

EHB 1663

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THE STATE SENATE
Monday, April 7, 2003

ENGROSSED
House Bill No. 1663
As Amended

ENGROSSED HOUSE BILL NO. 1663 - By: SMITH (Dale) and HUTCHISON of the House and SHURDEN of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Sections 4-110, as amended by Section 1, Chapter 70, O.S.L. 2002, 4-112, as last amended by Section 1, Chapter 346, O.S.L. 2002, 4-113, 4-118, 4-119, 4-120, 4-122, 4-128, 4-130 and 4-132 (29 O.S. Supp. 2002, Sections 4-110 and 4-112), which relate to licenses; modifying fees for certain licenses; setting fees; deleting certain license; modifying distribution of certain fees; providing certain exemptions; modifying certain penalties; adding certain permits for commercial hunting areas; making certain fee contingent upon certain action; updating statutory language; adding permit requirement for migrating birds; adding permit requirement for Sandhill Cranes; providing exemptions; providing a penalty; amending 29 O.S. 2001, Section 5-401, which relates to the powers of the Wildlife Conservation Commission; modifying fee Commission may charge for special permits or licenses; 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. 2001, Section 4-110, as amended by Section 1, Chapter 70, O.S.L. 2002 (29 O.S. Supp. 2002, 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

1 transport all or any portion of fish without having first procured a
2 license for such from the Director or from any of the authorized
3 agents of the Department of Wildlife Conservation. The Wildlife
4 Conservation Commission may designate two (2) days per year in which
5 residents and nonresidents may fish without first procuring a
6 fishing license pursuant to the provisions of this section.

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

9 1. Legal residents under **sixteen (16)** years of age on the first
10 day of the current calendar year and nonresidents under sixteen (16)
11 years of age from states which do not require nonresident fishing
12 licenses for persons under sixteen (16) years of age;

13 2. Legal residents sixty-four (64) years of age or older and
14 nonresidents sixty-four (64) years of age or older from states which
15 do not require nonresident fishing licenses for persons sixty-four
16 (64) years of age or older, provided such resident has obtained a
17 senior citizen's license pursuant to the provisions of Section 4-133
18 of this title;

19 3. Legal residents born on or before January 1, 1923;

20 4. Legal resident veterans having a disability of sixty percent
21 (60%) or more;

1 5. Legal resident owners or tenants, their spouses, parents,
2 grandparents, children and their spouses, grandchildren and their
3 spouses who fish in private ponds on land owned or leased by them;

4 6. Every Oklahoma citizen who is serving in a branch of the
5 United States Armed Forces, is on properly authorized leave of
6 absence from military duty, has in possession proper written
7 evidence showing such authorized leave, and is serving outside the
8 State of Oklahoma at the time of such fishing;

9 7. Any patient of an institution of the State of Oklahoma
10 established for the care and treatment of mental illness or alcohol
11 or drug dependency or any developmentally disabled person residing
12 in any group home or other institution or developmentally disabled
13 persons when accompanied by an attendant of such institution or
14 legal guardian of said patient, or when fishing on institutional
15 property;

16 8. Any person under eighteen (18) years of age who is in the
17 legal and physical custody of the State of Oklahoma or one of its
18 agencies by court order;

19 9. Any person under eighteen (18) years of age who is in the
20 physical custody of a child care facility as defined by Section 402
21 of Title 10 of the Oklahoma Statutes;

22 10. Any person who is legally blind or who has any other
23 physical impairment, as certified by a physician licensed in this

1 state or any state which borders this state, which prevents the
2 person from properly using fishing apparatus without the assistance
3 of another person, and any one person actually accompanying and
4 actually assisting such legally blind or otherwise physically
5 impaired person while the latter is fishing. This certification
6 shall be carried by the individual while fishing;

7 11. Nonresidents under fourteen (14) years of age;

8 12. Job Corps trainees of this state, provided that such
9 trainees shall have on their persons a duly authorized
10 identification card issued by their respective Job Corps Center and
11 shall present such card upon request, in lieu of a fishing license.
12 The trainees shall return their cards to their respective Job Corps
13 Center when the trainees leave their respective Job Corps training
14 programs;

15 13. Any legal resident having a proven disability which renders
16 the resident nonambulatory and confined to a wheelchair as certified
17 by a physician licensed in this state or any state which borders
18 this state; and

19 14. Any person who is fishing with a pole and line, trotline,
20 or throwline in streams, natural lakes, natural ponds, and mine pits
21 in the county in which the person is a resident, or in streams,
22 natural lakes, natural ponds, and mine pits which form a part of the
23 boundary line of the county in which the person is a resident, when

1 using any bait other than commercial or artificial bait, blood,
2 stink bait, cut fish, and shrimp.

