

EHB 1575

1 THE STATE SENATE
2 Tuesday, April 12, 2005

3 ENGROSSED
4 House Bill No. 1575
5 As Amended

6 ENGROSSED HOUSE BILL NO. 1575 - By: McCARTER, WALKER, SMITHSON,
7 ELLIS, SHOEMAKE, MASS, MORGAN (Fred), BINGMAN, BROWN, GLENN,
8 HILLIARD, HYMAN, KIESEL, MORRISSETTE, NANCE, ROAN, SHERRER, SULLIVAN
9 and WESSELHOFT of the House and CRUTCHFIELD of the Senate.

10 [game and fish - fishing and hunting licenses - disability
11 fishing and hunting licenses -
12 emergency]

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

14 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-110, as
15 last amended by Section 2, Chapter 287, O.S.L. 2003 (29 O.S. Supp.
16 2004, Section 4-110), is amended to read as follows:

17 Section 4-110. A. Except as otherwise provided in the Oklahoma
18 Wildlife Conservation Code, no person shall fish, pursue, harass,
19 catch, kill, take in any manner, use, have in possession, sell, or
20 transport all or any portion of fish without having first procured a
21 license for such from the Director or from any of the authorized
22 agents of the Department of Wildlife Conservation. The Wildlife
23 Conservation Commission may designate two (2) days per year in which
24 residents and nonresidents may fish without first procuring a
25 fishing license pursuant to the provisions of this section.

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

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

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

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

14 4. Legal resident veterans having a disability of sixty percent
15 (60%) or more;

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

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

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

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

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

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

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

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

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

12 14. Any person who is fishing with a pole and line, trotline,
13 or throwline in streams, natural lakes, natural ponds, and mine pits
14 in the county in which the person is a resident, or in streams,
15 natural lakes, natural ponds, and mine pits which form a part of the
16 boundary line of the county in which the person is a resident, when
17 using any bait other than commercial or artificial bait, blood,
18 stink bait, cut fish, and shrimp.

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

22 1. For legal residents eighteen (18) years of age and older,
23 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or

1 seventeen (17) years of age, Four Dollars (\$4.00). For a two-day
2 resident permit license, Nine Dollars (\$9.00); and

3 2. For nonresidents, Thirty-six Dollars (\$36.00), provided the
4 Commission may enter into reciprocity agreements with states wherein
5 nonresident license fees shall be in conformity with such reciprocal
6 agreements. For a five-day nonresident permit license, Seventeen
7 Dollars and fifty cents (\$17.50). Of the amount of monies collected
8 pursuant to the provisions of this paragraph, Five Dollars (\$5.00)
9 of the license fee for nonresidents, and One Dollar and fifty cents
10 (\$1.50) of the five-day nonresident permit fee shall be deposited in
11 the Wildlife Land Acquisition Fund created pursuant to the
12 provisions of Section 4-132 of this title.

13 D. Legal residents who have resided in this state for at least
14 six (6) months and who are receiving Social Security Disability
15 benefits, Supplemental Security Income benefits, disability benefits
16 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, ~~or~~
17 postal employees receiving disability benefits pursuant to 5,
18 U.S.C., Section 8451 (1998) or legal residents who are one hundred
19 percent (100%) disabled and are receiving disability payments from
20 the Multiple Injury Trust Fund pursuant to Section 173 of Title 85
21 of the Oklahoma Statutes, may purchase a disability fishing license
22 from the Director for Ten Dollars (\$10.00) for five (5) years.

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

7 a. for legal residents, Fifty Dollars (\$50.00), and

8 b. for nonresidents, Ninety Dollars (\$90.00).

9 2. Except as otherwise provided by this subsection, the fees
10 from licenses purchased pursuant to the provisions of this
11 subsection shall be deposited in the Wildlife Conservation Fund to
12 be used exclusively for developing, managing, preserving, and
13 protecting wildlife and wildlife habitat.

14 F. Unless a substitute license is purchased as provided for by
15 subsection E of this section, any resident of this state convicted
16 of violating the provisions of this section shall be punished by the
17 imposition of a fine of not less than Twenty-five Dollars (\$25.00)
18 nor more than Two Hundred Dollars (\$200.00) or by imprisonment in
19 the county jail for a period not to exceed thirty (30) days, or by
20 both said fine and imprisonment.

21 G. Unless a substitute license is purchased as provided for by
22 subsection E of this section, any nonresident convicted of violating
23 this section shall be punished by a fine of not less than Fifty

1 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by
2 imprisonment in the county jail for a period not more than thirty
3 (30) days, or by both such fine and imprisonment.

4 H. Any person producing proof in court that a current fishing
5 license issued by the Department of Wildlife Conservation to such
6 person was in force at the time of the alleged offense shall be
7 entitled to dismissal of a charge of violating this section upon
8 payment of court costs; however, if proof of fishing license is
9 presented to the court or district attorney within seventy-two (72)
10 hours after the violation, the charge shall be dismissed without
11 payment of court costs.

12 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-112, as
13 last amended by Section 1, Chapter 284, O.S.L. 2004 (29 O.S. Supp.
14 2004, Section 4-112), is amended to read as follows:

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

1 this state may hunt without first procuring a hunting license
2 pursuant to the provisions of this section.

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

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

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

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

10 4. Legal resident veterans having a disability of sixty percent
11 (60%) or more;

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

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

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

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

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

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

7 1. a. Annual hunting licenses for nonresidents hunting game
8 other than deer, antelope, or elk, One Hundred Thirty-
9 six Dollars (\$136.00); for deer, Two Hundred Dollars
10 (\$200.00); for antelope and elk, Three Hundred Dollars
11 (\$300.00). There shall be no exemptions for deer,
12 antelope, elk, or turkey. Any nonresident with a
13 commercial hunting area big game ten-day permit as
14 provided for in paragraph 3 of subsection D of this
15 section shall not be required to have an annual
16 nonresident hunting license pursuant to this
17 subparagraph. For a five-day nonresident hunting
18 license to hunt game other than deer, antelope, elk,
19 turkey, or pheasant, the fee shall be Forty-one
20 Dollars and fifty cents (\$41.50).

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

1 hunting an additional antlerless deer, Fifty Dollars
2 (\$50.00) which shall be valid only on private lands
3 not managed by the Department of Wildlife
4 Conservation.

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

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

21 2. Disability hunting license, residents of this state for at
22 least six (6) months and who are receiving Social Security
23 Disability benefits, Supplemental Security Income benefits or

1 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
2 Section 231a or residents who are one hundred percent (100%)
3 disabled and are receiving disability payments from the Multiple
4 Injury Trust Fund pursuant to Section 173 of Title 85 of the
5 Oklahoma Statutes, may purchase a disability hunting license from
6 the Director for Ten Dollars (\$10.00) for five (5) years.

7 3. Deer gun hunting license, residents, Nineteen Dollars
8 (\$19.00). There shall be no exemptions except for residents sixty-
9 four (64) years of age or older provided such residents have
10 obtained a senior citizen's license pursuant to the provisions of
11 Section 4-133 of this title and for legal residents of Oklahoma
12 under eighteen (18) years of age provided such residents shall be
13 required to pay a deer gun hunting license fee of Nine Dollars
14 (\$9.00). In addition, veterans who are totally disabled as
15 certified by the U.S. Department of Veterans Affairs shall be exempt
16 from the fees specified pursuant to this paragraph.

17 4. Deer archery hunting license, residents, Nineteen Dollars
18 (\$19.00). No exemptions.

19 5. Primitive firearms license, residents, Nineteen Dollars
20 (\$19.00). No exemptions.

21 6. Elk or antelope hunting license, residents, Fifty Dollars
22 (\$50.00). No exemptions.

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

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

11 1. For legal residents eighteen (18) years of age and older,
12 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or
13 seventeen (17) years of age, Four Dollars (\$4.00);

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

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

22 E. The provisions of this section shall not be construed to
23 require a hunting license, resident or nonresident, of any person

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

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

- 16 a. for legal residents, Fifty Dollars (\$50.00), and
17 b. for nonresidents, One Hundred Forty-five Dollars
18 (\$145.00).

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

1 G. Any person producing proof in court that a current hunting
2 license issued by the Department of Wildlife Conservation to such
3 person was in force at the time of the alleged offense shall be
4 entitled to dismissal of a charge of violating this section upon
5 payment of court costs; however, if proof of hunting license is
6 presented to the court or district attorney within seventy-two (72)
7 hours after the violation, the charge shall be dismissed without
8 payment of court costs.

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

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

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-7-05 -
6 DO PASS, As Amended.