

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2341

By: Smith of the House

and

Shurden of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to game and fish; requiring the Oklahoma Wildlife Land Stamp; requiring possession of the Stamp while hunting or fishing; providing certain exemptions; establishing fee for the Stamp; providing for use of monies from the Stamp fee; providing for collection and remittance procedures; stating expiration date; directing the Oklahoma Wildlife Conservation Commission to prescribe certain rules; providing for termination of the Stamp and fee; creating the Oklahoma Wildlife Land Fund; making Fund a continuing fund; providing for appropriation of and use of monies in the Fund; amending 29 O.S. 2001, Section 3-303, which relates to acquisition of land by the Oklahoma Wildlife Conservation Commission; providing for payments in lieu of tax on certain lands; amending 29 O.S. 2001, Section 4-114, as last amended by Section 1, Chapter 157, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-114), which relates to lifetime licenses; eliminating certain licenses; requiring the Lifetime Oklahoma Wildlife Land Stamp; requiring possession of the Lifetime Stamp while hunting or fishing; establishing fee for the Lifetime Stamp; providing for use of monies from the Lifetime Stamp fee; directing the Commission to prescribe certain rules; providing for termination of the Lifetime Stamp and fee; authorizing the Oklahoma Capitol Improvement Authority to acquire real property for public hunting, fishing, and trapping; directing the Authority to lease property to the Oklahoma Wildlife Conservation Commission; providing for management and control of property; limiting basis for acquisition of property; providing for transfer of property; authorizing the Authority to borrow monies for acquisition of public fishing, hunting, and trapping land; limiting costs of acquisitions; allowing for the payment of professional fees and costs from proceeds; authorizing the Authority to issue series obligations and hire certain professionals; providing for the sale of obligations; allowing interest earnings to be applied to debt service; prohibiting taxation of obligations; authorizing the Authority to direct investment of certain funds; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-140 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided for in this section, 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 including fish unless the person has first obtained an Oklahoma Wildlife Land Stamp from the Director or any authorized agents of the Department of Wildlife Conservation. Each person shall have the stamp in their possession when hunting, fishing, or taking any wildlife.

B. Persons exempt from the Oklahoma Wildlife Land Stamp requirements of this section are:

1. Legal residents of Oklahoma under eighteen (18) years of age;

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

3. Legal residents of Oklahoma who have a valid lifetime fishing, hunting, or combination license;

4. Legal residents of Oklahoma who have a valid senior citizen lifetime fishing, hunting or combination license;

5. Persons holding a valid nonresident lifetime fishing license; and

6. Persons who have acquired a license pursuant to Section 4-110 or Section 4-128 of Title 29 of the Oklahoma Statutes for fishing in the area of Lake Texoma located within the state.

C. 1. The Oklahoma Wildlife Land Stamp fee shall be Five Dollars (\$5.00). 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 Oklahoma Wildlife Land Fund, created in Section 2 of this act, to be used exclusively for payment of bond

debt and related expenses incurred pursuant to Section 5 of this act for the purchase of public hunting, fishing, and trapping areas where the public may hunt, fish, or trap as authorized by law and for management of the real property acquired pursuant to Section 5 of this act.

2. The collection and remittance procedures applicable to hunting license fees under this title shall apply to the Oklahoma Wildlife Land Stamp fees.

3. The Oklahoma Wildlife Land Stamp issued pursuant to this section shall expire on December 31 of each year.

4. Within one (1) year of the final retirement, redemption, or defeasance of the obligations created pursuant to Section 5 of this act, the Oklahoma Wildlife Land Stamp and Oklahoma Wildlife Land Stamp fee requirements provided for in this section shall terminate.

D. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the Oklahoma Wildlife Land Stamp.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-141 of Title 29, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Oklahoma Wildlife Land 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 1 of this act from fees for the Oklahoma Wildlife Land Stamp and the monies received pursuant to the provisions of subsection G of Section 4-114 of Title 29 of the Oklahoma Statutes from fees for the Lifetime Oklahoma Wildlife Land Stamp. All monies accruing to the credit of the Fund are hereby appropriated and shall be expended by the Commission as follows:

1. An amount equal to Four Dollars (\$4.00) per stamp to be used to retire the obligations and related expenses as authorized pursuant to Section 5 of this act; and

2. An amount equal to fifty cents (\$0.50) per stamp to be used by the Commission for management of the real property acquired pursuant to Section 5 of this act.

SECTION 3. AMENDATORY 29 O.S. 2001, Section 3-303, is amended to read as follows:

Section 3-303. A. The Commission may acquire, by purchase, gift, grants, grant-in-aid from the federal government, or from any other source public or private, all property or money necessary, useful or convenient for its use in carrying out the objects and purposes of this Code.

B. Any and all gifts, grants, royalties and rentals received by the Commission shall, however, be allocated and used in the same manner as Wildlife Conservation Funds, except that gifts given for specified purposes by the donor shall be used for such specified purposes.

C. On any land acquired by the Oklahoma Wildlife Conservation Commission pursuant to the provisions of the Oklahoma Wildlife Conservation Code, after the effective date of this act, 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 from any funds created in or pursuant to the authority granted by the Oklahoma Wildlife Conservation Code. The payments shall be made by the Commission within sixty (60) days from receipt of an itemized statement from the county treasurer of the county in which the land is located.

