STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1814 By: Armes

AS INTRODUCED

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; repealing 29 O.S. 2001, Section 4-114, as last amended by Section 2, Chapter 284, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-114), which relates to lifetime hunting and fishing licenses; 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 take 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; and

17. 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. 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 taking 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 ~~1~~ 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 take 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. REPEALER 29 O.S. 2001, Section 4-114, as last amended by Section 2, Chapter 284, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-114), is hereby repealed.

SECTION 5. 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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