3 C. Except as otherwise provided for in the Oklahoma Wildlife
4 Conservation Code, the fee for an annual license issued pursuant to
5 the provisions of this section shall be:

6 1. For legal residents, ~~Eleven Dollars and fifty cents (\$11.50)~~
7 Nineteen Dollars (\$19.00); and

8 2. For nonresidents, ~~Twenty-seven Dollars and fifty cents~~
9 ~~(\$27.50)~~ Thirty-six Dollars (\$36.00), provided the Commission may
10 enter into reciprocity agreements with states wherein nonresident
11 license fees shall be in conformity with such reciprocal agreements.
12 ~~For a fourteen-day nonresident permit license, Nineteen Dollars~~
13 ~~(\$19.00).~~ For a five-day nonresident permit license, ~~Nine Dollars~~
14 ~~(\$9.00)~~ Seventeen Dollars and fifty cents (\$17.50). Of the amount
15 of monies collected pursuant to the provisions of this paragraph,
16 Five Dollars (\$5.00) of the license fee for nonresidents, ~~Two~~
17 ~~Dollars and fifty cents (\$2.50)~~ of the ~~fourteen-day nonresident~~
18 ~~permit fee~~ and One Dollar and fifty cents (\$1.50) of the five-day
19 nonresident permit fee shall be deposited in the Wildlife Land
20 Acquisition Fund created pursuant to the provisions of Section 4-132
21 of this title.

22 D. Legal residents who have resided in this state for at least
23 six (6) months and who are receiving Social Security Disability

1 benefits, Supplemental Security Income benefits, disability benefits
2 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, or
3 postal employees receiving disability benefits pursuant to 5,
4 U.S.C., Section 8451 (1998), may purchase a disability fishing
5 license from the Director for Ten Dollars (\$10.00) for five (5)
6 years.

7 E. 1. Any person arrested while violating the provisions of
8 this section who does not meet the requirements of subsection H of
9 this section, may purchase a substitute temporary thirty-day license
10 from the arresting game warden in lieu of posting bond. The fee for
11 a substitute license purchased pursuant to the provisions of this
12 subsection shall be:

- 13 a. for legal residents, Fifty Dollars (\$50.00), and
14 b. for nonresidents, Ninety Dollars (\$90.00).

15 2. Except as otherwise provided by this subsection, the fees
16 from licenses purchased pursuant to the provisions of this
17 subsection shall be deposited in the Wildlife Conservation Fund to
18 be used exclusively for developing, managing, preserving, and
19 protecting wildlife and wildlife habitat.

20 ~~3. Of the fees for temporary licenses collected pursuant to the~~
21 ~~provisions of this subsection:~~

- 22 ~~a. Five Dollars (\$5.00) of the fee for each license shall~~
23 ~~be deposited in the Law Enforcement Officer Training~~

1 ~~Account of the Wildlife Conservation Fund created~~
2 ~~pursuant to Section 3-313 of this title, and~~
3 ~~b. Ten Dollars (\$10.00) of the fee for each license shall~~
4 ~~be deposited in the Wildlife Diversity Fund created~~
5 ~~pursuant to Section 3-310 of this title.~~

6 F. Unless a substitute license is purchased as provided for by
7 subsection E of this section, any resident of this state convicted
8 of violating the provisions of this section shall be punished by the
9 imposition of a fine of not less than ~~Ten Dollars (\$10.00)~~ Twenty-
10 five Dollars (\$25.00) nor more than ~~One Hundred Dollars (\$100.00)~~
11 Two Hundred Dollars (\$200.00) or by imprisonment in the county jail
12 for a period not to exceed thirty (30) days, or by both said fine
13 and imprisonment.

14 G. Unless a substitute license is purchased as provided for by
15 subsection E of this section, any nonresident convicted of violating
16 this section shall be punished by a fine of not less than ~~Twenty-~~
17 ~~five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) nor more than ~~One~~
18 ~~Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) or by
19 imprisonment in the county jail for a period not more than thirty
20 (30) days, or by both such fine and imprisonment.

21 H. Any person producing proof in court that a current fishing
22 license issued by the Department of Wildlife Conservation to such
23 person was in force at the time of the alleged offense shall be

1 entitled to dismissal of a charge of violating this section upon
2 payment of court costs; however, if proof of fishing license is
3 presented to the court or district attorney within seventy-two (72)
4 hours after the violation, the charge shall be dismissed without
5 payment of court costs.

