

EHB 2341

THE STATE SENATE
Monday, April 5, 2004

ENGROSSED

House Bill No. 2341

As Amended

ENGROSSED HOUSE BILL NO. 2341 - By: SMITH of the House and SHURDEN of the Senate.

[game and fish - Oklahoma Wildlife Land Stamp - amending 29 O.S., Sections 3-303 and 4-114 - lifetime licenses - codification - effective date]

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;

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

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

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

7 5. Persons holding a valid nonresident lifetime fishing,
8 hunting or combination license; and

9 6. Persons who have acquired a license pursuant to Section 4-
10 110 or Section 4-128 of Title 29 of the Oklahoma Statutes for
11 fishing in the area of Lake Texoma located within the state.

12 C. 1. The Oklahoma Wildlife Land Stamp fee shall be Three
13 Dollars (\$3.00). Fifty cents (\$0.50) of this fee shall be retained
14 by the authorized agent issuing the stamp. The remainder of the fee
15 shall be deposited in the Oklahoma Wildlife Land Fund, created in
16 Section 2 of this act, to be used exclusively for payment of bond
17 debt and related expenses incurred pursuant to Section 5 of this act
18 for the purchase of public hunting, fishing, and trapping areas
19 where the public may hunt, fish, or trap as authorized by law.

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

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

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

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

9 There is hereby created in the State Treasury a revolving fund
10 for the Oklahoma Wildlife Conservation Commission to be designated
11 the "Oklahoma Wildlife Land Fund". The Fund shall be a continuing
12 fund, not subject to fiscal year limitations, and shall consist of
13 all monies received pursuant to the provisions of Section 1 of this
14 act from fees for the Oklahoma Wildlife Land Stamp and the monies
15 apportioned to the Fund by paragraph 1 of subsection G of Section 4-
16 114 of Title 29 of the Oklahoma Statutes. All monies accruing to
17 the credit of the Fund are hereby appropriated and shall be expended
18 by the Commission as follows:

19 1. An amount equal to Two Dollars (\$2.00) per stamp to be used
20 to retire the obligations and related expenses as authorized
21 pursuant to Section 5 of this act; and

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

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

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

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

16 C. On any land acquired by the Oklahoma Wildlife Conservation
17 Commission pursuant to the provisions of the Oklahoma Wildlife
18 Conservation Code, after the effective date of this act, the
19 Commission shall annually make in lieu of tax payments equal to the
20 average ad valorem tax per acre paid on similar land in that county.
21 Said payments shall be made from any funds created in or pursuant to
22 the authority granted by the Oklahoma Wildlife Conservation Code.
23 The payments shall be made by the Commission within sixty (60) days

1 from receipt of an itemized statement from the county treasurer of
2 the county in which the land is located.

3 D. The provisions of subsection C of this section shall be
4 applicable to any lands acquired by or on behalf of the Oklahoma
5 Wildlife Conservation Commission pursuant to Section 5 of this act
6 and the Oklahoma Capitol Improvement Authority may enter into such
7 agreements with the Oklahoma Wildlife Conservation Commission as may
8 be required for the Commission to make such in lieu payments with
9 respect to real property title to which is held by the Oklahoma
10 Capitol Improvement Authority until title is transferred to the
11 Commission as provided by Section 5 of this act.

12 SECTION 4. AMENDATORY 29 O.S. 2001, Section 4-114, as
13 last amended by Section 1, Chapter 157, O.S.L. 2003 (29 O.S. Supp.
14 2003, Section 4-114), is amended to read as follows:

15 Section 4-114. A. All legal residents who have resided in the
16 state for at least six (6) months may purchase lifetime fishing
17 licenses, lifetime hunting licenses or lifetime combination
18 hunting/fishing licenses from the State Wildlife Conservation
19 Director.

20 B. The fee for these licenses shall be:

21 1. Lifetime fishing license, ~~Two Hundred Dollars (\$200.00)~~ Two
22 Hundred Twenty-five Dollars (\$225.00);

1 2. Lifetime hunting license, ~~Six Hundred Dollars (\$600.00)~~ Six
2 Hundred Twenty-five Dollars (\$625.00);

3 3. Lifetime combination hunting/fishing license, ~~Seven Hundred~~
4 ~~Fifty Dollars (\$750.00)~~ Seven Hundred Seventy-five Dollars
5 (\$775.00);

6 4. Lifetime hunting license for persons sixty (60) years of age
7 or older, ~~Two Hundred Dollars (\$200.00)~~ Two Hundred Twenty-five
8 Dollars (\$225.00);

9 5. Lifetime fishing license for persons sixty (60) years of age
10 or older, ~~Thirty Dollars (\$30.00)~~ Fifty-five Dollars (\$55.00); and

11 6. Lifetime combination hunting/fishing license for persons
12 sixty (60) years of age or older, ~~Two Hundred Fifteen Dollars~~
13 ~~(\$215.00)~~ Two Hundred Forty Dollars (\$240.00).

14 C. The use of the licenses provided in this section are subject
15 to those restrictions provided by statute and the regulations of the
16 Wildlife Conservation Commission. The lifetime hunting license
17 shall be in lieu of all annual hunting licenses and all special
18 season permits.

19 D. Nonresidents may purchase:

20 1. A lifetime nonresident fishing license. The fee for such
21 license shall be ~~Two Hundred Fifty Dollars (\$250.00)~~ Two Hundred
22 Seventy-five Dollars (\$275.00);

1 2. A lifetime nonresident small game hunting license to hunt
2 game other than deer, antelope, elk, or turkey. The fee shall be
3 ~~Four Hundred Fifty Dollars (\$450.00)~~ Four Hundred Seventy-five
4 Dollars (\$475.00); or

5 3. A lifetime nonresident combination fishing and small game
6 hunting license. The fee shall be ~~Six Hundred Fifty Dollars~~
7 ~~(\$650.00)~~ Six Hundred Seventy-five Dollars (\$675.00).

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

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

13 G. Of the fees imposed pursuant to subsections B and D of this
14 section:

15 1. Twenty Dollars (\$20.00) from each such license fee shall be
16 apportioned to the Oklahoma Wildlife Land Fund to be used to retire
17 the obligations and related expenses as authorized pursuant to
18 Section 5 of this act; and

19 2. Five Dollars (\$5.00) from each such license fee shall be
20 apportioned to the Oklahoma Wildlife Land Fund to be used by the
21 Commission for management of the real property acquired pursuant to
22 Section 5 of this act.

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

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

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

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

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

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

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

9 G. For the purpose of paying the costs for acquisition of the
10 real property and improvements authorized in subsection A of this
11 section, and for the purpose authorized in subsection I of this
12 section, the Authority is hereby authorized to borrow monies on the
13 credit of the revenues to be derived from issuance of the Oklahoma
14 Wildlife Land Stamp and, in anticipation of the collection of such
15 revenues, to issue negotiable obligations in an amount not to exceed
16 _____.

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

20 I. To the extent funds are available from the proceeds of the
21 borrowing authorized by subsection G of this section, the Oklahoma
22 Capitol Improvement Authority shall provide for the payment of

1 professional fees and associated costs approved by the Oklahoma
2 Wildlife Conservation Commission.

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

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

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

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

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

16 SECTION 6. This act shall become effective July 1, 2004.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-31-04 - DO
18 PASS, As Amended.