D. The provisions of subsection C of this section shall be applicable to any lands acquired by or on behalf of the Oklahoma Wildlife Conservation Commission pursuant to Section 5 of this act and the Oklahoma Capitol Improvement Authority may enter into such

agreements with the Oklahoma Wildlife Conservation Commission as may be required for the Commission to make such in lieu payments with respect to real property title to which is held by the Oklahoma Capitol Improvement Authority until title is transferred to the Commission as provided by Section 5 of this act.

SECTION 4. AMENDATORY 29 O.S. 2001, Section 4-114, as last amended by Section 1, Chapter 157, O.S.L. 2003 (29 O.S. Supp. 2003, 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 State Wildlife Conservation Director.

B. The fee for these licenses shall be:

1. Lifetime fishing license, Two Hundred Dollars (\$200.00);
2. Lifetime hunting license, Six Hundred Dollars (\$600.00);
3. Lifetime combination hunting/fishing license, Seven Hundred Fifty Dollars (\$750.00);
4. Lifetime hunting license for persons sixty (60) years of age or older, Two Hundred Dollars (\$200.00);
5. Lifetime fishing license for persons sixty (60) years of age or older, Thirty Dollars (\$30.00); and
6. Lifetime combination hunting/fishing license for persons sixty (60) years of age or older, Two Hundred Fifteen Dollars (\$215.00).

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

D. Nonresidents may purchase÷

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

~~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).~~

E. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department of Wildlife Conservation for a fee of Ten Dollars (\$10.00).

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

G. 1. In addition to the fees imposed pursuant to subsections B and D of this section, a person purchasing a lifetime fishing, hunting or combination license shall be required to purchase a Lifetime Oklahoma Wildlife Land Stamp. Each person shall have the stamp in their possession while hunting, fishing, or taking any wildlife. The fee for the Lifetime Oklahoma Wildlife Land Stamp shall be Twenty-five Dollars (\$25.00). The fee for the stamp shall be distributed as follows:

- a. Twenty Dollars (\$20.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 2 of this act, to be used to retire the obligations and related expenses as authorized pursuant to Section 5 of this act; and
- b. Five Dollars (\$5.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 2 of this act, to be used by the Commission for management of the real property acquired pursuant to Section 5 of this act.

2. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the Lifetime Oklahoma Wildlife Land Stamp.

3. Within one (1) year of the final retirement, redemption, or defeasance of the obligations created pursuant to Section 5 of this act, the Lifetime Oklahoma Wildlife Land Stamp and Lifetime Oklahoma Wildlife Land Stamp fee requirements provided for in this subsection shall terminate.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 168.9 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Capitol Improvement Authority is authorized to acquire the real property, together with improvements located thereon, for purposes of providing public hunting, fishing, and trapping areas as places where the public may hunt, fish, or trap as authorized by law.

B. The Authority may hold title to the real property and improvements until such time as any obligations issued for this purpose are retired or defeased and shall lease the real property and improvements to the Oklahoma Wildlife Conservation Commission for an amount not to exceed One Dollar (\$1.00) per year for each parcel.

C. The Commission shall have exclusive management and control over any real property acquired by the Authority and leased to the Commission pursuant to this section.

D. The Commission shall have exclusive authority to direct the Oklahoma Capitol Improvement Authority for purposes of acquiring any real property as otherwise authorized by this section and the Oklahoma Capitol Improvement Authority shall only acquire such real property as described by subsection A of this section as may be approved by the Oklahoma Wildlife Conservation Commission.

E. The Oklahoma Wildlife Conservation Commission shall only acquire real property as authorized by this section on a willing-seller willing-buyer basis.

F. Upon final redemption or defeasance of the obligations created pursuant to this section, title to the real property and improvements shall be transferred from the Oklahoma Capitol Improvement Authority, to the Oklahoma Wildlife Conservation Commission.

G. For the purpose of paying the costs for acquisition of the real property and improvements authorized in subsection A of this section, and for the purpose authorized in subsection I of this section, the Authority is hereby authorized to borrow monies on the credit of the revenues to be derived from issuance of the Oklahoma Wildlife Land Stamp and, in anticipation of the collection of such revenues, to issue negotiable obligations in an amount not to exceed Thirty Million Dollars (\$30,000,000.00).

H. The costs for acquisition of the real property and improvements authorized in subsection A of this section shall not exceed the fair market value of the property.

I. To the extent funds are available from the proceeds of the borrowing authorized by subsection G of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs approved by the Oklahoma Wildlife Conservation Commission.

J. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants, and such other professionals as it may deem necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed necessary and to pay costs associated with the issuance and administration of such obligations.

K. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than thirty (30) years from the first principal maturity date with respect to each series issued.

L. Any interest earnings on funds or accounts created for the purposes of this section may be utilized as partial payment of the annual debt service or for the purposes directed by the Authority.

M. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

N. The Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. Such investments shall be made in a manner consistent with the investment guidelines of the State Treasurer. The Authority may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

SECTION 6. This act shall become effective September 1, 2004.

49-2-9020 KB 05/10/04