for residents of this state for at least six (6) months who are receiving Social Security Disability benefits, Supplemental Security Income benefits or disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, or residents who are one-hundred-percent disabled and

are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section 31 of Title 85A of the Oklahoma Statutes - Ten Dollars (\$10.00);

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

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

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

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

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

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

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

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas.

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

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

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

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

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

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

~~H.~~ I. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because the person participates, as owner or handler of an entry, as an official, or as a spectator in the conduct of a field trial or performance test of dogs, whether a resident or nonresident of the State of Oklahoma. No license to hunt shall be required of any person engaged in training or working dogs, provided that person is in no way engaged in hunting and does not take or attempt to take in any manner any game.

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

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

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

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

of the alleged offense is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed without payment of court costs.

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

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

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

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

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

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

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

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

Passed the House of Representatives the 15th day of May, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of May, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____