

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1127

By: Adair

AS INTRODUCED

An Act relating to soldiers and sailors; amending 72 O.S. 1991, Sections 63.2, 67.13a and 303, which relate to veterans benefits and the composition of the War Veterans Commission of Oklahoma; amending 29 O.S. 1991, Section 4-110, as last amended by Section 1, Chapter 372, O.S.L. 1994 (29 O.S. Supp. 1994, Section 4-110), which relates to fishing licenses; modifying composition of the Veterans Commission of Oklahoma; modifying provisions relating to veterans benefits; extending emergency financial assistance, certain retirement benefits, and Oklahoma G.I. Bill benefits to all veterans who served in a period designated as a war, campaign or expedition; extending free hunting and fishing permits to veterans with a fifty percent or more disability; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 72 O.S. 1991, Section 63.2, is amended to read as follows:

Section 63.2 The War Veterans Commission of Oklahoma shall consist of nine (9) members. Members shall be honorably discharged veterans of any war or conflict in which the United States participated as a belligerent ~~provided three of the members shall be veterans of the Vietnam Conflict.~~ The members shall be selected in the following manner: The state executive board or committees of the veterans' organizations in Oklahoma who have had accredited representatives at the Veterans Administration Regional Office in Oklahoma for at least ten (10) previous consecutive years shall each submit to the Governor of Oklahoma a list of ten persons qualified to serve as members of the War Veterans Commission of Oklahoma. Said list shall be submitted to the Governor not later than one (1) month prior to the expiration of the terms of office of the members of the War Veterans Commission. The Governor shall name four members of the War Veterans Commission from lists submitted by the American Legion, three members of the War Veterans Commission from the lists submitted by the Veterans of Foreign Wars and two members of the War Veterans Commission from lists submitted by the Disabled American Veterans. Provided, that only those veterans' organizations recognized to present claims before the Veterans Administration, or its successor, and maintaining a headquarters within the State of Oklahoma shall be eligible to submit a list of names to the Governor as provided above.

The executive officer of each veterans' organization operating within the State of Oklahoma shall on or before January 1 of each year submit to the Secretary of State a copy of the annual audit of the organization for the immediate preceding fiscal year of the organization. Such audit shall clearly show the total paid membership of the organization and shall be certified to by a certified public accountant. The members of the Commission shall be appointed by the Governor with advice and consent of the Senate. Each organization qualifying for membership on the Oklahoma State

War Veterans Commission shall submit a list of ten names to the Governor to choose from when a vacancy on the War Veterans Commission occurs.

Before any member appointed as provided herein shall enter upon his duties as a member of the Commission he shall take and subscribe to the oath of office as required by the Constitution of this state.

Present members of the Commission shall continue in office until the expiration of their terms and until their successors are appointed and enter upon the duties of their offices. Appointments shall be made for a three-year period. Any vacancy on the Commission resulting from any cause shall be filled by appointment by the Governor for the remainder of the term as provided in this section.

SECTION 2. AMENDATORY 72 O.S. 1991, Section 67.13a, is amended to read as follows:

Section 67.13a The words "war veterans" used in Section 67.13 of this title shall be construed to mean such honorably discharged persons as:

~~(a)~~ 1. Served in the Armed Forces of the United States at any time during the period from April 6, 1917, to November 11, 1918, both dates inclusive, ~~or;~~

~~(b)~~ 2. Served in the Armed Forces of the United States as members of the 45th Division at any time during the period from September 16, 1940, to December 7, 1941, both dates inclusive, ~~or;~~

~~(c)~~ 3. Served in the Armed Forces of the United States at any time during the period from December 7, 1941, to December 31, 1946, both dates inclusive, ~~or;~~

~~(d)~~ 4. Served in the Armed Forces of the United States at any time during the period from June 27, 1950, to January 31, 1955, both dates inclusive, ~~or;~~

~~(e)~~ 5. Served for a period of ninety (90) days or more, unless discharged from active duty for a service-connected disability, in

the Armed Forces of the United States during the period of time in which the United States participated in a war, campaign or battle, but excluding any person who shall have served on active duty for training only, unless discharged from active duty for service-connected disability,~~or;~~

~~(f)~~ 6. Served in the Armed Forces of the United States in a combat zone or in the immediate supporting area of the combat zone as certified by the War Veterans Commission of Oklahoma, prior to August 5, 1964,~~or;~~

~~(g)~~ 7. Served in the Armed Forces of the United States at any time during the period which began on August 5, 1964, and ended on May 7, 1975; except that such period shall be deemed to have ended on December 31, 1976, when determining eligibility for education and training benefits,~~or;~~

~~(h)~~ 8. Served in the Armed Forces of the United States at any time during the period which began on August 1, 1990, and ~~ended on December 31, 1991~~ ends on a date determined by the United States Congress, excluding any person who shall have served on active duty for training only, unless discharged from active duty for service-connected disability; or

9. All persons serving on active duty in any branch of the military or naval services of the United States during a period of war, campaign, or expedition in which the United States participated, and were awarded service medals as authorized by the United States Department of Defense.

The term "war veterans" shall include only those persons who shall have served during the times or in the areas prescribed hereinabove, and those persons who were awarded service medals, as authorized by the United States Department of Defense as reflected in the veteran's Defense Department Form 214, related to the Vietnam Conflict who served prior to August 5, 1964. Any honorably discharged war veteran of any of the Armed Forces of the United

States shall be entitled to such tax exemptions to include but not be limited to tax-exempt veterans' benefits as provided in subsection (1), Section 2405 of Title 68 of the Oklahoma Statutes, special permits and veterans' preferences for state employment, provided, that any person who shall have served on active duty for training purposes only shall not be entitled to any such tax exemptions, special permits or veterans' preferences.

War veterans, as defined above, shall receive maximum benefits available for each year of creditable service, not to exceed five (5) years, for active military service for retirement benefits in the retirement systems within the State of Oklahoma; however, this provision shall apply to the Oklahoma Employment Security Commission only if approved by the federal funding source of the Oklahoma Security Commission. The provisions of this act shall include military retirees, whose retirement was based only on active service, that have been rated as having twenty percent (20%) or greater service-connected disability by the Veterans Administration or the Armed Forces of the United States.

SECTION 3. AMENDATORY 72 O.S. 1991, Section 303, is amended to read as follows:

Section 303. In order for a veteran to qualify for the benefits provided in this act, the applicant must:

1. Have an honorable discharge from the armed forces of the United States of America;

2. Have served ~~a minimum of eighteen (18) consecutive months' active duty between the dates of August 10, 1964, and December 31, 1976, or shall have been discharged with a service-connected disability~~ on active duty in any branch of the military or naval services of the United States during a period of war, campaign, or expedition in which the United States participated, and were awarded service medals as authorized by the United States Department of Defense;

3. Be able to establish that he or she was a bona fide resident of the State of Oklahoma at the time of entry into the military service;

4. Accept the benefits of free tuition within fifteen (15) years following his discharge or release from the armed forces; and

5. Satisfy the entrance and eligibility requirements imposed by the institution of vocational and technical education.

SECTION 4. AMENDATORY 29 O.S. 1991, Section 4-110, as last amended by Section 1, Chapter 372, O.S.L. 1994 (29 O.S. Supp. 1994, 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 resident veterans having a disability of ~~sixty percent~~ ~~(60%)~~ fifty percent (50%) 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); 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 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. 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:

1. For legal residents, Thirty-five Dollars (\$35.00); and
2. For nonresidents, Seventy-five Dollars (\$75.00).

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.

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 5. This act shall become effective July 1, 1995.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-5568

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