6 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-112, as
7 last amended by Section 1, Chapter 346, O.S.L. 2002 (29 O.S. Supp.
8 2002, Section 4-112), is amended to read as follows:

9 Section 4-112. A. Except as otherwise provided for in the
10 Oklahoma Wildlife Conservation Code, no person may hunt, pursue,
11 trap, harass, catch, kill, take or attempt to take in any manner,
12 use, have in possession, sell, or transport all or any portion of
13 any wildlife except fish, without having first procured a license
14 for such from the Director or from any authorized agents of the
15 Department of Wildlife Conservation. The Wildlife Conservation
16 Commission shall designate a consecutive Saturday and Sunday in
17 September of each year as free hunting days in which residents of
18 this state may hunt without first procuring a hunting license
19 pursuant to the provisions of this section.

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

22 1. Legal residents of Oklahoma under **sixteen (16)** years of age
23 on the first day of the current calendar year;

- 1 2. Legal residents of Oklahoma sixty-four (64) years of age or
2 older provided such persons have obtained a senior citizen's license
3 pursuant to the provisions of Section 4-133 of this title;
- 4 3. Legal residents born on or before January 1, 1923;
- 5 4. Legal resident veterans having a disability of sixty percent
6 (60%) or more;
- 7 5. Legal resident owners or tenants who hunt on land owned or
8 leased by them;
- 9 6. Every citizen of Oklahoma serving in a branch of the United
10 States Armed Forces, who is on properly authorized leave from
11 military duty, who has in their possession proper written evidence
12 showing such authorized leave, and who is serving outside the State
13 of Oklahoma at the time of such hunting;
- 14 7. Any nonresident under fourteen (14) years of age;
- 15 8. Legal residents having a proven disability which renders
16 them nonambulatory and confines them to a wheelchair, as certified
17 by a physician licensed in this state or in any state which borders
18 this state; and
- 19 9. Any person under eighteen (18) years of age who is in the
20 physical custody of a child care facility as defined by Section 402
21 of Title 10 of the Oklahoma Statutes.

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

4 1. a. Annual hunting licenses for nonresidents hunting game
5 other than deer, antelope, or elk, ~~Eighty-four Dollars~~
6 ~~(\$84.00)~~ Ninety-one Dollars and fifty cents (\$91.50);
7 for deer, Two Hundred Dollars (\$200.00); for antelope
8 and elk, ~~Two Hundred Fifty Dollars (\$250.00)~~ Three
9 Hundred Dollars (\$300.00). There shall be no
10 exemptions for deer, antelope, elk, or turkey. Any
11 nonresident with a commercial hunting area big game
12 ten-day permit as provided for in paragraph 3 of
13 subsection D of this section shall not be required to
14 have an annual nonresident hunting license pursuant to
15 this subparagraph. For a five-day nonresident hunting
16 license to hunt game other than deer, antelope, elk,
17 turkey, or pheasant, the fee shall be ~~Thirty-four~~
18 ~~Dollars (\$34.00)~~ Forty-one Dollars and fifty cents
19 (\$41.50).

20 b. Annual combination hunting licenses for nonresidents
21 hunting one antlered and one antlerless deer, Two
22 Hundred Fifty Dollars (\$250.00); for nonresidents
23 hunting an additional antlerless deer, Fifty Dollars

1 (\$50.00) which shall be valid only on private lands
2 not managed by the Department of Wildlife
3 Conservation.

4 c. Of the amount of monies collected pursuant to the
5 provisions of this paragraph, Five Dollars (\$5.00) of
6 the license fee for hunting game other than deer,
7 antelope and elk, Five Dollars (\$5.00) of the license
8 fee for hunting deer, Five Dollars (\$5.00) of the
9 license fee for hunting antelope and elk and Two
10 Dollars and fifty cents (\$2.50) of the five-day
11 hunting license shall be deposited in the Wildlife
12 Land Acquisition Fund created pursuant to the
13 provisions of Section 4-132 of this title.

14 d. The Oklahoma Wildlife Department shall not issue any
15 nonresident deer, antelope, or elk licenses to
16 residents of any other state which has a deer season
17 but does not allow Oklahoma residents the opportunity
18 to purchase general unrestricted nonresident licenses
19 in their state.

20 2. Disability hunting license, residents of this state for at
21 least six (6) months and who are receiving Social Security
22 Disability benefits, Supplemental Security Income benefits or
23 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,

1 Section 231a, may purchase a disability hunting license from the
2 Director for Ten Dollars (\$10.00) for five (5) years.

