

THE HOUSE OF REPRESENTATIVES  
Thursday, February 25, 2010

Committee Substitute for  
**House Bill No. 2850**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2850 - By: PRUETT of the House and BARRINGTON of the Senate.

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

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

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

4           Section 4-110. A. Except as otherwise provided in the Oklahoma Wildlife  
5    Conservation Code, no person shall fish, pursue, harass, catch, kill, take in any manner,  
6    use, have in possession, sell, or transport all or any portion of fish without having first  
7    procured a license for such from the Director or from any of the authorized agents of the  
8    Department of Wildlife Conservation. The Wildlife Conservation Commission may

1 designate two (2) days per year in which residents and nonresidents may fish without  
2 first procuring a fishing license pursuant to the provisions of this section.

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

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

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

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

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

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

17 6. Every Oklahoma citizen who is serving in a branch of the United States Armed  
18 Forces, is on properly authorized leave of absence from military duty, has in possession  
19 proper written evidence showing such authorized leave, and is serving outside the State  
20 of Oklahoma at the time of such fishing;

21 7. Any patient of an institution of the State of Oklahoma established for the care  
22 and treatment of mental illness or alcohol or drug dependency or any developmentally

1 disabled person residing in any group home or other institution or developmentally  
2 disabled persons when accompanied by an attendant of such institution or legal guardian  
3 of said patient, or when fishing on institutional property;

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

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

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

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

15 12. Job Corps trainees of this state, provided that such trainees shall have on their  
16 persons a duly authorized identification card issued by their respective Job Corps Center  
17 and shall present such card upon request, in lieu of a fishing license. The trainees shall  
18 return their cards to their respective Job Corps Center when the trainees leave their  
19 respective Job Corps training programs;

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

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

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

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

10 1. For legal residents eighteen (18) years of age and older, Twenty-four Dollars  
11 (\$24.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars  
12 (\$4.00). For a two-day resident permit license, Fourteen Dollars (\$14.00). Of the amount  
13 of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of  
14 ~~each~~ the license fee for residents and of the two-day resident license fee shall be for the  
15 Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma Wildlife Land  
16 ~~Stamp~~ Fund created pursuant to the provisions of Section 4-141 of this title; and

17 2. For nonresidents, ~~Forty-one Dollars (\$41.00)~~ Fifty-four Dollars (\$54.00), provided  
18 the Commission may enter into reciprocity agreements with states wherein nonresident  
19 license fees shall be in conformity with such reciprocal agreements. For a five-day  
20 nonresident ~~permit license, Twenty-two Dollars and fifty cents (\$22.50)~~ Thirty-four  
21 Dollars (\$34.00). Of the amount of monies collected pursuant to the provisions of this  
22 paragraph, Five Dollars (\$5.00) of the license fee for nonresidents, and One Dollar and

1 fifty cents (\$1.50) of the five-day nonresident ~~permit~~ license fee shall be deposited in the  
2 Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of  
3 this title. Of the monies collected pursuant to the provisions of this paragraph, Five  
4 Dollars (\$5.00) of the license fee for the nonresidents and of the five-day nonresident  
5 permit fee shall be for the Oklahoma Wildlife Land Stamp and shall be deposited in the  
6 Oklahoma Wildlife Land Fund created pursuant to the provisions of Section 4-141 of this  
7 title.

8 D. Legal residents who have resided in this state for at least six (6) months and  
9 who are receiving Social Security Disability benefits, Supplemental Security Income  
10 benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section  
11 231a, postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451  
12 (1998) or legal residents who are one hundred percent (100%) disabled and are receiving  
13 disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title  
14 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director  
15 for Ten Dollars (\$10.00) for five (5) years.

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

- 21 a. for legal residents, Fifty Dollars (\$50.00), and  
22 b. for nonresidents, Ninety Dollars (\$90.00).

1           2. Except as otherwise provided by this subsection, the fees from licenses purchased  
2 pursuant to the provisions of this subsection shall be deposited in the Wildlife  
3 Conservation Fund to be used exclusively for developing, managing, preserving, and  
4 protecting wildlife and wildlife habitat.

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

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

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

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

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

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

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

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

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

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

20 ~~E. Unless a substitute license is purchased as provided for by subsection D of this~~  
21 ~~section, any resident of this state convicted of violating this section shall be punished by~~  
22 ~~a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars~~

1 (~~\$100.00~~), or by imprisonment in the county jail for a period not more than thirty (30)  
2 days, or by both such fine and imprisonment.

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02-24-10 - DO PASS,  
12 As Amended and Coauthored.