

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1814

By: Armes of the House

and

Shurden of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-114, as last amended by Section 4, Chapter 513, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-114), which relates to lifetime hunting and fishing licenses; modifying use of proceeds from the Lifetime Oklahoma Wildlife Land Stamp; amending Sections 1 and 2, Chapter 513, O.S.L. 2004 (29 O.S. Supp. 2004, Sections 4-140 and 4-141), which relate to the Oklahoma Wildlife Land Stamp; adding certain exemptions; modifying use of proceeds from the Oklahoma Wildlife Land Stamp; updating statutory citations; amending 29 O.S. 2001, Section 4-112, as last amended by Section 1 of Enrolled Senate Bill No. 685 of the 1st Session of the 50th Oklahoma Legislature, which relates to hunting licenses; adding an exemption for persons hunting rattlesnake in certain circumstances; allowing residents and nonresidents to purchase a five-day rattlesnake permit; establishing fee; allowing persons with hunting license to hunt rattlesnake without permit; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-114, as last amended by Section 4, Chapter 513, O.S.L. 2004 (29 O.S. Supp. 2004, 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. 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 a lifetime nonresident fishing license. The fee for such license shall be Two Hundred Fifty Dollars (\$250.00).

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~~ 4-141 of this ~~act~~ title, to be used to retire the obligations and related expenses as authorized pursuant to Section ~~5~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase easements on real property to be used as public hunting, fishing, and trapping areas; and
- b. Five Dollars (\$5.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section ~~2~~ 4-141 of this ~~act~~ title, to be used by the Commission for management of the real property acquired pursuant to Section ~~5~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

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~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes, the Lifetime Oklahoma Wildlife Land Stamp and Lifetime Oklahoma Wildlife Land Stamp fee requirements provided for in this subsection shall terminate.

SECTION 2. AMENDATORY Section 1, Chapter 513, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-140), is amended to read as follows:

Section 4-140. 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)~~ sixty-four (64) 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~~ this title for fishing in the area of Lake Texoma located within the state;

7. Nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;

8. Nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older;

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

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

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

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

13. Any person who is legally blind or who has any other physical impairment, as certified by a physician licensed in this state or any state which borders this state, which prevents the person from properly using fishing apparatus without the assistance of another person, and any one person actually accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

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

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

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

17. Any person who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

18. Any person hunting, pursuing, trapping, harassing, catching, killing, taking, or attempting to take in any manner any species of rattlesnake during an organized rattlesnake hunting event or festival and who has a rattlesnake permit issued pursuant to Section 5 of this act.

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~~ 4-141 of this ~~act~~ title, to be used exclusively for:

a. the payment of bond debt and related expenses incurred pursuant to Section ~~5~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes for the purchase of public hunting, fishing, and trapping areas where the public may hunt, fish, or trap as authorized by law or for the purchase, lease, or purchasing of easements on real property to be used as public hunting, fishing, and trapping areas, and

~~for~~ b. the management of the real property acquired pursuant to Section ~~5~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

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~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes, 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 3. AMENDATORY Section 2, Chapter 513, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-141), is amended to read as follows:

Section 4-141. 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 ~~4~~ 4-140 of this ~~act~~ title 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~~ this title 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~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase easements on real property to be used as public hunting, fishing, and trapping areas; 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~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma

Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

SECTION 4. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 1 of Enrolled Senate Bill No. 685 of the 1st Session of the 50th Oklahoma Legislature, 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; and

10. Any person hunting, pursuing, trapping, harassing, catching, killing, taking, or attempting to take in any manner any species of rattlesnake during an organized rattlesnake-hunting event or festival and who has a rattlesnake permit issued pursuant to Section 5 of this act.

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, 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.

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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-143 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. All legal residents of Oklahoma and nonresidents may purchase a five-day rattlesnake permit from the Director or an agent of the Director which shall allow the person to hunt, pursue, trap, harass, catch, kill, take, or attempt to take in any manner any species of rattlesnake during an organized rattlesnake-hunting event or festival during the five-day period without obtaining a hunting license issued pursuant to Section 4-112 of Title 29 of the Oklahoma Statutes.

B. The fee for a rattlesnake permit shall be Five Dollars (\$5.00).

C. Any person with a hunting license issued pursuant to Section 4-112 of Title 29 of the Oklahoma Statutes may hunt rattlesnake without acquiring a rattlesnake permit issued pursuant to this section.

SECTION 6. 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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