3 3. Deer gun hunting license, residents, ~~Fifteen Dollars and~~
4 ~~seventy-five cents (\$15.75)~~ Nineteen Dollars (\$19.00). There shall
5 be no exemptions except for residents sixty-four (64) years of age
6 or older provided such residents have obtained a senior citizen's
7 license pursuant to the provisions of Section 4-133 of this title
8 and for legal residents of Oklahoma under eighteen (18) years of age
9 provided such residents shall be required to pay a deer gun hunting
10 license fee of ~~Thirteen Dollars and seventy-five cents (\$13.75)~~ Nine
11 Dollars (\$9.00). In addition, veterans who are totally disabled as
12 certified by the U.S. Department of Veterans Administration Affairs
13 shall be exempt from the fees specified pursuant to this paragraph.

14 4. Deer archery hunting license, residents, ~~Fifteen Dollars and~~
15 ~~seventy-five cents (\$15.75)~~ Nineteen Dollars (\$19.00). No
16 exemptions.

17 5. Primitive firearms license, residents, ~~Fifteen Dollars and~~
18 ~~seventy-five cents (\$15.75)~~ Nineteen Dollars (\$19.00). No
19 exemptions.

20 6. Elk or antelope hunting license, residents, ~~Thirty-four~~
21 ~~Dollars and twenty-five cents (\$34.25)~~ Fifty Dollars (\$50.00). No
22 exemptions.

1 7. Bonus, special or second deer gun hunting license,
2 residents, ~~Fifteen Dollars and seventy-five cents (\$15.75)~~ Nineteen
3 Dollars (\$19.00). No exemptions except for residents sixty-five
4 (65) years of age or older provided such residents have obtained a
5 senior citizen's license pursuant to the provisions of Section 4-133
6 of this title. In addition, veterans who are totally disabled, if
7 certified by the U.S. Department of Veterans Administration Affairs
8 shall be exempt from the fees specified pursuant to this paragraph.

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

11 1. Legal residents, ~~Eleven Dollars and fifty cents (\$11.50)~~
12 Nineteen Dollars (\$19.00); and

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

15 3. Commercial hunting area big game ten-day permit, resident or
16 nonresident, Two Hundred One Dollars (\$201.00) plus Ten Dollars
17 (\$10.00) for each additional deer license, of any type, that may be
18 purchased from the commercial hunting area. The commercial hunting
19 area may obtain the licenses from the Director for use at the
20 commercial hunting area.

21 E. The provisions of this section shall not be construed to
22 require a hunting license, resident or nonresident, of any person
23 merely because the person participates, as owner or handler of an

1 entry, as an official, or as a spectator in the conduct of a field
2 trial or performance test of dogs, whether a resident or nonresident
3 of the State of Oklahoma. No license to hunt shall be required of
4 any person engaged in training or working dogs, provided said person
5 is in no way engaged in hunting and does not take or attempt to take
6 in any manner any game.

7 F. 1. Any person arrested for hunting game other than deer,
8 antelope, elk, or turkey without a valid hunting license as required
9 by the provisions of subsection A of this section may purchase a
10 substitute temporary thirty-day license from the arresting game
11 warden in lieu of posting bond. Proof of hunter safety
12 certification will not be required for such temporary substitute
13 license. The fee for a substitute license purchased pursuant to the
14 provisions of this subsection shall be:

- 15 a. for legal residents, Fifty Dollars (\$50.00), and
16 b. for nonresidents, One Hundred Forty-five Dollars
17 (\$145.00).

18 2. Except as otherwise provided for by this subsection, the
19 fees from licenses purchased pursuant to the provisions of this
20 subsection shall be deposited in the Wildlife Conservation Fund to
21 be used exclusively for developing, managing, preserving, and
22 protecting wildlife and wildlife habitat.

1 ~~3. Of the fees for temporary licenses collected pursuant to the~~
2 ~~provisions of this subsection:~~

3 ~~a. Five Dollars (\$5.00) of the fee for each license shall~~
4 ~~be deposited in the Law Enforcement Officer Training~~
5 ~~Account of the Wildlife Conservation Fund created~~
6 ~~pursuant to Section 3-313 of this title, and~~

7 ~~b. Ten Dollars (\$10.00) of the fee for each license shall~~
8 ~~be deposited in the Wildlife Diversity Fund created~~
9 ~~pursuant to Section 3-310 of this title.~~

10 G. Any person producing proof in court that a current hunting
11 license issued by the Department of Wildlife Conservation to such
12 person was in force at the time of the alleged offense shall be
13 entitled to dismissal of a charge of violating this section upon
14 payment of court costs; however, if proof of hunting license is
15 presented to the court or district attorney within seventy-two (72)
16 hours after the violation, the charge shall be dismissed without
17 payment of court costs.

