STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2585 By: Pruett

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-112, as last amended by Section 1, Chapter 49, O.S.L. 2008 (29 O.S. Supp. 2009, Section 4-112), which relates to hunting licenses; clarifying exemptions from certain hunting licenses; changing the fee for certain nonresident hunting licenses; adding certain nonresident hunting licenses; making certain hunting licenses valid for all allowed deer; deleting certain additional license requirements for nonresidents; requiring portion of certain nonresident license fees to be for the Oklahoma Wildlife Land Stamp and deposited in the Oklahoma Wildlife Land Fund; modifying statutory outline for resident hunting licenses; modifying fee for annual resident hunting license; requiring certain amount from license fee to be for the Oklahoma Wildlife Land Stamp and deposited in the Oklahoma Wildlife Land Fund; clarifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 1, Chapter 49, O.S.L. 2008 (29 O.S. Supp. 2009, 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~~ The following legal residents of Oklahoma shall be exempt from the annual hunting license requirement of paragraph 1 of subsection E of this section ~~are~~ and the following nonresidents shall be exempt from the annual nonresident hunting licenses required pursuant to paragraph 1 of subsection C of this section:

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

2. ~~Legal residents of Oklahoma~~ Residents sixty-four (64) years of age or older provided they have obtained a senior ~~citizen's~~ citizen lifetime license pursuant to the provisions of Section 4-133 of this title;

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

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

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

6. ~~Every citizen of Oklahoma~~ Residents serving in a branch of the United States Armed Forces on properly authorized leave from military duty ~~having in his or her possession~~ who has proper written evidence in their possession showing ~~such~~ the authorized leave, and is serving outside the State of Oklahoma at the time of the hunting;

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

8. ~~Legal residents~~ 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~~ resident or nonresident 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~~ resident or nonresident 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~~ following are the nonresident hunting licenses ~~listed in~~ issued

pursuant to this ~~subsection are~~ section and the fee for each license:

1. ~~a.~~ Annual hunting licenses for ~~nonresidents~~ hunting game other than deer, antelope, ~~or~~ elk~~, One Hundred Thirty-six Dollars ($136.00)~~ or bear and for hunting big game or combination big game and upland game in a commercial hunting area - One Hundred Forty-one Dollars ($141.00);

2. Gun hunting license for deer~~, Two Hundred Dollars ($200.00)~~ which shall be valid for hunting all deer allowed during the current calendar year deer gun season - Two Hundred Seventy-nine Dollars ($279.00);

3. Archery hunting license for deer which shall be valid for hunting all deer allowed during the current calendar year deer archery season – Two Hundred Seventy-nine Dollars ($279.00);

4. Primitive firearms hunting license for deer which shall be valid for hunting all deer allowed during the current calendar year deer primitive firearms season – Two Hundred Seventy-nine Dollars ($279.00);

5. Hunting license 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~~ - Three Hundred Five Dollars ($305.00);

6. ~~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 for elk – Three Hundred five Dollars ($305.00);

7. Five-day hunting license to hunt game other than deer, antelope, elk, or turkey~~, the fee shall be Sixty-nine Dollars ($69.00).~~ – Seventy-four Dollars ($74.00); and

~~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.~~

8. Ten-day hunting license for small game in a commercial hunting area - Five Dollars ($5.00).

D. Of the ~~amount of monies~~ fees collected pursuant to the provisions of ~~this paragraph,~~ paragraphs 1 through 7 of subsection C of this section:

1. 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~~ each license issued pursuant to paragraphs 1 through 6 of subsection C of this section and Two

Dollars and fifty cents ($2.50) of the ~~five-day hunting~~ license fee for each license issued pursuant to paragraph 7 of subsection C of this section shall be deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title; and

2. Five Dollars ($5.00) of the license fee for each license issued pursuant to paragraphs 1 through 7 of subsection C of this section shall be for the Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma Wildlife Land Fund created pursuant to the provisions of Section 4-141 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. 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. 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. 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~~ E. Except as otherwise provided, the following are the resident hunting licenses~~, except as provided for in the Oklahoma Wildlife Conservation Code, are~~ issued pursuant to this section and the fee for each license:

1. ~~For legal~~ Annual hunting license for residents eighteen (18) years of age and older~~, Nineteen Dollars ($19.00)~~ - Twenty-four Dollars ($24.00). Five Dollars ($5.00) of the annual hunting license fee collected pursuant to this paragraph shall be for the Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma Wildlife Land Fund created pursuant to Section 4-141 of this title; ~~for legal~~

2. Annual hunting license for residents sixteen (16) or seventeen (17) years of age~~,~~ - Four Dollars ($4.00); ~~and~~

~~2. Commercial~~ 3. Ten-day hunting ~~area~~ license for residents for small game ~~ten-day permit, resident or nonresident,~~ in a commercial hunting area - Five Dollars ($5.00);

4. Five-year disability hunting license for residents of this state for at least six (6) months 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 - Ten Dollars ($10.00);

5. Gun hunting license for deer for residents eighteen (18) years of age or older - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. residents sixty-four (64) years of age or older provided they have obtained a senior citizen lifetime license pursuant to the provisions of Section 4-133 of this title,

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, and

c. residents hunting in big game or combination big game and upland game commercial hunting areas;

6. Gun hunting license for deer for residents under eighteen (18) years of age – Nine Dollars ($9.00);

7. Archery hunting license for deer for residents eighteen (18) years of age or older - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. 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

b. residents hunting in big game or combination big game and upland game commercial hunting areas;

8. Archery hunting license for deer for residents under eighteen (18) years of age - Nine Dollars ($9.00);

9. Primitive firearms hunting license for deer for residents eighteen (18) years of age or older - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. 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

b. residents hunting in big game or combination big game and upland game commercial hunting areas;

10. Primitive firearms hunting license for deer for residents under eighteen (18) years of age - Nine Dollars ($9.00);

11. Hunting license for elk for residents - Fifty Dollars ($50.00). Residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from this license;

12. Hunting license for antelope for residents – Fifty Dollars ($50.00). Residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from this license; and

13 Bonus, special or additional gun hunting license for deer for residents - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. residents sixty-five (65) years of age or older provided they have obtained a senior citizen lifetime license pursuant to the provisions of Section 4-133 of this title,

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, and

c. residents hunting in big game or combination big game and upland game commercial hunting areas.

~~E.~~ F. 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.~~ G. 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.~~ H. 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~~. If proof of a current 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.~~ I. Unless a substitute license is purchased as provided for by subsection ~~F~~ G 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.~~ J. Unless a substitute license is purchased as provided for by subsection ~~F~~ G 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 2. 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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