

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2850 \_\_\_\_\_  
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: R.C. Pruett

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2850

By: Pruett

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to game and fish; amending 29 O.S.  
9 2001, Section 4-110, as last amended by Section 1,  
10 Chapter 123, O.S.L. 2009 (29 O.S. Supp. 2009, Section  
11 4-110), which relates to fishing licenses; increasing  
12 the fee for nonresident fishing licenses; clarifying  
13 purpose of certain fees; requiring deposit of certain  
14 fees in certain fund; amending 29 O.S. 2001, Section  
15 4-120, as last amended by Section 6, Chapter 287,  
16 O.S.L. 2003 (29 O.S. Supp. 2009, Section 4-120),  
17 which relates to trout license requirements; deleting  
18 fee requirements; deleting certain penalties; and  
19 declaring an emergency.

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

21 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-110, as  
22 last amended by Section 1, Chapter 123, O.S.L. 2009 (29 O.S. Supp.  
23 2009, Section 4-110), is amended to read as follows:

24 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

1 agents of the Department of Wildlife Conservation. The Wildlife  
2 Conservation Commission may designate two (2) days per year in which  
3 residents and nonresidents may fish without first procuring a  
4 fishing license pursuant to the provisions of this section.

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

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

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

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

18 4. Legal resident veterans having a disability of sixty percent  
19 (60%) or more;

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

23 6. Every Oklahoma citizen who is serving in a branch of the  
24 United States Armed Forces, is on properly authorized leave of

1 absence from military duty, has in possession proper written  
2 evidence showing such authorized leave, and is serving outside the  
3 State of Oklahoma at the time of such fishing;

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

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

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

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

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

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

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

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

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

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

1 1. For legal residents eighteen (18) years of age and older,  
2 Twenty-four Dollars (\$24.00); for legal residents sixteen (16) or  
3 seventeen (17) years of age, Four Dollars (\$4.00). For a two-day  
4 resident permit license, Fourteen Dollars (\$14.00). Of the amount  
5 of monies collected pursuant to the provisions of this paragraph,  
6 Five Dollars (\$5.00) of ~~each~~ the license fee for residents and of  
7 the two-day resident license fee shall be for the Oklahoma Wildlife  
8 Land Stamp and shall be deposited in the Oklahoma Wildlife Land  
9 ~~Stamp~~ Fund created pursuant to the provisions of Section 4-141 of  
10 this title; and

11 2. For nonresidents, ~~Forty-one Dollars (\$41.00)~~ Fifty-four  
12 Dollars (\$54.00), provided the Commission may enter into reciprocity  
13 agreements with states wherein nonresident license fees shall be in  
14 conformity with such reciprocal agreements. For a five-day  
15 nonresident ~~permit~~ license, ~~Twenty-two Dollars and fifty cents~~  
16 ~~(\$22.50)~~ Thirty-four Dollars (\$34.00). Of the amount of monies  
17 collected pursuant to the provisions of this paragraph, Five Dollars  
18 (\$5.00) of the license fee for nonresidents, and One Dollar and  
19 fifty cents (\$1.50) of the five-day nonresident ~~permit~~ license fee  
20 shall be deposited in the Wildlife Land Acquisition Fund created  
21 pursuant to the provisions of Section 4-132 of this title. Of the  
22 monies collected pursuant to the provisions of this paragraph, Five  
23 Dollars (\$5.00) of the license fee for the nonresidents and of the  
24 five-day nonresident permit fee shall be for the Oklahoma Wildlife

1 Land Stamp and shall be deposited in the Oklahoma Wildlife Land Fund  
2 created pursuant to the provisions of Section 4-141 of this title.

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

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

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

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

21 2. Except as otherwise provided by this subsection, the fees  
22 from licenses purchased pursuant to the provisions of this  
23 subsection shall be deposited in the Wildlife Conservation Fund to

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1 be used exclusively for developing, managing, preserving, and  
2 protecting wildlife and wildlife habitat.

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

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

16 H. Any person producing proof in court that a current fishing  
17 license issued by the Department of Wildlife Conservation to such  
18 person was in force at the time of the alleged offense shall be  
19 entitled to dismissal of a charge of violating this section upon  
20 payment of court costs; however, if proof of fishing license is  
21 presented to the court or district attorney within seventy-two (72)  
22 hours after the violation, the charge shall be dismissed without  
23 payment of court costs.

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1 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-120, as  
2 last amended by Section 6, Chapter 287, O.S.L. 2003 (29 O.S. Supp.  
3 2009, Section 4-120), is amended to read as follows:

4 Section 4-120. A. No person may fish in designated trout  
5 waters without having first procured a valid Oklahoma fishing  
6 license issued pursuant to Section 4-110 of this title from the  
7 Director or authorized agents of the Director.

8 B. The Commission shall decide the open season for trout  
9 fishing and which waters are designated trout waters.

10 ~~C. The fee for a license under this section shall be Nine~~  
11 ~~Dollars (\$9.00); for persons under eighteen (18) years of age, Four~~  
12 ~~Dollars (\$4.00).~~

13 ~~D. Any person arrested while violating the provisions of this~~  
14 ~~section may purchase a substitute temporary thirty day license from~~  
15 ~~the arresting game warden in lieu of posting bond. The fee for a~~  
16 ~~substitute license purchased pursuant to the provisions of this~~  
17 ~~subsection shall be:~~

- 18 ~~1. For legal residents, Thirty five Dollars (\$35.00); and~~  
19 ~~2. For nonresidents, Seventy five Dollars (\$75.00).~~

20 ~~The fees from licenses purchased pursuant to the provision of~~  
21 ~~this subsection shall be deposited in the Wildlife Conservation Fund~~  
22 ~~to be used exclusively for developing, managing, preserving and~~  
23 ~~protecting wildlife and wildlife habitat.~~

24

1 ~~E. Unless a substitute license is purchased as provided for by~~  
2 ~~subsection D of this section, any resident of this state convicted~~  
3 ~~of violating this section shall be punished by a fine of not less~~  
4 ~~than Twenty five Dollars (\$25.00) nor more than One Hundred Dollars~~  
5 ~~(\$100.00), or by imprisonment in the county jail for a period not~~  
6 ~~more than thirty (30) days, or by both such fine and imprisonment.~~

7 ~~F. Unless a substitute temporary license is purchased as~~  
8 ~~provided for by subsection D of this section, any nonresident~~  
9 ~~convicted of violating the provisions of this section shall be~~  
10 ~~punished by the imposition of a fine of not less than Twenty five~~  
11 ~~Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by~~  
12 ~~imprisonment in the county jail for a period not to exceed thirty~~  
13 ~~(30) days, or by both said fine and imprisonment.~~

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

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19 52-2-9637 KB 02/09/10  
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