18 H. Unless a substitute license is purchased as provided for by
19 subsection F of this section, any resident convicted of violating
20 the provisions of this section shall be punished by the imposition
21 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
22 than ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00), or

1 by imprisonment in the county jail for a period not to exceed thirty
2 (30) days, or by both said fine and imprisonment.

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

10 SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-113, is
11 amended to read as follows:

12 Section 4-113. A. All legal residents who are not the
13 individuals excepted from the license requirement as provided in
14 subsection B of Section 4-112 of the Oklahoma Wildlife Conservation
15 Code may purchase an annual combination hunting/fishing license from
16 the Director or ~~his~~ agents of the Director.

17 B. The fee for a license under this section shall be ~~Twenty~~
18 ~~Dollars (\$20.00)~~ Thirty-six Dollars (\$36.00).

19 SECTION 4. AMENDATORY 29 O.S. 2001, Section 4-118, is
20 amended to read as follows:

21 Section 4-118. A. No person may kill or capture wildlife or
22 take their nests or eggs for scientific purposes without having
23 first procured a license ~~for such~~ from the Director.

1 B. ~~Such~~ A scientific purposes license may be issued to anyone
2 sixteen (16) years of age or older when the Director is presented
3 with:

4 1. A written testimonial from one well-known scientist or from
5 any well-known scientific institution, ~~such~~ the testimonial
6 certifying to the ~~individual's~~ good character and fitness of the
7 individual; and

8 2. A signed application listing
9 a. the species sought,
10 b. the means to be used to take such species, and
11 c. the reason for collection.

12 C. The annual fee for ~~such~~ the license shall be ~~Five Dollars~~
13 ~~(\$5.00)~~ Ten Dollars (\$10.00).

14 D. Each license shall list the species that the licensee is
15 permitted to take, the means of taking and the period during which
16 such may be taken.

17 E. Each licensee shall report to the Director at the end of
18 each year the number and species of wildlife taken or killed and any
19 other relative collection data as the Department may require.

20 F. Upon application, licenses may be renewed without complying
21 with the provisions of paragraph 1, subsection B of this section.
22 However, no license may be renewed before the receipt of an annual
23 report.

1 G. Upon conviction that any licensee killed or captured
2 wildlife, took nests or eggs for other than scientific purposes, or
3 took any game by means other than that described on ~~his~~ the license,
4 ~~he~~ the licensee shall be punished in the same manner as though ~~such~~
5 the license had never been issued and the license shall ~~thereafter~~
6 be void.

7 SECTION 5. AMENDATORY 29 O.S. 2001, Section 4-119, is
8 amended to read as follows:

9 Section 4-119. A. No person may trap any furbearers without
10 having first procured a license ~~for such~~ from the Director. ~~Such~~ A
11 furbearer trapping license may be issued only to persons holding a
12 hunting license applicable to their residency.

13 B. Persons excepted from the license requirements of this
14 section are only those resident owners or tenants or ~~such~~
15 ~~individuals~~ the children of an owner or tenant, who trap on land
16 owned or leased by ~~such~~ the owner or tenants.

17 C. The fees for a license under this section shall be:

- 18 1. For residents,
- 19 a. ~~Five Dollars (\$5.00)~~ Nine Dollars (\$9.00) for the use
20 of twenty (20) traps or less.
- 21 b. Sixty-eight Dollars and fifty cents (\$68.50) for a
22 professional trapper, defined as a person using more
23 than twenty (20) traps.

1 2. For nonresidents, Three Hundred Forty-five Dollars
2 (\$345.00).

3 D. All licenses issued pursuant to this section shall expire on
4 January 31 of each year.

5 E. Any person convicted of violating the provisions of
6 subparagraph a, paragraph 1 of subsection C of this section shall be
7 punished by a fine of not less than ~~Ten Dollars (\$10.00)~~ Twenty-five
8 Dollars (\$25.00) nor more than ~~Fifty Dollars (\$50.00)~~ One Hundred
9 Dollars (\$100.00).

10 F. Any person convicted of violating the provisions of
11 subparagraph b, paragraph 1 of subsection C of this section shall be
12 punished by the imposition of a fine of not less than One Hundred
13 Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or by
14 imprisonment in the county jail for a period not to exceed six (6)
15 months, or by both said fine and imprisonment.

16 G. Any person convicted of violating the provisions of
17 paragraph 2 of subsection C of this section shall be punished by a
18 fine of not less than Five Hundred Dollars (\$500.00) nor more than
19 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
20 jail for a period not to exceed one (1) year, or by both such fine
21 and imprisonment.

