

SB 1393

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THE STATE SENATE
Thursday, February 18, 2010

Senate Bill No. 1393
As Amended

SENATE BILL NO. 1393 - By: Schulz of the Senate and Richardson of the House.

An Act relating to game and fish; amending 29 O.S. 2001, Sections 4-110, as last amended by Section 1, Chapter 123, O.S.L. 2009 and 4-120, as last amended by Section 6, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2009, Sections 4-110 and 4-120), which relate to the Oklahoma Wildlife Conservation Code; modifying certain fee; apportioning monies; eliminating certain license; deleting obsolete language; and providing an effective date.

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 1, Chapter 123, O.S.L. 2009 (29 O.S. Supp. 2009, 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.

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

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

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

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

14 4. Legal resident veterans having a disability of sixty percent
15 (60%) or more;

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

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

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

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

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

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

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

1 12. Job Corps trainees of this state, provided that such
2 trainees shall have on their persons a duly authorized
3 identification card issued by their respective Job Corps Center and
4 shall present such card upon request, in lieu of a fishing license.
5 The trainees shall return their cards to their respective Job Corps
6 Center when the trainees leave their respective Job Corps training
7 programs;

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

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

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

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

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

9 2. For nonresidents, ~~Forty one Dollars (\$41.00)~~ **Fifty-four**
10 **Dollars (\$54.00)**, provided the Commission may enter into reciprocity
11 agreements with states wherein nonresident license fees shall be in
12 conformity with such reciprocal agreements. For a five-day
13 nonresident permit license, ~~Twenty two Dollars and fifty cents~~
14 ~~(\$22.50)~~ **Thirty-four Dollars (\$34.00)**. Of the amount of monies
15 collected pursuant to the provisions of this paragraph, Five Dollars
16 (\$5.00) of the license fee for nonresidents, and One Dollar and
17 fifty cents (\$1.50) of the five-day nonresident permit fee shall be
18 deposited in the Wildlife Land Acquisition Fund created pursuant to
19 the provisions of Section 4-132 of this title and Five Dollars
20 (\$5.00) of each license shall be deposited in the Oklahoma Wildlife
21 Land Stamp Fund created pursuant to provisions of Section 4-141 of
22 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 4-120, as
2 last amended by Section 6, Chapter 287, O.S.L. 2003 (29 O.S. Supp.
3 2009, Section 4-120), is amended to read as follows:

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

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

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

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

17 ~~1. For legal residents, Thirty-five Dollars (\$35.00); and~~

18 ~~2. For nonresidents, Seventy-five Dollars (\$75.00).~~

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

1 ~~E. Unless a substitute license is purchased as provided for by~~
2 ~~subsection D of this section, any resident of this state convicted~~
3 ~~of violating this section shall be punished by a fine of not less~~
4 ~~than Twenty five Dollars (\$25.00) nor more than One Hundred Dollars~~
5 ~~(\$100.00), or by imprisonment in the county jail for a period not~~
6 ~~more than thirty (30) days, or by both such fine and imprisonment.~~

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

14 SECTION 3. This act shall become effective January 1, 2011.

15 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-11-10
16 - DO PASS, As Amended and Coauthored.