

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 615

By: Dahm and Brecheen of the
Senate

3
4 and

5 Roberts (Sean) of the House

6
7
8 [hunting permits - feral swine - Oklahoma Wildlife
9 Conservation Code - control nuisance or damage by
wildlife - repealer - effective date]

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12 AUTHOR: Add the following Senate Coauthor: Bergstrom

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

15 "An Act relating to game and fish; amending 29 O.S.
16 2011, Section 2-138, which relates to the Oklahoma
Wildlife Conservation Code; modifying definition;
17 and providing an effective date.

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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 any individual who has an
23 established bona fide or actual residence in Oklahoma for a period
24 of not less than sixty (60) consecutive days immediately preceding

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

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

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

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

22 SECTION 2. This act shall become effective November 1, 2017."
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1 Passed the House of Representatives the 27th day of April, 2017.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2017.

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9 Presiding Officer of the Senate
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2 BILL NO. 615

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8 Conservation Code - control nuisance or damage by
wildlife - repealer - effective date]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 3. AMENDATORY 2 O.S. 2011, Section 6-604, is
13 amended to read as follows:

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

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

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

15 SECTION 4. AMENDATORY 29 O.S. 2011, Section 2-138, is
16 amended to read as follows:

17 Section 2-138. "Resident" is any individual who has an
18 established bona fide or actual residence in Oklahoma for a period
19 of not less than sixty (60) consecutive days immediately preceding
20 the date the application for a license, permit, stamp, or any other
21 issue of the Department is submitted. The burden of establishing
22 proof of residency shall be on the person claiming residency status.
23 A person holding a valid driver license or permit to operate a motor
24 vehicle shall be deemed to be a resident of the state issuing the

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

18 1. A person who is not otherwise a resident of the state and is
19 a member of the Armed Forces of the United States and is on active
20 duty and permanently assigned to a military installation located in
21 the state shall be eligible to qualify as a resident if the person
22 presents with the license application a certificate of assignment in
23 the state from a commanding officer or designated representative. A
24 spouse or dependent of the person who is not otherwise a resident of

1 the state, is living within the same household and is similarly
2 certified by a commanding officer, shall also be eligible to qualify
3 as a resident;

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

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

17 SECTION 5. AMENDATORY 29 O.S. 2011, Section 4-135, is
18 amended to read as follows:

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

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

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

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

21 D. Any person who has been convicted of, or pled guilty to, a
22 violation of Section 5-203.1 or Section 5-411 of this title within
23 the previous three (3) years shall not be eligible to receive a
24 permit pursuant to this section. The permit ~~can~~ may be issued by

1 the local game warden in the county for which the permit is to be
2 used or by the Law Enforcement Division of the Department of
3 Wildlife Conservation.

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

11 SECTION 6. AMENDATORY 29 O.S. 2011, Section 5-203.1, is
12 amended to read as follows:

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

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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 7. REPEALER 2 O.S. 2011, Section 6-605, is
14 hereby repealed.

15 SECTION 8. This act shall become effective November 1, 2017.

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1 Passed the Senate the 23rd day of March, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives