ENROLLED HOUSE
BILL NO. 1575

By: McCarter, Walker, Smithson, Ellis, Shoemake, Mass, Morgan (Fred), Bingman, Brown, Glenn, Hilliard, Hyman, Kiesel, Morrissette, Nance, Roan, Sherrer, Sullivan, Wesselhoft and Shelton of the House

and

Crutchfield and Gumm of the Senate

An Act relating to game and fish; amending 29 O.S. 2001, Sections 4-110, as last amended by Section 2, Chapter 287, O.S.L. 2003 and 4-112, as last amended by Section 1, Chapter 284, O.S.L. 2004 (29 O.S. Supp. 2004, Sections 4-110 and 4-112), which relate to fishing and hunting licenses; making certain disabled residents eligible for a disability fishing and hunting license; 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 last amended by Section 2, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2004, 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 transport all or any portion of fish without having first procured a license for such from the Director or from any of the authorized agents of the Department of Wildlife Conservation. The Wildlife Conservation Commission may designate two (2) days per year in which residents and nonresidents may fish without first procuring a fishing license pursuant to the provisions of this section.

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

1. Legal residents under sixteen (16) years of age and nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;

2. Legal residents sixty-four (64) years of age or older and 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, provided such resident has 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, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who fish in private ponds on land owned or leased by them;

6. 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;

7. 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;

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

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;

10. 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;

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

12. 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;

13. 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; and

14. Any person who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits

in the county in which the person is a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part of the boundary line of the county in which the person is a resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp.

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

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). For a two-day resident permit license, Nine Dollars ($9.00); and

2. For nonresidents, Thirty-six Dollars ($36.00), provided the Commission may enter into reciprocity agreements with states wherein nonresident license fees shall be in conformity with such reciprocal agreements. For a five-day nonresident permit license, Seventeen Dollars and fifty cents ($17.50). Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars ($5.00) of the license fee for nonresidents, and One Dollar and fifty cents ($1.50) of the five-day nonresident permit fee shall be deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title.

D. Legal residents who have resided in this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, ~~or~~ postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451 (1998) or legal 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 fishing license from the Director for Ten Dollars ($10.00) for five (5) years.

E. 1. Any person arrested while violating the provisions of this section who does not meet the requirements of subsection H of this section, may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. 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, Ninety Dollars ($90.00).

2. Except as otherwise provided 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.

F. Unless a substitute license is purchased as provided for by subsection E of this section, any resident of this state 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.

G. Unless a substitute license is purchased as provided for by subsection E of this section, any nonresident convicted of violating this section shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

H. Any person producing proof in court that a current fishing 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 fishing 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.

SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 1, Chapter 284, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-112), is amended to read as follows:

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

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

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

2. Legal residents of Oklahoma sixty-four (64) years of age or older provided such persons have obtained a senior citizen’s license pursuant to the provisions of Section 4-133 of this title;

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

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

5. Legal resident owners or tenants who hunt on land owned or leased by them;

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

7. Any nonresident under fourteen (14) years of age;

8. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a physician licensed in this state or in any state which borders this state; and

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

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

1. a. Annual hunting licenses for nonresidents hunting game other than deer, antelope, or elk, One Hundred Thirty-six Dollars ($136.00); for deer, Two Hundred Dollars ($200.00); for antelope and elk, Three Hundred Dollars ($300.00). There shall be no exemptions for deer, antelope, elk, or turkey. Any nonresident with a commercial hunting area big game ten-day permit as provided for in paragraph 3 of subsection D of this section shall not be required to have an annual nonresident hunting license pursuant to this subparagraph. For a five-day nonresident hunting license to hunt game other than deer, antelope, elk, turkey, or pheasant, the fee shall be Forty-one Dollars and fifty cents ($41.50).

b. Annual combination hunting licenses for nonresidents hunting one antlered and one antlerless deer, Two Hundred Fifty Dollars ($250.00); for nonresidents hunting an additional antlerless deer, Fifty Dollars ($50.00) which shall be valid only on private lands not managed by the Department of Wildlife Conservation.

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

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

2. Disability hunting license, residents of this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits or disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a <u>or residents who are one hundred percent (100%) disabled and are receiving disability payments from the Multiple</u>

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 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 3. 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 27th day of May, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the 27th day of May, 2005.

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Presiding Officer of the Senate