ENROLLED HOUSE
BILL NO. 2457

By: Thomas, Smith (Dale) and Stites of the House

and

Mickle and Shurden of the Senate

An Act relating to game and fish; amending 29 O.S. 1991, Sections 3-305 and 3-310, as amended by Section 1, Chapter 167, O.S.L. 1996 (29 O.S. Supp. 1997, Section 3-310), which relate to administration of wildlife conservation funds; changing investment policy for certain fees; changing investment policy for money in the Wildlife Diversity Fund; amending 29 O.S. 1991, Sections 4-130, as amended by Section 8, Chapter 402, O.S.L. 1992, 4-132 and 4-134 (29 O.S. Supp. 1997, Section 4-130), which relate to license and permit requirements; clarifying provisions for a waterfowl hunting license; changing investment policy for money collected from lifetime waterfowl license; changing investment policy for money in the Wildlife Land Acquisition Fund; changing investment policy for money in the Wildlife Heritage Fund; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 3-305, is amended to read as follows:

Section 3-305. In order to equalize the expenditure of fees derived from the sale of lifetime licenses, the Department may invest such fees in ~~United States securities or in~~ any investment permitted ~~to state banks under the State Banking Code~~ by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. The interest derived therefrom may be expended by the Commission in the same manner as the Wildlife Conservation Fund, under Section 3-302 of this ~~Code~~ title.

SECTION 2. AMENDATORY 29 O.S. 1991, Section 3-310, as amended by Section 1, Chapter 167, O.S.L. 1996 (29 O.S. Supp. 1997, Section 3-310), is amended to read as follows:

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

Oklahoma Wildlife Diversity Program. Check if you wish to donate 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 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 Wildlife Diversity Fund.

D. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Wildlife 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 investment permitted by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. Any interest or dividends accruing from such ~~securities and any monies generated at the time of redemption of such securities~~ investments shall be deposited in the Wildlife 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 3. AMENDATORY 29 O.S. 1991, Section 4-130, as amended by Section 8, Chapter 402, O.S.L. 1992 (29 O.S. Supp. 1997, Section 4-130), is amended to read as follows:

Section 4-130. A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person may hunt or take any waterfowl during the open season on waterfowl unless ~~he~~ the person has first obtained an Oklahoma waterfowl hunting stamp or license from the Director or ~~his~~ authorized agents of the Director. Each person shall have the stamp or license in ~~his~~ their possession when hunting or taking any waterfowl. ~~Each~~ When a stamp is purchased, the stamp shall be validated by the signature of the licensee written across the face of the ~~license~~ stamp.

B. Persons excepted from the Oklahoma waterfowl hunting stamp or license requirement of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age; and

2. Legal residents of Oklahoma sixty-five (65) years of age or older.

C. 1. The Oklahoma waterfowl hunting stamp fee shall be Four Dollars ($4.00). Fifty cents ($0.50) of this fee shall be retained by the authorized agent issuing the stamp. The remainder of the fee shall be deposited in the Wildlife Conservation Fund, to be used exclusively in the State of Oklahoma, for the purpose of developing, managing, preserving, restoring and maintaining wetland habitats and for the conservation and management of waterfowl and ecologically related species.

2. The collection and remittance procedures applicable to hunting license fees under this title shall apply to waterfowl stamp or license fees.

3. The waterfowl stamp or license issued pursuant to this section shall expire on June 30 of each year.

D. The Oklahoma Wildlife Conservation Commission shall prescribe, by regulation, the form, design and manner of issuance of the waterfowl stamp. The art for the stamp shall be selected from an art contest which shall be regulated by the Commission.

E. Any person may purchase from the Department a lifetime Oklahoma Waterfowl ~~Stamp~~ License. The fee for such lifetime Oklahoma Waterfowl ~~Stamp~~ License shall be Fifty Dollars ($50.00). The income from the sale of the lifetime waterfowl ~~stamp~~ license will be invested by the Department in ~~United States securities or in~~ any investment permitted ~~to state banks under the State Banking Code~~ by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. The interest derived therefrom shall be expended by the Commission for the purpose of developing, managing, preserving, restoring, and maintaining waterfowl habitats and waterfowl species.

F. Any person convicted of violating any of the provisions of 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).

G. Nothing in this title shall prohibit a person from hunting waterfowl exclusively on ~~his~~ their own property without an Oklahoma waterfowl hunting stamp or license.

