

ENROLLED SENATE  
BILL NO. 1031

By: Sparks of the Senate

and

Schwartz of the House

An Act relating to wildlife; amending 29 O.S. 2001, Sections 4-110, as last amended by Section 10, Chapter 16, O.S.L. 2006, 4-113, as last amended by Section 5, Chapter 287, O.S.L. 2003 and 4-140, as last amended by Section 2, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2008, Sections 4-110, 4-113 and 4-140), which relate to fishing and hunting licenses and wildlife stamps; modifying certain license fees; specifying distribution of certain fees; deleting provision for termination of certain obligations; providing an effective date; 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 resident has obtained a senior citizen's license pursuant to the provisions of Section 4-133 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)~~ Twenty-four Dollars (\$24.00); 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)~~ Fourteen Dollars (\$14.00). Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of each license fee shall be deposited in the Oklahoma Wildlife Land Stamp Fund created pursuant to the provisions of Section 4-141 of this title; and

2. For nonresidents, ~~Thirty-six Dollars (\$36.00)~~ Forty-one Dollars (\$41.00), 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)~~ Twenty-two Dollars and fifty cents (\$22.50). 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 4-113, as last amended by Section 5, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2008, Section 4-113), is amended to read as follows:

Section 4-113. A. All legal residents who are not the individuals excepted from the license requirement as provided in subsection B of Section 4-112 of the Oklahoma Wildlife Conservation Code may purchase an annual combination hunting/fishing license from the Director or agents of the Director.

B. The fee for a license under this section for legal residents eighteen (18) years of age and older shall be ~~Thirty-six Dollars (\$36.00)~~ Forty-one Dollars (\$41.00); for legal residents sixteen (16) or seventeen (17) years of age, ~~Eight Dollars (\$8.00)~~ Thirteen Dollars (\$13.00). Of the amount of monies collected pursuant to the provisions of this subsection, Five Dollars (\$5.00) of the license fee shall be deposited in the Oklahoma Wildlife Land Fund created pursuant to the provisions of Section 4-141 of this title.

SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-140, 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 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~~ Any fees deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, ~~to~~ shall 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 4. This act shall become effective July 1, 2009.

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.

Passed the Senate the 4th day of March, 2009.

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Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2009.

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Presiding Officer of the House  
of Representatives