

ENGROSSED HOUSE AMENDMENTS
TO
ENGROSSED SENATE BILL NO. 237

By: Shurden of the Senate

and

Smith (Bill) of the
House

(game and fish - public road - codification - emergency)

AMENDMENT NO. 1. Page 1, line 11, strike the enacting clause

AMENDMENT NO. 2. Page 1, Section 1, line 15, after the word
"governmental" and before the word "corporate",
delete the comma and insert the word "or"

AMENDMENT NO. 3. Page 1, line 17 1/2, insert new Sections 2, 3, 4
and 5 to read

"SECTION 2. AMENDATORY 29 O.S. 1991, Section 4-110, as
last amended by Section 9 of Enrolled House Bill No. 1012 of the 1st
Session of the 45th Oklahoma Legislature, is amended to read as
follows:

Section 4-110. A. Except as otherwise provided in the Oklahoma
Wildlife Conservation Code, no person shall fish, pursue, harass,
catch, kill, take in any manner, use, have in possession, sell, or
transport all or any portion of fish without having first procured a
license for such from the Director or from any of the authorized
agents of the Department. The Commission may designate two (2) days
per year in which residents and nonresidents may fish without first
procuring a fishing license pursuant to the provisions of this
section.

B. Pursuant to the provisions of this Code, persons excepted from the license requirements of this section are:

1. Legal residents under sixteen (16) years of age on the first day of the current calendar year and nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;

2. Legal residents sixty-four (64) years of age or older and nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older, provided such resident has obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

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

4. Legal resident owners or tenants, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who fish in private ponds on land owned or leased by them;

5. Every Oklahoma citizen who is serving in a branch of the United States Armed Forces, is on properly authorized leave of absence from military duty, has in his possession proper written evidence showing such authorized leave, and is serving outside the State of Oklahoma at the time of such fishing;

6. Any patient of an institution of the State of Oklahoma established for the care and treatment of mental illness or alcohol or drug dependency or any developmentally disabled person residing in any group home or other institution or developmentally disabled persons when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;

7. Any person under eighteen (18) years of age who is in the legal and physical custody of the State of Oklahoma or one of its agencies by court order;

8. Any person who is legally blind or who has any other physical impairment, as certified by a duly qualified physician, which prevents him from properly using fishing apparatus without the assistance of another person, and any one person actually accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

9. Nonresidents under fourteen (14) years of age;

10. Job Corps trainees of this state, provided that such trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present such card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

11. Any legal resident having a proven disability which renders him nonambulatory and confines him to a wheelchair as certified by a duly qualified physician; and

12. Any person who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits in the county in which he is a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part of the boundary line of the county in which he is a resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fee for an annual license issued pursuant to the provisions of this section shall be:

1. For legal residents, ~~Eleven Dollars and fifty cents (\$11.50)~~ Nine Dollars and twenty-five cents (\$9.25); and

2. For nonresidents, ~~Twenty-seven Dollars and fifty cents (\$27.50)~~ Twenty-two Dollars and fifty cents (\$22.50), provided the

Commission may enter into reciprocity agreements with states wherein nonresident license fees shall be in conformity with such reciprocal agreements. For a fourteen-day nonresident permit license, ~~Nineteen Dollars (\$19.00)~~ Fourteen Dollars (\$14.00). For a five-day nonresident permit license, ~~Nine Dollars (\$9.00)~~ Six Dollars and fifty cents (\$6.50). Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for nonresidents, Two Dollars and fifty cents (\$2.50) of the fourteen-day nonresident permit fee and One Dollar and fifty cents (\$1.50) of the five-day nonresident permit fee shall be deposited in the Wildlife Habitat Fund created pursuant to the provisions of Section 4-132 of this title.

D. Legal residents who have resided in this state for at least six (6) months and who are receiving Social Security Disability benefits or Supplemental Security Income benefits or both may purchase a disability fishing license from the Director for Ten Dollars (\$10.00) for five (5) years.

E. 1. Any person arrested while violating the provisions of this section who does not meet the requirements of subsection H of this section, may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

- a. for legal residents, ~~Fifty Dollars (\$50.00)~~ Thirty-five Dollars (\$35.00), and
- b. for nonresidents, ~~Ninety Dollars (\$90.00)~~ Seventy-five Dollars (\$75.00).