SECTION 4. AMENDATORY 29 O.S. 1991, Section 4-132, is amended to read as follows:

Section 4-132. A. The Department of Wildlife Conservation is hereby authorized to issue an Oklahoma Wildlife Habitat Stamp to any person upon the voluntary payment of a fee of Five Dollars ($5.00). Said fee shall be deposited in the Wildlife Land Acquisition Fund created in subsection C of this section.

B. The Oklahoma Wildlife Conservation Commission shall promulgate rules ~~and regulations~~ specifying the form, design, and manner of issuance of said wildlife habitat stamp.

C. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Wildlife Land Acquisition Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions 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 investment permitted by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the

Oklahoma Uniform Prudent Investor Act. Any interest or dividends accruing from such ~~securities~~ investments shall be deposited in the Wildlife Land Acquisition 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 purposes specified in subsection D of this section. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this subsection shall be deemed to be for the purposes specified in subsection D of this section. 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.

D. The Wildlife Land Acquisition Fund shall be used by the Oklahoma Wildlife Conservation Commission for the acquisition on a willing-seller willing-buyer basis only, leasing, taking of easements, development, management, and enhancement of lands acquired pursuant to this section for the following purposes:

1. Management of game animals, protected animals and birds, furbearing animals, game birds, fish, and their restoration, propagation, and protection; and

2. Creation and management of public hunting, fishing, and trapping areas as places where the public may hunt, fish, or trap as authorized by law.

E. The Oklahoma Wildlife Conservation Commission may accept private contributions, grants, and donations made for the purposes of this section. Any monies received pursuant to this subsection shall be deposited in the Wildlife Land Acquisition Fund created in subsection C of this section. Any property received pursuant to this subsection which is not suitable for the purposes of this section may be sold by the Oklahoma Wildlife Conservation Commission and the proceeds from such sales shall be deposited in the Wildlife Land Acquisition Fund created in subsection C of this section.

F. Whenever the Oklahoma Wildlife Conservation Commission acquires title to land pursuant to this section, the Commission shall annually make in lieu of tax payments equal to the average ad valorem tax per acre paid on similar land in that county. Said payments shall be made to the county treasurer of the county in which the land is located.

SECTION 5. AMENDATORY 29 O.S. 1991, Section 4-134, is amended to read as follows:

Section 4-134. A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Wildlife Heritage Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions of Section ~~3~~ 4-133 of this ~~act~~ title 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 investment permitted by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. Any interest or dividends accruing from such ~~securities~~ investments shall be deposited in the Wildlife Heritage Fund. Only interest and dividends derived from the principle can be expended and are hereby appropriated and may be budgeted and expended by the Oklahoma Wildlife Conservation Commission for the purposes specified in subsection B of this section. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this subsection shall be deemed to be for the purposes

specified in subsection B of this section. 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.

B. The Wildlife Heritage Fund shall be used by the Oklahoma Wildlife Conservation Commission for the acquisition of land on a willing-seller willing-buyer basis only, leasing of land, and the taking of easements, and for the development, management, and enhancement of such lands acquired pursuant to this section for the following purposes:

1. Management of game animals, protected animals and birds, furbearing animals, game birds, fish, and their restoration, propagation, and protection; and

2. Creation and management of public hunting, fishing, and trapping areas as places where the public may hunt, fish, or trap as authorized by law.

C. The Oklahoma Wildlife Conservation Commission may accept private contributions, grants, and donations made for the purposes of this section. Any monies received pursuant to this subsection shall be deposited in the Wildlife Heritage Fund created in subsection A of this section. Any property received pursuant to this subsection which is not suitable for the purposes of this section may be sold by the Oklahoma Wildlife Conservation Commission and the proceeds from such sales shall be deposited in the Wildlife Heritage Fund created in subsection A of this section.

D. Whenever the Oklahoma Wildlife Conservation Commission acquires title to land pursuant to this section, the Commission shall annually make in lieu of tax payments equal to the average ad valorem tax per acre paid on similar land in that county. Said payments shall be made to the county treasurer of the county in which the land is located to be distributed by said county treasurer in the manner provided for by law for ad valorem tax payments.

SECTION 6. This act shall become effective July 1, 1998.

SECTION 7. 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.

Passed the House of Representatives the 11th day of May, 1998.

Speaker of the House of Representatives

Passed the Senate the 12th day of May, 1998.

President of the Senate