

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1263

By: Smith (Dale)

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 1991, Section 4-110, as last amended by Section 1, Chapter 65, O.S.L. 1999 (29 O.S. Supp. 2000, Section 4-110), which relates to fishing license; adding an urban fishing license exemption to the fishing license requirements; creating the Urban Fishing License Pilot Program; requiring an urban fishing license in certain fishing waters; allowing the Oklahoma Wildlife Conservation Commission to enter into agreements with certain municipalities for an urban fishing license; providing certain conditions for the agreements; prohibiting persons from fishing certain waters without a license; allowing certain persons to purchase a substitute license; establishing fee for the substitute license; providing for use of monies from substitute license fees; providing a penalty for residents; providing a penalty for nonresidents; providing for dismissal of charges in certain circumstances; requiring the Commission to file a report on the pilot program; providing for contents of the report; providing for codification; 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 4-110, as last amended by Section 1, Chapter 65, O.S.L. 1999 (29 O.S. Supp. 2000, 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 of Wildlife Conservation. The Wildlife Conservation 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 physician licensed in this state or any state which borders this state, which prevents the person 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 physician licensed in this state or any state which borders this state; ~~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 the person 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 the person is a resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

14. Any person who is fishing in waters designated by the Oklahoma Wildlife Conservation Commission as "Close to Home" fishing

waters and in possession of a valid urban fishing license issued pursuant to the licensing provisions in Section 2 of this act.

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 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, Supplemental Security Income benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, or postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451 (1998), 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 3-313 of this title, and
- b. Ten Dollars (\$10.00) of the fee for each license shall be deposited in the Wildlife 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 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-110.1 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the "Urban Fishing License Pilot Program". An urban fishing license shall be required when fishing in "close-to-home" fishing waters located within municipalities which enter into a joint management agreement with the Oklahoma Wildlife Conservation Commission as provided for in this section during the term of the joint agreement.

B. Under the pilot program, the Oklahoma Wildlife Conservation Commission may enter into a joint management agreement with a municipality having more than Four Hundred Thousand (400,000) population according to the latest federal Decennial Census which currently charges a municipal fishing fee for the purpose of establishing and issuing special urban fishing licenses. The agreement shall be for up to three (3) years and shall include the following provisions:

1. A designated list of "Close to Home" fishing waters where an urban fishing license is required;

2. A listing of the different types of urban fishing licenses and the fee required for each. The cost of any single urban fishing license shall not exceed the combined cost of the annual resident fishing license issued by the Department of Wildlife Conservation pursuant to Section 4-110 of Title 29 of the Oklahoma Statutes and

the annual fishing license issued by the municipality at the time of the agreement;

3. A fisheries management plan which establishes fish harvest restrictions, open seasons, allocation of personnel resources and services, and cost-sharing activities; and

4. A plan for issuance of the urban fishing licenses and revenue disbursement.

C. No person may fish in designated "Close to Home" fishing waters without having first procured an urban fishing license from the Director or an authorized agent.

D. Any person arrested while violating the provisions of this section may purchase a substitute temporary thirty-day urban fishing 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 substitute 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.

E. Unless a substitute license is purchased as provided for in subsection C of this section, any resident of this state convicted of violating this section shall be punished by a fine of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period of not more than thirty (30) days, or both such fine and imprisonment.

F. Unless a substitute license is purchased as provided for in subsection C of this section, any nonresident of this state convicted of violating this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a

period of not more than thirty (30) days, or both such fine and imprisonment.

G. Any person producing proof in court that a current urban fishing license issued by the Department 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. If proof of a 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.

H. Prior to the end of the three-year term of the joint agreement, the Commission shall file a report with the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate summarizing the results of the pilot program. The report shall include information on the number and types of urban fishing licenses issued, the amount of revenue generated, and the distribution of the revenue. The report shall also include recommendations on continuing and expanding the pilot program.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. 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.

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