2. Except as otherwise provided 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.

3. Of the fees for temporary licenses collected pursuant to the provisions of this subsection:

- a. Five Dollars (\$5.00) of the fee for each license shall be deposited in the Law Enforcement Officer Training Account of the Wildlife Conservation Fund created pursuant to Section 3-312 of this title, and
- b. Ten Dollars (\$10.00) of the fee for each license shall be deposited in the Nongame Wildlife Improvement Fund created pursuant to Section 3-310 of this title.

F. Unless a substitute license is purchased as provided for by subsection E of this section, any resident of this state convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

G. Unless a substitute license is purchased as provided for by subsection E of this section, any nonresident convicted of violating this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

H. Any person producing proof in court that a current fishing license issued by the Department of Wildlife Conservation to such 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; however, if proof of fishing license 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.

SECTION 3. AMENDATORY 29 O.S. 1991, Section 4-112, as last amended by Section 10 of Enrolled House Bill No. 1012 of the

1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, 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 for such from the Director or from any authorized agents of the Department. The 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. Pursuant to the provisions of this Code, persons excepted from the license requirement of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age on the first day of the current calendar year;

2. Legal residents of Oklahoma sixty-four (64) years of age or older provided such persons have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

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

4. Legal resident owners or tenants who hunt on land owned or leased by them;

5. Every citizen of Oklahoma serving in a branch of the United States Armed Forces, who is on properly authorized leave from military duty, who has in his possession proper written evidence showing such authorized leave, and who is serving outside the State of Oklahoma at the time of such hunting;

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

7. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified

by a medical doctor duly licensed to practice medicine in this state.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fees for licenses listed in this subsection are:

1. a. Annual hunting licenses for nonresidents hunting game other than deer, antelope, or elk, ~~Eighty-four Dollars (\$84.00)~~ Seventy-three Dollars and fifty cents (\$73.50); for deer, ~~Two Hundred Dollars (\$200.00)~~ One Hundred Forty-two Dollars (\$142.00); for antelope and elk, ~~Two Hundred Fifty Dollars (\$250.00)~~ Two Hundred Ten Dollars and fifty cents (\$210.50). There shall be no exemptions for deer, antelope, elk, or turkey. For a five-day nonresident hunting license to hunt game other than deer, antelope, elk, turkey, or pheasant, the fee shall be ~~Thirty-four Dollars (\$34.00)~~ Twenty-four Dollars (\$24.00).
- b. Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for hunting game other than deer, antelope and elk, Five Dollars (\$5.00) of the license fee for hunting deer, Five Dollars (\$5.00) of the license fee for hunting antelope and elk and Two Dollars and fifty cents (\$2.50) of the five-day hunting license shall be deposited in the Wildlife Habitat Fund created pursuant to the provisions of Section 4-132 of this title.
- c. The Oklahoma Wildlife Department shall not issue any nonresident deer, antelope, or elk licenses to residents of any other state which has a deer season but does not allow Oklahoma residents the opportunity to purchase nonresident licenses in their state.

2. Disability hunting license, residents of this state for at least six (6) months and who are receiving Social Security Disability benefits or Supplemental Security Income benefits or both may purchase a disability hunting license from the Director for Ten Dollars (\$10.00) for five (5) years.

3. Deer gun hunting license, residents, ~~Fifteen Dollars and seventy-five cents (\$15.75)~~ Thirteen Dollars and seventy-five cents (\$13.75). There shall be no exemptions except for residents sixty-four (64) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title and for legal residents of Oklahoma under eighteen (18) years of age provided such residents shall be required to pay a deer gun hunting license fee of Thirteen Dollars and seventy-five cents (\$13.75). In addition, veterans who are totally disabled as certified by the U.S. Veterans Administration shall be exempt from the fees specified pursuant to this paragraph.

4. Deer archery hunting license, residents, ~~Fifteen Dollars and seventy-five cents (\$15.75)~~ Thirteen Dollars and seventy-five cents (\$13.75). No exemptions.

5. Primitive firearms license, residents, ~~Fifteen Dollars and seventy-five cents (\$15.75)~~ Thirteen Dollars and seventy-five cents (\$13.75). No exemptions.

6. Elk or antelope hunting license, residents, Thirty-four Dollars and twenty-five cents (\$34.25). No exemptions.

7. Bonus, special or second deer gun hunting license, residents, ~~Fifteen Dollars and seventy-five cents (\$15.75)~~ Thirteen Dollars and seventy-five cents (\$13.75). No exemptions except for residents sixty-five (65) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title. In addition, veterans who are totally disabled, if certified by the U.S. Veterans

Administration shall be exempt from the fees specified pursuant to this paragraph.

