

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 342

By: Wilson

AS INTRODUCED

An Act relating to game and fish; 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 wildlife stamp and the Oklahoma Wildlife Land Fund; modifying and adding exemptions; authorizing the Oklahoma Wildlife Conservation Commission to use funds from the stamp for certain promotions; amending Section 5, Chapter 513, O.S.L. 2004 (73 O.S. Supp. 2004, Section 168.9), which relates to purchase of property for fishing, hunting, and trapping; allowing the Commission to use certain interest earned used for purchasing and managing lands; and providing an effective date.

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

SECTION 1. 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) years of age or older;~~

~~3. Legal residents of Oklahoma~~ Persons who have a valid lifetime fishing, hunting, or combination license;

~~4.~~ 3. 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.~~ 4. 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;

5. Veterans in receipt of a disability compensation at the one-hundred-percent (100%) rate; and

6. Persons otherwise exempt from the purchase of a hunting or fishing license.

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 payment of bond debt ~~and~~, land acquisition and related expenses incurred pursuant to ~~Section 5 of this act~~ Section 168.9 of Title 73 of the Oklahoma Statutes for the ~~purchase~~ purpose of public hunting, fishing, and trapping areas where the public may hunt, fish, or trap as authorized by law and for management of the real property acquired pursuant to ~~Section 5 of this act~~ Section 168.9 of Title 73 of the Oklahoma Statutes.

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 of this act~~ Section 168.9 of 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 2. 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 of this act~~ 4-140 of this 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 of this act~~ Section 168.9 of Title 73 of the Oklahoma Statutes; and

2. An amount equal to fifty cents (\$0.50) per stamp to be used by the Commission for management ~~of the~~, promotion, and information

in relation to the real property acquired pursuant to Section 5 of this act.

SECTION 3. AMENDATORY Section 5, Chapter 513, O.S.L. 2004 (73 O.S. Supp. 2004, Section 168.9), is amended to read as follows:

Section 168.9 A. The Oklahoma Capitol Improvement Authority is authorized to acquire the real property, together with improvements located thereon, for purposes of providing public hunting, fishing, and trapping areas as places where the public may hunt, fish, or trap as authorized by law.

B. The Authority may hold title to the real property and improvements until such time as any obligations issued for this purpose are retired or defeased and shall lease the real property and improvements to the Oklahoma Wildlife Conservation Commission for an amount not to exceed One Dollar (\$1.00) per year for each parcel.

C. The Commission shall have exclusive management and control over any real property acquired by the Authority and leased to the Commission pursuant to this section.

D. The Commission shall have exclusive authority to direct the Oklahoma Capitol Improvement Authority for purposes of acquiring any real property as otherwise authorized by this section and the Oklahoma Capitol Improvement Authority shall only acquire such real property as described by subsection A of this section as may be approved by the Oklahoma Wildlife Conservation Commission.

E. The Oklahoma Wildlife Conservation Commission shall only acquire real property as authorized by this section on a willing-seller willing-buyer basis.

F. Upon final redemption or defeasance of the obligations created pursuant to this section, title to the real property and improvements shall be transferred from the Oklahoma Capitol

Improvement Authority, to the Oklahoma Wildlife Conservation Commission.

G. For the purpose of paying the costs for acquisition of the real property and improvements authorized in subsection A of this section, and for the purpose authorized in subsection I of this section, the Authority is hereby authorized to borrow monies on the credit of the revenues to be derived from issuance of the Oklahoma Wildlife Land Stamp and, in anticipation of the collection of such revenues, to issue negotiable obligations in an amount not to exceed Thirty Million Dollars (\$30,000,000.00).

H. The costs for acquisition of the real property and improvements authorized in subsection A of this section shall not exceed the fair market value of the property.

I. To the extent funds are available from the proceeds of the borrowing authorized by subsection G of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs approved by the Oklahoma Wildlife Conservation Commission.

J. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants, and such other professionals as it may deem necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed necessary and to pay costs associated with the issuance and administration of such obligations.

K. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations

may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than thirty (30) years from the first principal maturity date with respect to each series issued.

L. Any interest earnings on funds or accounts created for the purposes of this section may be utilized as partial payment of the annual debt service or for the purposes directed by the Authority, or for the purpose of purchasing lands and management of those lands by the Commission.

M. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

N. The Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. Such investments shall be made in a manner consistent with the investment guidelines of the State Treasurer. The Authority may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

SECTION 4. This act shall become effective September 1, 2005.

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