

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2341

By: Smith (Dale)

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; 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 4-114, as last amended by Section 1, Chapter 157, O.S.L. 2003 (70 O.S. Supp. 2003, Section 4-114), which relates to lifetime licenses; requiring certain persons to purchase a Lifetime Oklahoma Wildlife Land Stamp; stating fee for the Stamp; providing for deposit and use of fees; 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 transfer of property; authorizing the Authority to borrow monies for acquisition of public fishing, hunting, and trapping land; providing for 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; providing an effective date; and declaring an emergency.

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 exempted from the Oklahoma Wildlife Land Stamp requirements of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age;
2. Legal residents of Oklahoma sixty-five (65) years of age or older; and
3. Legal residents who have a valid lifetime fishing, hunting, or combination license issued on or before July 1, 2004.

C. 1. The Oklahoma Wildlife Land Stamp fee shall be Three Dollars (\$3.00). 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 incurred pursuant to Section 3 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.

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 June 30 of each year.

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. 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 Two Dollars (\$2.00) per stamp to be used to retire the obligations created pursuant to Section 3 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 3 of this act.

SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-114, as last amended by Section 1, Chapter 157, O.S.L. 2003 (70 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 provided for in this section, the lifetime hunting license shall be in lieu of all annual hunting licenses and all special season permits.

D. Any resident purchasing a lifetime fishing, hunting or combination license after July 1, 2004, shall also be required to purchase a Lifetime Oklahoma Wildlife Land Stamp. The fee for the Lifetime Oklahoma Wildlife Land Stamp shall be Twenty-five Dollars (\$25.00). The fee for the stamp shall be deposited in the Oklahoma Wildlife Land Fund created in Section 2 of this act and shall be used for the same purposes as the Oklahoma Wildlife Land Stamp created in Section 1 of this act.

E. Nonresidents may purchase:

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

SECTION 3. 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. 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 a nominal price. 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. 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.

B. 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 C 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 _____ . The costs for acquisition of the real property and improvements authorized in subsection A of this section shall not exceed _____ . 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.

C. To the extent funds are available from the proceeds of the borrowing authorized by subsection B 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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 4. This act shall become effective July 1, 2004.

SECTION 5. 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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