

ENGROSSED SENATE
BILL NO. 918

By: Shurden of the Senate

and

Smith (Bill) of the House

[game and fish - Nongame Wildlife Improvement
Program - effective
date]

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 3-310, is amended to read as follows:

Section 3-310. A. Each state individual income tax return form ~~for tax years commencing after December 31, 1981,~~ and each state corporate tax return form for tax years commencing after December 31, ~~1990~~ 1995 shall contain a designation as follows or shall contain similar wording as space allows on the tax return form:

Oklahoma ~~Nongame Wildlife Improvement~~ Diversity Program. Check if you wish to donate in addition to your tax liability or designate from your tax refund: ()\$2, ()\$5, or ()\$___.

B. For purposes of this section, "nongame wildlife" means any species of wildlife not legally classified as a game species or furbearer by statute or by rule ~~and regulation~~ adopted pursuant to statute.

C. Except as otherwise provided for in this section, all monies generated pursuant to subsection A of this section shall be paid to the State Treasurer and placed to the credit of the ~~Nongame Wildlife Improvement~~ Diversity Fund.

D. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "~~Nongame Wildlife Improvement~~ Diversity Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received under the provisions of ~~paragraph 2 of subsection C~~ of this section by the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission is hereby authorized to invest all or part of the monies of said fund in securities of the United States of America. Any interest or dividends accruing from such securities and any monies generated at the time of redemption of such securities shall be deposited in the ~~Nongame Wildlife Improvement~~ Diversity Fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Wildlife Conservation Commission for the purpose of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this section shall be deemed to be for the purpose of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

E. If a taxpayer makes a donation pursuant to subsection A of this section in error, such taxpayer may file a claim for refund at any time within three (3) years from the due date of the tax return. Such claims shall be filed pursuant to the provisions of Section 2373 of Title 68 of the Oklahoma Statutes and, if allowed, shall be paid pursuant to the provisions of said section. Prior to the apportionment set forth in subsection C of this section, an amount equal to the total amount of refunds made pursuant to this subsection during any one (1) year shall be deducted from the total

donations received pursuant to this section during the following year and such amount deducted shall be paid to the State Treasurer and placed to the credit of the Income Tax Withholding Refund Account.

SECTION 2. AMENDATORY 29 O.S. 1991, Section 3-311, is amended to read as follows:

Section 3-311. It is the intent of the Legislature to review the performance of the Oklahoma Wildlife Conservation Commission and the Department of Wildlife Conservation in the utilization of the monies received pursuant to the provisions of Section 3-310 of ~~Title 29 of the Oklahoma Statutes~~ this title. The provisions of Section 3-310 of ~~Title 29 of the Oklahoma Statutes~~ this title and this section shall cease to be effective January 1, ~~1997~~ 2007.

SECTION 3. AMENDATORY 29 O.S. 1991, Section 4-110, as last amended by Section 1, Chapter 155, O.S.L. 1995 (29 O.S. Supp. 1995, Section 4-110), 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 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, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who fish in private ponds on land owned or leased by them;

6. 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 possession proper written evidence showing such authorized leave, and is serving outside the State of Oklahoma at the time of such fishing;

7. 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;

8. 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;

9. 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;

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

11. 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;

12. Any legal resident having a proven disability which renders the resident nonambulatory and confined to a wheelchair as certified by a duly qualified physician; and

13. 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); and

2. For nonresidents, Twenty-seven Dollars and fifty cents (\$27.50), 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). For a five-day nonresident permit license, Nine Dollars (\$9.00). 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~~ Land Acquisition 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), and
- b. for nonresidents, Ninety Dollars (\$90.00).

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~~ 3-313 of this title, and
- b. Ten Dollars (\$10.00) of the fee for each license shall be deposited in the ~~Nongame~~ Wildlife ~~Improvement~~

Diversity 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 4. AMENDATORY 29 O.S. 1991, Section 4-112, as last amended by Section 2, Chapter 155, O.S.L. 1995 (29 O.S. Supp. 1995, Section 4-112), 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 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. 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;

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

8. 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); for deer, Two Hundred Dollars (\$200.00); for

antelope and elk, Two Hundred Fifty Dollars (\$250.00). 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).

- 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~~ Land Acquisition 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). 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). No exemptions.

5. Primitive firearms license, residents, Fifteen Dollars and seventy-five cents (\$15.75). 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). 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);
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 or she 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 or she 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), 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.

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~~ 3-313 of this title, and
- b. Ten Dollars (\$10.00) of the fee for each license shall be deposited in the ~~Nongame Wildlife Improvement~~ Diversity 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 5. This act shall become effective November 1, 1996.

Passed the Senate the 26th day of February, 1996.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1996.

Speaker of the House of Representatives