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THE STATE SENATE
Monday, February 23, 2009

Committee Substitute for
Senate Bill No. 1031

COMMITTEE SUBSTITUTE FOR 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

1 residents and nonresidents may fish without first procuring a
2 fishing license pursuant to the provisions of this section.

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

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

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

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

16 4. Legal resident veterans having a disability of sixty percent
17 (60%) or more;

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

21 6. Every Oklahoma citizen who is serving in a branch of the
22 United States Armed Forces, is on properly authorized leave of
23 absence from military duty, has in possession proper written

1 evidence showing such authorized leave, and is serving outside the
2 State of Oklahoma at the time of such fishing;

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

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

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

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

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

4 1. For legal residents eighteen (18) years of age and older,
5 ~~Nineteen Dollars (\$19.00)~~ Twenty-four Dollars (\$24.00); for legal
6 residents sixteen (16) or seventeen (17) years of age, Four Dollars
7 (\$4.00). For a two-day resident permit license, ~~Nine Dollars (\$9.00)~~
8 Fourteen Dollars (\$14.00). Of the amount of monies collected
9 pursuant to the provisions of this paragraph, Five Dollars (\$5.00)
10 of each license fee shall be deposited in the Oklahoma Wildlife Land
11 Stamp Fund created pursuant to the provisions of Section 4-141 of
12 this title; and

13 2. For nonresidents, ~~Thirty-six Dollars (\$36.00)~~ Forty-one
14 Dollars (\$41.00), provided the Commission may enter into reciprocity
15 agreements with states wherein nonresident license fees shall be in
16 conformity with such reciprocal agreements. For a five-day
17 nonresident permit license, ~~Seventeen Dollars and fifty cents~~
18 ~~(\$17.50)~~ Twenty-two Dollars and fifty cents (\$22.50). Of the amount
19 of monies collected pursuant to the provisions of this paragraph,
20 Five Dollars (\$5.00) of the license fee for nonresidents, and One
21 Dollar and fifty cents (\$1.50) of the five-day nonresident permit
22 fee shall be deposited in the Wildlife Land Acquisition Fund created
23 pursuant to the provisions of Section 4-132 of this title.

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

11 E. 1. Any person arrested while violating the provisions of
12 this section who does not meet the requirements of subsection H of
13 this section, may purchase a substitute temporary thirty-day license
14 from the arresting game warden in lieu of posting bond. The fee for
15 a substitute license purchased pursuant to the provisions of this
16 subsection 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
20 from licenses purchased pursuant to the provisions of this
21 subsection shall be deposited in the Wildlife Conservation Fund to
22 be used exclusively for developing, managing, preserving, and
23 protecting wildlife and wildlife habitat.

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

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

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

1 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-113, as
2 last amended by Section 5, Chapter 287, O.S.L. 2003 (29 O.S. Supp.
3 2008, Section 4-113), is amended to read as follows:

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

9 B. The fee for a license under this section for legal residents
10 eighteen (18) years of age and older shall be ~~Thirty-six Dollars~~
11 ~~(\$36.00)~~ Forty-one Dollars (\$41.00); for legal residents sixteen
12 (16) or seventeen (17) years of age, ~~Eight Dollars (\$8.00)~~ Thirteen
13 Dollars (\$13.00). Of the amount of monies collected pursuant to the
14 provisions of this subsection, Five Dollars (\$5.00) of the license
15 fee shall be deposited in the Oklahoma Wildlife Land Stamp Fund
16 created pursuant to the provisions of Section 4-141 of this title.

17 SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-140, as
18 last amended by Section 2, Chapter 35, O.S.L. 2007 (29 O.S. Supp.
19 2008, Section 4-140), is amended to read as follows:

20 Section 4-140. A. Except as otherwise provided for in this
21 section, no person may hunt, pursue, trap, harass, catch, kill,
22 take, or attempt to take in any manner, use, have in possession,
23 sell, or transport all or any portion of any wildlife including fish

1 unless the person has first obtained an Oklahoma Wildlife Land Stamp
2 from the Director or any authorized agents of the Department of
3 Wildlife Conservation. Each person shall have the stamp in their
4 possession when hunting, fishing, or taking any wildlife.

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

- 7 1. Legal residents of Oklahoma under eighteen (18) years of
8 age;
- 9 2. Legal residents of Oklahoma sixty-four (64) years of age or
10 older;
- 11 3. Legal residents of Oklahoma who have a valid lifetime
12 fishing, hunting, or combination license;
- 13 4. Legal residents of Oklahoma who have a valid senior citizen
14 lifetime fishing, hunting or combination license;
- 15 5. Persons holding a valid nonresident lifetime fishing
16 license;
- 17 6. Persons who have acquired a license pursuant to Section 4-
18 110 or Section 4-128 of this title for fishing in the area of Lake
19 Texoma located within the state;
- 20 7. Nonresidents under sixteen (16) years of age from states
21 which do not require nonresident fishing licenses for persons under
22 sixteen (16) years of age;

1 8. Nonresidents sixty-four (64) years of age or older from
2 states which do not require nonresident fishing licenses for persons
3 sixty-four (64) years of age or older;

4 9. Legal resident veterans having a disability of sixty percent
5 (60%) or more;

6 10. Legal resident owners or tenants, their spouses, parents,
7 grandparents, children and their spouses, grandchildren and their
8 spouses who hunt on land owned or leased by them or fish in private
9 ponds on land owned or leased by them;

10 11. Every Oklahoma citizen who is serving in a branch of the
11 United States Armed Forces, is on properly authorized leave of
12 absence from military duty, has in possession proper written
13 evidence showing such authorized leave, and is serving outside the
14 State of Oklahoma at the time of such fishing or hunting;

15 12. Any patient of an institution of the State of Oklahoma
16 established for the care and treatment of mental illness or alcohol
17 or drug dependency or any developmentally disabled person residing
18 in any group home or other institution or developmentally disabled
19 persons when accompanied by an attendant of such institution or
20 legal guardian of said patient, or when fishing on institutional
21 property;

22 13. Any person who is legally blind or who has any other
23 physical impairment, as certified by a physician licensed in this

1 state or any state which borders this state, which prevents the
2 person from properly using fishing apparatus without the assistance
3 of another person, and any one person actually accompanying and
4 actually assisting such legally blind or otherwise physically
5 impaired person while the latter is fishing. This certification
6 shall be carried by the individual while fishing;

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

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

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

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

1 18. Any person hunting, pursuing, trapping, harassing,
2 catching, killing, taking, or attempting to take in any manner any
3 species of rattlesnake during an organized rattlesnake hunting event
4 or festival and who has a rattlesnake permit issued pursuant to
5 Section 4-143 of this title.

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

10 a. the payment of bond debt and related expenses incurred
11 pursuant to Section 168.9 of Title 73 of the Oklahoma
12 Statutes for the purchase of public hunting, fishing,
13 and trapping areas where the public may hunt, fish, or
14 trap as authorized by law or for the purchase, lease,
15 or purchasing of easements on real property to be used
16 as public hunting, fishing, and trapping areas, and

17 b. the management of the real property acquired pursuant
18 to Section 168.9 of Title 73 of the Oklahoma Statutes
19 or acquired with proceeds from the Oklahoma Wildlife
20 Land Stamp fee.

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

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

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

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

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-12-09
17 - DO PASS, As Amended and Coauthored.