D. The fees for hunting licenses, except as provided for in the Oklahoma Wildlife Conservation Code, are:

1. Legal residents, ~~Eleven Dollars and fifty cents (\$11.50)~~ Nine Dollars and twenty-five cents (\$9.25); and

2. Commercial hunting area ten-day permit, resident or nonresident, Five Dollars (\$5.00).

E. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because he 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 he is 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 said person is in no way engaged in hunting and does not take or attempt to take in any manner any game.

F. 1. Any person arrested for hunting game other than deer, antelope, elk, 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 such 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)~~ Thirty-five Dollars (\$35.00), and

b. for nonresidents, ~~One Hundred Forty-five Dollars (\$145.00)~~ One Hundred Thirty Dollars (\$130.00).

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.

3. Of the fees for temporary licenses collected pursuant to the provisions of this subsection:

a. Five Dollars (\$5.00) of the fee for each license shall be deposited in the Law Enforcement Officer Training Account of the Wildlife Conservation Fund created pursuant to Section 3-312 of this title, and

b. Ten Dollars (\$10.00) of the fee for each license shall be deposited in the Nongame Wildlife Improvement Fund created pursuant to Section 3-310 of this title.

G. Any person producing proof in court that a current hunting license issued by the Department of Wildlife Conservation to such 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; however, if proof of hunting license 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.

H. Unless a substitute license is purchased as provided for by subsection F 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 One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

I. Unless a substitute license is purchased as provided for by subsection F 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 said fine and imprisonment.

SECTION 4. AMENDATORY 29 O.S. 1991, Section 4-113, as amended by Section 3, Chapter 372, O.S.L. 1994 (29 O.S. Supp. 1994, Section 4-113), is amended to read as follows:

Section 4-113. A. All legal residents who are not the individuals excepted from the license requirement as provided in subsection B of Section 4-112 of the Oklahoma Wildlife Conservation Code may purchase an annual combination hunting/fishing license from the Director or his agents.

B. The fee for a license under this section shall be ~~Twenty Dollars (\$20.00)~~ Seventeen Dollars and fifty cents (\$17.50).

SECTION 5. AMENDATORY 29 O.S. 1991, Section 4-114, as last amended by Section 4, Chapter 372, O.S.L. 1994 (29 O.S. Supp. 1994, Section 4-114), is amended to read as follows:

Section 4-114. A. All legal residents who have resided in the state for at least six (6) months may purchase lifetime fishing licenses, lifetime hunting licenses or lifetime combination hunting/fishing licenses from the Director.

B. The fee for these licenses shall be:

1. Lifetime fishing license, ~~One Hundred Fifty Dollars (\$150.00)~~ One Hundred Twenty-five Dollars (\$125.00);

2. Lifetime hunting license, ~~Four Hundred Dollars (\$400.00)~~ Three Hundred Dollars (\$300.00);

3. Lifetime hunting license for persons age sixty (60) years and over, Two Hundred Dollars (\$200.00); and

4. Lifetime combination hunting/fishing license, ~~Five Hundred Twenty-five Dollars (\$525.00)~~ Four Hundred Dollars (\$400.00).

C. The use of the licenses provided in this section are subject to those restrictions provided by statute and the regulations of the Commission. The lifetime hunting license shall be in lieu of all annual hunting licenses and all special season permits.

D. Nonresidents may purchase:

1. A lifetime nonresident fishing license. The fee for such license shall be ~~Two Hundred Fifty Dollars (\$250.00)~~ Two Hundred Dollars (\$200.00);

2. A lifetime nonresident small game hunting license to hunt game other than deer, antelope, elk, or turkey. The fee shall be Four Hundred Fifty Dollars (\$450.00); or

3. A lifetime nonresident combination fishing and small game hunting license. The fee shall be ~~Six Hundred Fifty Dollars (\$650.00)~~ Six Hundred Twenty-five Dollars (\$625.00).

E. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department for a fee of Five Dollars (\$5.00).

F. A lifetime licensee shall not lose the privileges of such license by a subsequent transfer of residency."

and renumber subsequent section

and when title is restored, amend accordingly

Passed the House of Representatives the 4th day of April, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate