

and

Wyrick of the Senate

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-106, as amended by Section 1, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005, Section 4-106), which relates to commercial hunting area licenses; changing fee for big game or combination big game and upland game commercial hunting area license; updating statutory language; amending 29 O.S. 2001, Section 4-112, as last amended by Section 2, Chapter 382, O.S.L. 2005 (29 O.S. Supp. 2005, Section 4-112), which relates to hunting licenses; deleting nonresident commercial hunting area big game ten-day permit; requiring nonresidents hunting in certain commercial hunting area to have nonresident hunting license; exempting residents hunting in certain commercial hunting areas from deer gun, archery, and primitive firearms hunting licenses and elk or antelope hunting licenses; deleting nonresident commercial hunting area big game ten-day permit fee; 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 4-106, as amended by Section 1, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005, Section 4-106), is amended to read as follows:

Section 4-106. A. No person may propagate or hold in captivity any wildlife or domesticated animals hunted for sport for commercial hunting area purposes without having procured a license for such from the Director. Licenses shall be classified as big game, upland game, or a combination of big game and upland game.

1. A big game license shall be required for legally acquired exotic ungulates, domesticated animals so designated by the Oklahoma Wildlife Conservation Commission, exotic swine, and legally acquired whitetail and mule deer, turkey and other species of big game

lawfully taken under the provisions of subsection A of Section 5-411 and Section 5-401 of this title. Wildlife that has been crossbred with exotic wildlife shall be considered native and not exotic unless documentation shows otherwise.

2. An upland game license shall be required for legally acquired captive raised pheasants, all species of quail, Indian chukars, water fowl, and other similar or suitable gallinaceous birds; and shall include turkey if no other big game species are listed on the license/application.

B. Before obtaining such license or a renewal of such license the applicant shall:

1. Submit proof that such wildlife or domesticated animals hunted for sport will be or have been secured from a source other than the wild stock in this state. Any person obtaining or renewing such license shall submit a true and complete inventory of said animals before such license shall be approved;

2. Such license shall specifically list the different species and/or subspecies to be hunted on the listed hunting area or premises; and

3. Submit proof of being an Oklahoma resident.

C. Any game warden of the Oklahoma Department of Wildlife Conservation shall have authority to inspect any and all records and invoices pertaining to the commercial hunting operations of any person licensed or requesting licensure pursuant to this section and additionally shall have the authority to inspect any and all facilities, equipment and property connected to the hunting operation of any person licensed or requesting licensure pursuant to this section.

D. 1. The annual fee for a commercial hunting area license for upland game under this section shall be One Hundred Dollars (\$100.00).

2. The annual fee for a commercial hunting area license for big game or a combination of big game and upland game pursuant to this section shall be ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00).

E. All licenses issued pursuant to this section shall expire on June 30 of each year.

F. Exemptions from this license requirement shall be operators of running pens used for the performance test or training of dogs. Operators of such running pens may acquire coyotes from wild stock without having to possess a fur dealer's license for such purpose and no license shall be required of those involved in performance testing or training dogs in such running pens so long as no other wildlife are taken or hunted in any manner.

G. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

H. Any person convicted of violating the provisions of this section shall have ~~his~~ the commercial hunting area license revoked. No new license shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

I. The Department is authorized to promulgate rules pertaining to commercial hunting areas.

SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 2, Chapter 382, O.S.L. 2005 (29 O.S. Supp. 2005, 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~~ Except as otherwise provided for in this subparagraph, 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~~ hunting in a big game or combination big game and upland game 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, the fee shall be One Hundred Thirty-six Dollars (\$136.00). 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 or residents who are one hundred percent (100%) disabled and are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes, 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~~:

- a. 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~~,
- b. 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,~~

c. 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, and

d. residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

4. Deer archery hunting license, residents, Nineteen Dollars (\$19.00). ~~No~~ There shall be no exemptions except residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

5. Primitive firearms license, residents, Nineteen Dollars (\$19.00). ~~No~~ There shall be no exemptions except residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

6. Elk or antelope hunting license, residents, Fifty Dollars (\$50.00). ~~No~~ There shall be no exemptions except residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

7. Bonus, special or second deer gun hunting license, residents, Nineteen Dollars (\$19.00). No exemptions except ~~for~~ :

a. 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,~~

b. 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,  
and

c. residents hunting in big game or combination big game  
and upland game commercial hunting areas 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); and

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 3. This act shall become effective July 1, 2006.

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.

Passed the House of Representatives the 2nd day of March, 2006.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2006.

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Presiding Officer of the Senate