HB1890 FULLPCS1 Phil Richardson-KB
2/12/2009 2:36:56 pm

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1890 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Phil Richardson

Adopted: _____

_____
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1890 By: Richardson

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Sections 4-110, as last amended by Section 10, Chapter 16, O.S.L. 2006, 4-112, as last amended by Section 1, Chapter 49, O.S.L. 2008 and 4-114, as last amended by Section 16, Chapter 16, O.S.L. 2006 (29 O.S. Supp. 2008, Sections 4-110, 4-112 and 4-114), which relate to hunting and fishing licenses; modifying fishing and hunting license exemptions for persons with certain senior citizens license; deleting certain deer gun hunting license exemptions for persons with certain senior citizens license; adding a senior citizen lifetime combination hunting and fishing license; establishing fee for the license; modifying licenses required to purchase a Lifetime Oklahoma Wildlife Land Stamp; amending 29 O.S. 2001, Section 4-134, which relates to the Wildlife Heritage Fund; changing statutory citation; amending Section 1, Chapter 513, O.S.L. 2004, as last amended by Section 2, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2005, Section 4-140), which relates to the Oklahoma Wildlife Land Stamp; modifying certain exemption; repealing 29 O.S. 2001, Section 4-133, which relates to the senior citizen lifetime hunting and fishing 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 10, Chapter 16, O.S.L. 2006 (29 O.S. Supp. 2008, 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~~ a legal resident has obtained a senior ~~citizen's~~ citizen combination hunting and fishing license pursuant to the provisions of Section ~~4-133~~ 4-114 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;

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; and

15. Any person participating in an aquatic education event or clinic sanctioned by the Department of Wildlife Conservation.

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, 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 49, O.S.L. 2008 (29 O.S. Supp. 2008, Section 4-112), is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae Act, 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 from 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 they have obtained a senior ~~citizen's~~ citizen lifetime combination hunting and fishing license pursuant to the provisions of Section ~~4-133~~ 4-114 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 on properly authorized leave from military duty having in his or her possession proper written evidence showing such

authorized leave and serving outside the State of Oklahoma at the time of the 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;

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; and

10. Any person hunting, pursuing, trapping, harassing, catching, killing, taking, or attempting to take in any manner any species of rattlesnake during an organized rattlesnake-hunting event or festival and who has a rattlesnake permit issued pursuant to Section 4-143 of this title.

C. Except as otherwise provided for in this 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 hunting in a big game or combination big game and upland game

commercial hunting area shall be required to have an annual nonresident hunting license pursuant to this subparagraph, and 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, or turkey, the fee shall be Sixty-nine Dollars ($69.00).

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.

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 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:

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,~~

~~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),

~~c.~~ b. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-

percent rate shall be exempt from the fees specified pursuant to this paragraph, and

~~d.~~ 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.

4. Deer archery hunting license, residents, Nineteen Dollars ($19.00) and for legal residents of Oklahoma under eighteen (18) years of age, Nine Dollars ($9.00). There shall be no exemptions except residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and 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) and for legal residents of Oklahoma under eighteen (18) years of age, Nine Dollars ($9.00). There shall be no exemptions except residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and 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). 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:

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,~~

~~b.~~ persons with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate shall be exempt from the fees specified pursuant to this paragraph, and

~~c.~~ b. 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).

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 that 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 the 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 that 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.

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.

SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-114, as last amended by Section 16, Chapter 16, O.S.L. 2006 (29 O.S. Supp. 2008, 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~~/~~ and 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~~/~~ and 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~~/~~ and fishing license for persons sixty (60) years of age or older, Two Hundred Fifteen Dollars ($215.00); and

7. Senior citizen lifetime combination hunting and fishing license for persons sixty-four (64) years of age or older, Twenty-five Dollars ($25.00).

C. Legal resident having proper certification from the United States Department of Veterans Affairs or its successor certifying that the person is a disabled veteran may purchase a disability lifetime combination hunting~~/~~ and fishing license from the State Wildlife Conservation Director. The fees for the license shall be as follows:

1. Two Hundred Dollars ($200.00) for veterans having a disability of less than sixty percent (60%); and

2. Twenty-five Dollars ($25.00) for veterans having a disability of sixty percent (60%) or more.

D. 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.

E. Nonresidents may purchase a lifetime nonresident fishing license. The fee for such license shall be Two Hundred Fifty Dollars ($250.00).

F. 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).

G. A lifetime licensee shall not lose the privileges of such license by a subsequent transfer of residency.

H. 1. In addition to the fees imposed pursuant to ~~subsections~~ paragraphs 1 through 6 of subsection B, ~~C~~ and subsection E of this section, a person purchasing a lifetime fishing, hunting or combination license, excluding a senior citizen lifetime combination hunting and fishing license and a disability lifetime combination hunting and fishing 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 4-141 of this title, to be used to retire the obligations and related expenses as authorized pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase 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 4-141 of this title, to be used by the

Commission for management of the real property acquired pursuant to Section 168.9 of 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 168.9 of 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 4. AMENDATORY 29 O.S. 2001, Section 4-134, is amended to read as follows:

Section 4-134. A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Wildlife Heritage 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 paragraph 7 of subsection B of Section ~~4-133~~ 4-114 of this title by the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission is hereby authorized to invest all or part of the monies of said fund in any investment permitted by a written investment policy adopted by the Wildlife Conservation

Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. Any interest or dividends accruing from such investments shall be deposited in the Wildlife Heritage Fund. Only interest and dividends derived from the principle can be expended and are hereby appropriated and may be budgeted and expended by the Oklahoma Wildlife Conservation Commission for the purposes specified in subsection B of this section. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this subsection shall be deemed to be for the purposes specified in subsection B of this section. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The Wildlife Heritage Fund shall be used by the Oklahoma Wildlife Conservation Commission for the acquisition of land on a willing-seller willing-buyer basis only, leasing of land, and the taking of easements, and for the development, management, and enhancement of such lands acquired pursuant to this section for the following purposes:

1. Management of game animals, protected animals and birds, furbearing animals, game birds, fish, and their restoration, propagation, and protection; and

2. Creation and management of public hunting, fishing, and trapping areas as places where the public may hunt, fish, or trap as authorized by law.

C. The Oklahoma Wildlife Conservation Commission may accept private contributions, grants, and donations made for the purposes of this section. Any monies received pursuant to this subsection shall be deposited in the Wildlife Heritage Fund created in subsection A of this section. Any property received pursuant to this subsection which is not suitable for the purposes of this section may be sold by the Oklahoma Wildlife Conservation Commission and the proceeds from such sales shall be deposited in the Wildlife Heritage Fund created in subsection A of this section.

D. Whenever the Oklahoma Wildlife Conservation Commission acquires title to land pursuant to this section, the Commission shall annually make in lieu of tax payments equal to the average ad valorem tax per acre paid on similar land in that county. Said payments shall be made to the county treasurer of the county in which the land is located to be distributed by said county treasurer in the manner provided for by law for ad valorem tax payments.

SECTION 5. AMENDATORY Section 1, Chapter 513, O.S.L. 2004, as last amended by Section 2, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2008, 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-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 hunting and fishing license;

5. Persons holding a valid nonresident lifetime fishing license;

6. Persons who have acquired a license pursuant to Section 4-110 or Section 4-128 of 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;

17. Any person who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

18. Any person hunting, pursuing, trapping, harassing, catching, killing, taking, or attempting to take in any manner any species of rattlesnake during an organized rattlesnake hunting event or festival and who has a rattlesnake permit issued pursuant to Section 4-143 of this title.

C. 1. The Oklahoma Wildlife Land Stamp fee shall be Five Dollars ($5.00). The fee shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, to be used exclusively for:

a. the payment of bond debt and related expenses incurred pursuant to Section 168.9 of 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 purchasing of easements on real property to be used as public hunting, fishing, and trapping areas, and

b. the management of the real property acquired pursuant to Section 168.9 of 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 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 6. REPEALER 29 O.S. 2001, Section 4-133, is hereby repealed.

SECTION 7. 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.

52-1-6654 KB 02/09/09