22 SECTION 6. AMENDATORY 29 O.S. 2001, Section 4-120, is
23 amended to read as follows:

1 Section 4-120. A. No person may fish in designated trout
2 waters without having first procured a license from the Director or
3 ~~his~~ authorized agents of the Director.

4 B. The Commission ~~will~~ shall decide the open season for ~~such~~
5 trout fishing and which waters are designated trout waters.

6 C. The fee for a license under this section shall be ~~Six~~
7 ~~Dollars and seventy-five cents (\$6.75)~~ Nine Dollars (\$9.00).

8 D. Any person arrested while violating the provisions of this
9 section may purchase a substitute temporary thirty-day license from
10 the arresting game warden in lieu of posting bond. The fee for a
11 substitute license purchased pursuant to the provisions of this
12 subsection shall be:

- 13 1. For legal residents, Thirty-five Dollars (\$35.00); and
- 14 2. For nonresidents, Seventy-five Dollars (\$75.00).

15 The fees from licenses purchased pursuant to the provision of
16 this subsection shall be deposited in the Wildlife Conservation Fund
17 to be used exclusively for developing, managing, preserving and
18 protecting wildlife and wildlife habitat.

19 E. Unless a substitute license is purchased as provided for by
20 subsection D of this section, any resident of this state convicted
21 of violating this section shall be punished by a fine of not less
22 than ~~Ten Dollars (\$10.00)~~ Twenty-five Dollars (\$25.00) nor more than
23 One Hundred Dollars (\$100.00), or by imprisonment in the county jail

1 for a period not more than thirty (30) days, or by both such fine
2 and imprisonment.

3 F. Unless a substitute temporary license is purchased as
4 provided for by subsection D of this section, any nonresident
5 convicted of violating the provisions of this section shall be
6 punished by the imposition of a fine of not less than Twenty-five
7 Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by
8 imprisonment in the county jail for a period not to exceed thirty
9 (30) days, or by both said fine and imprisonment.

10 SECTION 7. AMENDATORY 29 O.S. 2001, Section 4-122, is
11 amended to read as follows:

12 Section 4-122. A. Individuals possessing ~~the~~ a noncommercial
13 wildlife breeders license are authorized to breed ~~and/or~~ raise ~~such~~
14 noncommercial wildlife for personal uses only. ~~Such personal~~
15 Personal uses shall include, but not be limited to:

- 16 1. Breeding for a hobby;
- 17 2. Educational or scientific purposes;
- 18 3. Personal consumption;
- 19 4. Release on private property, except any bear or cat that
20 will grow to reach the weight of fifty (50) pounds or more; and
- 21 5. Care and rehabilitation of sick or injured wildlife.

1 B. The fees for a license under this section and all renewals
2 of ~~such~~ the license shall be ~~Five Dollars (\$5.00)~~ Ten Dollars
3 (\$10.00).

4 C. Noncommercial wildlife breeders are required to abide by all
5 provisions of Sections 5-601 and 5-602 of this title, except for
6 those parts referring to the sale of wildlife, which is not
7 authorized under this license.

8 SECTION 8. AMENDATORY 29 O.S. 2001, Section 4-128, is
9 amended to read as follows:

10 Section 4-128. A. Except as otherwise provided in this Code,
11 no person shall fish, pursue, harass, catch, kill, take, attempt to
12 take in any manner, use, have in possession, sell or transport all
13 or any portion of a fish in Lake Texoma without having first
14 procured a license ~~for such~~ from the Director or from any ~~of his~~
15 authorized agents of the Director.

16 B. Persons excepted from the license requirements of this
17 section are:

- 18 1. Nonresidents under fourteen (14) years of age;
- 19 2. Nonresidents in possession of a valid nonresident license
20 issued under Section 4-110 of ~~Title 29 of the Oklahoma Statutes~~ this
21 title and fishing the Oklahoma portion of Lake Texoma;
- 22 3. Holders of parallel special Texas fishing license for Lake
23 Texoma; and

1 4. A resident holding a valid Oklahoma fishing license or
2 excepted from such by Section 4-110 of ~~Title 29 of the Oklahoma~~
3 ~~Statutes~~ this title and fishing only the Oklahoma side of Lake
4 Texoma.

5 C. The minimum fee for this special Lake Texoma fishing license
6 shall be Six Dollars and seventy-five cents (\$6.75). Upon action by
7 the Texas Parks and Wildlife Department, with agreement by the
8 Commission, to raise the fee for the special Texas fishing license
9 for Lake Texoma, the fee for the special Lake Texoma fishing license
10 shall be raised accordingly. Licenses shall be issued in accordance
11 with Sections 4-201 and 4-202 of ~~Title 29 of the Oklahoma Statutes~~
12 this title.

