

**THE HOUSE OF REPRESENTATIVES**  
**Wednesday, March 25, 2009**

**ENGROSSED**

**Senate Bill No. 1031**

ENGROSSED 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:

1       SECTION 1.    AMENDATORY    29 O.S. 2001, Section 4-110, as last amended by  
2    Section 10, Chapter 16, O.S.L. 2006 (29 O.S. Supp. 2008, 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, ~~Nineteen Dollars~~  
11 ~~(\$19.00)~~ Twenty-four Dollars (\$24.00); for legal residents sixteen (16) or seventeen (17)  
12 years of age, Four Dollars (\$4.00). For a two-day resident permit license, ~~Nine Dollars~~  
13 ~~(\$9.00)~~ Fourteen Dollars (\$14.00). Of the amount of monies collected pursuant to the  
14 provisions of this paragraph, Five Dollars (\$5.00) of each license fee shall be deposited in  
15 the Oklahoma Wildlife Land Stamp Fund created pursuant to the provisions of Section 4-  
16 141 of this title; and

17 2. For nonresidents, ~~Thirty-six Dollars (\$36.00)~~ Forty-one Dollars (\$41.00),  
18 provided the Commission may enter into reciprocity agreements with states wherein  
19 nonresident license fees shall be in conformity with such reciprocal agreements. For a  
20 five-day nonresident permit license, ~~Seventeen Dollars and fifty cents (\$17.50)~~ Twenty-  
21 two Dollars and fifty cents (\$22.50). Of the amount of monies collected pursuant to the  
22 provisions of this paragraph, Five Dollars (\$5.00) of the license fee for nonresidents, and

1 One Dollar and fifty cents (\$1.50) of the five-day nonresident permit fee shall be  
2 deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of  
3 Section 4-132 of this title.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

17 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-113, as last amended by  
18 Section 5, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2008, Section 4-113), is amended to  
19 read as follows:

20 Section 4-113. A. All legal residents who are not the individuals excepted from the  
21 license requirement as provided in subsection B of Section 4-112 of the Oklahoma

1 Wildlife Conservation Code may purchase an annual combination hunting/fishing license  
2 from the Director or agents of the Director.

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

10 SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-140, as last amended by  
11 Section 2, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2008, Section 4-140), is amended to  
12 read as follows:

13 Section 4-140. A. Except as otherwise provided for in this section, no person may  
14 hunt, pursue, trap, harass, catch, kill, take, or attempt to take in any manner, use, have  
15 in possession, sell, or transport all or any portion of any wildlife including fish unless the  
16 person has first obtained an Oklahoma Wildlife Land Stamp from the Director or any  
17 authorized agents of the Department of Wildlife Conservation. Each person shall have  
18 the stamp in their possession when hunting, fishing, or taking any wildlife.

19 B. Persons exempt from the Oklahoma Wildlife Land Stamp requirements of this  
20 section are:

- 21 1. Legal residents of Oklahoma under eighteen (18) years of age;
- 22 2. Legal residents of Oklahoma sixty-four (64) years of age or older;

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

- 1           3. Legal residents of Oklahoma who have a valid lifetime fishing, hunting, or  
2 combination license;
- 3           4. Legal residents of Oklahoma who have a valid senior citizen lifetime fishing,  
4 hunting or combination license;
- 5           5. Persons holding a valid nonresident lifetime fishing license;
- 6           6. Persons who have acquired a license pursuant to Section 4-110 or Section 4-128  
7 of this title for fishing in the area of Lake Texoma located within the state;
- 8           7. Nonresidents under sixteen (16) years of age from states which do not require  
9 nonresident fishing licenses for persons under sixteen (16) years of age;
- 10          8. Nonresidents sixty-four (64) years of age or older from states which do not  
11 require nonresident fishing licenses for persons sixty-four (64) years of age or older;
- 12          9. Legal resident veterans having a disability of sixty percent (60%) or more;
- 13          10. Legal resident owners or tenants, their spouses, parents, grandparents,  
14 children and their spouses, grandchildren and their spouses who hunt on land owned or  
15 leased by them or fish in private ponds on land owned or leased by them;
- 16          11. Every Oklahoma citizen who is serving in a branch of the United States Armed  
17 Forces, is on properly authorized leave of absence from military duty, has in possession  
18 proper written evidence showing such authorized leave, and is serving outside the State  
19 of Oklahoma at the time of such fishing or hunting;
- 20          12. Any patient of an institution of the State of Oklahoma established for the care  
21 and treatment of mental illness or alcohol or drug dependency or any developmentally  
22 disabled person residing in any group home or other institution or developmentally

1 disabled persons when accompanied by an attendant of such institution or legal guardian  
2 of said patient, or when fishing on institutional property;

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

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

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

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

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

21 18. Any person hunting, pursuing, trapping, harassing, catching, killing, taking, or  
22 attempting to take in any manner any species of rattlesnake during an organized

1 rattlesnake hunting event or festival and who has a rattlesnake permit issued pursuant  
2 to Section 4-143 of this title.

3 C. 1. ~~The Oklahoma Wildlife Land Stamp fee shall be Five Dollars (\$5.00). The~~  
4 ~~fee shall be~~ Any fees deposited in the Oklahoma Wildlife Land Fund, created in Section  
5 4-141 of this title, ~~to~~ shall be used exclusively for:

- 6 a. the payment of bond debt and related expenses incurred pursuant to  
7 Section 168.9 of Title 73 of the Oklahoma Statutes for the purchase of  
8 public hunting, fishing, and trapping areas where the public may hunt,  
9 fish, or trap as authorized by law or for the purchase, lease, or  
10 purchasing of easements on real property to be used as public hunting,  
11 fishing, and trapping areas, and
- 12 b. the management of the real property acquired pursuant to Section  
13 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds  
14 from the Oklahoma Wildlife Land Stamp fee.

15 2. The collection and remittance procedures applicable to hunting license fees  
16 under this title shall apply to the Oklahoma Wildlife Land Stamp fees.

17 3. The Oklahoma Wildlife Land Stamp issued pursuant to this section shall expire  
18 on December 31 of each year.

19 4. ~~Within one (1) year of the final retirement, redemption, or defeasance of the~~  
20 ~~obligations created pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes, the~~  
21 ~~Oklahoma Wildlife Land Stamp and Oklahoma Wildlife Land Stamp fee requirements~~  
22 ~~provided for in this section shall terminate.~~

1 D. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the  
2 form, design, and manner of issuance of the Oklahoma Wildlife Land Stamp.

3 SECTION 4. This act shall become effective July 1, 2009.

4 SECTION 5. It being immediately necessary for the preservation of the public  
5 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
6 this act shall take effect and be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 03-24-09 - DO PASS.