

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1617

By: Corn of the Senate

and

Brannon of the House

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Sections 4-112, as last amended by Section 4, Chapter 287, O.S.L. 2003, 4-114, as last amended by Section 1, Chapter 157, O.S.L. 2003 and 4-130, as amended by Section 9, Chapter 160, O.S.L. 2003 (29 O.S. Supp. 2003, Sections 4-112, 4-114 and 4-130), which relate to licenses; increasing certain fee; eliminating certain fee; limiting certain license to Oklahoma residents; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 4, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-112), is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, 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 except fish, without having first procured a license for such from the Director or from any authorized agents of the Department of Wildlife Conservation. The Wildlife Conservation Commission shall designate a consecutive Saturday and Sunday in September of each year as free hunting days in which residents of this state may hunt without first procuring a hunting license pursuant to the provisions of this section.

B. Pursuant to the provisions of this Code, persons excepted from the license requirement of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age;
2. Legal residents of Oklahoma sixty-four (64) years of age or older provided such persons have 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 who hunt on land owned or leased by them;
6. Every citizen of Oklahoma serving in a branch of the United States Armed Forces, who is on properly authorized leave from military duty, who has in their possession proper written evidence showing such authorized leave, and who is serving outside the State of Oklahoma at the time of such hunting;
7. Any nonresident under fourteen (14) years of age;
8. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a physician licensed in this state or in any state which borders this state; and
9. Any person under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fees for licenses listed in this subsection are:

1. a. Annual hunting licenses for nonresidents hunting game other than deer, antelope, or elk, ~~Ninety-one Dollars and fifty cents (\$91.50)~~ One Hundred Thirty Six Dollars (\$136.00); for deer, Two Hundred Dollars (\$200.00); for antelope and elk, Three Hundred Dollars (\$300.00). There shall be no exemptions for deer, antelope, elk, or turkey. Any nonresident with a

commercial hunting area big game ten-day permit as provided for in paragraph 3 of subsection D of this section shall not be required to have an annual nonresident hunting license pursuant to this subparagraph. For a five-day nonresident hunting license to hunt game other than deer, antelope, elk, turkey, or pheasant, the fee shall be Forty-one Dollars and fifty cents (\$41.50).

- b. Annual combination hunting licenses for nonresidents hunting one antlered and one antlerless deer, Two Hundred Fifty Dollars (\$250.00); for nonresidents hunting an additional antlerless deer, Fifty Dollars (\$50.00) which shall be valid only on private lands not managed by the Department of Wildlife Conservation.
- c. Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for hunting game other than deer, antelope and elk, Five Dollars (\$5.00) of the license fee for hunting deer, Five Dollars (\$5.00) of the license fee for hunting antelope and elk and Two Dollars and fifty cents (\$2.50) of the five-day hunting license shall be deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title.
- d. The Oklahoma Wildlife Department shall not issue any nonresident deer, antelope, or elk licenses to residents of any other state which has a deer season but does not allow Oklahoma residents the opportunity to purchase general unrestricted nonresident licenses in their state.

2. Disability hunting license, residents of this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits or disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, may purchase a disability hunting license from the Director for Ten Dollars (\$10.00) for five (5) years.

3. Deer gun hunting license, residents, Nineteen Dollars (\$19.00). There shall be no exemptions except for residents sixty-four (64) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title and for legal residents of Oklahoma under eighteen (18) years of age provided such residents shall be required to pay a deer gun hunting license fee of Nine Dollars (\$9.00). In addition, veterans who are totally disabled as certified by the U.S. Department of Veterans Affairs shall be exempt from the fees specified pursuant to this paragraph.

4. Deer archery hunting license, residents, Nineteen Dollars (\$19.00). No exemptions.

5. Primitive firearms license, residents, Nineteen Dollars (\$19.00). No exemptions.

6. Elk or antelope hunting license, residents, Fifty Dollars (\$50.00). No exemptions.

7. Bonus, special or second deer gun hunting license, residents, Nineteen Dollars (\$19.00). No exemptions except for residents sixty-five (65) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title. In addition, veterans who are totally disabled, if certified by the U.S. Department of Veterans Affairs shall be exempt from the fees specified pursuant to this paragraph.

D. The fees for hunting licenses, except as provided for in the Oklahoma Wildlife Conservation Code, are:

1. For legal residents eighteen (18) years of age and older, Nineteen Dollars (\$19.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars (\$4.00);

2. Commercial hunting area small game ten-day permit, resident or nonresident, Five Dollars (\$5.00); and

3. Commercial hunting area big game ten-day permit, resident or nonresident, Two Hundred One Dollars (\$201.00) plus Ten Dollars (\$10.00) for each additional deer license, of any type, that may be purchased from the commercial hunting area. The commercial hunting area may obtain the licenses from the Director for use at the commercial hunting area.

E. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because the person participates, as owner or handler of an entry, as an official, or as a spectator in the conduct of a field trial or performance test of dogs, whether a resident or nonresident of the State of Oklahoma. No license to hunt shall be required of any person engaged in training or working dogs, provided said person is in no way engaged in hunting and does not take or attempt to take in any manner any game.

F. 1. Any person arrested for hunting game other than deer, antelope, elk, or turkey without a valid hunting license as required by the provisions of subsection A of this section may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. Proof of hunter safety certification will not be required for such temporary substitute license. 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, One Hundred Forty-five Dollars (\$145.00).

2. Except as otherwise provided for 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.

G. Any person producing proof in court that a current hunting 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 hunting 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. Unless a substitute license is purchased as provided for by subsection F of this section, any resident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

I. Unless a substitute license is purchased as provided for by subsection F of this section, any nonresident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.

SECTION 2. 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 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.

SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-130, as amended by Section 9, Chapter 160, O.S.L. 2003 (29 O.S. Supp. 2003, 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 the person has first obtained an Oklahoma waterfowl hunting stamp or license from the Director or authorized agents of the Director. Each person shall have the stamp or license in their possession when hunting or taking any waterfowl. When a stamp is purchased, the stamp shall be validated by the signature of the licensee written across the face of the 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 Nine Dollars (\$9.00). 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~~ An Oklahoma resident may purchase from the Department a lifetime Oklahoma Waterfowl License. The fee for such lifetime Oklahoma Waterfowl License shall be Fifty Dollars (\$50.00). The income from the sale of the lifetime waterfowl license will be invested by the Department in 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. 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 their own property without an Oklahoma waterfowl hunting stamp or license.

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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