13 D. Revenue received from the sale of this special license for
14 Lake Texoma shall be divided between the Oklahoma Department of
15 Wildlife Conservation and the Texas Parks and Wildlife Department.
16 The Oklahoma Department of Wildlife Conservation shall receive
17 seventy percent (70%) of the fees collected. The remaining thirty
18 percent (30%) of the fees collected shall be forwarded by the
19 Oklahoma Department of Wildlife Conservation to the Texas Parks and
20 Wildlife Department.

21 E. Any person convicted of violating the provisions of this
22 section shall be punished by a fine of not less than Twenty-five
23 Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

1 SECTION 9. AMENDATORY 29 O.S. 2001, Section 4-130, is
2 amended to read as follows:

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

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

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

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

18 C. 1. The Oklahoma waterfowl hunting stamp fee shall be ~~Four~~
19 ~~Dollars (\$4.00). Fifty cents (\$0.50) of this fee shall be retained~~
20 ~~by the authorized agent issuing the stamp~~ Nine Dollars (\$9.00). The
21 remainder of the fee shall be deposited in the Wildlife Conservation
22 Fund, to be used exclusively in the State of Oklahoma, for the
23 purpose of developing, managing, preserving, restoring and

1 maintaining wetland habitats and for the conservation and management
2 of waterfowl and ecologically related species.

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

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

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

12 E. Any person may purchase from the Department a lifetime
13 Oklahoma Waterfowl License. The fee for such lifetime Oklahoma
14 Waterfowl License shall be Fifty Dollars (\$50.00). The income from
15 the sale of the lifetime waterfowl license will be invested by the
16 Department in any investment permitted by a written investment
17 policy adopted by the Wildlife Conservation Commission; provided,
18 all investments shall be made in accordance with the Oklahoma
19 Uniform Prudent Investor Act. The interest derived therefrom shall
20 be expended by the Commission for the purpose of developing,
21 managing, preserving, restoring, and maintaining waterfowl habitats
22 and waterfowl species.

1 F. Any person convicted of violating any of the provisions of
2 this section shall be punished by a fine of not less than Twenty-
3 five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

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

7 SECTION 10. AMENDATORY 29 O.S. 2001, Section 4-132, is
8 amended to read as follows:

9 Section 4-132. A. The Department of Wildlife Conservation is
10 hereby authorized to issue an Oklahoma Wildlife Habitat Stamp to any
11 person upon the voluntary payment of a fee of ~~Five Dollars (\$5.00)~~
12 Ten Dollars (\$10.00). Said fee shall be deposited in the Wildlife
13 Land Acquisition Fund created in subsection C of this section.

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

17 C. There is hereby created in the State Treasury a revolving
18 fund for the Oklahoma Wildlife Conservation Commission to be
19 designated the "Wildlife Land Acquisition Fund". The fund shall be
20 a continuing fund, not subject to fiscal year limitations, and shall
21 consist of all monies received pursuant to the provisions of this
22 section by the Oklahoma Wildlife Conservation Commission. The
23 Oklahoma Wildlife Conservation Commission is hereby authorized to

1 invest all or part of the monies of said fund in any investment
2 permitted by a written investment policy adopted by the Wildlife
3 Conservation Commission; provided, all investments shall be made in
4 accordance with the Oklahoma Uniform Prudent Investor Act. Any
5 interest or dividends accruing from such investments shall be
6 deposited in the Wildlife Land Acquisition Fund. All monies
7 accruing to the credit of said fund are hereby appropriated and may
8 be budgeted and expended by the Oklahoma Wildlife Conservation
9 Commission for the purposes specified in subsection D of this
10 section. Any monies withdrawn from said fund by the Oklahoma
11 Wildlife Conservation Commission for investment pursuant to this
12 subsection shall be deemed to be for the purposes specified in
13 subsection D of this section. Expenditures from said fund shall be
14 made upon warrants issued by the State Treasurer against claims
15 filed as prescribed by law with the Director of State Finance for
16 approval and payment.

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

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

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

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

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

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4-139 of Title 29, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any person who hunts, takes, or attempts to take any
5 migratory bird shall be required to obtain from the Director any
6 federally required permit for migratory birds.

7 B. The fee for a migratory bird permit under subsection A of
8 this section shall be Two Dollars (\$2.00) for residents and
9 nonresidents.

10 C. In addition to the permit required in subsection A of this
11 section, any person who hunts, takes, or attempts to take a Sandhill
12 Crane shall be required to obtain from the Director a Sandhill Crane
13 permit. The fee for a Sandhill Crane permit shall be Two Dollars
14 (\$2.00) for residents and nonresidents.

15 D. Persons excepted from the permit requirements of this
16 section are:

- 17 1. Persons under sixteen (16) years of age;
- 18 2. Persons age sixty-four (64) or older; and
- 19 3. A landowner hunting only on their own property.

20 E. Any person convicted of violating the provisions of this
21 section shall be punished by a fine of not less than Ten Dollars
22 (\$10.00) nor more than One Hundred Dollars (\$100.00).

1 SECTION 12. AMENDATORY 29 O.S. 2001, Section 5-401, is
2 amended to read as follows:

3 Section 5-401. A. The Commission is authorized to declare an
4 open season on wildlife in any counties or parts of counties of this
5 state where, in the judgment of said Commission, such wildlife
6 exists in sufficient quantity to warrant such open season, and such
7 open season shall be declared by Commission resolution not less than
8 ten (10) days before the season is opened.

9 B. The Commission may designate any two (2) consecutive days
10 after the open season declared for hunting deer to be senior
11 citizen's hunting days. During those two (2) days only legal
12 residents of Oklahoma who are sixty-four (64) years of age or older
13 may hunt deer provided the person has a valid license as otherwise
14 provided by law.

15 C. The Commission is further authorized to prescribe rules
16 necessary to the proper conduct and policing of such open season,
17 the amount and kind of wildlife that may be taken, and the dates and
18 time limits of such season.

19 D. The Commission is further authorized to require any person
20 participating in said open season or hunting in open areas during
21 open season to procure, under rules prescribed by the Commission, a
22 special permit or license to participate in such season or hunt in
23 such areas during open season and to charge residents not to exceed

1 ~~Ten Dollars (\$10.00)~~ Twenty Dollars (\$20.00), nonresidents not to
2 exceed ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00) and
3 further providing that Five Dollars (\$5.00) of this fee shall be set
4 aside for compensation to Oklahoma surface holders participating in
5 the Acres for Wildlife Program at a rate to be determined by the
6 Wildlife Commission. No exemptions shall be permitted.

7 E. Open seasons, closed seasons, bag limits, catch limits,
8 possession limits and territorial limitations set forth in the
9 statutes of this state, pertaining to wildlife of every sort, are
10 hereby declared to be based on the existence of a normal population
11 of such species of wildlife, compatible with and not damaging to the
12 proper agricultural use of the lands of the state.

13 F. Such seasons, catch limits, bag limits, possession limits
14 and territorial limitations as set by statute shall prevail and be
15 in full force and effect for each and every species of wildlife to
16 which they pertain so long as the population or numbers of such
17 wildlife species remain normal or are not damaging or endangering
18 crops or proper agricultural use of the lands of the state.

19 G. The Commission in session + and after having given ten (10)
20 days' public notice of such meeting being called and the purpose of
21 such meeting, the species of wildlife to be considered and the
22 reasons therefor, shall have the right to determine if there does or
23 does not exist a normal population of the wildlife species under

1 consideration, which does or does not endanger the crops of the
2 state or of any certain areas, or the agricultural use of the lands
3 therein. In the event the consideration is other than statewide,
4 the Commission shall meet at the most convenient place to the people
5 of the area in the area being considered. All meetings shall be
6 open to the public and proper records of those appearing and
7 testifying shall be made. If the Commission, after hearing and
8 after investigation, finds that the populations of the wildlife
9 species under hearing are not normal or that they are not compatible
10 to the agricultural use of the lands or are damaging or endangering
11 the farm crops of the area, they shall, by administrative order,
12 make the necessary changes by either extending, shortening, opening
13 or closing such seasons, and change such bag limits, catch limits
14 and possession limits, and regulate methods or devices for taking,
15 killing or capturing of the wildlife species affected in any area or
16 areas covered by the notice of meeting and hearing, except as
17 otherwise set by the Legislature.

18 H. Such administrative order shall take effect after
19 publication in at least one newspaper of general state circulation,
20 or in a newspaper having circulation in the territory affected. A
21 copy of all such orders shall, before publication, be filed with the
22 Secretary of State, and such order shall not be construed as
23 authorizing the Commission to change any penalty for violating any

1 game law or regulation or change the amount of any license
2 established by the Legislature.

3 SECTION 13. This act shall become effective July 1, 2003.

4 SECTION 14. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-3-03 -
9 DO PASS, As Amended.